PROTOCOL OF AMENDMENT TO
THE AIR SERVICES AGREEMENT
BETWEEN
THE FEDERATIVE REPUBLIC OF BRAZIL
AND
THE REPUBLIC OF BENIN
SIGNED IN BRASILIA ON 26TH OF APRIL 2018

The Federative Republic of Brazil

and

The Republic of Benin
(hereinafter referred to in this Agreement as "the Parties"),

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944;

Desiring to amend the Air Service Agreement between the Federative Republic of Brazil and the Republic of Benin signed in Brasilia on the 26th of April of 2018 hereinafter referred to as the "Agreement"; and

In accordance with Article 22 (Amendments) of such Agreement;

Have agreed on the following provisions:

ARTICLE 1

The Parties agreed that paragraphs (2) and (3) of **Article 12** (Pricing) of the Agreement shall be deleted, and replaced by the following text:

2. Each Party may require notification to or filing with the authorities by the designated airlines of prices for transportation originating from its territory. The designated airlines shall provide such information in a manner and format prescribed by each Party.

3. If one Party believes that any tariff is unreasonably discriminatory, unreasonably high or restrictive due to abuse of a dominant position or artificially low due to direct or indirect subsidy or support or where evidence exists as to an intent to eliminate competition or otherwise

inconsistent with aims of this Agreement, it may request consultations and notify the other Party of the reasons for its dissatisfaction. These consultations shall be held not later than fourteen (14) days after receipt of the request. Without a mutual agreement, the Tariff shall take effect or continue to be in effect.

ARTICLE 2

The Parties agreed that a paragraph (2) shall be included to the **Article 22** (Amendments) of the Agreement to allow the Annex (Route Schedule) to be amended by agreement of the Aeronautical Authorities of the Parties. The new text of Article 22 shall be:

Article 22
Amendments

1. Any amendment to this Agreement agreed upon the Parties, shall come into force on the date to be determined by the exchange of diplomatic notes, indicating that all necessary internal procedures have been completed by both Parties.

2. Notwithstanding the provisions of paragraph (1) of this Article, any amendment to the Route Schedule in the Annex to this Agreement may be agreed upon by the Aeronautical Authorities of the Contracting Parties and shall enter into force on the date of its signature.

ARTICLE 3

The Parties agreed on replacing the Annex (Route Schedule) of the Agreement for the following:

ANNEX
ROUTE SCHEDULE

Routes to be operated by the designated airline(s) of Brazil:

Points Behind	*Points of Origin*	*Intermediate Points*	*Points of Destination*	*Points Beyond*
Any points	*Any points in Brazil*	*Any points*	*Any points in Benin*	*Any points*

Routes to be operated by the designated airline(s) of Benin:

Points Behind	*Points of Origin*	*Intermediate Points*	*Points of Destination*	*Points Beyond*
Any points	*Any points in Benin*	*Any points*	*Any points in Brazil*	*Any points*

NOTES:

1. The designated airlines of both Parties may, on any or all flights and at their option:

a) operate flights in either or both directions;

b) combine different flight numbers within one aircraft operation;
c) serve intermediate and beyond points and points in the territories of the Parties on the routes in any combination and in any order, without cabotage rights;
d) serve points behind any point in its territory, with or without change of aircraft or flight number, and may hold out and advertise such services to the public as through services;
e) omit stops at any point or points; and
f) transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement, provided that the transportation, except for all cargo services, is part of a service that serves at least one point in the territory of the Party designating the airline.

2. The designated airlines of both Parties may, on any or all flights, exercise fifth freedom traffic rights at any intermediate and/or beyond points, and seventh freedom traffic rights for all cargo services.

ARTICLE 4
Entry into Force

This Protocol of Amendment shall enter into force on the date of the receipt of the second diplomatic note indicating that all necessary internal procedures have been completed by both Parties.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Protocol of Amendment.

Done at Brasilia this 23rd day of May, in Portuguese, French and English languages, all texts being authentic. In case of any divergence of interpretation of this Protocol of Amendment, the English text shall prevail.

FOR THE FEDERATIVE REPUBLIC OF BRAZIL

Silvio Serafim Costa Filho
Minister of Ports and Airports

FOR THE REPUBLIC OF BENIN

Romuald Wadagny
Minister of State, Minister of Economy and Finance in charge of Cooperation