

/TRADUCCION NO OFICIAL/

Nota No. 443

Su Excelencia:

Tengo a honra dirigirme a Vuestra Excelencia, a fin de referirme al Acuerdo sobre Servicios de Transporte Aéreo entre el Gobierno de la República del Perú y el Gobierno de los Estados Unidos de América, con su Anexo, firmado en Washington, el 16 de Diciembre de 1986, enmendado y prorrogado, en adelante denominado como el Acuerdo.

Según las negociaciones realizadas entre los representantes de nuestros gobiernos en Washington, del 1 al 5 de Mayo, 1995, tengo el agrado de proponer que el Acuerdo se extienda hasta el 11 de Junio, 1998. Asimismo, tengo a honra proponer que el Anexo del Acuerdo, que rige la capacidad y servicios programados, sea reemplazado por el Anexo adjunto a esta Nota.

Su Excelencia

Señor Efraín Golbenberg Schreiber
Primer Ministro y Ministro de
Relaciones Exteriores

Si estas propuestas son aprobadas por el Gobierno de la República del Perú, tengo el agrado de proponer que la presente nota y la de respuesta de Vuestra Excelencia constituyan un acuerdo entre nuestros dos gobiernos, que entraría en vigor en la fecha de la nota de respuesta de Vuestra Excelencia.

Hago propicia la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Incluido:

Texto del Anexo.

Embajada de los Estados Unidos de América,

Lima, 7 de Junio, 1995.

ANNEX I

ROUTES AND CAPACITY

A. COMBINATION SERVICES (PASSENGERS, CARGO AND MAIL)

1. FOR PERU:

(a) ROUTES:

(1) From Peru via intermediate points to the coterminal points of Miami, Florida; Washington/Baltimore; and New York, New York.¹

(2) From Peru via intermediate points to the coterminal points of Miami and Orlando, Florida.¹

(3) From Peru via intermediate points to the coterminal points of Houston, Texas and Los Angeles, California.¹

(4) From Peru via intermediate points to the coterminal points of Houston, Texas and New York, New York.¹

(b) FREQUENCIES BETWEEN PERU AND THE UNITED STATES:²

(1) From the effective date of this Annex, the designated airlines of Peru may operate a maximum of 31.5 weekly narrow body frequencies, or their wide body equivalent, between Peru and the United States.³

(2) Effective November 1, 1996, the designated airlines of Peru may operate an additional 10.5 narrow body frequencies, or their wide body equivalent, for a total of 42 weekly frequencies between Peru and the United States.⁴

(c) FREQUENCIES AT INTERMEDIATE POINTS AND BEYOND

(1) From the effective date of this Annex, the designated airlines of Peru may operate the frequencies specified in paragraph A.1(b) via the following intermediate points:

(a) Panama City, Panama, with a maximum of 6 narrow body frequencies per week, or their wide body equivalent;

(b) Guayaquil, Ecuador, with a maximum of 3 narrow body frequencies per week, or their wide body equivalent;

(c) Four points⁵ with a maximum of 10 narrow body frequencies per week⁶, or their wide body equivalent;

(d) Cali, Colombia, with a maximum of 1.5 narrow body frequencies per week, or their wide body equivalent, on a blind sector basis; and

(e) Mexico City and Cancun, Mexico, on a blind sector basis.

(2) From the effective date of this Annex, the designated airlines of Peru may operate the frequencies specified in paragraph A.1(b) as follows:

(a) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond Miami to Madrid, Spain, and beyond to an additional point in Europe⁸, to be chosen by Peru. This will be considered to be one route.

(b) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond the coterminal points of Miami, Florida; Washington/Baltimore; and New York, New York and beyond the coterminal points of Houston, Texas and New York, New York to Montreal, Canada, with traffic rights from New York to Montreal only.

(c) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond the coterminal points of Houston, Texas and Los Angeles, California to Vancouver, Canada, with traffic rights from Los Angeles to Vancouver only.

2. FOR THE UNITED STATES:

(a) ROUTES:

(1) From the United States via intermediate points to Lima, Peru.

