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**Mexico
and
Portugal**

**Agreement on air transport between the United Mexican States and the Portuguese Republic
(with annex). Mexico City, 16 October 2013**

Entry into force: *26 May 2018, in accordance with article 25*

Authentic texts: *English, Portuguese and Spanish*

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**Mexique
et
Portugal**

**Accord relatif aux transports aériens entre les États-Unis du Mexique et la République
portugaise (avec annexe). Mexico, 16 octobre 2013**

Entrée en vigueur : *26 mai 2018, conformément à l'article 25*

Textes authentiques : *anglais, portugais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Mexique,
10 octobre 2018*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT ON AIR TRANSPORT BETWEEN THE UNITED MEXICAN STATES AND THE PORTUGUESE REPUBLIC

The United Mexican States and the Portuguese Republic hereinafter referred to as “the Parties”;

BEING Parties to the Convention on International Civil Aviation opened for signature at Chicago on the 7th of December 1944;

DESIRING to organize, in a safe and orderly manner, international air services and to promote in the greatest possible measure international cooperation in respect of such services;

DESIRING to establish an Agreement to foster the development of scheduled air services between their territories; and

TAKING INTO CONSIDERATION the Agreement on Certain Aspects of Air Services between the United Mexican States and the European Union, done at Brussels on the 15th of December 2010;

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of the present Agreement:

- a) The term “Convention” shall mean the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December 1944, including any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof, so far as those Annexes and amendments have been adopted by both Parties;

- b) The term "EU Treaties" shall mean the Treaty on European Union and the Treaty on the Functioning of the European Union;
- c) The term "Aeronautical Authorities" shall mean, in the case of the United Mexican States, the Secretariat of Communications and Transports through the Directorate General of Civil Aviation, and in the case of the Portuguese Republic, the National Institute of Civil Aviation or, in both cases, any person or body authorized to perform any functions at present exercised by the said authorities or similar functions;
- d) The term "Designated Airline" shall mean any airline, which has been designated and authorised in accordance with Article 3 of the present Agreement;
- e) The term "Territory" shall have the meaning assigned to it in Article 2 of the Convention;
- f) The terms "Air Service", "International Air Service", "Airline" and "Stop for non-traffic purposes" shall have the meanings assigned to them in Article 96 of the Convention;
- g) The term "Tariff" shall mean the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for agency and other ancillary services, but excluding remuneration or conditions for the carriage of mail; and
- h) The term "Annex" shall mean the Route Schedule attached to the present Agreement and any Clauses or Notes appearing in such Annex. The Annex to this Agreement is considered an integrant part thereof.

ARTICLE 2

Operating Rights

1. Each Party grants to the other Party the following rights in respect of international air services conducted by the designated airlines of the other Party:

- a) The right to fly across its territory without landing, and
- b) The right to make stops in its territory for non-traffic purposes.

2. Each Party grants to the other Party the rights hereinafter specified in this Agreement for the purpose of the operation of scheduled international air services by the other Party's designated airlines on the routes specified in the appropriate Section of the Annex. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively. While operating an agreed service on a specified route the airlines designated by each Party shall enjoy in addition to the rights specified in paragraph 1 of this Article and subject to the provisions of this Agreement, the right to make stops in the territory of the other Party at the points specified for that route in the Annex to this Agreement for the purpose of taking on board and disembarking passengers, baggage, cargo and mail.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the designated airlines of one Party the right of embarking, in the territory of the other Party, traffic carried for remuneration or hire and destined for another point in the territory of that Party.

4. If the designated airlines of one Party are unable to operate services on its normal routing because of armed conflict, political disturbances, or special and unusual circumstances the other Party shall make its best efforts to facilitate the continued operation of such service through appropriate rearrangements of such routes, including the grant of rights for such time as may be necessary to facilitate viable operations. This provision shall be applied without discrimination between the designated airlines of the Parties.

ARTICLE 3

Designation and Operating Authorization of Airlines

1. Each Party shall have the right to designate up to two airlines for the purpose of operating the agreed services on the routes specified in the Annex and to withdraw or alter such designations. Those designations shall be made in writing and shall be transmitted to the other Party through diplomatic channels.

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

- a) In the case of an airline designated by the Portuguese Republic:
 - (i) It is established in the territory of the Portuguese Republic under the EU Treaties and has a valid Operating Licence in accordance with the law of the European Union; and
 - (ii) Effective regulatory control of the airline is exercised and maintained by the European Union Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation, and
 - (iii) The airline is owned, directly or through majority ownership, and it is effectively controlled by Member States of the European Union or the European Free Trade Association and/or by nationals of such states.
- b) In the case of an airline designated by the United Mexican States:
 - (i) It is established in the territory of the United Mexican States and is licensed in accordance with the applicable law of the United Mexican States;
 - (ii) The United Mexican States have and maintain effective regulatory control of the airline, and
 - (iii) It is owned and shall continue to be owned directly or through majority ownership by the United Mexican States and/or nationals of the United Mexican States and shall at all times be effectively controlled by the United Mexican States and/or its nationals.
- c) The designated airline is qualified to meet the conditions prescribed under the legislation normally applied to the operation of international air services by the Party considering the application or applications.
- d) When an airline has been so designated and authorized it may begin at any time to operate the agreed services, provided that the airline complies with all applicable provisions of this Agreement, including those relating to tariffs.