



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 19th day of July, 2025

Served: July 19, 2025

In the Matter of

**AEROVIAS DE MEXICO, S.A. DE C.V.;
AEROLITORAL, S.A. DE C.V. D/B/A
AEROMEXICO CONNECT;
AEROENLACES NACIONALES, S.A. DE
C.V. D/B/A VIVAAEROBUS;
AEROTRANSPORTES RAFILHER, S.A.
DE C.V. D/B/A AERUS;
CONCESIONARIA VUELA COMPANIA
DE AVIACION, S.A.P.I. DE C.V. D/B/A
VOLARIS; GRUPO AEREO
MONTERREY, S.A. DE C.V. D/B/A
MAGNICHARTERS; LINK CONEXION
AEREA S.A. DE C.V. D/B/A TAR
AEROLINEAS; ESTAFETA CARGA
AEREA, S.A. DE C.V.;
AEROTRANSPORTES MAS DE CARGA,
S.A. DE C.V.; AEROTRANSPORTE DE
CARGA UNION, S.A. DE C.V. D/B/A
AVIANCA CARGO MEXICO; TM
AEROLINEAS, S.A. DE C.V. D/B/A
AWESOME CARGO; MCS AEROCARGA
DE MEXICO S.A. DE C.V. D/B/A TUM
AEROCARGA; and AERONAVES TSM
S.A. DE C.V.**

Docket DOT-OST-2025-0435

**Authority to conduct charter operations under
14 CFR Part 212 of the Department's
regulations**

ORDER

By this Order, the U.S. Department of Transportation (the Department) notifies the above-captioned foreign air carriers of Mexico holding economic authority from the Department that they will be required, effective 30 days after the service date of this Order, to obtain prior approval from the Department in the form of a statement of authorization before operating, using large aircraft, any passenger or cargo charter flights to or from the United States.¹

We are taking this action because the Government of Mexico (GoM) has, over the objections of the U.S. Government, impaired the operating rights of U.S. carriers and denied them the fair and equal opportunity to exercise their operating rights in the U.S.-Mexico market, and thus has acted contrary to the 2015 U.S.-Mexico Air Transport Agreement (the Agreement).²

In Order 2025-7-11, issued concurrently in Docket DOT-OST-2025-0436, we set forth extensive background on this matter and impose 14 CFR Part 213 schedule filing requirements on some of the above-captioned carriers, specifically those that provide scheduled passenger and/or cargo services.

In addition to the issues described in the concurrent Part 213 Order, we are also concerned, based on complaints that the Department has received, that the GoM has denied U.S. all-cargo carriers' requests: 1) to reposition their aircraft within Mexico on a non-revenue basis (also known as ferrying aircraft), or 2) to perform co-terminalized services in Mexico.³ These rights are established under the Agreement and the Department allows Mexican air carriers to conduct them in their operations to and/or from the United States. Specifically, Article 2.1.b. of the Agreement allows U.S. airlines the right to make stops in Mexico for non-traffic purposes. The right for U.S. airlines to perform co-terminalization cargo services in Mexico (*i.e.*, making two or more stops in Mexico to pick up or drop off international traffic without carrying local revenue traffic) is provided for under Section B.1. of Annex 1 of the Agreement, which establishes that the airlines designated by the Government of the United States shall be entitled to operate all-cargo services from a point or points in Mexico to any point. This right is further provided for by the operational flexibilities available under Section C.1. of Annex 1 of the Agreement, under which U.S. airlines may, *inter alia*: 1) make stopovers at any points whether within or outside the territory of either the United States or Mexico; 2) carry

¹ 14 CFR Part 212.9(d) of our regulations states that the Department may, with at least 30 days' notice, require a foreign air carrier to obtain a statement of authorization before operating any charter flight to or from the United States. At this time, we are excluding from the prior approval requirement Mexican air taxi operators conducting Mexico-U.S. charters using only small-aircraft (a maximum passenger capacity of 60 seats or less, or a maximum payload capacity of 18,000 pounds or less).

² See 14 CFR Part 212.9(d)(3).

³ By letter dated May 9, 2025, the Department provided evidence of these denials to the Federal Civil Aviation Agency of Mexico, and requested prompt resolution of the matter by the Mexican authorities.

transit traffic through the other Party's territory; and 3) combine traffic on the same aircraft regardless of where such traffic originates.

On May 9, 2025, the Department sent a letter to the Federal Civil Aviation Agency of Mexico (AFAC) which noted the complaints raised by U.S. carriers regarding the denials they face in Mexico when seeking to perform intra-Mexico non-revenue or co-terminalized services in accordance with their rights available under the Agreement and requested a prompt resolution of the issue. Since receiving the Department's letter, AFAC sent a communication to its regional offices, also known as "comandancias," informing them of the rights of U.S. carriers under the Agreement to perform intra-Mexico services on a non-revenue or co-terminalized basis. The Department will monitor the effect of AFAC's communication in obtaining approvals for U.S. carriers to operate intra-Mexico non-revenue or co-terminalized air services in a manner consistent with their rights under the Agreement.

Based upon the above and until such time that these matters have been satisfactorily resolved, the Department finds that prior approval of all proposed large-aircraft charter operations by the above-captioned carriers to or from the United States is warranted.⁴

Therefore, in the circumstances presented, in accordance with 14 CFR Part 212.9(d), the Department is imposing charter prior-approval conditions on the above-captioned foreign air carriers of Mexico, as discussed above. The Department finds that such action is in the public interest.⁵

ACCORDINGLY,

1. We notify the above-captioned carriers, in accordance with 14 CFR Part 212.9(d) of the Department's regulations, that, effective 30 days from the service date of this Order, they shall not perform any charter flights using large aircraft to or from the United States, unless the Department has granted them specific authority in the form of a statement of authorization to conduct such charters;
2. In accordance with the provisions of 14 CFR Part 212.10(d)(3), the above-captioned carriers shall file applications for statements of authorization required by paragraph 1 above at least 30 calendar days before the proposed charter flights;
3. We may amend, modify, or revoke this Order at any time and without hearing; and
4. We will serve this Order on the above-captioned carriers; the Secretariat of Infrastructure, Communications and Transportation in Mexico; the Embassy of

⁴ This charter prior approval condition will remain in place until further action by the Department.

⁵ We will also impose this prior approval requirement on any foreign air carriers of Mexico that may receive economic authority from the Department to conduct large-aircraft charter operations in the future, should this order be in effect at that time.

Mexico in Washington, D.C.; the Departments of Commerce and State; the Transportation Security Administration; and the Federal Aviation Administration.

By:

SEAN P. DUFFY
Secretary of Transportation

(SEAL)

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