

PROTOCOL

AMENDING THE AIR TRANSPORT AGREEMENT

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE UNITED MEXICAN STATES,

DONE AT MEXICO CITY ON 21 DECEMBER 1961,

AS AMENDED

THE GOVERNMENT OF CANADA and THE GOVERNMENT OF THE UNITED MEXICAN STATES hereinafter referred to as the “Contracting Parties”,

DESIRING to deepen their relationship under the *Air Transport Agreement between the Government of Canada and the Government of the United Mexican States*, done at Mexico City on 21 December 1961, and as amended by the Exchanges of Notes of 24 March 1971, 20 December 1996 and 9 April 1999 (hereinafter referred to as the “Agreement”);

HAVE CONCLUDED the present Protocol as follows:

ARTICLE I

The Agreement is amended by replacing Paragraphs 2 and 3 of Article XI with the following:

“2. Any tariff proposed to be established by a designated airline of either Contracting Party with respect to carriage of traffic from or to any point on a specified route in its own territory:

- (a) to or from every point named on the same specified route in the territory of the other Contracting Party and beyond;

- (b) to or from the point in the territory of a third country beyond its own territory named on a specified route to be operated by a designated airline of the other Contracting Party;

shall, if so required, be filed by such airline with the aeronautical authorities of the other Contracting Party, at least fifteen (15) days before the proposed effective date, unless a shorter period is accepted by the aeronautical authorities. The aeronautical authorities of each Contracting Party shall use their best efforts to ensure that the fares and rates charged and collected conform to the tariffs filed with either Contracting Party, and that no airline rebates any portion of such fares or rates, by any means, directly or indirectly, including the use of unrealistic currency conversion rates.

- 3. (a) The designated airlines of one Contracting Party shall have the right to match, on a timely basis and using such expedited procedures as may be authorized upon application, for carriage to or from the territory of the other Contracting Party, any publicly available lawful tariff for air transportation between the same points, on a basis which would be broadly equivalent in terms of applicable conditions and standard of service.
- (b) It is recognized by both Contracting Parties that during any period for which either Contracting Party has approved the traffic conference procedures of the International Air Transport Association, or of any other association of international airlines, any tariff agreement concluded through these procedures and involving airlines of that Contracting Party will be subject to the approval of that Contracting Party.”

ARTICLE II

The Route Schedule of the Agreement shall be amended by replacing Note 4 of Sections I and II with the following:

“Section I

4. Notwithstanding the provisions of Article III of this Agreement, the Government of Canada may designate up to two airlines to operate own aircraft passenger-combination services, two airlines to operate all-cargo services between each point in Canada and each point in the United Mexican States, and one additional airline may be designated for own aircraft passenger-combination services to the following points in the United Mexican States: Cancun, Puerto Vallarta, Ixtapa/Zihuatanejo, Acapulco, Cozumel, Huatulco, Manzanillo, Mazatlan, Merida, San Jose del Cabo and Tampico. With effect from December 7, 2009, a total of four airlines may be designated for passenger-combination services to Cancun, Puerto Vallarta, San Jose del Cabo and Ixtapa/Zihuatanejo, and three airlines may be designated to Monterrey and Guadalajara. For the purposes of these designations, Mexico City and Toluca shall be regarded as separate cities; however, airlines designated to serve Toluca may hold out, sell and provide services to and or from Toluca as services to and or from Mexico City. Additional airlines may be authorized for code-sharing services on the flights of the designated airlines of the other Contracting Party and airlines of third countries in each city pair.

Section II

4. Notwithstanding the provisions of Article III of this Agreement, the Government of the United Mexican States may designate up to two airlines to operate own aircraft passenger combination services, two airlines to operate all-cargo services between each point in the United Mexican States and each point in Canada, and one additional airline may be designated for own aircraft passenger-combination services from the following points in the United Mexican States: Cancun, Puerto Vallarta, Ixtapa/Zihuatanejo, Acapulco, Cozumel, Huatulco, Manzanillo, Mazatlan, Merida, San Jose del Cabo and Tampico. With effect from December 7, 2009, a total of four airlines may be designated for passenger combination services from Cancun, Puerto Vallarta, San Jose del Cabo and Ixtapa/Zihuatanejo, and three airlines may be designated from Monterrey and Guadalajara. For the purposes of these designations, Mexico City and Toluca shall be regarded as separate cities; however, airlines designated to serve from Toluca may hold out, sell and provide services to and or from Toluca as services to and or from Mexico City. Additional airlines may be authorized for code-sharing services on the flights of the designated airlines of the other Contracting Party and airlines of third countries in each city pair.”

ARTICLE III

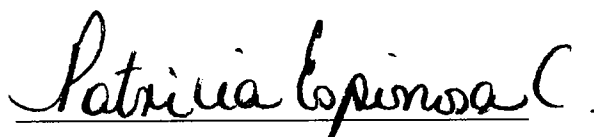
The Contracting Parties shall notify each other through an exchange of diplomatic notes on the completion of the internal procedures necessary for the entry into force of this Protocol. This Protocol shall enter into force the first day of the first month following the date of the last note.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed the present Protocol.

DONE in duplicate at *Ottawa*, this *27th* day of *May* 2010, in the English, French and Spanish languages, each version being equally authentic.



**FOR THE
GOVERNMENT OF CANADA**



**FOR THE
GOVERNMENT OF THE UNITED
MEXICAN STATES**