

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

In the matter of the application of)
)
)

GOL LINHAS AEREAS S.A.)

for an exemption from 49 U.S.C. §41301)
_____)

Docket DOT-OST-2012-0039

Docket DOT-OST-2010-0072

APPLICATION FOR RENEWAL OF EXEMPTIONS

Communications with respect to this document should be addressed to:

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DATED: July 9, 2020

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APPLICATION FOR RENEWAL OF EXEMPTIONS

GOL Linhas Aereas S.A. (“GOL”) hereby requests renewal of the exemption authorities granted to it in the captioned dockets permitting GOL to engage in (i) scheduled foreign air transportation of persons, property and mail from any point or points behind Brazil, via Brazil and intermediate points, to any point or points in the United States and beyond; and (ii) charter foreign air transportation of persons, property and mail between the United States and Brazil, and other charters in accordance with 14 C.F.R. 212. GOL’s existing exemptions will expire on July 17, 2020.¹ GOL requests renewal of its exemptions for a two-year period on their existing terms and conditions. GOL relies upon the provisions of the Administrative Procedure Act and Part 377 of the Department’s procedural regulations to continue its existing authorizations in force pending a final decision on this renewal request.

As indicated below, all of the factors that originally led the Department to grant these exemptions to GOL continue in existence. The basis for grant of the exemptions was reaffirmed in the March 19, 2011, Memorandum of Consultations agreed to by the United States and Brazil.

In support of its request for renewal, GOL states as follows:

1. GOL holds exemption authority to engage in scheduled foreign air transportation of persons, property and mail from any point or points behind Brazil, via Brazil and intermediate points, to any point or points in the United States and beyond. Prior to the COVID-19 pandemic, GOL operated to Miami and Orlando from Brazil. It intends to resume services to both cities by the end of 2020. GOL also holds an exemption permitting it to operate charter flights pursuant to 14 C.F.R. 212.

2. GOL's operations are authorized and regulated by the Government of Brazil. Brazil is a contracting State to the Convention on International Civil Aviation ("Chicago Convention") and observes all applicable ICAO standards. The equipment utilized to operate GOL's services are and will continue to be maintained by GOL. All maintenance on GOL's aircraft is performed in accordance with programs that comply with the provisions of ICAO Pilots and Airmen Annexes 1, 6 (Part 1) and 7.

3. Service between the United States and Brazil is governed by the Air Transport Agreement between the two countries signed on March 21, 1989, as amended ("Agreement") by the March 2011 Memorandum of Consultations ("MOC"). In accordance with Section 1 of the MOC, designated Brazilian carriers may engage in scheduled foreign air transportation from any point or points behind Brazil via Brazil and intermediate points to any point or points in the United States and beyond. The services for which renewal is requested are fully consistent with the MOC and the Agreement. The U.S. Government has long recognized that the inclusion of a particular service in a bilateral aviation agreement to which the United States is a party and

¹ *Notice of Action Taken*, Dockets DOT-OST-2012-0039 and DOT-OST-2010-0072, July 17, 2020

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designation of a qualified foreign air carrier for that service is, by itself, a *prima facie* indication of the public interest in operations on that route.²

4. This renewal application raises no environmental issues. Similarly, renewal of this application will not result in a near-term increase in fuel consumption of ten million gallons or more.

WHEREFORE, GOL Linhas Aereas S.A. respectfully requests that the exemptions granted to it in the above-captioned dockets be renewed for a two-year period on their existing terms and conditions.

Respectfully submitted,

/s/ Marcos Tognato da Silva

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² See, S.REP. No. 96-329, at 4 (1979), *reprinted in* 1980 U.S.C.C.A.N. 54, 57 (“The negotiation of a bilateral agreement itself represents a determination by the Government of the United States that the grant of route authority provided for under the bilateral is in the ‘public interest.’”).

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing renewal application of GOL Linhas Aereas S.A. has this day been served on each of the following individuals via email.

/s/ Marcos Tognato da Silva

Marcos Tognato da Silva

DATED: July 9, 2020

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