

AGREEMENT**on certain aspects of air services between the European Union and the United Mexican States**

THE EUROPEAN UNION,

of the one part, and

THE UNITED MEXICAN STATES,

of the other part,

(hereinafter referred to as 'the Parties'), in conformity with their respective competences;

HAVING REGARD TO the provisions of the bilateral air service agreements between various Member States of the European Union and the United Mexican States,

NOTING that on 5 June 2003, the Member States of the European Union authorised the European Commission to amend certain provisions of their bilateral air service agreements in an agreement between the European Union and third countries,

NOTING that the European Union has exclusive competence with respect to several aspects that may be included in bilateral air service agreements which Member States of the European Union enter into or have entered into with third countries,

RECOGNISING the importance of updating the relationship between Member States of the European Union and the United Mexican States as regards air services, so as to provide a solid legal basis for air services between the European Union and the United Mexican States and to ensure the continuity of such air services,

UNDERLINING their interest in promoting free competition in the field of air services, and avoiding airlines entering into agreements the purpose of which is to hinder, restrict or distort competition,

NOTING that it is not the purpose of the European Union to affect the balance between European Union air carriers and air carriers of the United Mexican States, nor to amend the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

*Article 1***General provisions**

1. References to nationals of a Member State of the European Union that is a Party to any of the bilateral agreements listed in Annex I shall be understood as references to nationals of the Member States of the European Union.
2. References to air carriers from a Member State of the European Union that is a Party to each of the bilateral agreements listed in Annex I shall be understood as references to air carriers designated by that Member State of the European Union.
3. This Agreement modifies certain provisions of existing bilateral air service agreements listed in Annex I, without affecting existing traffic rights.

*Article 2***Designation by a Member State of the European Union**

1. The provisions of paragraphs 2 and 3 of this Article shall supersede the corresponding provisions of the Articles listed in points (a) and (b) respectively of Annex II, as regards the designation of an air carrier by a Member State of the European Union, the authorisations and permissions granted by the United Mexican States, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. Upon receipt of a designation by a Member State of the European Union, the United Mexican States shall grant the relevant authorisations and permissions without delay, provided that:

- (a) the air carrier is established in the territory of the designating Member State of the European Union under the Treaty on the European Union and the Treaty on the Functioning of the European Union and has a valid operating licence in accordance with the law of the European Union; and
- (b) effective regulatory control of the air carrier is exercised and maintained by the Member State of the European Union responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (c) the air carrier is owned, directly or through majority ownership, and is effectively controlled by Member States of the European Union or nationals of such countries or by the countries listed in Annex III or nationals of those other countries.

3. The United Mexican States may refuse, revoke, suspend or limit the authorisations or permissions granted to an air carrier designated by a Member State of the European Union where one of the conditions mentioned in paragraph 2 is not met.

In exercising the rights under this paragraph, the United Mexican States shall not discriminate between air carriers from the European Union on the grounds of nationality.

Article 3

Safety

1. The provisions of paragraph 2 of this Article shall complement the Articles listed in Annex II, point (c).

2. Where a Member State of the European Union has designated an air carrier whose regulatory control is exercised and maintained by another Member State of the European Union, the rights of the United Mexican States under the safety provisions of the agreement between the Member State of the European Union that has designated the air carrier and the United Mexican States shall apply equally in respect of the adoption, exercise and maintenance of safety standards by that other Member State of the European Union and in respect of the operating authorisation for that air carrier.

Article 4

Compatibility with competition rules

1. None of the bilateral agreements between the United Mexican States and Member States of the European Union may:

- (a) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition;
- (b) reinforce the effects of any such agreement, decision or concerted practice; or
- (c) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. Any provisions contained in the bilateral agreements listed in Annex I that are incompatible with paragraph 1 shall not apply.

Article 5

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 6

Revision and amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent, in writing. Those modifications shall enter into force in accordance with the procedure set out in Article 7(1) of this Agreement.

Article 7

Entry into force

1. This Agreement shall enter into force thirty (30) days after the date of the last note with which the Parties provide written notification, via diplomatic channels, that their respective internal procedures necessary for that effect have been concluded.

2. This Agreement shall apply to the bilateral agreements listed in Annex I, point (b) once the latter have entered into force.

3. This Agreement shall prevail in the event of a difference between the provisions of this Agreement and the bilateral agreements listed in Annex I.

Article 8

Termination

1. In the event of the termination of any of the bilateral agreements listed in Annex I, all provisions of this Agreement relating to the said agreement shall terminate simultaneously.

2. In the event of the termination of all of the bilateral agreements listed in Annex I, this Agreement shall terminate at the same time as the last of those agreements.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE in duplicate at Brussels, on the fifteenth day of December in the year two thousand and ten, in the Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish languages, each text being authentic. In the case of divergence, the Spanish text shall take precedence.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

За Съединените мексикански щати
 Por los Estados Unidos Mexicanos
 Za Spojené štáty mexické
 For De Forenede Mexicanske Stater
 Für die Vereinigten Mexikanischen Staaten
 Mehhiko Ühendriikide nimel
 Για τις Ηνωμένες Πολιτείες του Μεξικού
 For the United Mexican States
 Pour les Etats-Unis mexicains
 Per gli Stati Uniti messicani
 Meksikas Savienoto Valstu vārdā –
 Meksikos Jungtinių Valstijų vardu
 A Mexikói Egyesült Államok részéről
 Ghall-Istati Uniti Messikani
 Voor de Verenigde Mexicaanse Staten
 W imieniu Meksykańskich Stanów Zjednoczonych
 Pelos Estados Unidos Mexicanos
 Pentru Statele Unite Mexicane
 Za Spojené štáty mexické
 Za Združene države mehike
 Meksikon yhdysvaltojen puolesta
 För Mexikos förenta stater

