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**Mexico  
and  
European Union**

**Agreement on certain aspects of air services between the United Mexican States and the European Union (with annexes). Brussels, 15 December 2010**

**Entry into force:** *22 June 2012, in accordance with article 7*

**Authentic texts:** *Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish*

**Registration with the Secretariat of the United Nations:** *Mexico, 1 November 2015*

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**Mexique  
et  
Union européenne**

**Accord sur certains aspects des services aériens entre les États-Unis mexicains et l'Union européenne (avec annexes). Bruxelles, 15 décembre 2010**

**Entrée en vigueur :** *22 juin 2012, conformément à l'article 7*

**Textes authentiques :** *bulgare, tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, italien, letton, lituanien, maltais, polonais, portugais, roumain, slovaque, slovène, espagnol et suédois*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Mexique, 1<sup>er</sup> novembre 2015*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Seuls les textes authentiques anglais, français et espagnol de l'Accord sont publiés ici. Les autres textes authentiques de l'Accord ne sont pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.*

**AGREEMENT ON CERTAIN ASPECTS OF AIR SERVICES  
BETWEEN THE UNITED MEXICAN STATES AND THE EUROPEAN UNION**

THE UNITED MEXICAN STATES, of the one part, and THE EUROPEAN UNION, 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.