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The Use of Drones for Package Delivery in Mexico and International Comparisons.

By Jessi Saba



# COELUM



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**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 how high above them those rights would extend. They decided on, Ad coelum et ad inferos, meaning that their property rights would extend as high up as the heavens and all the way down to hell.

# The Use of Drones for Package Delivery in Mexico and International Comparisons.

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**D**rones or unmanned aerial vehicles (UAVs) have revolutionized multiple industries, with package delivery being one of the most promising applications. Companies such as Amazon and UPS have led the way in integrating drones into their logistics operations, particularly in countries with developed regulatory frameworks like the United States and certain European Union member states. However, the legal and regulatory environment in Mexico presents distinct challenges and opportunities for the adoption of this technology. This analysis delves into the Mexican legal framework, highlights key regulatory instruments such as Article 30 of the Civil Aviation Law, Articles 137 and 138 of its Regulations, and Official Mexican Norm NOM-107-SCT3-2019, and compares it with international approaches. The discussion also examines associated risks, challenges, and potential paths forward for Mexico to leverage drone technology effectively.

## Mexico's Regulatory Framework for Drones

In Mexico, the operation of drones is primarily governed by the Civil Aviation Law and its corresponding regulations, as well as by specific norms issued by the Mexican Civil Aviation Authority (Federal Agency of Civil Aviation, AFAC) under the Ministry of Infrastructure, Communications and Transport. Article 30 of the Civil Aviation Law establishes the general principles for regulating aerial activities, including the need to ensure safety, efficiency, and compliance with national and international standards. Complementing this, Articles 137 and 138 of the Civil Aviation Regulations specifically address unmanned aerial systems, requiring registration, certification, and compliance with operational and airspace management rules. Drones weighing over 250 grams must be registered with the AFAC, and commercial operators are required to obtain licenses demonstrating their technical proficiency and knowledge of aviation law. The regulations also mandate visual line-of-sight (VLOS) operations and restrict flights over populated areas, sensitive infrastructure, and private property without prior authorization.

Official Mexican Norm NOM-107-SCT3-2019 further establishes the technical requirements for the integration of unmanned aircraft into national airspace. This norm outlines protocols for risk assessment, safety procedures, and operational limitations, but it does not yet provide specific provisions for beyond-visual-line-of-sight (BVLOS) operations, which are critical for scalable drone delivery services.

## International Comparisons

In contrast to Mexico, countries like the United States, members of the European Union, and others have developed advanced regulatory frameworks that facilitate the use of drones for package delivery.

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In the United States, the Federal Aviation Administration (FAA) regulates drone operations under Part 107 and Part 135 of the Federal Aviation Regulations<sup>1</sup>. Part 135, enables operators to run small-aircraft logistics networks, including drone deliveries. To qualify under Part 135, applicants must meet stringent requirements regarding aircraft maintenance, pilot certification, operational safety procedures, and compliance with aviation law. Companies such as Amazon, UPS and Wing, among others, have obtained this certification<sup>2</sup>.

1.- [https://www.faa.gov/uas/commercial\\_operators](https://www.faa.gov/uas/commercial_operators)

2.- [https://www.faa.gov/uas/advanced\\_operations/package\\_delivery\\_drone#:~:text=On%20September%2027%2C%202019%2C%20UPS,demand%20package%20delivery%20service%20provider.](https://www.faa.gov/uas/advanced_operations/package_delivery_drone#:~:text=On%20September%2027%2C%202019%2C%20UPS,demand%20package%20delivery%20service%20provider.)

The European Union has implemented a harmonized regulatory approach under the detailed Regulation (EU) 2019/947, which establishes categories of drone operations based on risk. The “open” category is for low-risk operations, the “specific” category being for operations with an extended VLOS, and package delivery, and the “certified” category, which requires extensive certifications as activities are deemed as high risk, such as carrying dangerous goods or transporting passengers<sup>3</sup>.

Similarly, **Australia**, under the Civil Aviation Safety Authority (CASA), has been a pioneer in facilitating commercial drone deliveries. Authorized operators have conducted hundreds of deliveries in suburban areas under CASA's comprehensive regulatory framework<sup>4</sup>.

Mexico's regulatory framework, while foundational, lacks the advanced provisions seen in these jurisdictions, particularly for automated flights, BVLOS operations, and integration with traditional air traffic systems.

### **Risks, Challenges, and Conclusion**

The adoption of drones for package delivery in Mexico faces numerous challenges, stemming primarily from regulatory gaps, technical barriers, and societal concerns. The absence of detailed provisions for beyond-visual-line-of-sight (BVLOS) operations limits the scalability of drone deliveries, as does the lack of liability regulations to address accidents or damages caused by drones. From a technical perspective, urban environments pose significant obstacles for navigation and obstacle avoidance, while ensuring cybersecurity to prevent unauthorized control or hacking of drones remains a critical concern. Furthermore, drones equipped with cameras and sensors may infringe upon privacy rights, necessitating comprehensive legal safeguards to address data protection.

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Despite these challenges, the potential benefits of drone deliveries in Mexico are considerable, particularly in rural and underserved areas where traditional logistics are inefficient. By building on existing norms like NOM-107-SCT3-2019 and adopting best practices from jurisdictions such as the United States and the European Union, Mexico has an opportunity to create a robust regulatory framework that fosters innovation while ensuring safety and privacy.

In conclusion, the integration of drones into the package delivery ecosystem represents a transformative opportunity for Mexico. While the current regulatory framework provides a foundational basis, proactive steps are required to address existing gaps and challenges. By fostering innovation, developing comprehensive legislation, and prioritizing public engagement, Mexico can position itself as a leader in drone logistics in Latin America, balancing technological advancement with societal needs and safety considerations.

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3- <https://www.easa.europa.eu/en/domains/drones-air-mobility/operating-drone/certified-category-civil-drones>

4- <https://www.drones.gov.au/sites/default/files/documents/Infrastructure%20planning%20guidelines%20for%20drone%20delivery%20services.pdf>

# COELUM

## JESSI SABA

Partner

Jessi is a partner and head of the transactional group. She has over 14 years of experience advising a wide range of lessor and financial institutions in structured financing and leasing matters, organizing complex cross-border asset-finance structures in Mexico and Latin America. Jessi has negotiated transactional documents for commercial and executive aircraft and aircraft equipment assuring the enforceability of Sierra LATAM clients' rights and remedies.

### Education

- Attorney at law by Universidad Iberoamericana in Mexico City
- Aviation Contracts Law, Aircraft Acquisition and financing and Law of Aviation Insurance by IATA
- Diploma in legal Translation and Interpretation

### Memberships

- Member of the Mexican Contact Group for the Aviation Working Group
- International Aviation Women Association (IAWA)

### Publications

Jessi has written multiple articles related to aircraft finance and leasing in COELUM and TERRUM. She is a published author by the Aviation Finance and Law Reviews, Mexico Chapter, and the Transportation Lawyers Association.

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- Speaker and moderator at Air Finance, IAWA, and TLA conferences
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