



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 Prohibition of the Transportation of
Cargo in Combination Service Between Benito Juarez
International Airport and the United States by:

**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;
and LINK CONEXION AEREA S.A. DE C.V.,
D/B/A TAR AEROLINEAS**

Docket DOT-OST-2025-1920

**ORDER TO SHOW CAUSE PROPOSING TO CONDITION
CERTAIN FOREIGN AIR CARRIER PERMITS AND EXEMPTIONS**

Summary

By this Order, and another order being issued concurrently,¹ the U.S. Department of Transportation (the Department) is taking further steps to address actions of 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. carriers to exercise those operating rights. Specifically, the Department is tentatively prohibiting the transportation of cargo on all combination services (often called “belly cargo”) operated by the following foreign air carriers of Mexico between Benito Juarez International Airport (MEX) in Mexico City, and the United States: 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

¹ See Order 2025-10-13, issued concurrently, disapproving certain Mexican carrier schedules under 14 C.F.R. Part 213.

Aeris; Concesionaria Vuela Compania de Aviacion, S.A.P.I. de C.V. d/b/a Volaris; and Link Conexion Aerea S.A. de C.V., d/b/a TAR Aerolineas. This Order proposes, pursuant to 49 U.S.C. § 41304(a) and 49 U.S.C. § 40109(c), to condition the foreign air carrier permits and exemptions held by these foreign air carriers of Mexico to preclude such cargo transportation, effective 108 business days after a final order is served in this matter.

We will afford interested parties 14 days from the date of this Order to file comments to our tentative decision. Replies will be due seven calendar days thereafter.

Background

On July 19, 2025, the Department issued two orders announcing steps we were taking to address the GoM's non-compliance with the Agreement. By Order 2025-7-10, the Department required Mexican air carriers to obtain specific prior approval from the Department under 14 CFR part 212 before operating any charter flight using large aircraft to or from the United States. By Order 2025-7-11, the Department imposed Phase 1 schedule filing requirements under 14 CFR part 213 on Mexican air carriers providing scheduled passenger and/or cargo services to or from the United States. The Department is issuing Order 2025-10-13, concurrently with this Order, to impose Phase 2 Notification and Schedule Disapproval on certain Mexican air carriers.

Orders 2025-7-11 and 2025-10-13 set forth extensive background on the GoM actions taken over the objection of the United States Government that led the Department to act. Among the Department's concerns, as related to the tentative decision in this Order, is the February 2, 2023, Presidential Decree prohibiting all-cargo operations at MEX (the Decree).² The Decree forced air carriers that operated all-cargo services to or from MEX to cease their MEX operations entirely. In response some all-cargo carriers transferred flights 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.*, operations that are also transporting passengers, thereby allowing combination carriers to continue to transport freight to and from MEX as belly cargo on their passenger operations. 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. On September 1, 2023, the three U.S. air carriers providing all-cargo services at MEX ceased those operations and transitioned their operations to NLU.

As noted above, air carriers operating combination services are not prohibited by the Decree from transporting cargo with passengers, and they continue to benefit from the proximity and infrastructure advantages of MEX, resulting in a competitive imbalance between combination and all-cargo carriers. U.S. carriers that were operating all-cargo services at MEX, on the other hand, have incurred extra costs, limitations, and other challenges associated with transitioning operations to NLU, furthering the competitive imbalance between combination and all-cargo carriers.

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.

As discussed in Orders 2025-7-11 and 2025-10-13, the Department continually expressed its opposition to the Decree through a series of letters to the Mexican Secretariat of Infrastructure, Communications and Transportation (SICT), through technical government-to-government consultations, and via other bilateral engagements, including a meeting with then-President of Mexico Andres Manuel Lopez Obrador. All throughout this period, the Department maintained that the sudden and apparently permanent prohibition of all-cargo services at MEX was inconsistent with Mexico's bilateral obligations under Annex 1(B), Articles 11(1) and 11(2) of the Agreement,³ and the Department repeatedly insisted that the GoM rescind the Decree and restore the ability of U.S. all-cargo carriers to serve MEX, should they wish to do so.

Since issuing the Department's July 19, 2025 Orders, the Department has continued to exchange letters and other communications with the GoM, and has again pressed the GoM and SICT to rescind the Decree and restore the option for U.S. all-cargo carriers to serve MEX. SICT continues to defend the imposition of the Decree and erroneously claims that it is consistent with the Agreement and the Chicago Convention.⁴ In short, SICT has continued to deny that the GoM is in violation of the Agreement and thus far has failed to substantively address the Department's concerns with the Decree.⁵

Tentative Decision

As the Department has previously discussed, the GoM's forced removal of all-cargo operations out of MEX, with 108 business days' notice, is in sharp conflict with GoM's obligations under the Agreement, which, among other things, establishes the right of U.S. carriers to operate all-cargo services to any point in Mexico. Allowing other air carriers to continue transporting cargo at MEX through combination service further conflicts with the Agreement by creating an unfair and unequal competitive disparity in the provision of cargo services.

Against this background, the Department has tentatively decided that further steps are required in the public interest for as long as Mexico's Decree applies to U.S. air carriers. The Department is, therefore, proposing to apply a condition prohibiting the carriage of cargo (*e.g.*, cargo carried in the belly or any other location of an aircraft) on any Mexican air carrier flight between MEX and the United States.

