



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

Issued by the Department of Transportation
on the 28th day of October, 2025

Served: October 28, 2025

In the matter of the schedules of

Docket DOT-OST-2025-0436

**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;
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;
and TM AEROLINEAS, S.A. DE C.V. D/B/A
AWESOME CARGO**

**PART 213 NOTIFICATION
AND ORDER DISAPPROVING CERTAIN SCHEDULES**

Summary

By this Order, the U.S. Department of Transportation (the Department) is notifying the above-captioned foreign air carriers of Mexico (as specified in the text and set forth in ordering paragraphs below) that pursuant to 14 CFR Part 213 it is disapproving portions of their

schedules that were filed in response to Order 2025-7-11. The Department is taking this action based on the finding that operation of the services associated with these schedules will adversely affect the public interest, as a result of actions taken by the Government of Mexico (GoM) that have impaired certain operating rights provided to U.S. carriers under the 2015 U.S.-Mexico Air Transport Agreement (the Agreement), and the denial by the GoM of the fair and equal opportunity of U.S. air carriers to exercise those operating rights.

Background

Aviation relations between the Government of the United States (USG) and the GoM are governed by the Agreement, which establishes, among other rights, the legal basis for the air carriers of both parties to provide certain air services between the two countries. For airlines of the United States, Annex I of the Agreement provides, among other opportunities, rights to conduct scheduled combination (passenger/cargo) operations between any point or points in the United States and any point or points in Mexico; and, for all-cargo services, (a) from a point or points in the United States, via an intermediate point or points, to a point or points in Mexico, and beyond, and (b) from a point or points in Mexico to any point. Further, Article 11(1) of the Agreement also establishes that “[e]ach Party shall allow a fair and equal opportunity for the airlines of both Parties to compete in providing the international air transportation governed by this Agreement.” Article 11(2) of the Agreement also mandates that “neither Party shall unilaterally limit the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by the airlines of the other Party, except as may be required for customs, technical, operational, or environmental reasons under uniform conditions consistent with Article 15 of the Convention.”

By Order 2025-7-11, issued July 19, 2025 in the present Docket, the Department fully described how the GoM has, over the objections of the USG, taken actions that have impaired the ability of U.S. air carriers to fully exercise the above-mentioned rights, thereby denying U.S. air carriers a fair and equal opportunity to compete.¹ In general, the primary areas of USG concern are related to the issuance of a cargo decree by the GoM and slot-related matters at Benito Juarez International Airport (MEX) in Mexico City, also known as “AICM.” The Department recalls those discussions below.

Decree Prohibiting All-Cargo Operations (MEX)

On February 2, 2023, the GoM issued a Presidential Decree (the Decree) prohibiting all-cargo operations at MEX,² forcing air carriers that operated all-cargo services to or from MEX to cease their MEX operations entirely, with some air carriers thereby transferring operations to other airports, such as Felipe Angeles International Airport (NLU) in Santa Lucia. The Decree explicitly exempted air carriers providing cargo services through combination operations (*i.e.*,

¹ See Order 2025-7-11 for a more comprehensive background summary.

² February 2, 2023, Decree that establishes the closure of the Benito Juarez International Airport of Mexico City, with respect to the operations of the indicated air transport services to the public.

https://dof.gob.mx/nota_detalle.php?codigo=5678705&fecha=02/02/2023

transporting passengers and cargo), thereby allowing combination carriers to continue to transport freight to and from MEX as belly cargo. The terms of the Decree initially provided air carriers with 108 business days from the date of issuance of the Decree to cease all-cargo operations at MEX. Those terms were subsequently extended by an additional 40 business days.³ On September 1, 2023, the three U.S. air carriers providing all-cargo services at MEX ceased those operations and transitioned them to NLU.

Well before the Decree took effect, the Department exchanged a series of letters with the Mexican Secretariat of Infrastructure, Communications and Transportation (SICT) in which it raised a number of issues relating to the planned Decree. The Department asserted that the sudden prohibition of all-cargo services to and from MEX is inconsistent with Mexico's bilateral obligations under the Agreement, specifically the route rights contained in Annex 1(B), which establish the right of U.S. air carriers to operate all-cargo services to any point in Mexico. Further, the Department noted that the prohibition of all-cargo services at MEX would be inconsistent with the "fair and equal opportunity for the designated airlines of both Parties to compete" established under Article 11(1) of the Agreement, and also inconsistent with Article 11(2) of the Agreement, which provides that, with certain specific exceptions, neither Party shall unilaterally limit the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by the airlines of the other Party. Air carriers operating combination services continue to benefit from the proximity and infrastructure advantages of MEX, whereas U.S. air carriers operating all-cargo services have incurred extra costs and other challenges associated with transitioning operations to NLU, thereby resulting in a competitive imbalance between combination and all-cargo carriers.

