

DEPARTMENT OF STATE
WASHINGTON

December 4, 1997

Excellency:

I have the honor to present my compliments and to acknowledge receipt of Your Excellency's note 001399 of September 25, which reads as follows:

"Madam Secretary:

I take pleasure in referring to the Air Transport Agreement in effect between the Government of the United Mexican States and the Government of the United States of America of August 15, 1960, as amended and extended.

In this regard, and based on the agreements reached at the meeting held in this city on September 12 and 13, 1996, between delegations representing the Governments of Mexico and the United States, allow me to propose to Your Excellency the following amendments to Annexes I (Scheduled Services) and II (Charter Services) to the Agreement Amending the Air Transport Agreement of August 15, 1960, as amended and extended, concluded by our two governments at Washington, D.C., on November 21, 1991:

Annex I

1. Paragraph 4, Section B of Annex I shall be replaced as follows:

His Excellency

Jesus Reyes-Heroles,
Ambassador of Mexico.

"4. Either of the Parties shall be entitled to designate up to two airlines to provide scheduled combination services on any city pair between the two territories that may be served under the Agreement. Such designations shall be notified to the other Party in writing."

2. Footnotes (2) and (3) shall be deleted.

Annex II

1. Subparagraphs f and g shall be added to paragraph 1 of Annex II, as follows:

"f. In the case of individual charter flights, each Party's airlines that are in possession of the appropriate permits issued by the Government of Mexico and the Government of the United States, that have all of their documents in order, and that have complied with all of the established requirements, may operate charter flights of passengers or cargo between both territories, submitting a Flight Notification Form at least 24 hours in advance of the flight, for which the approval of the Aeronautical Authorities of the other Party shall not be required (the notifications may be submitted after the deadline if good cause can be shown). The airline, the type of flight, the type of aircraft to be used and its registration, and the dates, schedules, and scheduled flight routes shall be indicated on the Flight Notification Form.

g. In the case of charter flight programs or series, the prior approval of both Parties shall be required and the application must be filed in accordance with

the provisions of paragraph 1 (c) of this Annex. Each Party shall make its best efforts to facilitate the authorization of a series of flights for which approval has not been requested on time."

2. Paragraph 2 of Annex II shall be amended to read as follows:

"2. Except as provided in subparagraph f of paragraph 1, all requests shall be attended to..."

3. Paragraph 3 of the Annex shall be amended to read as follows:

"3. Except as provided in subparagraph f of paragraph 1, in no case may an operator begin or perform a ..."

If the above proposals are acceptable to the Government of the United States of America, this note and your affirmative reply shall constitute, in accordance with the provisions of Article 12 of the Agreement, an Agreement between the Government of the United Mexican States and the Government of the United States of America, which shall enter into force provisionally beginning on the date of communication by the Government of the United States indicating its concurrence, and definitively on the date of notification by the Government of Mexico to the Government of the United States that this Agreement has been approved by the Senate of the Republic.

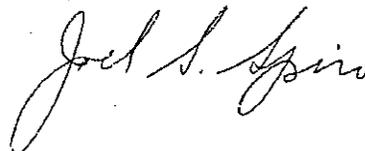
I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Jesus Silva-Herzog F.
Ambassador"

I have the further honor to inform Your Excellency that the amendments to Annex I and Annex II of the Air Transport Agreement of August 15, 1960, as amended and extended, contained in the, aforereferenced note, are acceptable to the Government of the United States of America and confirm that your Excellency's note of September 25 and this note in reply shall constitute an agreement between our two Governments which shall be provisionally applied from the date of this note and which shall enter into force on the date of notification by the Government of Mexico that this Agreement has been approved by the Senate of the Republic.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

A handwritten signature in cursive script, reading "Joel S. Spiro". The signature is written in dark ink and is positioned below the typed name of the Secretary of State.

U.S. Department of State
Office of Language Services
Translating Division

LS No. 118845
JF/JPM
Spanish

No. 001399

Madam Secretary:

I take pleasure in referring to the Air Transport Agreement in effect between the Government of the United Mexican States and the Government of the United States of America of August 15, 1960, as amended and extended.

In this regard, and based on the agreements reached at the meeting held in this city on September 12 and 13, 1996, between delegations representing the Governments of Mexico and the United States, allow me to propose to Your Excellency the following amendments to Annexes I (Scheduled Services) and II (Charter Services) to the Agreement Amending the Air Transport Agreement of August 15, 1960, as amended and extended, concluded by our two governments at Washington, D.C., on November 21, 1991:

Her Excellency
Madeleine Albright,
Secretary of State of the United States of America.

Annex I

1. Paragraph 4, Section B of Annex I shall be replaced as follows:

“4. Either of the Parties shall be entitled to designate up to two airlines to provide scheduled combination services on any city pair between the two territories that may be served under the Agreement. Such designations shall be notified to the other Party in writing.”

2. Footnotes (2) and (3) shall be deleted.

Annex II

1. Subparagraphs f and g shall be added to paragraph 1 of Annex II as follows:

“f. In the case of individual charter flights, each Party’s airlines that are in possession of the appropriate permits issued by the Government of Mexico and the Government of the United States, that have all of their documents in order, and that have complied with all of the established requirements, may operate charter flights of passengers or cargo between both territories, submitting a Flight Notification Form at least 24 hours in advance of the flight, for which the approval of the aeronautical authorities of the other Party shall not be required (the notifications may be submitted after the deadline if good cause can be shown). The airline, the type of flight, the type of aircraft to be used and its registration, and the dates, schedules, and scheduled flight routes shall be indicated on the Flight Notification Form.

g. In the case of charter flight programs or series, the prior approval of both Parties shall be required, and the application must be filed in accordance with the provisions of paragraph 1(c) of this Annex. Each Party shall make its best efforts to facilitate the authorization of a series of flights for which approval has not been requested on time.”

2. Paragraph 2 of Annex II shall be amended to read as follows:

“2. Except as provided in subparagraph f of paragraph 1, all requests shall be attended to....”

3. Paragraph 3 of the Annex shall be amended to read as follows:

“3. Except as provided in subparagraph f of paragraph 1, in no case may an operator begin or perform a....”

If the above proposals are acceptable to the Government of the United States of America, this note and your affirmative reply shall constitute, in accordance with the provisions of Article 12 of the Agreement, an Agreement between the Government of the United Mexican States and the Government of the United States of America, which shall enter into force provisionally beginning on the date of communication by the Government of the United States indicating its concurrence, and definitively on the date of notification by the Government of Mexico to the Government of the United States that this Agreement has been approved by the Senate of the Republic.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signature]

Jesús Silva-Herzog F.
Ambassador