

**PROTOCOL TO AMEND THE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA  
AND  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
RELATING TO CIVIL AIR TRANSPORT**

The Government of the People's Republic of China and the Government of the United States of America (hereinafter, the "Parties") desiring to:

Increase travel and tourism between their countries and promote cultural, business and governmental exchanges between them;

Promote their shared, ultimate objective of full liberalization of their bilateral air transport market; and

Facilitate cooperative agreements between their air carriers so as to enable the mutually beneficial development of their aviation industries;

Have agreed to further amend the Agreement between the Government of the People's Republic of China and the Government of the United States of America Relating to Civil Air Transport, signed September 17, 1980, as amended (hereinafter "the Agreement") as follows:

**Article 1**

**Designations**

Subparagraphs (d) and (e) of Paragraph (1) of Article 3 of the Agreement shall be deleted in their entirety and replaced by the following:

- (d) The People's Republic of China may designate an unlimited number of airlines to operate the agreed services on China Routes A and B. Airlines designated pursuant to this subparagraph may begin services as of August 1, 2007.
- (e) The United States may designate one additional airline to operate the agreed services on U.S. Route A or one additional airline to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of August 1, 2007.
- (f) The United States may designate one additional airline to operate the agreed services on U.S. Route A and one additional airline to operate the

agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2009.

- (g) The United States may designate one additional airline to operate the agreed services on U.S. Route A or one additional airline to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2010.
- (h) The United States may designate an unlimited number of airlines to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2011.

## **Article 2**

### **Frequencies**

Paragraphs (2) and (3) of Annex V of the Agreement shall be deleted in their entirety and replaced by the following:

(2) In addition to the frequencies available under paragraph (1) above, the designated airlines of each Party shall be entitled to operate weekly frequencies for combination services on Routes I.A or II.A of Annex I on flights to and from Beijing, Shanghai and Guangzhou (hereinafter "China Zone 1") or to and from Fujian, Guangdong (except Guangzhou), Hebei, Jiangsu, Shandong, Tianjin, and Zhejiang (hereinafter "China Zone 2") according to the following schedule:

- (a) Effective August 1, 2004: an additional 14 weekly frequencies
- (b) Effective March 25, 2005: an additional 7 weekly frequencies
- (c) Effective March 25, 2006: an additional 7 weekly frequencies
- (d) Effective March 25, 2007: an additional 7 weekly frequencies
- (e) Effective August 1, 2007: an additional 7 weekly frequencies
- (f) Effective March 25, 2008: an additional 7 weekly frequencies (restricted to nonstop Guangzhou service)
- (g) Effective March 25, 2009: an additional 28 weekly frequencies
- (h) Effective March 25, 2010: an additional 21 weekly frequencies
- (f) Effective March 25, 2011: an additional 14 weekly frequencies

(g) Effective March 25, 2012: an additional 14 weekly frequencies

Airlines designated by the People's Republic of China may freely convert these frequencies between combination and all-cargo services, and between Route II.A and Route II.B of Annex I. U.S. airlines designated on Route I.A may use these frequencies for combination services only.

(3) In addition to the frequencies available under paragraphs (1) and (2) above, the designated airlines of each Party shall be entitled to operate additional weekly frequencies for all-cargo services on any of the routes provided in Annex I on flights to and from points in China Zone 1 or China Zone 2 according to the following schedule:

- |                               |   |
|-------------------------------|---|
| (a) Effective August 1, 2004: | an additional 21 weekly frequencies                             |
| (b) Effective March 25, 2005: | an additional 18 weekly frequencies                             |
| (c) Effective March 25, 2006: | an additional 12 weekly frequencies                             |
| (d) Effective March 25, 2007: | an additional 15 weekly frequencies                             |
| (e) Effective March 25, 2008: | an additional 15 weekly frequencies                             |
| (f) Effective March 25, 2009: | an additional 15 weekly frequencies                             |
| (g) Effective March 25, 2010: | an additional 15 weekly frequencies                             |
| (h) Effective March 25, 2011: | unlimited frequencies for the airlines designated by each Party |

Airlines designated by the People's Republic of China may freely convert the frequencies listed in (a) through (g) between combination and all-cargo services, and between Route II.A and Route II.B of Annex I. U.S. airlines designated for Route I.A may not use these frequencies for combination or passenger services.

