

LEONEL FERNANDEZ
President of the Dominican Republic

Number: 225-07

WHEREAS: That it is necessary to update and uniform the duties and rights currently perceived by the aviation and airport services provided to transported passengers and to regular commercial airlines and non regulars airlines operating from and to the Dominican republic, in such a manner that hereinafter such fees are collected in equality of conditions and over a non discriminatory base.

WHEREAS: That in the last years tourist visiting our country do it indistinctively though non regular or charter flights or regular flights or fixed itinerary flights, therefore it is necessary that all tourist are treated equally from the airports fees payment point of view, avoiding the imposition of unequal fees in view of the air service nature selected.

WHEREAS: That in the same sense, it is necessary to update and uniform the rights and fees charged by aviation authorities to commercial airlines for assistance in air navigation in approximations and departures, in order that regular and non regular (charter) flights pay such rights and duties in equality of conditions, independently of the nature of its services.

WHEREAS: That it is likewise pertinent to uniform and update the amounts collected by the set of airport services provided to users and to airlines in general, in order that such continue being an important support for airport security (Avsec), the operational security of air navigation (Safety) and for compliance of provisions provided in Letter a of Article 176 of Civil Aviation Law No. 491-06 dated December 22, 2006, regarding the aerodrome obligations and international airports (CFR).

WHEREAS: That it is indispensable that Dominican State has the air vigilance mechanisms necessary to contribute to greater security of our air space, the supervision and control of illegal flights and prevention of illicit acts o interference in air navigation.

WHEREAS: That the result of the readjustments above indicated shall result in a more adequate distribution of revenue generated by the air transportation sector, airport services and aviation activity which would allow optimization of the diverse services provided and maintain investments in development program and projects of tourist, aeronautic and airport infrastructure works, as well as the promotion of the tourist image of the Dominican Republic, all in ultimate benefit of the traveling public, airlines, air transportation security, tourist activities, Dominican air space protection and users in general.

SEEN: Law 491-06 on Civil Aviation dated December 22, 2006.

SEEN: Provisions enacted by the Executive Branch related with this Decree.

SEEN: The Civil Aviation Agreement and its attachments.

Exercising the attributions conferred by Article 55 of the Constitution of the Dominican Republic, I enact the following:

DECREE

SECTION 1. As of the coming into force of this Decree, are hereby equalized aviation and airport fees currently paid by regular and non regular (charters) commercial airlines as withholding agents for passengers transported in entrance and departure from and to the Dominican Republic, for the use of aviation services and airport services in such a manner that all airlines, without distinction, pay, respectively with uniform character and over the basis of a non discriminatory basis, the same aviation fee that currently pay regular flights of US\$12.50 (*Twelve Dollars of the United States with Fifty Cents*) per each passenger transported in arriving and departures.

SECTION 2. It is hereby ordered an increase of US\$1.25. (One Dollar with Twenty Five Cents of the United States of America) per passenger arriving and departing from and to the Dominican Republic, with charge to commercial airlines, both regular and non regular (charters), in their capacity as withholding agents, therefore as of the coming into effect of this decree the uniform fee for aviation services and airport services referred to in the above section, is hereby fixed in the amount of US\$13.75 (Thirteen Dollars with Seventy Five Cents) per arriving and departing passenger.

SECTION 3: The uniform aeronautical fee provided in the above section of USD 13.75 (Thirteen dollars with seventy five cents of United States of America) will continue to be collected and received by the Dominican Institute of Civil Aviation, according to the provisions of Law 491-0 of December 22, 2006, and hereinafter will be proportionally distributed as follows: (A) USD 4.50 per each arriving and departing passenger, to the Dominican Institute of Civil Aviation (IDAC) (B) USD 7.00 per each arriving and departing passenger, to the Secretary of State of Tourism, (C) USD 0.50 per each arriving and departing passenger to the Special Body of Airport Security (CESA) (D) USD 0.75 per each arriving and departing passenger in favor of the Dominican Air Force (FAD) to cover purchase and financing of military airplanes contributing to the surveillance and control of Dominican air space and strengthening of security of the air operations performed from and to our country in accordance with the authorizations for such purposes provided by the Executive Branch; and (E) USD 1.00 per each arriving and departing passenger to the licensed and private airports, amount the airports operators will continue to collect directly to the airlines to meet the provisions of Decree No. 74-00 of August 8, 2000 and 1027-01 of October 16, 2001, destining such funds to compensate the expenses corresponding to entities and government services in the air terminals.

