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Mexico's New Slot Allocation Rules
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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.

Mexico's New Slot Allocation Rules.

Natalia Deschamps

On 13 August 2026, Mexico's Federal Civil Aviation Agency (*Agencia Federal de Aviación Civil*, **AFAC**) published the General Rules for Slot Allocation at Level 3 Airports (*Bases Generales para la asignación de horarios de aterrizaje y despegue y las prioridades de turno de las aeronaves en los aeródromos civiles de servicio al público declarados en condiciones de saturación Nivel 3*)¹ (**Slot Allocation Rules**). The new rules entered into force the following day, replaced the rules issued in October 2025 and implemented the June 2026 amendments to the Regulations of the Airports Law.

"The Slot Allocation Rules provide a more complete framework and bring several elements of the Mexican system closer to the Worldwide Airport Slot Guidelines²."

At airports where demand remains within available capacity, airlines can generally plan their arrival and departure times according to their commercial needs without formal slot coordination. At a Level 3 airport, however, demand significantly exceeds capacity. Airlines therefore cannot freely select their preferred operating times; access is subject to available capacity and to the priorities, utilization requirements and other conditions governing slot allocation. Each operation requires a slot: permission to use the airport infrastructure needed to arrive or depart on a specified date and at a specified time. The allocation of slots therefore has direct consequences for route planning, competition and operational reliability.

The revision was necessary. The Slot Allocation Rules provide a more complete framework and bring several elements of the Mexican system closer to the Worldwide Airport Slot Guidelines² (**WASG**). They adopt Level 3 terminology, preserve historic priority subject to 80 per cent utilization, reserve half of the slot pool for new entrants when demand is sufficient, require periodic capacity studies, and expand monitoring and publication duties. The remaining question is whether these safeguards will make allocation decisions more predictable, transparent and independent in practice.

Why the Reform Was Needed

The legal nature of a slot is a useful starting point. Under the Slot Allocation Rules, slots are administrative management instruments derived from the use of federal airspace and airport infrastructure. They remain under the control of the Mexican State, are not intangible assets and do not create property rights in favor of airlines. This does not make historic priority commercially unimportant. An airline that uses a series of slots for at least 80 per cent of the relevant season may receive priority for the same series in the next equivalent season. That continuity allows airlines to plan aircraft, crews, connections and sales months in advance. The priority is nevertheless conditional: it depends on utilization and remains subject to the applicable capacity and allocation rules.

"The Slot Allocation Rules arose from domestic regulatory reforms, not solely from the bilateral dispute. That dispute nevertheless made the weaknesses of the earlier system difficult to ignore."

The immediate setting is Mexico City International Airport (**AICM**). Its airfield was declared saturated in 2014³, its terminal buildings later became subject to separate saturation determinations⁴, and subsequent measures reduced declared capacity and relocated dedicated cargo operations⁵. The Slot Allocation Rules are not limited to AICM, however. They apply to any Mexican public-service civil airport declared Level 3 and govern all operating hours at that airport, even if the underlying saturation declaration covers only certain periods.

The international dispute surrounding AICM is also relevant. In July 2025, the US Department of Transportation (DOT) imposed schedule-filing requirements on Mexican airlines under 14 CFR Part 213⁶. The DOT linked its action to the relocation of dedicated cargo operations and to capacity reductions at AICM that resulted in the withdrawal of historic slots. It also stated that Mexico had not provided the requested capacity analysis or adequate assurances regarding restoration of those

1.- https://dof.gob.mx/nota_detalle.php?codigo=5796164&fecha=13/08/2026#gsc.tab=0

2.- <https://www.iata.org/contentassets/4ede2aabfcc14a55919e468054d714fe/wasg-edition-4-english-version.pdf>

3.- https://dof.gob.mx/nota_detalle.php?codigo=5361802&fecha=29/09/2014#gsc.tab=0

4.- https://dof.gob.mx/nota_detalle.php?codigo=5644607&fecha=03/03/2022#gsc.tab=0

5.- https://dof.gob.mx/nota_detalle.php?codigo=5678705&fecha=02/02/2023#gsc.tab=0

6.- <https://www.transportation.gov/sites/dot.gov/files/2025-07/Order%202025-7-11%20in%20Docket%20DOT-OST%202025-0436%20-----%20Part%20213%20Schedule%20Filing%20-%20Mexico.pdf>

slots, and criticized what it regarded as arbitrary and non-transparent slot-management practices.