(b) FREQUENCIES BETWEEN THE UNITED STATES AND PERU:²

(1) From the effective date of this Annex, the designated airlines of the United States may operate a maximum of 31.5 weekly narrow body frequencies, or their wide body equivalent, between the United States and Peru.³

(2) Effective November 1, 1996, the designated airlines of the United States may operate an additional 10.5 narrow body frequencies, or their wide body equivalent, for a total of 42 weekly frequencies between the United States and Peru.⁴

(c) FREQUENCIES AT INTERMEDIATE POINTS AND BEYOND

(1) From the effective date of this Annex, the designated airlines of the United States may operate the frequencies specified in paragraph A.2(b) via the following intermediate points:

- (a) Panama City, Panama, with a maximum of 6 narrow body frequencies per week, or their wide body equivalent;
- (b) Guayaquil, Ecuador, with a maximum of 3 narrow body frequencies per week, or their wide body equivalent;
- (c) Quito, Ecuador, with a maximum of 3 narrow body frequencies per week, or their wide body equivalent;
- (d) Bogota, Colombia, with a maximum of 7 narrow body frequencies per week⁷, or their wide body equivalent;
- (e) Cali, Colombia, with a maximum of 1.5 narrow body frequencies per week, or their wide body equivalent, on a blind sector basis; and
- (f) Mexico City and Cancun, Mexico, on a blind sector basis.

(2) From the effective date of this Annex, the designated airlines of the United States may operate the frequencies specified in paragraph A.2(b) as follows:

- (a) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond Lima to La Paz, Bolivia, and beyond to Asuncion, Paraguay, which will be considered as one route.
- (b) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond Lima only to Santiago, Chile.
- (c) A maximum of 3 narrow body frequencies per week or their wide body equivalent may be operated beyond Lima only to Buenos Aires, Argentina.

B. ALL CARGO SERVICES

1. FOR PERU:

(a) ROUTE: From Lima and/or Iquitos, Peru, to the coterminal points of New York, New York; Miami, Florida; Houston, Texas; and Los Angeles, California.

(b) Flights over the route specified in paragraph (a) may operate to/from intermediate and/or beyond points as follows:

- 1. any intermediate and/or beyond point(s) on a blind sector basis;

2. Panama City, Panama and Bogota, Colombia as intermediate points with full traffic rights;

3. Asuncion, Paraguay; La Paz, Bolivia; and Sao Paulo, Brazil as intermediate points with full traffic rights; and

4. 2 points in Canada and 2 points in Asia⁹ as beyond points with full traffic rights.

(c) Flights over the route specified in paragraph (a) may be operated as follows:

1. From the effective date of this Annex, eleven² frequencies per week with narrow body aircraft or their wide body equivalent.

2. Effective November 1, 1996, an additional three frequencies for a total of fourteen frequencies per week with narrow body aircraft or their wide body equivalent.

2. FOR THE UNITED STATES:

(a) ROUTE: From New York, New York; Miami, Florida; Houston, Texas; and/or Los Angeles, California to the coterminal points of Lima and/or Iquitos, Peru.

(b) Flights over the route specified in paragraph (a) may operate to/from intermediate and/or beyond points as follows:

1. any intermediate and/or beyond point(s) on a blind sector basis;

2. Panama City, Panama and Bogota, Colombia as intermediate points with full traffic rights; and

3. Asuncion, Paraguay; La Paz, Bolivia; and Sao Paulo, Brazil as intermediate and/or beyond points with full traffic rights.

(c) Flights over the route specified in paragraph (a) may be operated as follows:

1. From the effective date of this Annex, eleven² frequencies per week with narrow body aircraft or their wide body equivalent.

2. Effective November 1, 1996, an additional three frequencies for a total of fourteen frequencies per week with narrow body aircraft or their wide body equivalent.

C. CONVERSION FORMULA

1. Except as provided in subparagraph 2 of this paragraph, the conversion formula for aircraft shall be as follows:

1.5 narrow body aircraft (DC-8, MD-80, B-707, B-727, B-737, B-757 or similar aircraft) shall be equivalent to one wide body aircraft (L-1011, DC-10, A-300, B-747-SP, B-767 or similar aircraft).

One B-747-100 or similar aircraft will be equivalent to two narrow body aircraft.

2. For flights operated with cargo on the main deck:

Aircraft such as L-1011, DC-10, A-300, B-767, B-747SP or similar aircraft such as DC-8, B-707, B-737, or similar aircraft shall be counted as one narrow body combination service and .5 all-cargo narrow body service.