PARAGRAPH I: The USD 7.00 for passengers carried corresponding to the Secretary of State of Tourism, on the other hand, will be specialized according to the following criteria: USD 3.00 to be destined to promotion of tourist image of the Dominican Republic and USD 4.00 to be destined to the funds of the executive committee of Tourist Areas Infrastructure (CEIZTUR).

PARAGRAPH II: The commercial airlines will pay for the aeronautical fees corresponding to the Dominican State in US dollars, according to the provisions of the Decree 4-2-06 of October 3, 2006, through certified checks or bank transfers drafted to the name of the Dominican Institute of Civil Aviation (IDAC).

SECTION 4: The fee for airport services for carried passengers will continue to be collected and received in US dollars by the licensed and private airports or their sub-licensed companies, in accordance with their agreements with the Dominican State and the in force provisions emanated from the Executive branch and for the purposes of application of this Executive order, that provides a uniform fee of USD 13.75 (Thirteen Dollars with Seventy Five cents of the United States of America) for the aeronautical services and USD 13.75 (Thirteen Dollars with Seventy Five cents of the United States of America) for the airport services, respectively. The licensed airports through Airsafe and private airports or their sublicensed companies, are also authorized to collect directly in dollars to the regular and non regular airlines (Charters), in their capacity as withholding agents, the readjustments resulting from the uniform airport fee of USD 2.60 (Two dollars with sixty cents of United States of America) per each carried passenger in entry and exit.

PARAGRAPH I: Of the amount stated above of USD 2.60 (Two dollars with sixty cents of the United States of America) corresponding to the licensed and private airports and/or sublicensed companies thereof, they will directly pay to the Special Body of Airport Security (CESA) the amount of USD 0.50 (Fifty cents of dollar of the United States of America) per each arriving and departing passenger, values to be destined to its institutional strengthening and improvement and optimization of the physical and services infrastructures, in coordination with the airport operators; and they will directly pay to the Dominican Air Force the amount of USD 0.25 (twenty five cents of dollar) per each carried passenger in entry and exit, to be destined to the same purposes stated in item (D) of the Section 5 hereof.

PARAGRAPH II: Considering the provisions of Section three of the Decree No. 1026-01 of October 16, 2001, the uniform airport fee of USD 13.75 (Thirteen Dollars with Seventy Five cents of the United States of America) for airport services referred to herein will be broken down by the licensed and private airports or their sublicensed companies according to the corresponding agreements with the Dominican State and the applicable provisions of the Executive Branch, this break-down will be also certified by the President of the Civil Aviation Board.

SECTION 5: The Dominican Institute of Civil Aviation (IDAC) is hereby authorized to equal the charge currently being collected from the commercial airlines for the services of assistance to the air navigation for approximations and take-offs, so that all the commercial airlines pay, with no distinction and uniformly, the same amounts currently being paid by the non regular air carriers or charters for the above mentioned services.

PARAGRAPH: The Civil Aviation Board is hereby authorized to provide through Resolution the proportion of amounts to be paid in a mandatory basis by all the commercial airlines equally, based on the maximum weight of take-off of the airplanes, considering the

current amounts paid for such services by the charters or non regular air carriers. Air operations of general aviation are not included in the provisions hereof.

SECTION 6: As of force date hereof, all regular and non regular commercial airlines (Charters) operating air transport services from and to Dominican Republic, must meet in a mandatory basis, and with no delay, with the payment of all economic obligations at their charge by virtue hereof, to the Dominican Institute of Civil Aviation and the licensed and private airports and their sublicensed companies and the Civil Aviation Board may take additional measures as deemed necessary to provide the sanctions deemed convenient in the interest of ensuring strict compliance and suitable interpretations hereof.

SECTION 7: This Decree will become into effect as of June 1, 2007, and will supersede validity of any other decree, provision or regulation providing the contrary.

SECTION 8: This Decree shall be communicated to the Dominican Institute of Civil Aviation (IDAC), to the Secretary of State of Tourism, the Civil Aviation Board (JAC), to the Airport Department, to the Airport Commission, to the Dominican Air Force (FAD) to the Special Body of Airport Security (CESA) to the licensed and private Airports and to the Airlines Association of Dominican Republic (ALA) for their compliance and purposes.

ISSUED on Santo Domingo de Guzmán, National District, capital city of the Dominican Republic, on April 19, 2007, year 164 of the Independence and 144 of the Restoration.

LEONEL FERNANDEZ