Prohibiting belly-cargo operations at MEX is clearly not in the short-term interest of shippers and consumers in the U.S.-Mexico market. However, the ongoing prohibition of all-cargo

³ Annex 1(B) establishes the right of U.S. air carriers to operate all-cargo services to any point in Mexico. Further, the Department has maintained that the prohibition of all-cargo services at MEX is 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.

⁴ By letter dated October 3, 2025, SICT summarily states, among other things, that "it was concluded that the [Decree] instrument is consistent with aviation principles under Articles 11.1 and 11.2 of the Air Transport Agreement and its annexes, as well as Articles 1, 15, and 68 of the Chicago Convention."

⁵ SICT has been similarly uncooperative as regards the confiscation of U.S. carrier slots at MEX, as discussed in Order 2025-7-11, and has been non-transparent in its subsequent actions to restore MEX access for the affected U.S. air carriers. We address those issues in more detail in our Phase 2, Part 213 Order 2025-10-13.

operations at MEX and the corresponding competitive imbalance vis-à-vis combination carriers is untenable. The Department's overriding goal in taking this step is to persuade the Government of Mexico to rescind its prohibition against U.S. all-cargo carriers operating at MEX, consistent with its obligations under the Agreement. The Department recognizes that, if made final, this action would further disrupt the air cargo marketplace and have other potential consequences. In that regard, the Department is providing all interested parties an opportunity to comment on this proposal, and tentatively providing a 108-business day transition period after the final order is served to further allow for a satisfactory resolution of the matter before the proposed action takes effect. The Department is prepared to revisit the action proposed in this Order once the Government of Mexico fully restores the option for U.S. all-cargo carriers to operate at MEX.

In the meantime, pursuant to 49 U.S.C. § 41304(a) and 49 U.S.C. § 40109(c),⁶ the Department has tentatively decided that the public interest requires the amendment of all Department authority held by the above-captioned foreign air carriers of Mexico to the extent necessary to prohibit the transportation of cargo on those air carriers' combination service between MEX and the United States.⁷ Specifically, the Department tentatively proposes to add the following condition to all foreign air carrier permits and exemptions held by the captioned Mexican air carriers:

Until further order of the Department, the holder shall not transport cargo in the conduct of any of its international scheduled and/or charter services in foreign air transportation between Benito Juarez International Airport in Mexico City, on the one hand, and any point in the United States, on the other hand.

The Department's tentative action conditioning these Mexican air carrier authorities, if finalized, will be subject to review under 49 U.S.C. § 41307. As discussed above, the Department proposes that the condition will become effective 108 business days after the issuance of a final order in this matter. The Department will afford interested parties 14 calendar days from the date of this Order to file comments to our tentative decision. Replies will be due seven calendar days thereafter.

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 tentatively amends all foreign air carrier permits granted under 49 U.S.C. § 41302, and all exemptions granted from 49 U.S.C. § 41302 or under 49 U.S.C. § 40109, to the following foreign air carriers of Mexico: 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;

⁶ Section 41304(a) provides, in pertinent part, that "[a]fter notice and an opportunity for a hearing, the Secretary may amend, modify, suspend, or revoke the permit if the Secretary finds that action to be in the public interest." Section 40109(c) provides, in pertinent part, that "the Secretary may exempt to the extent the Secretary considers necessary . . . when the Secretary decides that the exemption is consistent with the public interest."

⁷ If this decision is made final, and while the condition remains in effect, the Department expects that it would impose this condition on any foreign air carriers of Mexico that may receive economic authority from the Department to conduct combination scheduled or charter services between MEX and the United States.

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; and Link Conexion Aerea S.A. de C.V., d/b/a TAR Aerolineas to add the following condition to such permits and exemptions:

Until further order of the Department, the holder shall not transport cargo in the conduct of any of its international scheduled and/or charter services in foreign air transportation between Benito Juarez International Airport in Mexico City, on the one hand, and any point in the United States, on the other hand.

2. The Department directs all interested parties to show cause why the tentative decision set forth above should not be made final. Comments in response to this Order shall be filed with the Department of Transportation, Docket DOT-OST-2025-1920, Dockets Section, 1200 New Jersey Avenue SE, Washington, DC, 20590, no later than 14 calendar days after the date of service of this Order, and any replies thereto shall be filed no later than seven calendar days thereafter, and shall be served on all parties named in ordering paragraph 5 below;⁸
3. If timely and properly supported objections are filed, the Department will afford full consideration to the matters or issues raised by the objections before taking further action;
4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Department will enter an order that will (subject to Presidential review under 49 U.S.C. § 41307) make final our tentative findings and conclusions set forth in this Order; and
5. The Department will serve this Order on all certificated U.S. air carriers; all foreign air carriers of Mexico; the Secretariat of Infrastructure, Communications and Transportation in Mexico; the Embassy of Mexico in Washington, D.C.; the Departments of Commerce and State; the Federal Aviation Administration; and the Transportation Security 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>

⁸ In the alternative, parties are encouraged to use the electronic submission capability available through the Dockets FDMS internet site (<http://www.regulations.gov>) by following the instructions on the website.