Flights operated with B-747-100 (Combi) or similar aircraft shall be counted as 1.5 narrow body combination service and one narrow body all-cargo service.

D. OPERATING FLEXIBILITY

Each designated airline, may on any or all flights and at its option, operate flights in either or both directions and without directional or geographic limitation, serve points on the routes in any order, and omit stops at any point or points outside the territory of the Contracting Party which has designated that airline without loss of any right to carry traffic otherwise permissible under this Agreement.

However, these operating rights shall be enunciated in the operating permits issued pursuant to the laws and regulations of the Contracting Parties. Further, the Contracting Parties shall be obliged to authorize such operating flexibility when filed for pursuant to the laws of the Contracting Parties.

E. SCHEDULES

The airlines of each Contracting Party shall submit their schedules to the aeronautical authorities of the other Contracting Party, at least thirty days in advance of the effective date of the schedule, and such schedules shall become effective on the proposed date of effectiveness, provided they conform with the terms of this Annex. The schedules may be submitted less than thirty days in advance, with special permission, as long as they involve changes such as in the day or hour of operations. The aeronautical authorities may only disapprove the submitted schedules when such schedules are not in conformance with the terms of this Agreement.

(10)

F. EXTRA SECTIONS

Each Contracting Party shall give sympathetic consideration to applications for extra-section combination and all-cargo flights by the airlines of the other Contracting Party in addition to the frequencies authorized in paragraphs A.1.(b), A.2.(b), B.1.(c), and B.2.(c), to meet periods of unusual traffic demand.

Notes:

- 1/ The designated airline or airlines shall have traffic rights along this route only with regard to the passengers it has transported from its homeland (stopover traffic).
Coterminal means two or more points which a carrier may serve on an and/or basis as a single terminal point on a route.
- 2/ A frequency is defined as a weekly round trip flight with narrow body equipment or its wide body equivalent.
- 3/ 7 of these frequencies may not serve Miami or Ft. Lauderdale, Florida.
- 4/ 14 of these frequencies may not serve Miami or Ft. Lauderdale, Florida.
- 5/ These points shall be selected by the Government of the Republic of Peru in Ecuador, Colombia, Costa Rica, Honduras, Guatemala, El Salvador or Jamaica. Once the points have been selected, the Government of the Republic of Peru shall notify the Government of the United States by diplomatic note.
- 6/ Effective November 1, 1996, the maximum number of frequencies will increase from 10 to 17.
- 7/ Effective November 1, 1996, the maximum number of frequencies will increase from 7 to 14.
- 8/ This point shall be selected by the Government of the Republic of Peru. Once the point has been selected, the Government of the Republic of Peru shall notify the Government of the United States by diplomatic note.
- 9/ These points may be selected by the Government of the Republic of Peru from among Malaysia, Korea, Singapore and Indonesia. Once these points have been selected, the Government of the Republic of Peru shall notify the Government of the United States by diplomatic note.

Nota RE. NR. 6-3/86

Lima, 3 de julio de 1995.

Señor Embajador

Tengo el honor de dirigirme a Vuestra Excelencia a fin de referirme a la atenta Nota Nr. 443 de la Embajada de los Estados Unidos, relativa al Acuerdo sobre Servicios de Transporte Aéreo entre el Gobierno de Perú y el Gobierno de los Estados Unidos de América, con Anexo, suscrito en Washington el 16 de diciembre de 1986, enmendado y prorrogado, en adelante denominado el Acuerdo.

Al respecto, y de acuerdo a su nota de la referencia, tengo el honor de aceptar la propuesta de su gobierno para que el Acuerdo se extienda hasta el 11 de junio de 1998 y, asimismo, que el Anexo del Acuerdo, que rige la capacidad y servicios programados, sea reemplazado por el Anexo adjunto a esta nota.

En tal sentido, su atenta nota Nr. 443 y la presente constituyen un acuerdo entre nuestro dos gobiernos, el mismo que entrará en vigor en la fecha de recepción de esta nota.

Mé valgo de la oportunidad para renovar a usted, señor Embajador, las seguridades de mi más alta y distinguida consideración.

EFRAIN GOLDENBERG SCHREIBER
Presidente del Consejo de Ministros y
Ministro de Relaciones Exteriores del Perú

Al Excelentísimo Señor Embajador
Alvin Adams
Embajador de los Estados Unidos de América
Lima -