

No. 21021

**UNITED STATES OF AMERICA
and
JAPAN**

**Memorandum of Consultations relating to air transport
services. Signed at Tokyo on 20 September 1980**

Authentic text: English.

Registered by the United States of America on 15 April 1982.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Mémoire de consultations relatif aux transports
aériens. Signé à Tokyo le 20 septembre 1980**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 15 avril 1982.

MEMORANDUM OF CONSULTATIONS¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO AIR TRANSPORT SERVICES

Representatives of the Government of Japan and the Government of the United States, after consultations, have agreed to record that the following provisional measures will remain in effect until the conclusion of the revision talks on the Civil Air Transport Agreement between the two countries, or December 31, 1982, whichever is earlier, or until otherwise agreed by the two sides.

1. The Government of Japan, upon the filing of schedules with its aeronautical authorities, will promptly authorize an increase in Air Micronesia's* services from Saipan to Tokyo of seven roundtrip flights per week, using B-727 series aircraft.

The Government of Japan, upon the filing of schedules with its aeronautical authorities, will approve an additional increase in Air Micronesia's services from Saipan to Tokyo of four more roundtrip flights per week using B-727 series aircraft, for implementation on October 1, 1981, or, at Air Micronesia's discretion, a later date.

2. At a time subject to its discretion, the Government of Japan will permit Air Micronesia to operate seven roundtrip flights by B-727 series aircraft per week between Saipan and Nagoya. (It is understood that Air Micronesia will have discretion to operate a lesser number of such roundtrip flights and it is further understood that, subject to the provisions of paragraph 3, the total number of additional services in paragraph 1 and this paragraph will not exceed the level of eleven roundtrip flights per week.)

3. For all services between Guam/Saipan and Japan, any increase above the present level** of services (or, in the case of Air Micronesia, any increase above the level mentioned in paragraphs 1 and 2), the following procedures will be used: an application for further increases in frequencies by the designated airlines of either country will be submitted in advance for approval by the aeronautical authorities of the other country in accordance with their respective laws and regulations. When such approval is granted, the airline(s) of that other country will be permitted an equal increase in frequencies. The Government of that other country has the sole discretion to allocate frequencies among its designated airlines. This paragraph is intended to apply to capacity issues and not to affect routes.

4. Upon notification by the Government of Japan that Air Micronesia may operate its services on the Saipan/Nagoya route, the Government of the United States will promptly authorize a Japanese designated airline to commence scheduled cargo services between Tokyo and Chicago at the level of two roundtrip flights per week.

* As used in this Memorandum, "Air Micronesia" means Continental/Air Micronesia or its corporate successor.

** The "present level" with regard to the Japanese designated airline on the Tokyo-Saipan-Guam route means seven roundtrip flights per week.

¹ Came into force on 20 September 1980 by signature.

5. For the purposes of this Memorandum, frequencies will be calculated on the basis of narrow-body aircraft according to the following formula: one round-trip frequency using a wide-body aircraft is the equivalent of two roundtrip frequencies using narrow-body aircraft.

6. The Government of the United States maintains, as a matter of principle, that Air Micronesia is entitled to serve Osaka, and the provisional measures recorded in this Memorandum are without prejudice to that position. The Government of Japan maintains that given the current physical constraints of the Osaka Airport, and taking into account the fact that at present there are already three designated airlines of the US serving Osaka, its legal obligation under the Civil Air Transport Agreement between the two countries is being fulfilled. These provisional measures are also without prejudice to the position of either government on any other issue relating to the provision of air services between Saipan/Guam and Japan.

Tokyo, September 20, 1980

[Signed]

TAKAKAZU KURIYAMA
For the Japanese Delegation

[Signed]

B. BOYD HIGHT
For the United States

[Signed]

TOYOICHIRO NAKADA
For the Japanese
Aeronautical Authorities