As discussed in Order 2025-7-11, the Department repeatedly expressed its opposition to the Decree through the letters to SICT, technical government-to-government consultations, and other bilateral engagements, including a meeting with then-President of Mexico, Andres Manuel Lopez Obrador. Throughout this process, the Department maintained that the sudden prohibition of all-cargo services at MEX was inconsistent with Mexico's bilateral obligations under the Agreement, and repeatedly insisted that the GoM rescind the Decree and restore the ability of U.S. all-cargo carriers to serve MEX.

MEX historic slot confiscations

On August 26, 2022, after the GoM issued a resolution declaring the terminals at MEX saturated,⁴ the MEX airport slot coordinator seized historic slots from three U.S. combination carriers (American, Delta, and United) and three Mexican air carriers (Aeromexico, Viva Aerobus, and Volaris) operating scheduled passenger services at MEX for the Winter

³ On June 7, 2023, GoM extended the deadline for cargo airlines to transfer their operations out of Mexico City International Airport by 40 days. *See*

<https://www.gob.mx/sct/prensa/se-amplia-a-40-dias-el-plazo-a-empresas-aereas-de-carga-para-el-traslado-de-sus-operaciones-del-aicm>

⁴ "Resolution declaring the saturation of the terminal buildings of the Benito Juarez International Airport in Mexico City," available at https://dof.gob.mx/nota_detalle.php?codigo=5644607&fecha=03/03/2022#gsc.tab=0

2022/2023 traffic season.⁵ At the time, Mexican authorities cited a need to reduce overall operations at MEX from 61 to 52 per hour in order to undertake construction projects to improve the quality of services to the public. Although the GoM indicated that the slot reductions were temporary in nature,⁶ slots had been rescinded for every subsequent traffic season through the current season.⁷ In addition, the GoM issued a resolution on August 31, 2023, declaring MEX runway usage to be saturated and mandating that MEX operations be further reduced from 52 to 43 per hour effective with the Winter 2023/2024 traffic season.⁸ The basis for these significant operational reductions remains unclear as nothing physically has changed with respect to either the terminals or the runways at MEX; MEX had operated at a usage rate of 61 movements per hour since 2014.⁹

Since the initial round of capacity reduction and ensuing slot confiscations at MEX, the Department has raised its concerns to the GoM in letters and during the formal consultations held with Mexico in March 2023. In its outreach, the Department asked for a copy of any analysis that led the GoM to declare that MEX was saturated, information and timing on any construction to take place at MEX during the service reductions, and an assurance that U.S. air carriers would be allowed to recover their historic slots upon completion of construction necessary to alleviate the saturation levels at MEX. At the time the Department issued Order 2025-7-11, we had not received any of the requested information or assurances that we sought from the GoM, nor had the GoM initiated any major construction projects at MEX.

The Department's concerns with the slot management regime at MEX, including the lack of transparency and compliance with international norms, are longstanding and well-established.¹⁰ As noted in Order 2025-7-11, the Agreement does not entitle U.S. air carriers to particular slots, but the Department found that the magnitude of these moves by the Mexican authorities calls into question the extent to which the GoM may actively use or repeat spurious slot management practices at MEX to skew competitive dynamics between air carriers or airports. In this instance, it is notable that these sudden capacity reductions at MEX were implemented at a time when the GoM was actively looking to increase traffic at NLU,¹¹ which – despite efforts from the Lopez Obrador administration – was struggling to attract services.

⁵ Common names are used for the referenced airlines. Additionally, the word “historic” refers to the common terminology in slot administration of providing season-to-season historical rights of return.

⁶ “AICM and Airlines Agree to Provisionally Reduce Operations During the Winter Season.” <https://www.gob.mx/aicm/articulos/aicm-y-aerolineas-acuerdan-disminuir-de-manera-provisional-operaciones-en-temporada-de-invierno-312557?idiom=es>.

⁷ See Subsequent Developments, below.

⁸ “Resolution declaring the saturation of the ‘Benito Juarez’ International Airport in Mexico City.” https://www.dof.gob.mx/nota_detalle.php?codigo=5700389&fecha=31/08/2023.

⁹ “Declaration of saturation at the Mexico City Benito Juarez International Airport airfield.” https://dof.gob.mx/nota_detalle.php?codigo=5361802&fecha=29/09/2014.

