

**No. 54138\***

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**Mexico  
and  
United States of America**

**Air Transport Agreement between the Government of the United Mexican States and the Government of the United States of America (with annexes). Washington, 18 December 2015**

**Entry into force:** *21 August 2016, in accordance with article 18*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *Mexico, 9 December 2016*

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**Mexique  
et  
États-Unis d'Amérique**

**Accord relatif aux transports aériens entre le Gouvernement des États-Unis du Mexique et le Gouvernement des États-Unis d'Amérique (avec annexes). Washington, 18 décembre 2015**

**Entrée en vigueur :** *21 août 2016, conformément à l'article 18*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Mexique, 9 décembre 2016*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

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

The Government of the United Mexican States and the Government of the United States of America (hereinafter, "the Parties");

**SHARING** a commitment to promote and facilitate an international aviation system based on competition among airlines in the marketplace;

**DESIRING** to make it possible for airlines to offer the traveling and shipping public a variety of service options, and wishing to encourage individual airlines to develop and implement innovative and competitive prices;

**DESIRING** to facilitate the expansion of international air transport opportunities;

**DESIRING** to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property, adversely affect the operation of air transportation, and undermine public confidence in the safety of civil aviation; and

**BEING** parties to the Convention on International Civil Aviation, done at Chicago December 7, 1944;

Have agreed as follows:

**ARTICLE 1**  
**Definitions**

For the purposes of this Agreement, unless otherwise stated, the term:

1. "Aeronautical authorities" means, in the case of the United Mexican States, the Ministry of Communication and Transport, through the Directorate General of Civil Aviation, and in the case of the United States of America, the Department of Transportation, and any person or agency authorized to perform functions exercised by said Ministry or the Department of Transportation;
2. "Agreement" means this Agreement and any annexes or amendments thereto;
3. "Air Transportation" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, scheduled or charter, for remuneration or hire;
4. "Convention" means the Convention on International Civil Aviation, done at Chicago December 7, 1944, and includes:
  - a. any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Parties, and
  - b. any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties;
5. "Designated airline" means an airline designated and authorized in accordance with Article 3 (Designation and Authorization) of this Agreement;

6. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead;
7. "International air transportation" means air transportation that passes through the airspace over the territory of more than one State;
8. "Price" means any fare, rate, or charge for the carriage of passengers, baggage, or cargo (excluding mail) in air transportation, including surface transportation in connection with international air transportation, charged by airlines, including their agents, and the conditions governing the availability of such fare, rate, or charge;
9. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo, or mail in air transportation;
10. "Territory" means the land areas, internal waters, and territorial sea under the sovereignty of a Party; and
11. "User charge" means a charge imposed on airlines for the provision of airport, airport environmental, air navigation, or aviation security facilities or services including related services and facilities.

## **ARTICLE 2**

### **Grant of Rights**

1. Each Party grants to the other Party the following rights for the conduct of international air transportation by the airlines of the other Party:
  - a. the right to fly across its territory without landing;

- b. the right to make stops in its territory for non-traffic purposes; and
- c. the rights otherwise specified in this Agreement.

2. Nothing in this Article shall be deemed to confer on the airline or airlines of one Party the rights to take on board, in the territory of the other Party, passengers, their baggage, cargo, or mail carried for compensation and destined for another point in the territory of that other Party.

### **ARTICLE 3**

#### **Designation and Authorization**

1. Each Party shall have the right to designate as many airlines as it wishes to conduct international air transportation in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the other Party in writing through diplomatic channels, and shall identify whether the airline is authorized to conduct the type of air transportation specified in the Annexes.

2. On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorizations and technical permissions, the other Party shall grant appropriate authorizations and permissions with minimum procedural delay, provided:

- a. substantial ownership and effective control of that airline are vested in the Party designating the airline, nationals of that Party, or both;
- b. the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air transportation by the Party considering the application or applications; and
- c. the Party designating the airline is maintaining and administering the standards set forth in Article 6 (Safety) and Article 7 (Aviation Security).