

No. 5786

**UNITED STATES OF AMERICA
and
MEXICO**

**Air Transport Agreement. Signed at Mexico, on 15 August
1960**

Official texts: English and Spanish.

Registered by the United States of America on 7 August 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

**Accord relatif aux transports aériens. Signé à Mexico, le
15 août 1960**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 7 août 1961.

No. 5786. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES. SIGNED AT MEXICO, ON 15 AUGUST 1960

The Government of the United States of America and the Government of the United Mexican States,

Considering the contiguity of their respective territories and the friendly relations between them;

Desiring to strengthen even more the cultural and economic bonds which link their peoples and the understanding and goodwill which exists among them;

Recognizing the increasing importance of international air travel between the two countries and within the Hemisphere and desiring to ensure its continued development in the common welfare on bases of equality and reciprocity; and

Desiring to conclude an Agreement which will facilitate the attainment of the aforementioned objectives;

Have accordingly appointed duly authorized representatives for this purpose, who have agreed as follows :

Article 1

For the purposes of the present Agreement :

A. The word “ Agreement ” shall mean the Agreement and the Route Schedule² annexed thereto.

B. The term “ aeronautical authorities ” shall mean, in the case of the United States of America, the Civil Aeronautics Board or any person or agency authorized to perform the functions exercised at the present time by the Civil Aeronautics Board; and, in the case of the United Mexican States, the Ministry of Communications and Transport or any person or entity authorized to perform the functions exercised at present by the Ministry of Communications and Transport.

C. The term “ airline ” shall mean any air transport enterprise offering or operating an international air service.

¹ Came into force provisionally on 15 August 1960 and definitively on 17 January 1961, upon receipt by the Government of the United States of America of notification from the Government of Mexico that the Agreement has been approved by the Senate of the Republic, in accordance with the provisions of article 18.

² See p. 194 of this volume.

D. The term “designated airline” shall mean an airline which the aeronautical authorities of one contracting party have notified the aeronautical authorities of the other contracting party to be the airline which will operate a route or routes specified in the Route Schedule annexed to the Agreement. Such notification must have been communicated in writing, through diplomatic channels.

E. The term “territory”, in relation to a State, shall mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, jurisdiction or trusteeship of that State.

F. The term “air service” shall mean any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail.

G. The term “international air service” shall mean an air service which passes through the air space over the territory of more than one State.

H. The term “stop for non-traffic purposes” (technical stop) shall mean a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Article 2

Each party grants to the other party rights necessary for the conduct of air services by the designated airlines, as follows: the rights of transit, of stops for non-traffic purposes, and of commercial entry and departure for international traffic in passengers, cargo, and mail at the points in its territory named on each of the routes specified in the appropriate paragraph of the annexed Route Schedule. The fact that such rights may not be exercised immediately shall not preclude the subsequent inauguration of air services by the airlines of the party to whom such rights are granted over the routes specified in the said Route Schedule.

Article 3

Air service on a specified route may be inaugurated immediately or at a later date at the option of the party to whom the rights are granted by an airline or airlines of such party at any time after that party has designated such airline or airlines for that route and the other party has given the appropriate operating permission. Such other party shall, subject to Article 4, be bound to give this permission provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that party, under the laws and regulations normally applied by these authorities, before being permitted to engage in the operations contemplated in this Agreement.

Article 4

Each party reserves the right to withhold or revoke the operating permission provided for in Article 3 of this Agreement from an airline designated by the other 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 party or in case of failure by such airline to comply with the laws and regulations referred to in Article 5 of this Agreement, or in case of the failure of the airline or the Government designating it to fulfill the conditions under which the rights are granted in accordance with this Agreement.

Article 5

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

B. The laws and regulations of one party relating 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 other party upon entrance into or departure from, and while within the territory of the first party.

Article 6

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one party, and still in force, shall be recognized as valid by the other party for the purpose of operating the routes and services provided for in this Agreement provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation.¹ Each party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another state.

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362; Vol. 252, p. 410; Vol. 324, p. 340, and Vol. 355, p. 418.

Article 7

In order to prevent discriminatory practices and to assure equality of treatment, both parties agree further to observe the following principles :

(a) Each of the parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the parties agrees, 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, consumable technical supplies, spare parts, regular equipment, and stores introduced into the territory of one party by the other party or its nationals, and intended solely for use by aircraft of such party shall be exempt on a basis of reciprocity from custom duties, inspection fees and other national duties or charges.

(c) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores retained on board aircraft of the airlines of one party authorized to operate the routes and services provided for in this Agreement shall, upon arriving in or leaving the territory of the other party, be exempt on a basis of reciprocity from customs duties, inspection fees and other national duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

(d) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores taken on board aircraft of the airlines of one party in the territory of the other and use in international services shall be exempt on a basis of reciprocity from customs duties, excise taxes, inspection fees and other national duties or charges.

Article 8

There shall be a fair and equal opportunity for the airlines of each party to operate on any route listed in this Agreement.

Article 9

In the operation by the airlines of either party of the trunk services described in this Agreement, the interest of the airlines of the other party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.