ANNEX I

LIST OF BILATERAL AGREEMENTS REFERRED TO IN ARTICLE 1 OF THIS AGREEMENT

- (a) Air service agreements between the United Mexican States and Member States of the European Union which, at the date of signature of this Agreement, have been concluded and/or signed:
- Air Transport Agreement between the Government of the United Mexican States and the Federal Government of Austria, signed at Vienna, Austria on 27 March 1995, hereinafter referred to as the 'Mexico-Austria Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the Kingdom of Belgium, signed at Mexico City, on 26 April 1999, hereinafter referred to as the 'Mexico-Belgium Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the Czech and Slovak Federal Republic, signed at Mexico City, on 14 August 1990, hereinafter referred to as the 'Mexico-Czech Republic Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the French Republic, signed at Paris, France, on 18 May 1993, amended by the Agreement Modifying and Supplementing the Air Transport Agreement between the Government of the United Mexican States and the Government of the French Republic, concluded by exchange of notes dated in Paris and Mexico City on 13 January and 4 February 2004, hereinafter referred to as the 'Mexico-France Agreement',
 - Air Transport Agreement between the United Mexican States and the Federal Republic of Germany, signed at Mexico City, on 8 March 1967, hereinafter referred to as the 'Mexico-Germany Agreement',
 - Air Transport Agreement between the United Mexican States and the Italian Republic, signed at Mexico City on 23 December 1965, amended by the Agreement Modifying and Supplementing the Air Transport Agreement between the United Mexican States and the Italian Republic of 23 December 1965, concluded by exchange of notes dated Rome, Italy, 2 August and 7 December 2004, hereinafter referred to as the 'Mexico-Italy Agreement',
 - Agreement between the Government of the United Mexican States and the Government of the Grand-Duchy of Luxembourg on air transport, signed at Mexico City, on 19 March 1996, hereinafter referred to as the 'Mexico-Luxembourg Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the Kingdom of the Netherlands, signed at Mexico City, 6 December 1971, amended by the Agreement Modifying the Air Transport Agreement of 6 December 1971 between the Government of the United Mexican States and the Government of the Kingdom of the Netherlands, concluded by exchange of notes dated 24 August 1992 in Mexico City, hereinafter referred to as the 'Mexico-Netherlands Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the Republic of Poland, signed at Mexico City, on 11 October 1990, hereinafter referred to as the 'Mexico-Poland Agreement',
 - Agreement on Civil Air Transport between the Governments of Mexico and Portugal, signed at Lisbon, Portugal on 22 October 1948, hereinafter referred to as the 'Mexico-Portugal Agreement',
 - Air Transport Agreement between the Government of the United Mexican States and the Government of the Kingdom of Spain, signed at Mexico City, on 21 November 1978, hereinafter referred to as the 'Mexico-Spain Agreement',
 - Agreement between the Government of the United Mexican States and the Government of the United Kingdom of Great Britain and Northern Ireland concerning air services, signed at Mexico City, on 18 November 1988, hereinafter referred to as the 'Mexico-United Kingdom Agreement'.
- (b) Air service agreements between the United Mexican States and Member States of the European Union which, at the date of signature of this Agreement, have not yet entered into force:
- Air Transport Agreement between the United Mexican States and the Kingdom of Spain, signed at Madrid, Spain, on 8 April 2003.
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ANNEX II

LIST OF ARTICLES IN THE AGREEMENTS LISTED IN ANNEX I AND REFERRED TO IN ARTICLES 2 AND 3 OF THIS AGREEMENT

(a) Designation by a Member State:

- Article 3 of the Mexico-Austria Agreement,
- Article 3 of the Mexico-Belgium Agreement,
- Article 3 of the Mexico-Czech Republic Agreement,
- Article 3 of the Mexico-France Agreement,
- Article 3 of the Mexico-Germany Agreement,
- Article 3 of the Mexico-Italy Agreement,
- Article 3 of the Mexico-Luxembourg Agreement,
- Article 3 of the Mexico-Netherlands Agreement,
- Article 3 of the Mexico-Poland Agreement,
- Article II of the Mexico-Portugal Agreement,
- Article 3 of the Mexico-Spain Agreement,
- Article 4 of the Mexico-United Kingdom Agreement.

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

- Article 4 of the Mexico-Austria Agreement,
- Article 5 of the Mexico-Belgium Agreement,
- Article 4 of the Mexico-Czech Republic Agreement,
- Article 4 of the Mexico-France Agreement,
- Article 4, first sentence, of the Mexico-Germany Agreement,
- Article 4 of the Mexico-Italy Agreement,
- Article 4 of the Mexico-Luxembourg Agreement,
- Article 4 of the Mexico-Netherlands Agreement,
- Article 4 of the Mexico-Poland Agreement,
- Article VII of the Mexico-Portugal Agreement,
- Article 4 of the Mexico-Spain Agreement,
- Article 5 of the Mexico-United Kingdom Agreement.

(c) Safety:

- Article 6 of the Mexico-Austria Agreement,
 - Article 7 of the Mexico-Belgium Agreement,
 - Article 6 of the Mexico-Czech Republic Agreement,
 - Article 6a of the Mexico-France Agreement,
 - Article 6a of the Mexico-Italy Agreement,
 - Article 6 of the Mexico-Luxembourg Agreement,
 - Article 6 of the Mexico-Netherlands Agreement,
 - Article V of the Mexico-Portugal Agreement,
 - Article 8 of the Mexico-United Kingdom Agreement.
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*ANNEX III***LIST OF OTHER COUNTRIES REFERRED TO IN ARTICLE 2 OF THIS AGREEMENT**

- (a) The Republic of Iceland (under the Agreement on the European Economic Area).
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area).
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area).
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
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