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Modification to the Mexican Norm, which states technical requirements to be observed by Air Carriers operating in Mexico.
Misael Arellano P. 01-03

COELUM Pronunciation: 'che-l&m, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and to how high above did that right extended to. Ad coelum et ad inferos, they discussed, meaning that their right of property would extend as high up to the heavens and down to hell.

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Modification to the Mexican Norm, which states technical requirements to be observed by Air Carriers operating in Mexico.

by *Misael Arellano**.

In this edition this author will analyze the Modification to the Mexican norm NOM-008-SCT3-2002 (NOM-008-SCT3-2002), which states technical requirements to be observed by concessionaries and permit holders of public services of air transport, in order to obtain the Air Operator Certificate (AOC), as well as technical requirements to be observed by permit holders of commercial private air transport service, published on May 14, 2003. This Modification to the NOM-008-SCT3-2002 was published by the Ministry of Communications and Transport in the Federal Official Gazette on September 13, 2012 and entering in force 60 days after its publication (November 12, 2012).

THE NOM-008-SCT3-2002.

The NOM-008-SCT3-2002 was published in the Federal Official Gazette on May 14, 2003, and states the technical requirements and directives to be followed by carriers of public air services in order to obtain an AOC, and is used by the Mexican aviation authority as legal basis and guidance/surveillance for the issuance of foreign carriers' operations specifications manual validation "*Convalidación de AOC*".

“It is of paramount importance to the Mexican aviation authority to increase the regulatory improvement through the administrative simplifying of authorization procedures to be followed before the civil aviation authority.”

MODIFICATION TO THE NOM-008-SCT3-2002.

On September 13, 2012, the Ministry of Communications and Transport published in the Official Gazette a Modification to the NOM-008-SCT3-2002, which should have an impact in a positive manner on the aviation sector because the intention is to enable air transport service providers to only have to observe the applicable requirements applicable to the kind of service that such carrier provides or will provide, in order to obtain an AOC.

The Modification to the NOM-008-SCT3-2002 was focused on requirements applicable to domestic carriers, specifically to air taxi operators, and may be listed as follows:

- Inserts a new instrument called Advising Letter "*Carta de Asesoramiento*"¹ which consist of a document published in the Federal Official Gazette, informative, to provide to carriers an

1.- Section 2.17 bis of the Modification to the NOM-008-SCT3-2002.

* IN COLLABORATION WITH DIEGO GARCIA.

acceptable way to observe the technical requirements to obtain an AOC; alternative to the NOM-008-SCT3-2002 and its Modification.

- Inserts and defines a subdivision for air taxi service carriers:
 - i) Corporate services of air taxi²; and
 - ii) Air taxi service to third parties³.
- Modifies the wording of Section 6 stated in the NOM-008-SCT3-2002, subdividing applicable technical requirements to:
 - i) Concessionaries of air transport public service⁴
 - ii) Domestic permit holders of non scheduled national and international air transport public service⁵.
 - iii) Domestic permit holders of public service for air transport in the figure of non scheduled operations⁶.
 - iv) Domestic permit holders of public service for air transport in the figure of air taxi⁷.
 - v) Air taxi for service to third parties⁸
 - vi) Air taxi for corporate service⁹.
 - vii) Domestic operations of air taxi corporate service¹⁰
 - viii) International operations of air taxi corporate service¹¹
 - ix) Commercial private air transport service¹²

The Modification to the NOM-008-SCT3-2002 does not pretend to create new requirements or procedures, nor incorporate more severe specifications, but instead confirms that carriers just have to observe applicable requirements to obtain an AOC, in respect with specific kind of operation services or the operations services that the carrier intends to operate in Mexico.

“This Modification to the NOM-008-SCT3-2002 was published by the Ministry of Communications and Transport in the Federal Official Gazette on September 13, 2012 and entering in force 60 days after its publication (November 12, 2012).”

2.- Section 2.52 bis of the Modification to the NOM-008-SCT2-2002.

3.- Section 2.52 ter of the Modification to the NOM-008-SCT2-2002.

4.- Section 6 of the Modification to the NOM-008-SCT2-2002.

5.- Section 6 bis of the Modification to the NOM-008-SCT2-2002.

6.- Section 6 bis 1 of the Modification to the NOM-008-SCT2-2002.

7.- Section 6 bis 2 of the Modification to the NOM-008-SCT2-2002.

8.- Section 6 bis 2.1 of the Modification to the NOM-008-SCT2-2002.

9.- Section 6 bis 2.2 of the Modification to the NOM-008-SCT2-2002.

10.- Section 6 bis 2.2.1 of the Modification to the NOM-008-SCT2-2002.

11.- Section 6 bis 2.2.2 of the Modification to the NOM-008-SCT2-2002.

12.- Section 6 bis 3 of the Modification to the NOM-008-SCT2-2002.

FOREIGN PERMIT HOLDERS OF COMMERCIAL AIR TRANSPORT.