¹⁰ See e.g., Order 2016-12-13, at 16-18.

¹¹ “AMLO wants more flights to AIFA.” <https://www.bloomberglia.com/2022/05/03/amlo-quiere-mas-vuelos-al-aifa-asi-fue-su-desempeno-en-los-primeros-10-dias/>.

Accordingly, Order 2025-7-11 found that the GoM had unilaterally limited the volume of traffic of U.S. carriers at MEX in a manner that contravenes Article 11(2) of the Agreement. Moreover, since the time that the reductions were made by the GoM, certain Mexican air carriers whose slots were also confiscated at MEX have been able to add a significant number of new U.S. services from the airport by repurposing slots.¹² Meanwhile, U.S. carriers are uniquely disadvantaged – vis-a-vis their Mexican and third-country competitors – in their ability to plan, maintain, and/or add services at MEX given these arbitrary and non-transparent slot revocation and allocation decisions. The degree of opacity and arbitrariness surrounding the GoM’s slot management practices at MEX, coupled with their disproportionate impacts on U.S. air carriers versus Mexican air carriers or third-country air carriers, undermine the fair and equal opportunity of U.S. air carriers to compete guaranteed by Article 11(1) of the Agreement.¹³

Against this background, on July 19, 2025, the Department issued Order 2025-7-11 to impose Phase 1 schedule filing requirements under 14 CFR part 213 of the Department’s regulations to cover all of the scheduled combination and all-cargo services of the captioned foreign air carriers operating to and from the United States.

Subsequent Developments

Since the issuance of Order 2025-7-11, the Department has honored its commitment to engage the GoM and SICT to press for a solution that allows U.S. air carriers fully to exercise the rights available to them under the Agreement. In that connection, there have been a number of subsequent written communications between the Department and SICT, as well as an in-person meeting between the parties. While these engagements have resulted in some progress, namely a commitment to return confiscated U.S. air carrier slots in the near term and future plans to begin implementing international slot allocation norms at Mexican slot-controlled airports by the first half of 2026, the Department has maintained with the GoM that broader competition issues persist. Most notably, Mexican air carriers have added a significant number of new U.S. services from MEX through the repurposing of other slots in those carriers’ MEX slot portfolios, while U.S. air carrier service levels remain frozen. For the most part, these engagements have not been productive in terms of establishing a legitimate basis for the GoM’s significant capacity reductions at MEX or the parameters governing Mexico’s slot management practices at MEX while the capacity reductions remain in place. Similarly, the engagements have done nothing to establish a sound legal basis for the GoM’s forced movement of all-cargo operations out of MEX, or more generally in addressing the GoM’s State-directed market interventions, aimed at positioning NLU as a new Mexico City hub, and their inconsistency with Mexico’s obligations under the Agreement.

¹² See, e.g., <https://www.aeromexico.com/cms/sites/default/files/2024-10/2110%20ENG%20PRESS%20RELEASE%20PHOENIX.pdf>.

¹³ We note that third-country combination carriers did not have to relinquish slots as part of Mexico’s forced capacity reductions at MEX.

Decision

The Department has remained steadfast in its commitment to working with SICT and the GoM to rectify the long outstanding matters associated with the GoM's failure to honor its obligations under the Agreement. While the Department recognizes that the SICT has just recently announced some degree of progress towards bringing the GoM back into compliance with the Agreement, the fact remains that, as further discussed below, the majority of the concerns the Department has repeatedly raised with the GoM over a number of years remain unresolved, whether entirely or in part.

With respect to the issue of the return of confiscated slots to U.S. air carriers at MEX, the Department notes that the impacted U.S. air carriers have effectively been denied the ability to exercise any traffic rights associated with the slots for three years, and at best may be in position to realize the benefit of reestablishing service with the slots for the Summer 2026 traffic season. Nevertheless, the Department acknowledges and welcomes the recent indication by SICT that the slots confiscated from U.S. air carriers have been "returned." However, notwithstanding explicit questions posed by the Department to SICT, there remains substantial uncertainty with respect to the underlying basis of Mexico's capacity reductions at MEX and in particular a lack of definitive information regarding the forward-looking capacity plans at the airport. This continues to result in a disproportionate level of overall unpredictability for U.S. air carriers and therefore continues to lead to an unsettled competitive state of affairs now and in the future.