### **Article 3**

#### **Special Aviation Area**

Annex V of the Agreement shall also be amended by deleting paragraph (6) in its entirety and replacing it with the following:

- (6) All U.S. and Chinese airlines may be designated to operate services between the United States and points in China Zone 3 notwithstanding the limitation on the number of designations provided in Article 3 of this Agreement.

Such services may be operated without frequency limitations. China Zone 3 consists of the points in the following areas: Anhui, Chongqing, Gansu, Guangxi, Guizhou, Hainan Island, Heilongjiang, Henan, Hubei, Hunan, Inner Mongolia, Jiangxi, Jilin, Liaoning, Ningxia, Qinghai, Shaanxi, Shanxi, Sichuan, Tibet, Xinjiang, and Yunnan. Notwithstanding any other provisions of the Agreement, each Party may choose 5 points in China Zone 3 that its airlines may serve without limitations on the number of designations and without frequency limitations on: 1) services carrying fifth-freedom traffic between such points and intermediate or beyond points in third countries on the specified routes, and 2) combination services carrying fifth-freedom traffic between such points and Japan. Each Party shall notify the other Party of the five points it has selected, with not less than 30 days' written notice. The points selected may, at the discretion of each Party, be changed with not less than 30 days' written notice to the other Party. However, service to a point in China Zone 3 via a point in China Zone 1 or Zone 2 shall be subject to the designation, frequency and Japan fifth-freedom traffic rights limitations set forth in Annex V of this Agreement.

#### **Article 4**

#### **Code Sharing**

Subparagraphs (1)(b) and (c) of paragraph 5 of Article 11 of the Agreement shall be deleted in their entirety and replaced by the following:

- (b) Airlines of each Party may code share with airlines of the same Party, on the specified routes, without an airline of the other Party, according to the following:
  - (i) Each Party shall be permitted one such code share arrangement as of January 1, 2006; and
  - (ii) Each Party shall be permitted one additional such code share arrangement as of January 1, 2008; and
  - (iii) Each Party shall be permitted one additional such code share arrangement as of March 25, 2009; and
  - (iv) One of the three arrangements under this subparagraph (b) may include two airlines and the other two may include up to three airlines.
- (c) If a code share arrangement permitted under subparagraph (b) above is expanded to include an airline of the other Party, such code share arrangement shall be governed by subparagraph (a) above and therefore shall no longer count against the limit of three such arrangements permitted in subparagraph (b).

## **Article 5**

### **Future Negotiations**

The Parties acknowledge that their mutual, ultimate objective is the full liberalization of their bilateral air transport market. The Parties agree to begin no later than March 25, 2010, to negotiate an agreement and timetable for the full liberalization of their bilateral air transport market and to work together to complete the new agreement as soon as possible.

## **Article 6**

### **Guam and the Northern Mariana Islands**

A new Annex VI shall be added to the Agreement and read as follows:

#### **ANNEX VI**

##### **Service to Guam and the Northern Mariana Islands**

1. Notwithstanding any other provision of this Agreement, the airlines of the People's Republic of China may provide unlimited scheduled air services between the People's Republic of China and Guam and the Northern Mariana Islands.
2. Notwithstanding any other provision of this Agreement, the airlines of the United States may provide unlimited scheduled air services between three points in the People's Republic of China and Guam and the Northern Mariana Islands. The points selected by the United States in the People's Republic of China shall not include either Beijing or Shanghai. The United States shall notify the People's Republic of China in writing of the points it has selected with at least 30 days' advance notice. The points selected may be changed at the discretion of the United States with not less than 30 days' written notice.
3. Air services provided pursuant to paragraphs (1) and (2) of this Annex shall not be subject to limitations as to the number of designations or frequencies.

**Article 7**

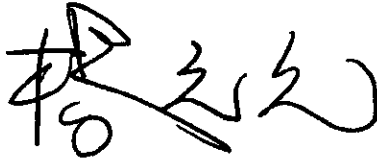
**Entry into Force**

This Protocol shall enter into force upon completion of an exchange of notes through diplomatic channels confirming that each Party has completed its necessary internal procedures.


