

**No. 52868. Mexico and Canada**

AGREEMENT BETWEEN THE  
GOVERNMENT OF THE UNITED  
MEXICAN STATES AND THE  
GOVERNMENT OF CANADA ON AIR  
TRANSPORT. MEXICO CITY,  
18 FEBRUARY 2014

PROTOCOL AMENDING THE AGREEMENT  
BETWEEN THE GOVERNMENT OF THE  
UNITED MEXICAN STATES AND THE  
GOVERNMENT OF CANADA ON AIR  
TRANSPORT OF 18 FEBRUARY 2014.  
MEXICO CITY, 29 JUNE 2017\*

**Entry into force:** 27 July 2018, in accordance  
with article 4

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**Nº 52868. Mexique et Canada**

ACCORD ENTRE LE GOUVERNEMENT  
DES ÉTATS-UNIS DU MEXIQUE ET LE  
GOUVERNEMENT DU CANADA SUR LE  
TRANSPORT AÉRIEN. MEXICO,  
18 FÉVRIER 2014

PROTOCOLE AMENDANT L'ACCORD ENTRE LE  
GOUVERNEMENT DES ÉTATS-UNIS DU  
MEXIQUE ET LE GOUVERNEMENT DU  
CANADA SUR LE TRANSPORT AÉRIEN DU  
18 FÉVRIER 2014. MEXICO, 29 JUIN 2017\*

**Entrée en vigueur :** 27 juillet 2018,  
conformément à l'article 4

**Textes authentiques :** anglais, français et  
espagnol

**Enregistrement auprès du Secrétariat de  
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Mexique, 10 octobre 2018

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**PROTOCOL AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT  
OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF CANADA  
ON AIR TRANSPORT OF 18 FEBRUARY 2014**

The Government of the United Mexican States and the Government  
of Canada (hereinafter referred to as the "Contracting Parties"),

**BEARING IN MIND** the *Agreement between the Government of the  
United Mexican States and the Government of Canada on Air Transport*, done at  
Mexico City on 18 February 2014 (hereinafter referred to as the "Agreement");

**DESIRING** to further deepen their bilateral relationship relating to air  
services,

**HAVE CONCLUDED** the present Protocol as follows:

**ARTICLE 1**

The Agreement is amended by replacing Article 11 (Tariffs) with the  
following:

"1. *For the purposes of this Article:*

- (a) *"tariff" means a publication containing prices and general  
terms and conditions related to the air transportation of  
passengers and their baggage and cargo but excludes  
remuneration and conditions for the carriage of mail;*
- (b) *"price" means any fare, rate or charge (including frequent  
flyer plans or other benefits provided in association with air  
transportation) for the carriage of passengers (including their  
baggage) or cargo (excluding mail) and the conditions directly  
governing the availability or application of any fare, rate or  
charge;*



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- (c) *"general terms and conditions of carriage" means those terms and conditions which are broadly applicable to the air transportation and not directly related to any price.*

2. *The Contracting Parties shall permit tariffs on any agreed service to be established at reasonable levels, including through airline cooperative arrangements, with due regard being paid to all relevant factors such as cost of operation, reasonable profit, characteristics of airline business models and the tariffs of other airlines for any part of the specified route, and other commercial considerations associated with the market.*

3. *Prices on any agreed service operated pursuant to this Agreement shall not be required to be filed. Each Contracting Party may require designated airlines of the other Contracting Party to provide immediate access, on request, to information on prices to its aeronautical authorities in a manner and format acceptable to those aeronautical authorities.*

4. *In the event that the aeronautical authorities of one Contracting Party are dissatisfied with a price, they shall notify the aeronautical authorities of the other Contracting Party and the designated airline concerned. The primary objectives of any intervention shall be:*

- (a) to prevent unreasonably discriminatory prices or practices;*
- (b) to protect consumers from prices that are unreasonably high or restrictive because of the abuse of a dominant position;*
- (c) to protect airlines from prices to the extent that they are artificially low because of direct or indirect governmental subsidy or support; or*
- (d) to protect airlines from prices that are artificially low, where there is evidence of intent to eliminate competition.*

5. *The aeronautical authorities receiving the notice of dissatisfaction shall acknowledge the notice and indicate its concurrence or disagreement with it within ten (10) working days of receipt of the notice. The aeronautical authorities shall cooperate in securing information necessary for the consideration of a price on which a notice of dissatisfaction has been given. If the aeronautical authorities of the other Contracting Party have indicated its concurrence with the notice of dissatisfaction, aeronautical authorities of both Contracting Parties shall take immediate action to ensure that the price is withdrawn and no longer charged. Without such concurrence, the price shall go into effect or continue in effect.*



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6. *The general terms and conditions of carriage shall be subject to each Contracting Party's laws and regulations. Each Contracting Party may require notification to or filing with its aeronautical authorities of any general terms and conditions of carriage of a designated airline not more than thirty (30) days before the proposed effective date. If one Contracting Party takes action to disapprove any terms or conditions, it shall promptly inform the other Contracting Party and the designated airline concerned.*

7. *The Contracting Parties may require that the designated airlines shall make full information on prices and the general terms and conditions of carriage available to the general public."*

## ARTICLE 2

The Agreement is further amended by replacing the first paragraph and Sections I and II of the Route Schedule of Annex I with the following:

*"The Contracting Parties agree that the designated airlines of each Contracting Party may operate scheduled air services on the routes set out in the applicable sections of this Annex, in accordance with the notes specified.*

### SECTION I – CANADA

*Airlines designated by the Government of Canada may operate scheduled passenger-combination air services and/or scheduled all-cargo air services in either or both directions between points on the following routes:*

<b><i>Points in Canada</i></b>	<b><i>Intermediate Points</i></b>	<b><i>Points in the United Mexican States</i></b>	<b><i>Points Beyond</i></b>
<i>Any point or points</i>	<i>Any point or points</i>	<i>Any point or points</i>	<i>Any point or points</i>



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Notes:

1. *Each designated airline may, on any or all flights and at its option:*
  - i) *serve points in the United Mexican States separately or in combination on the same flight;*
  - ii) *omit any points on the route, provided that all services serve at least one point in Canada;*
  - iii) *combine different flight numbers within one aircraft operation.*
2. *Transit and own stopover rights shall be available at points in Canada, intermediate points, and at points in the United Mexican States.*
3. *Designated airlines shall be entitled to exercise fifth freedom rights for passenger-combination and all-cargo services between intermediate points, points in the United Mexican States, and points beyond, if mutually agreed in writing by the Contracting Parties.*
4.
  - (1) *Subject to the regulatory requirements normally applied to such operations by the aeronautical authorities of the United Mexican States, each designated airline of Canada may, at its discretion, enter into cooperative arrangements for the purposes of code-sharing (i.e. selling transportation under its own code) on flights operated by any airline or airlines of Canada, of the United Mexican States, and/or of any third countries, and/or on any surface transportation providers.*
  - (2) *All airlines involved in code-sharing arrangements shall hold the appropriate underlying route authority.*
  - (3) *Code-sharing services by each designated airline of Canada involving transportation between points in the United Mexican States shall be restricted to flights operated by airlines authorized by the aeronautical authorities of the United Mexican States to provide services between points in the United Mexican States, and shall only be a part of an international journey.*



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