With regard to the Department's concerns with Mexico's lack of transparent, non-discriminatory, overall slot allocation regime management, the Department again takes note of recent developments by the GoM. It has recently published, in its Official Gazette, the General Guidelines for the Allocation of Landing and Takeoff Slots at Saturated Airports in Mexico, which may lead to changes in slot administration at Mexican airports. Similarly, the Department acknowledges the GoM's commitment relayed to us that it will acquire an automated slot management system. While these have the potential to be positive advancements, a number of other relevant questions regarding Mexico's compliance with the IATA Worldwide Airport Slot Guidelines (WASG) by rule and practice remain unanswered, and the information provided to date remains incomplete. Meanwhile, the opaque slot allocation and management system and business practices remain in place at MEX. In the context of the Agreement, the Department notes that the extent to which Mexico deviates from international norms in slot management practices has incontrovertibly impacted U.S. air carriers' ability to compete fairly in accordance with the Agreement's provisions. Notwithstanding the noted recent potential progress in this area, the Department remains concerned that U.S. air carriers, which have already long suffered negative outcomes caused by inconsistent slot management, will still be unable to realize the competitive benefits of these purported positive changes for the foreseeable future.

The Department also remains alarmed by the outright refusal of SICT and the GoM to rescind the Decree at MEX so as to right the egregious negative impact it has had on the services of

U.S. all-cargo carriers through the direct denial of a valuable bilateral right. Moreover, the unilateral imposition by the GoM of the Decree continues to cause an ongoing competitive imbalance at MEX between all-cargo and combination carriers, since the latter may still enjoy the advantages of transporting belly cargo on their passenger services to/from MEX. Despite repeated Department requests that the GoM reconsider its anticompetitive unilateral imposition established as a result of the Decree, the GoM thus far has repeatedly indicated its unwillingness to do so. As a result, there appears to be zero potential on the horizon for complete Agreement compliance by the GoM. In the meantime, the forced movement of all-cargo operations out of MEX coupled with the GoM's State-directed market interventions to bolster NLU as a Mexico City hub continue to contravene the Agreement, with impacts to competition in multiple markets in the broader U.S.-Mexico City and Mexico markets.

Considering the unsuccessful efforts outlined above and the significant impact that the GoM's noncompliance with the Agreement has inflicted on U.S. air carriers, in particular the apparent absence of any indication that the GoM intends to return to full compliance with the Agreement, the Department finds that pursuant to 14 CFR § 213.3(d) of our regulations, and in accordance with the representations repeatedly made by the USG in the course of consultations and other interactions with the GoM, that by the actions it has taken leading to its failure to act in a manner consistent with the Agreement, the GoM, over the objections of the USG, has impaired the operating rights of U.S. air carriers to fully exercise the rights provided to them under the Agreement, and also denied U.S. air carriers a fair and equal opportunity to compete in a manner consistent with the Agreement. The Department further finds that (1) operation of the existing, proposed, and prospective services specified below as filed by certain Mexican air carriers in response to Order 2025-7-11 would adversely affect the public interest, and (2) disapproval of the services associated with the existing, proposed, and prospective schedules filed by the specified Mexican air carriers is in the public interest. As developments warrant, the Department may take additional actions in the future. The actions the Department is taking now are as follows:

Disapproval of Schedules for Existing Services

The Department has determined that the public interest calls for disapproval of the existing schedules filed by Aerovias de Mexico, S.A. de C.V. and/or Aerolitoral, S.A. de C.V. d/b/a Aeromexico Connect in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, insofar as they provide for existing Santa Lucia (NLU)-Houston (IAH) and Santa Lucia (NLU)-McAllen (MFE) services.

Disapproval of Schedules for Proposed Services

The Department has determined that the public interest calls for action to prevent the inauguration of the following services, through disapproval of the proposed schedules of the specified carriers filed in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, to the extent that they provide for the following services:

- the proposed Mexico City (MEX)-San Juan (SJU) service of Aerovias de Mexico, S.A. de C.V. and/or Aerolitoral, S.A. de C.V. d/b/a Aeromexico Connect, scheduled to begin on October 29, 2025;
- the proposed Mexico City (MEX)-Newark (EWR) service of Concesionaria Vuela Compania de Aviacion, S.A.P.I. de C.V. d/b/a Volaris, scheduled to begin on November 2, 2025; and
- the proposed services of Aeroenlaces Nacionales, S.A. de C.V. d/b/a VivaAerobus between Santa Lucia (NLU), on the one hand, and the U.S. points specified immediately below, on the other hand, scheduled to begin in November-December 2025:
 - Austin (AUS); New York (JFK); Chicago (ORD); Dallas/Ft. Worth (DFW); Denver (DEN); Houston (IAH); Los Angeles (LAX); Miami (MIA); and Orlando (MCO).