IN WITNESS WHEREOF, the undersigned being duly authorized by their respective governments, have signed the present Protocol.

DONE at Seattle, in two originals, this 9<sup>th</sup> day of July, 2007, in the Chinese and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF CHINA:



FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:



## 关于修改《中华人民共和国政府和美利坚合众国政府 民用航空运输协定》的议定书

中华人民共和国政府和美利坚合众国政府（以下称为“双方”）为了：

增加两国间的旅行和旅游并推动两国间文化、商务和政府交流；

推动其全面开放双边航空运输市场的共同的最终目标；

便利两国空运企业间合作，使双方航空业得以共同有益发展，

就进一步修改已经修改的一九八〇年九月十七日签订的《中华人民共和国政府和美利坚合众国政府民用航空运输协定》（以下称为“《协定》”）达成协议如下：

### 第一条 指定

《协定》第三条第一款第（四）、（五）项全部删除，并由以下文字取代：

“（四）中国可在其第一条航线和第二条航线上指定无限数量的空运企业经营协议航班。根据本项新增的指定空运企业可自二〇〇七年八月一日起开始经营航班。

（五）美国可在其第一条航线或第二条航线上增加指定一家空运企业经营协议航班。根据本项新增的指定空运企业可自二〇

○七年八月一日起开始经营航班。

(六)美国可在其第一条航线和第二条航线上各增加指定一家空运企业经营协议航班。根据本项新增的指定空运企业可自二〇〇九年三月二十五日起开始经营航班。

(七)美国可在其第一条航线或第二条航线上增加指定一家空运企业经营协议航班。根据本项新增的指定空运企业可自二〇一〇年三月二十五日起开始经营航班。

(八)美国可在其第二条航线上指定无限数量的空运企业经营协议航班。根据本项新增的指定空运企业可自二〇一一年三月二十五日开始经营航班。”

## 第二条 班次

《协定》附件五第二款和第三款全部删除，并由以下文字取代：

“二、除上述第一款规定的班次外，各方指定空运企业有权根据下列时间表在附件一美利坚合众国航线的第一条航线或中华人民共和国航线的第一条航线上，经营往返于北京、上海和广州（以下称为“中国一区”）或往返于福建、广东（除广州外）、河北、江苏、山东、天津和浙江（以下称为“中国二区”）的客货混合航班，每周班次如下：

(一) 自二〇〇四年八月一日起，每周增加 14 班；

(二) 自二〇〇五年三月二十五日起，每周增加 7 班；



- (三) 自二〇〇六年三月二十五日起, 每周增加 7 班;
- (四) 自二〇〇七年三月二十五日起, 每周增加 7 班;
- (五) 自二〇〇七年八月一日起, 每周增加 7 班;
- (六) 自二〇〇八年三月二十五日起, 每周增加 7 班 (仅限于至广州的不经停航班);
- (七) 自二〇〇九年三月二十五日起, 每周增加 28 班;
- (八) 自二〇一〇年三月二十五日起, 每周增加 21 班;
- (九) 自二〇一一年三月二十五日起, 每周增加 14 班;
- (十) 自二〇一二年三月二十五日起, 每周增加 14 班;

中华人民共和国政府指定的中方空运企业可将上述班次在客货混合航班和全货运航班之间、以及附件一中华人民共和国航线的第一条航线和第二条航线之间自由转换使用。指定经营第一条航线的美国空运企业仅可将上述班次用于客货混合航班。

三、除上述第一款和第二款规定的班次外, 各方指定空运企业有权根据下列时间表在附件一的任何航线上, 增加经营往返于中国一区或中国二区的全货运航班, 每周增加的班次如下:

- (一) 自二〇〇四年八月一日起, 每周增加 21 班;
- (二) 自二〇〇五年三月二十五日起, 每周增加 18 班;
- (三) 自二〇〇六年三月二十五日起, 每周增加 12 班;
- (四) 自二〇〇七年三月二十五日起, 每周增加 15 班;
- (五) 自二〇〇八年三月二十五日起, 每周增加 15 班;
- (六) 自二〇〇九年三月二十五日起, 每周增加 15 班;

