

November 21, 1952

**AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF
THE UNITED MEXICAN STATES**

Note: The Agreement entered into force, December 3, 1952.

Reference: This Agreement is also published in II DFA TS No. 2, p. 9.

The Government of the Republic of the Philippines and the Government of the United Mexican States, considering:

That the possibilities of commercial aviation as a means of transport and of promoting friendly understanding and goodwill among peoples are increasing from day to day.

That it is desirable to organize, on equitable bases of equality and reciprocity, regular air services between the two countries, to obtain greater co-operation in the field of international air transportation.

That in order to attain this and it is necessary to conclude an agreement which guarantees regular air communications between the territory of the Republic of the Philippines and the territory of Mexico.

Have to this end appointed their representatives who, being duly authorized by their respective Governments and acting within the powers which have been conferred upon them, have agreed as follows:

ARTICLE 1

Each Contracting Party grants to the other Contracting Party the rights specified in the Annex hereto necessary for establishing the international civil air routes and services herein described whether such services be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted.

ARTICLE 2

For the purposes of the present Agreement and its Annex, except where the text indicates otherwise:

a) The term "aeronautical authorities" shall mean in the case of the Republic of the Philippines, the Civil Aeronautics Board or any person or entity authorized to perform the functions exercised at present by the Civil Aeronautics Board, and in the case of the United Mexican States, the' Ministry of Communication and Public Works or any other person or body authorized to perform the functions presently exercised by the Ministry of Communications and Public Works.

b) The term "designated airline" shall mean the airline or airlines that the aeronautical authorities of one of the Contracting Parties shall have designated to operate the agreed air routes, in accordance with Article 3 of this Agreement, it being an indispensable requirement that such

designation be communicated in writing to the aeronautical authorities of the other Contracting Party.

c) The term "territory" shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of the State concerned.

d) The term "air service" shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail, or cargo.

e) The term "international air service" shall mean an air service which passes through the air space over the territory of more than one State.

f) The term "airline" shall mean any air transport enterprise offering or operating an international air service.

g) The term "stop for non-traffic purposes" shall mean a landing for any purpose other than taking on or discharging passengers, cargo or mail.

h) The term "services offered" shall mean the capacity of an aircraft used on such service, multiplied by the frequency operated by such aircraft over a given period and route.

i) The term "air route" shall mean the scheduled route followed by an aircraft that is in regular service for public transport of passengers, cargo and/or mail.

ARTICLE 3

a) Each of the air services so described shall be placed in operation as soon as the Contracting Party, to whom the rights have been granted by Article 1, to designate an airline or airlines for the route concerned, has authorized an airline or airlines for such route; and the Contracting Party granting the rights shall, subject to Article 7 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned without undue delay.

b) Each airline so designated may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights, that it is in a position to fulfill the requirements prescribed by the laws and regulations normally applied by those authorities to the operation of commercial airlines.

c) In areas of hostilities or of military occupation, such operation shall, in the areas affected thereby, be subject to the approval of the competent military authorities.

ARTICLE 4

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

a) Each one of the Contracting Parties may impose or permit to be imposed fair and reasonable charges for the use of public airports and other facilities under its control. Both Contracting Parties agree, however, that these charges shall not be higher than would be paid for the use of

such airports and facilities by its national aircraft engaged in similar international services.

b) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one Contracting Party by the other Contracting Party or its nationals, and intended solely for use by aircraft of the airlines of the latter Contracting Party shall, with respect to the imposition of customs duties, inspection fees and other national duties or charged by the former Contracting Party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most favored nation.

c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving and while within the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

ARTICLE 5

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right to recognize for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 6

a) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while they are within its territory, shall be applied to the aircraft of the airline or airlines designated by the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from, or while within the territory of the first Party.

b) The laws and regulations of one Contracting Party as to the admission to or departure from its territory of passengers, crew or cargo of aircraft such as regulations relating to entry, clearance, immigration, passports, customs and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the aircraft of the airline or airlines designated by the other Contracting Party, upon entrance into or departure from or while within the territory of the first Party.

ARTICLE 7

a) Each Contracting Party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to this Agreement from an airline designated by the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other Contracting Party, or in case of