The DOT did not claim that the bilateral Air Transport Agreement⁷ gave a US airline ownership of a particular slot. Its argument rested on Article 11⁸, which requires each country to provide the airlines of both parties a fair and equal opportunity to compete and generally prohibits unilateral limits on traffic volume, frequency, regularity of service or aircraft type, except where uniform customs, technical, operational or environmental conditions justify them. The dispute therefore concerned the basis and competitive effect of Mexico's capacity decisions, not private ownership of individual slots.

The Slot Allocation Rules arose from domestic regulatory reforms, not solely from the bilateral dispute. That dispute nevertheless made the weaknesses of the earlier system difficult to ignore. Mexico needed to show how capacity was calculated, how reductions were allocated and whether comparable requests received comparable treatment. The new framework addresses those questions more directly.

At the time of writing, the DOT had not publicly assessed whether the Slot Allocation Rules satisfy the commitments made by Mexico under the May 2026 preliminary understanding⁹. The new framework addresses several of the matters identified by the United States, including capacity determination, transparency and alignment with international slot practices. The DOT had nevertheless made clear that regulatory amendments alone would not be sufficient: Mexico would have to operationalize the reforms before the Department would reconsider the restrictions imposed on Mexican carriers. The adoption of the new rules is therefore an important step, but it cannot yet be treated as confirmation that the United States considers the bilateral dispute resolved.

What the New Framework Changes

Capacity is the starting point of any allocation process, and the Slot Allocation Rules regulate it in greater detail. AFAC, the airport administrator and the air-navigation services provider must conduct comprehensive demand and capacity studies at least twice a year, before the

coordination parameters for each season are declared. The studies must examine the relevant components of the airport system, identify operational, environmental and infrastructure constraints, use internationally recognized methodologies and be made available to airlines and other interested parties.

This requirement has practical consequences. If declared capacity exceeds what the airport can operate reliably, congestion and delays become part of the schedule. If it is set below what the infrastructure can reasonably support, usable capacity is withheld and access becomes unnecessarily difficult. Publication will not eliminate disagreement, but it should make the methodology and assumptions open to examination. At AICM, where capacity determinations have been contested, that is a material improvement.

The allocation sequence also follows familiar international principles. Historic series and permitted changes are considered first. The remaining capacity, including newly created, returned and forfeited slots, enters a reserve pool. Fifty per cent of that pool must be allocated to qualifying new entrants when their requests are sufficient; the other half is allocated to airlines already operating at the airport. The coordination calendar¹⁰ must follow IATA's worldwide timetable, and requests must use internationally recognized message formats.

The 50 per cent reservation creates an opportunity for entry, but it does not guarantee meaningful access. A new airline gains little if the reserve pool contains no slots at commercially workable times. The quality and timing of the capacity released will therefore matter as much as the percentage reserved.

Monitoring is more detailed as well. The coordinator must review planned and completed operations, calculate utilization for each series and identify potential misuse. The Slot Allocation Rules cover conduct such as retaining slots without intending to operate them, requesting slots to deny capacity to another airline, operating without an allocation, or repeatedly operating at materially different times. Before determining that misuse occurred, the coordinator must notify the airline and consider its explanation and proposed corrective

7.- Air Transport Agreement Between the Government of the United States of America and the Government of the United Mexican States

8.- Air Transport Agreement Between the Government of the United States of America and the Government of the United Mexican States, ARTICLE 11 Fair Competition:

1. Each 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.

2. Each Party shall allow each airline to determine the frequency and capacity of the international air transportation it offers based upon commercial considerations in the marketplace. Consistent with this right, 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

9.- <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-preliminary-aviation-understanding>

10.- <https://www.iata.org/contentassets/c1d7626d7175462ab0fc527c9e2937ce/calendar-coordination-activities.pdf>

measures. Depending on the seriousness and repetition of the conduct, the consequences may include loss of eligibility for historic priority, lower priority for future requests or the return of the affected slots to the pool.