(七) 自二〇一〇年三月二十五日起, 每周增加 15 班;

(八) 自二〇一一年三月二十五日起, 各方指定空运企业的班次不限;

中华人民共和国政府指定的空运企业可将第(一)至(七)项所列班次在客货混合航班和全货运航班之间、以及附件一中华人民共和国航线的第一条航线和第二条航线之间自由转换使用。指定经营第一条航线的美方空运企业不得将上述班次用于客货混合或客运航班。”

### 第三条 特别航空区

《协定》附件五经修改, 全部删除第六款, 并由以下文字取代:

“六、虽然本协定第三条对指定空运企业的数量有限制, 所有中美双方空运企业可被指定经营美国和“中国三区”间的航班。此类航班无班次限制。“中国三区”包括以下地区的地点: 安徽、重庆、甘肃、广西、贵州、海南岛、黑龙江、河南、湖北、湖南、内蒙古、江西、吉林、辽宁、宁夏、青海、陕西、山西、四川、西藏、新疆和云南。尽管《协定》有其他规定, 各方可在“中国三区”内选择 5 个点, 并且在经营(1)上述 5 个地点与规定航线上第三国境内中间点或以远点之间享有第五业务权的航班, 和(2)上述 5 个地点与日本之间享有第五业务权的客货混合航班时不受指定数量和班次的限制。各方至少应提前 30 天书面通知

另一方其所选择的 5 个地点。各方更改其所选的地点，可至少提前 30 天书面通知另一方。但是，至“中国三区”内一点的航班经过“中国一区”或“中国二区”内一点时，应受本协定附件五有关指定、班次和日本第五业务权规定的限制。”

#### 第四条 代号共享

《协定》第十一条第五款第（一）项第（2）和（3）目全部删除，并由以下文字取代：

“(2)各方空运企业可在无另一方空运企业参与的情况下，根据以下规定与本方空运企业在规定航线上进行代号共享：

1) 自二〇〇六年一月一日起，各方应允许一个此类代号共享安排，并且

2) 自二〇〇八年一月一日起，各方应允许增加一个此类代号共享安排，并且

3) 自二〇〇九年三月二十五日起，各方应允许增加一个此类代号共享安排，并且

4) 本项第（2）目规定的三个代号共享安排，其中一个代号共享安排可包括两家空运企业，另两个代号共享安排可包含三家空运企业。

（3）如果上述第（一）项第（2）目允许的代号共享安排扩大及另一方空运企业，则该代号共享安排应受制于上述第（一）项第（1）目的规定，所以该代号共享安排不再受第（一）项第（2）

目所规定的此类三个代号共享安排的限制。

### **第五条 未来的谈判**

双方承认，其共同的最终目标是双边航空运输市场的全面开放。双方同意，不迟于 2010 年 3 月 25 日开始谈判双边航空运输市场全面开放的协定和时间表，并共同努力尽快达成新协议。

### **第六条 关岛和北马里亚纳群岛**

《协定》增加新的附件六，内容如下：

#### **“附件六**

#### **至关岛和北马里亚纳群岛的航班**

一、虽然本协定有其他规定，中国空运企业可在中国与关岛和北马里亚纳群岛之间经营无限数量的定期航班。

二、虽然本协定有其他规定，美国空运企业可在中国境内 3 个地点与关岛和北马里亚纳群岛之间经营无限数量的定期航班。美国选择的的中国境内地点不包括北京和上海。美国至少应提前 30 天书面通知中国其所选择的地点。美国可更改其所选的地点，并至少提前 30 天书面通知中国。

三、根据本附件第一款和第二款经营的航班，不受指定或班次的数量限制。”

### **第七条 生效**

本议定书在外交换文确认双方已完成必要的国内程序后生效。

下列代表，经其政府正式授权，在本议定书上签字，以昭信守。

本议定书于二〇〇七年七月九日在西雅图签订，一式两份，每份都用中文和英文写成，两种文本同等作准。

中华人民共和国政府

代 表



美利坚合众国政府

代 表