Furthermore, to the extent not already encompassed above, the Department hereby disapproves, until further notice of the Department: (1) all prospective schedules that may be subsequently filed by the above-captioned foreign air carriers of Mexico in Docket DOT-OST-2025-0436 in response to Order 2025-7-11 for any and all new proposed services between Santa Lucia (NLU) or Mexico City (MEX), on the one hand, and any U.S. point, on the other hand, and (2) all prospective schedules that may be subsequently filed by the above-captioned foreign air carriers in response to Order 2025-7-11 for any and all proposed increase in frequency for existing services between Santa Lucia (NLU) or Mexico City (MEX), on the one hand, and any U.S. point, on the other hand.

The Department finds that disapproval of the schedules providing for the services specified above is an appropriate response to the longstanding and widespread noncompliance by the GoM with the Agreement, and the resulting broad collective harm its action has had, and for considerable part will continue to have, on the services of U.S. combination and all-cargo carriers as described herein.

The Department's overriding goal is not the perpetuation or escalation of this situation, but rather an improved environment wherein all air carriers of both parties will be able to exercise fully their bilateral rights. The Department is prepared to reconsider its action to disapprove the above schedules should the GoM return to full compliance with its obligations under the Agreement.

This Order is issued under authority redelegated by the Under Secretary of Transportation for Policy in 49 CFR § 1.25a(b)(6)(ii)(B), as further authorized in 49 CFR § 1.60(b).

ACCORDINGLY,

1. The Department disapproves the schedules filed by Aerovias de Mexico, S.A. de C.V. and/or Aerolitoral, S.A. de C.V. d/b/a Aeromexico Connect in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, insofar as they provide for existing Santa Lucia (NLU)-Houston (IAH) and Santa Lucia (NLU)-McAllen (MFE) services;
2. The Department disapproves the schedules filed by Aerovias de Mexico, S.A. de C.V. and/or Aerolitoral, S.A. de C.V. d/b/a Aeromexico Connect in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, insofar as they provide for proposed Mexico City (MEX)-San Juan (SJU) service, scheduled to begin on October 29, 2025;
3. The Department disapproves the schedules filed by Concesionaria Vuela Compania de Aviacion, S.A.P.I. de C.V. d/b/a Volaris in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, insofar as they provide for proposed Mexico City (MEX)-Newark (EWR) service, scheduled to begin on November 2, 2025;
4. The Department disapproves the schedules filed by Aeroenlaces Nacionales, S.A. de C.V. d/b/a VivaAerobus in Docket DOT-OST-2025-0436 in response to Order 2025-7-11, insofar as they provide for proposed service between Santa Lucia (NLU), on the one hand, and the U.S. points specified immediately below, on the other hand, scheduled to begin in November-December 2025:
 - a. Austin (AUS); New York (JFK); Chicago (ORD); Dallas/Ft. Worth (DFW); Denver (DEN); Houston (IAH); Los Angeles (LAX); Miami (MIA); and Orlando (MCO);
5. The Department disapproves all prospective proposed schedules that may be subsequently filed by the above-captioned foreign air carriers of Mexico in Docket DOT-OST-2025-0436 in response to Order 2025-7-11 for any new proposed services between Santa Lucia (NLU) or Mexico City (MEX), on the one hand, and any U.S. point, on the other hand, until further notice of the Department;
6. The Department disapproves all prospective proposed schedules that may be subsequently filed by the above-captioned foreign air carriers in response to Order 2025-7-11 for any proposed increase in frequency for existing services between Santa Lucia (NLU) or Mexico City (MEX), on the one hand, and any U.S. point, on the other hand, until further notice of the Department;
7. The disapproval specified in Ordering Paragraph 1 above shall be effective on November 7, 2025; or immediately upon affirmative approval by the President of the United States;
8. The disapprovals specified in Ordering Paragraphs 2 through 6 above shall be effective immediately;

9. The Department may amend, modify, or revoke this Order at any time and without hearing; and

10. The Department will serve this Order on the above-captioned air carriers; the Secretariat of Infrastructure, Communications and Transportation in Mexico; the Embassy of Mexico in Washington, D.C.; the Departments of Commerce and State; the Transportation Security Administration; and the Federal Aviation Administration.

By:

DANIEL J. EDWARDS

Principal Deputy Assistant Secretary
Aviation and International Affairs

(SEAL)

An electronic version of this document is available online at:
<http://www.regulations.gov>