The rules also recognize that non-use may result from circumstances outside an airline's control. Severe weather, airport or airspace closures, serious operational disruption and certain government travel restrictions may justify a cancellation or an operation that was not performed. The airline must submit supporting evidence within five business days. The delay subcommittee determines responsibility and cause, and the coordinator takes that determination into account when evaluating utilization and historic priority. The distinction is necessary: the 80 per cent rule should discourage inefficient retention of capacity, not penalize an airline for events it could not reasonably avoid.

The publication requirements are another important feature. The airport administrator must disclose, among other information, allocated and available slots, historic and ad hoc series, returned slots, waiting lists, capacity parameters, utilization reports, reasons for unsuccessful requests, delay determinations and findings of intentional misuse. Weekly information must also identify the airline and the slot assigned to each operation. These requirements should allow airlines to follow the initial allocation and later changes in available capacity during the season. They should also make inconsistent treatment easier to identify.

The Limits of Alignment with the WASG

The principal difference between the Mexican framework and the WASG concerns who makes the allocation. Under the WASG, slots at a Level 3 airport are allocated by a duly appointed coordinator who must be functionally and financially independent of any single interested party. Under the Mexican system, AFAC appoints a coordinator who must be functionally and technically independent. The coordinator determines historic eligibility, monitors use and proposes allocations, but the airport administrator formally assigns the slots.

This division of authority reflects Article 63 of the Airports Law¹¹, which gives the airport administrator responsibility for determining landing and take-off times. The Slot Allocation Rules therefore introduce independent technical oversight without displacing the role assigned to the administrator by statute.

The model may work if the coordinator's determinations on historic priority, utilization and misuse meaningfully constrain the allocation process and if the resulting

information is published as required. The rules protect the coordinator's technical decisions from interference by the airport committee and its members. That protection is significant, even though the administrator retains the final allocation function.

An institutional gap remains. The Slot Allocation Rules do not expressly state what procedure applies if the administrator departs from the coordinator's proposal, what reasons must be given or how quickly an affected airline can obtain review. The coordination and supervision subcommittee may mediate unresolved complaints concerning allocation, but its opinions are expressly consultative. AFAC is responsible for technical interpretation and for resolving matters not addressed by the rules, while the Federal Administrative Procedure Law applies supplementally. None of these provisions creates a specialized review process tied to the international coordination calendar. Timing matters because a favorable decision issued after the relevant scheduling season may have little commercial value.

The independence standard also warrants attention. The Mexican rules require functional and technical independence; the WASG expressly requires both functional and financial independence. The rules state that the coordinator must have sufficient time, resources and experience, but they do not prescribe an equivalent funding model. The practical question is whether the coordinator will have stable funding, adequate staff and systems, and timely access to complete operational data.

The Real Test Lies in Implementation

The Slot Allocation Rules improve Mexico's legal framework. They create clearer rules for determining capacity, preserving historic priority, allocating slots to new entrants, monitoring actual use and publishing relevant information. They apply to any airport declared Level 3, although AICM will be the immediate test.

The reform does not resolve every institutional concern. The airport administrator still makes the final allocation, the coordinator's financial independence is not addressed as fully as under the WASG, and there is no specialized, time-sensitive review process for allocation disputes.

The next scheduling seasons will show whether the safeguards affect actual decisions. Capacity studies should be available before allocations are made, refusals should be reasoned, waiting lists should be traceable and comparable requests should receive comparable treatment. The coordinator's technical determinations must also carry real weight.

11.- <https://www.diputados.gob.mx/LeyesBiblio/pdf/LAero.pdf>

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Natalia has over 15 years of experience clients in aviation finance transactions involving Mexican airlines, operators and governmental entities, as well as other providers of air transportation service. She has participated in multiple transactions related to the acquisitions, leasing and financings of private and commercial aircraft, helicopters and engines, representing lenders, lessors and owners, in the structure and implementation of guaranteed schemes and regulatory work before Mexican authorities.

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