

**Secretaría de Comunicaciones y Transportes
Subsecretaría de Transporte
Dirección General de Aeronáutica Civil
Dirección General Adjunta de Transporte y
Control Aeronáutico**

4.1.5.- 497 / 2015

Mexico City, Mexico, November 09, 2015

Dear Mr. Stephen A. Cristna
Director, Office of Aviation Affairs
Department of State
2201 C Street NW Room 3425,
Washington, DC, 20520

Reference is made to Article 8, “Commercial Opportunities”, paragraph 8 (intermodal transportation, hereinafter referred to as “Article 8.8”), of the Air Transport Agreement between the government of the United States of America and the government of the United Mexican States, initial on November 2014 (the “Agreement”).

In previous days, the Cámara Nacional de Autotransporte de Carga (“CANACAR”), a public and autonomous institution specialized in providing services to cargo surface carriers in Mexico, approached the Mexican Ministry of Communications and Transport to express its utmost concern regarding the current content of Article 8.8.

CANACAR’s is concerned, that as it is now Article 8.8 creates a legal regime through which other economic sectors, expressly surface cargo and package transportation, will override the actual framework of rules applicable thereto, such as the Federal Regulation for packages and courier (Reglamento de Paquetería y Mensajería).

In addition, it has been further expressed hat the drafted text of Article 8.8: (i) creates ambiguity given that it does not specify what is to be understood by “international cargo”; (ii) poses an unclear scope of the Agreement’s applicability, with the added risk of permitting alien cargo companies, not registered in Mexico, to perform surface cargo; and (iii) rises questions of its effectiveness in preventing surface cargo transportation cabotage.

Given the aforementioned, DGAC, bearing in mind that all opinions and concerns regarding the Agreement must be heard in full in order to guarantee its effective ratification by the Mexican Senate, is currently in the process of addressing the above mentioned concerns; a recently held meeting between both entities set forth a substantial action plan in order to ensure a rapid solution to them, and by doing that avoiding any other delays in the ratification process of the Agreement.



4.1.5.- 497 / 2015

As part of that action plan, DGAC expressed its commitment to CANACAR in promoting an exchange on communication with DOT in order to clarify the situation with regards to Article 8.8.

Therefore, DGAC hereby requests DOT's clarification on the concerns set forth in this agreements, as well as any consideration regarding the application scope from a US perspective of Article 8.8, thus ensuring that the Agreement as a whole includes and looks after the involved sector's interests, and guarantees that its content and provisions are in line with existing regulations, consequently guarantying that as soon as its ratification comes into effect its application and enforcement are uncompromised.

In particular, special emphasis would be requested in the following outstanding matters:

Through the application of the agreement surface transport companies will not be allowed to do more than what is provided in the applicable laws and regulations for that mean of transportation.

Stakeholders, in the application of the provisions of the agreement will receive fair and equal treatment on a reciprocity basis.

Actual practices for the surface transport industry will maintain the status quo and will not be modified by the application of the bilateral agreement.

Best Regards,
Deputy General Director for
Air Transport and Aeronautical Control



E. Alejandro Zendejas Vázquez

Cp. Lic. Yuriria Mascott Pérez. Subsecretaria de Transporte
Cp. Dirección General. Dirección General de Aeronáutica Civil.
Cp. Lic. Adrián del Mazo Maza. Director General de Autotransporte Federal.
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Cp. Paul Gretch. Director. Office of International Aviation. Department of Transportation.