

**No. 50333. United States of America and Pakistan**

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN. RAWALPINDI, 10 APRIL 1997 [*United Nations, Treaty Series*, vol. 2884, I-50333.]

AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN OF 10 APRIL 1997, EFFECTED BY EXCHANGE OF NOTES AT ISLAMABAD APRIL 12 AND 29, 1999. ISLAMABAD, 12 APRIL 1999 AND 29 APRIL 1999

**Entry into force:** 29 April 1999 by the exchange of the said notes

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**N° 50333. États-Unis d'Amérique et Pakistan**

ACCORD DE TRANSPORT AÉRIEN ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE ISLAMIQUE DU PAKISTAN. RAWALPINDI, 10 AVRIL 1997 [*Nations Unies, Recueil des Traités*, vol. 2884, I-50333.]

ACCORD MODIFIANT L'ACCORD DE TRANSPORT AÉRIEN ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE ISLAMIQUE DU PAKISTAN DU 10 AVRIL 1997, CONCLU PAR ÉCHANGE DE NOTES LES 12 ET 29 AVRIL 1999 À ISLAMABAD. ISLAMABAD, 12 AVRIL 1999 ET 29 AVRIL 1999

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

I

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 405/ECON

April 12, 1999

Excellency:

I have the honor to refer to the Air Transport Agreement between the Government of the United States of America and the Government of the Islamic Republic of Pakistan, with Annexes, signed at Rawalpindi April 10, 1997, hereinafter the Agreement.

In order to transform the Agreement into an "Open Skies" Agreement to benefit both United States and Pakistani airlines, to provide for certain conforming changes to the operational flexibility language of the Agreement, and to provide for Seventh-Freedom rights for all cargo-service, as well as to update the security provision of the Agreement, I have the honor to propose, on behalf of the Government of the United States of America, that the Agreement be amended as follows:

1. Article 7, paragraph 4 of the Agreement shall be amended to read as follows:

4. Each party agrees to observe the security provisions required by the other party for entry into, for departure from, and while within the territory of that other party and to take adequate measures to protect aircraft and to inspect passengers, crew, and their baggage and carry-on items, as well as cargo and aircraft stores, prior to and during boarding or loading. Each party shall also give positive consideration to any request from the other party for special security measures to meet a particular threat.

His Excellency

Sartaj Aziz

Minister of Foreign Affairs of

The Islamic Republic of Pakistan

2. The final sentence of article 7, paragraph 6 of the Agreement shall be deleted.

3. In article 13, line 5, the phrase "transportation for cargo" shall be corrected to read "transportation of cargo."

4. Paragraphs a and b of section 1 of Annex I of the Agreement shall be amended to read as follows:

a. Routes for the airline or airlines designated by the Government of the United States of America:

1. From points behind the United States via the United States and intermediate points to a point or points in Pakistan and beyond.

2. For all-cargo service or services, between Pakistan and any point or points.

b. Routes for the airline or airlines designated by the Government of the Islamic Republic of Pakistan:

1. From points behind Pakistan via Pakistan and intermediate points to a point or points in the United States and beyond.

2. For all-cargo service or services, between the United States and any point or points.

5. Section 2 of Annex I of the Agreement shall be amended to read:

Each designated airline may, on any or all flights and at its option:

1. Operate flights in either or both directions;

2. Combine different flight numbers within one aircraft operation;

3. Serve behind, intermediate, and beyond points and points in the territories of the parties on the routes in any combination and in any order;

4. Omit stops at any point or points;

5. Transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes; and

6. Serve points behind any point in its territory with or without change of aircraft or flight number and hold out and advertise such services to the public as through services; without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement; provided that, with the exception of all-cargo services, the service serves a point in the territory of the part designating the airline.

6. Section 1 of Annex II shall be amended to read as follows:

## Section I

Airlines of each party designated under this Annex shall, in accordance with the terms of their designation, have the right to carry international charter traffic of passengers (and their accompanying baggage) and/or cargo (including, but not limited to, freight forwarder, split, and combination [passenger/cargo] charters): between any point or points in the territory of the party that has designated the airline and any point or points in the territory of the other party; and between any point or points in the territory of the other party and any point or points in a third country or countries, provided that, except with respect to cargo charters, such service constitutes part of a continuous operation, with or without a change of aircraft, that includes service to the homeland for the purpose of carrying local traffic between the homeland and the territory of the other party.

In the performance of services covered by this Annex, airlines of each party designated under this Annex shall also have the right: (1) to make stopovers at any points whether within or outside of the territory of either party; (2) to carry transit traffic through the other party's territory; (3) to combine on the same aircraft traffic originating in one party's territory, traffic originating in the other party's territory, and traffic originating in third countries; and (4) to perform international air transportation without any limitation as to change, at any point on the route, in type or number of aircraft operated; provided that, except with respect to cargo charters, in the outbound direction, the transportation beyond such point is a continuation of the transportation from the territory of the party that has designated the airline and in the inbound direction, the transportation to the territory of the party that has designated the airline is a continuation on the transportation from beyond such point.

Each party shall extend favorable consideration to applications by airlines of the other party to carry traffic not covered by this Annex on the basis of comity and reciprocity.

If this proposal is acceptable to the Government of the Islamic Republic of Pakistan, I have the further honor to propose that this note and your note in reply shall constitute an agreement between our two governments, which shall enter into force on the date of your note.

Accept, Excellency, the renewed assurances of my highest consideration.

William B. Milam