However, although the NOM-008-SCT3-2002 states technical requirements to be observed by foreign permit holders of commercial air transport; its modification dated on September 13, 2012 was not related to Section 7: *“Commercial Air Transport conducted by foreign permit holders. Technical requirements to be observed”*.

As was analyzed, all modifications were related with Sections 1 to 6. Even when some technical requirements to be observed by foreign permit holders are stated in Section 6 of the NOM-008-SCT3-2002 as are the requirement in respect with the Operations General Manual duly approved by carrier’s civil aviation authority stated in Section 6.8.1, referred in Section 7.11; and the obligation to provide to the Mexican aviation authority the list of carrier’s qualified personnel with the titles of: i) Operations Director, ii) Chief of Pilots, iii) Safety Aviation Director, iv) Maintenance Director, and v) Quality Manager or Administrator, stated in Section 6.2 (b), referred in Section 7.12 of the NOM-008-SCT3-2002.

“The Modification to the NOM-008-SCT3-2002 does not pretend to create new requirements or procedures, nor incorporate more severe specifications...”

Finally, Article 6 of the Civil Aviation Law empowers the Ministry of Communications and Transport for the issuance of air operator certificates and, if necessary, to suspend, cancel, revoke or revalidate granted certificates to ensure that air transport services be provided with safety, quality and opportunity in Mexico. It is of paramount importance to the Mexican aviation authority to increase the regulatory improvement through the administrative simplifying of authorization procedures to be followed before the civil aviation authority.

Mexico Participates in World Forum of Air Routes in Abu Dhabi.

In order to promote connectivity and tourism, Mexico participated in the World Forum of Air Routes, coordinated by the International Civil Aviation Organization. Being represented by the Ministry of Tourism and the Ministry of Communications and Transport, Mexico seeks to strengthen connectivity on an international level. Since 2010, international passenger air traffic has increased around 15% annually. *La Crónica*. 01/October/12.

Airlines Challenge: Operational Efficiency.

The Undersecretary of Transport stated during the National Week of Pro-Consumer Policies, that airlines must have a cost efficient structure in accordance with their productivity and their corporate activity. He said that airline success has been determined by competitive business models, which means having aircraft flying almost 24 hours a day. He also stated that modern fleets allow more profit as they're more fuel efficient. *La Crónica*. 03/October/12.

Querétaro, Good Potential in Aeronautics.

Over 250 business people from the aeronautical industry attended the Aerospace Forum 2012, celebrated in Queretaro, Mexico. This event is the largest in its category in the country and aims to strengthen the aerospace industry and attract more investment. Queretaro has 23.2% of the aeronautical industry investment in the country, exports aircraft parts worth 1.53 billion dollars annually and, according to official data, the number of jobs in the state related to the aeronautical industry has doubled in three years. *El Universal*. 05/October/12.

Guevara Manzo presents a study of air connectivity.

The Minister of Tourism presented a study of air connectivity in which it is shown that 50 regular airlines operate within Mexico; six are domestic and 44 are international, covering 205 routes, with a guaranteed load factor of 85 percent. The Minister expressed the following: "Today we have more aircraft seats than before Mexicana's shutdown. The answer of the national airlines has been amazing as they have covered the routes and also international routes shown growth in the last few years. *El Economista*. 10/October/12.

Mexico participates in Japanese International forum.

The states of Jalisco and Queretaro, and four Mexican enterprises from the aerospace sector participated on the Japan International Aerospace Exhibition 2012. In accordance with the institute in charge of the promotion of the foreign investment in Mexico, this is about the most important exhibition in Japan for the aerospace sector, which takes place every four years. ProMexico mentioned that Mexico has become one of the most important actors in Latin America in the aviation sector with a sustained growth of 20 percent annually for the last seven years. *El Economista*. 12/October/12.

Mexicana: still maintain their slots.

Both the slots and the international routes that Mexicana de Aviación operated will be available for use until the airline returns to the market, said the Minister of Communications and Transport, Dionisio Perez Jácome. *Reforma*. 15/October/12.

Airbus notices growth in Aviation Industry.

The aeronautical industry is setting a clear growth trend in Latin America, according to the French company Airbus. The second largest market in the region is Mexico, which will require 530 new aircraft, representing 62.3 billion dollars, in the next 20 years. According to the Airbus Executive VP for Latin America, the AICM will need an estimate investment of five or six billion dollars in order to adapt the runways to fit the new A380 which has a 525 passenger capacity. *Reforma*. 19/October/12.

AeroMexico sells 20% of Club Premier.

Grupo Aeromexico announced the sale of 20% of the company's Premier Loyalty & Marketing (PLM), the owner and operator of the program of Loyalty Club Premier, for 88 million dollars to their Canadian associate Aimia. After the sale is official, Aeromexico will have a 51% of the PML and Aimia a 49%. "This transaction is the reflex not only of the confidence that Aimia have in the future of PML and Grupo Aeromexico it is also about favorable prospects for the Mexican economy and the entire consuming sector in the country, which will feed future growth" said the CEO of Grupo Aeromexico, Andres Conesa. *Reforma*. 29/October/12.

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