

No. 50110

**United States of America
and
Macau (under an entrustment of authority from Portugal and
with the consent of China)**

Air Transport Agreement between the Government of the United States of America and the Government of Macau (with annexes). Macau, 3 July 1996

Entry into force: *3 July 1996 by signature, in accordance with article 19*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 23 October 2012*

**États-Unis d'Amérique
et
Macao (en vertu d'une délégation de pouvoirs du Portugal et avec
le consentement de la Chine)**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de Macao relatif au transport aérien (avec annexes). Macao, 3 juillet 1996

Entrée en vigueur : *3 juillet 1996 par signature, conformément à l'article 19*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Government of the United States of America and the Government of Macau, the latter duly authorized by the competent sovereign institution of the Portuguese Republic and with the consent of the Government of the People's Republic of China, hereinafter referred to as "the Parties,"

Desiring to promote an international air transport system based on competition among airlines in the marketplace with minimal government interference and regulation;

Desiring to facilitate the expansion of international air transport opportunities;

Desiring to make it possible for airlines to offer the traveling and shipping public a variety of service options at the lowest prices that are not predatory or discriminatory and do not represent abuse of a dominant position and wishing to encourage individual airlines to develop and implement innovative and competitive prices;

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

Desiring to conclude an agreement covering all commercial air transportation;

Have agreed as follows:

ARTICLE 1

Definitions

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

a. "Aeronautical authorities" means, in the case of the United States of America, the Department of Transportation, or its successor, and in the case of Macau, the Civil Aviation Authority or its successor;

b. "Agreement" means this Agreement, its Annexes, and any amendments thereto;

c. "Air transportation" means any operation performed by aircraft for the public carriage of traffic in passengers, baggage, cargo and mail, separately or in combination, for remuneration or hire;

d. "Area" with respect to the United States of America, has the meaning assigned to "territory" in Article 2 of the Chicago Convention referred to in Article 2 of this Agreement and, with respect to Macau, includes Macau Peninsula and the Taipa and Coloane Islands;

e. "Designated airline" means an airline designated and authorized in accordance with Article 4 of this Agreement;

f. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead;

g. "International air transportation" has the meaning assigned to international air services in Article 96 of the Convention referred to in Article 2 of this Agreement and also shall be deemed to include charter and other non-scheduled services;

h. "Price" means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;

i. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo and/or mail in air transportation;

j. "User charge" means a charge imposed by a competent charging authority on airlines for use of airport or air navigation property or facilities, including related services and facilities.

ARTICLE 2

Provisions of the Chicago Convention Applicable to International Transportation

In implementing this Agreement, the Parties shall act in conformity with the provisions of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, hereinafter referred to as "the Convention", including the Annexes and any amendments to the Convention or to its Annexes as they apply to both Parties, insofar as these provisions are applicable to international air transportation.

ARTICLE 3

Grant of Rights

1. Each Party grants to the other Party the following rights for the conduct of international air transportation by the airline(s) of the other Party:
 - a. the right to fly across its area without landing;
 - b. the right to make stops in its area for non-traffic purposes; and
 - c. the rights otherwise specified in this Agreement.
2. Nothing in paragraph 1 of this Article shall be deemed to grant the right for one Party's airline(s) to provide air transportation between points in the area of the other Party.

ARTICLE 4

Designation and Authorization

1. The United States shall have the right to designate one or more airlines to conduct international air transportation in accordance with this Agreement and to withdraw or alter such designations. The Government of Macau may designate Air Macau, as substantially owned and effectively controlled as of the date of initialing of this Agreement, to conduct international air transportation in accordance with this Agreement. Such designations shall be transmitted to the other Party in writing through appropriate channels, and shall identify whether the airline is authorized to conduct the type of air transportation specified in Annex I or in Annex II or both.

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 that:

- a. (1) in the case of the United States, substantial ownership and effective control of that airline are vested in the United States or its nationals or both;
- (2) In the case of Macau that airline is incorporated and has its principal place of business in Macau;
- 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 7 (Safety) and Article 8 (Security).

ARTICLE 5

Revocation of Authorization

1. Each Party may revoke, suspend or limit the operating authorizations or technical permissions of an airline designated by the other Party where:

- a. (1) in the case of the United States, the substantial ownership and effective control of that airline are not vested in the United States or its nationals or both;
- (2) in the case of Macau that airline is not incorporated and has its principal place of business in Macau; or
- b. that airline has failed to comply with the laws and regulations referred to in Article 6 (Application of Laws) of this Agreement; or
- c. the other Party is not maintaining and administering the standards as set forth in Article 7 (Safety).

2. Unless immediate action is essential to prevent further non-compliance with subparagraphs 1b. or 1c. of this Article, the rights established by this Article shall be exercised only after consultation with the other Party.

3. This Article does not limit the rights of either Party to suspend, limit, or condition air services in accordance with the provisions of Article 8 (Aviation Security).