



Cabinet Economic Development Committee

Minute of Decision

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Air Transportation Agreement with Mexico and Authority for Air Services Treaty Actions

Portfolios Foreign Affairs / Transport

On 4 May 2022, the Cabinet Economic Development Committee:

Mexico

- 1 **noted** that New Zealand and Mexican officials have negotiated by correspondence the texts of an exchange of third person diplomatic notes amending the *Air Transportation Agreement between the Government of the United Mexican States and the Government of New Zealand* (the Agreement);
- 2 **noted** that the amendments to the Agreement provide for:
 - 2.1 more flexible airline ownership provisions;
 - 2.2 more flexible tariff filing provisions;
 - 2.3 more comprehensive aviation safety and aviation security provisions;
 - 2.4 provision for the use of leased aircraft;
 - 2.5 the removal of the requirement for the Agreement to be renewed every three years;
- 3 **noted** that on 20 July 2021, the Minister of Foreign Affairs decided that the exchange of diplomatic notes amending the Agreement is not a major bilateral treaty of particular significance and, therefore, need not be subject to the Parliamentary treaty examination process;
- 4 **noted** that the amendments to the Agreement will enter into force on the date of the last notification by which the Parties communicate to each other their compliance with their respective internal procedures;
- 5 **approved** the text of the exchange of diplomatic notes amending the Agreement, attached to the paper under DEV-22-SUB-0093;
- 6 **noted** that, at the request of Mexico, the exchange of diplomatic notes will be concluded largely in the Spanish language, between the New Zealand Embassy in Mexico City and the Mexican Ministry of Foreign Affairs, with the amendments themselves recorded in both English and Spanish;

- 7 **noted** that the text of the exchange of diplomatic notes has been prepared largely in English for ease of understanding;
- 8 **authorised** officials to complete the exchange of diplomatic notes amending the Agreement, subject to any minor and/or technical changes arising from the process of legal verification and/or translation;
- 9 **authorised** officials to conclude a subsequent exchange of diplomatic notes with Mexico to provide for the entry into force of the amendments to the Agreement;

Delegating Authority for Air Services Treaty Actions

- 10 **noted** that New Zealand's approach to negotiating bilateral air services agreements, and any subsequent amendments, remains as set out in the International Air Transport Policy Statement, which has been followed by successive governments;
- 11 **noted** that the risk of officials negotiating an air services agreement, or subsequent amendment, that does not meet the government's expectations is low, as air services agreements are highly standardised and all negotiations are conducted transparently, and in accordance with the International Air Transport Policy Statement;
- 12 **noted** that, in view of the above, in 2015, Cabinet agreed to delegate to the Minister of Transport, in consultation with the Minister of Foreign Affairs, responsibility for issuing mandates for air services negotiations, while retaining Cabinet's responsibility for approving air services agreements once they are negotiated [CBC-15-MIN-0005];
- 13 **agreed** to revoke the decision referred to in paragraph 12 above; and instead
- 14 **authorised** the Minister of Transport and the Minister of Foreign Affairs jointly to approve bilateral air services agreements that are not subject to the Parliamentary Treaty Examination process (including the mandates for those negotiations), and any subsequent amendments, once they are negotiated, including entry into force requirements;
- 15 **agreed** that Cabinet will retain responsibility for approving the outcomes of multilateral air services negotiations, and bilateral air services agreements that are subject to the Parliamentary Treaty Examination process.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon Chris Hipkins
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Willie Jackson
Hon Dr David Clark
Hon Dr Ayesha Verrall
Rino Tirikatene MP
Dr Deborah Russell MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV