

AVIATION

Transport Services

**Agreement Between the
UNITED STATES OF AMERICA
and MEXICO**

Amending the Agreement of
August 15, 1960, as Amended
and Extended

Effected by Exchange of Notes
Signed at Washington September 25
and December 4, 1997



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MEXICO

Aviation: Transport Services

*Agreement amending the agreement of August 15, 1960,
as amended and extended.*

Effected by exchange of notes

*Signed at Washington September 25 and
December 4, 1997;*

Entered into force May 28, 1998.

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

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~~ 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

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-Heróles,

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:

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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.

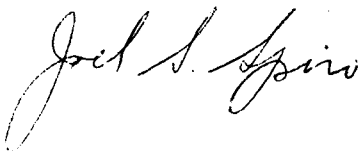
I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

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. Spiv". The signature is written in dark ink and is positioned below the typed name "For the Secretary of State".

Washington, D.C., a 25 de septiembre de 1997.

Señora Secretario:

001399

Tengo el agrado de referirme al Convenio sobre Transportes Aéreos vigente entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América del 15 de agosto de 1960, tal como ha sido enmendado y prorrogado.

Sobre el particular, y con base en los acuerdos alcanzados en la reunión que tuvo lugar en esta ciudad, los días 12 y 13 de septiembre de 1996, entre Delegaciones representativas de los Gobiernos de México y los Estados Unidos me permito proponer a Vuestra Excelencia las enmiendas que a continuación se indican, a los Anexos I (Cuadro de Servicios) y II (Servicios de Fletamento) del Acuerdo que Modifica el Convenio sobre Transportes Aéreos del 15 de agosto de 1960, tal como ha sido enmendado y prorrogado, suscrito entre nuestros dos Gobiernos en la ciudad de Washington, D.C., el 21 de noviembre de 1991:

Anexo I

1. La redacción del párrafo 4, Sección B del Anexo 1, se sustituye por la siguiente:

"4.- Cualquiera de las Partes tendrá el derecho de designar hasta dos líneas aéreas para proporcionar servicios regulares mixtos entre cualquier par de ciudades entre ambos territorios que puedan ser servidos bajo el Convenio. Tales designaciones deberán notificarse por escrito a la otra Parte".

2. Los pies de página (2) y (3) se suprimen.

Anexo II

1. Se adicionan los incisos f.- y g.- al párrafo 1 del Anexo II, en los siguientes términos:

"f.- Para el caso de vuelos individuales de fletamento, las aerolíneas de cada Parte que cuenten con los permisos correspondientes expedidos por el Gobierno de México y por el Gobierno de los Estados Unidos, que tengan todos sus documentos vigentes y que hayan acreditado todos los requisitos establecidos, podrán realizar vuelos de fletamento de

(pasajeros...

Excelentísima Señora
Madeleine Albright,
Secretario de Estado de los
Estados Unidos de América.

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pasajeros o de carga entre ambos territorios, presentando un Formato de Notificación de Vuelo con un mínimo de veinticuatro horas de antelación a la operación, con el cual no será requerida la aprobación de las Autoridades Aeronáuticas de la otra Parte (los avisos se podrán presentar fuera del término señalado, al demostrar la existencia de una causa justificada). En el Formato de Notificación se identificará a la aerolínea, el tipo de vuelo, el tipo de aeronave que utilizará, la matrícula de la aeronave, así como las fechas, horarios y rutas programadas de los vuelos.

g.- En el caso de series o programas de vuelos de fletamento, será necesaria la previa aprobación de ambas Partes, debiendo presentar la solicitud conforme a lo establecido en el párrafo 1., c.- de este Anexo. Cada Parte realizará sus mejores esfuerzos para facilitar la autorización de una serie de vuelos cuya solicitud no haya sido presentada a tiempo".

2. El párrafo 2. del Anexo II se modifica para leer:

"2. A excepción de lo establecido en el inciso f.- del párrafo 1., todas las solicitudes deberán ser atendidas..."

3. El párrafo 3. del Anexo se modifica para leer:

"3. A excepción de lo establecido en el inciso f.- del párrafo 1., en ningún caso podrá un operador iniciar u operar un..."

Si las propuestas anteriores son aceptables para el Gobierno de los Estados Unidos de América, esta Nota y la de respuesta en sentido afirmativo, de conformidad con lo dispuesto en el Artículo 12 del Convenio, constituirán un Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América, el que entrará en vigor provisionalmente a partir de la fecha de la comunicación del Gobierno de los Estados Unidos, manifestando su conformidad y, en forma definitiva, en la fecha en que el Gobierno de México notifique al de los Estados Unidos que este Acuerdo ha sido aprobado por el Senado de la República.

Aprovecho la oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.


Jesús Silva-Herzog F.
Embajador