

## SECRETARY OF COMMUNICATIONS AND TRANSPORT

**Modification to the Official Mexican Standard NOM-008-SCT3-2002, which establishes the technical requirements to be met by the concessionaires and permit holders of the air transport service to the public, to obtain the air service operator certificate, as well as the technical requirements to be fulfilled by the permit holders of the private commercial air transportation service, published on May 14, 2003.**

In the margin a stamp with the National Coat of Arms, which reads: United Mexican States.- Secretariat of Communications and Transportation.

FELIPE DUARTE OLVERA, Undersecretary of Transportation of the Ministry of Communications and Transportation and President of the National Advisory Committee for Air Transport Standardization, based on articles 1, first and second paragraphs, 2, section I, 14, first paragraph, 26, paragraph thirteen and 36, sections I and XII, of the Organic Law of the Federal Public Administration; 4th., of the Federal Law of Administrative Procedure; 38, section II, 40, sections I, III and XVI, 41, 43, 51, second paragraph, 52 of the Federal Law on Metrology and Standardization; 1, 4, 6, sections III and VI and final paragraph, 7, sections I, V and VI, 7 bis sections IV and VII, 17, 32 and 74 of the Civil Aviation Law; 20, 25, 67, 100, 104, 109, 110, 111, 113, 121 and 193 of the Civil Aviation Law Regulations; 28 and 34 of the Regulation of the Federal Law on Metrology and Standardization; 2nd, sections III and XVI, 6th, sections X and XIII and 21, sections XIII, XV, XXVI and XXXI, of the Internal Regulations of the Ministry of Communications and Transportation; I have had the good will to order the publication in the Official Gazette of the Federation of the modification to NOM-008-SCT3-2002, which establishes the technical requirements to be met by the concessionaires and permit holders of the air transport service to the public, in order to obtain of the air services operator certificate, as well as the technical requirements to be met by the permit holders of the private commercial air transport service, published in the Official Gazette of the Federation on May 14, 2003.

This Modification to NOM-008-SCT3-2002 is published so that it enters into force after 60 days following its publication in the Official Gazette of the Federation.

Sincerely

Mexico, DF, September 5, 2012.- The Undersecretary of Transportation and Chairman of the Committee National Consultant for the Standardization of Air Transport, **Felipe Duarte Olvera**.- Heading.

FELIPE DUARTE OLVERA, Undersecretary of Transportation of the Ministry of Communications and Transportation and President of the National Advisory Committee for Air Transport Standardization, based on articles 1, first and second paragraphs, 2, section I, 14, first paragraph, 26, paragraph thirteen and 36, sections I and XII, of the Organic Law of the Federal Public Administration; 4th., of the Federal Law of Administrative Procedure; 38, section II, 40, sections I, III and XVI, 41, 43, 51, second paragraph, 52 of the Federal Law on Metrology and Standardization; 1, 4, 6, sections III and VI and final paragraph, 7, sections I, V and VI, 7 bis sections IV and VII, 17, 32 and 74 of the Civil Aviation Law; 20, 25, 67, 100, 104, 109, 110, 111, 113, 121 and 193 of the Civil Aviation Law Regulations; 28 and 34 of the Regulation of the Federal Law on Metrology and Standardization; 2nd, sections III and XVI, 6th, sections X and XIII and 21, sections XIII, XV, XXVI and XXXI, of the Internal Regulations of the Ministry of Communications and Transportation; In attention to the considerations that are expressed below, I have had the good will to issue the present modification.

### CONSIDERING

That the Civil Aviation Law states that civil navigation in airspace over national territory is governed, in addition to the provisions of said law, by international treaties to which Mexico is a party, being the case that Mexico is a signatory to the Convention on International Civil Aviation, promulgated by Decree published in the Official Gazette of the Federation on September 12, 1946, which provides that the contracting countries of the same undertake to adopt the standards, recommended methods and international procedures called Annexes to said Agreement. Likewise, Annex 6 to the aforementioned Agreement establishes that no operator will carry out commercial air transport operations unless it is the holder of a valid air services operator certificate, issued by the State of the operator.

That likewise, the Civil Aviation Law establishes that in the provision of air transport services, the necessary measures must be adopted to guarantee the maximum safety conditions of the aircraft and its operation, in order to protect the physical integrity of users, and their property, as well as that of third parties; and that in its article 6, section VI, said Law indicates as powers of the Ministry of Communications and Transportation, to issue air service operator certificates and, where appropriate, to decree the suspension, cancellation, revalidation or revocation of the same.

That the Regulation of the Civil Aviation Law establishes that for the start of operations of a concessionaire or permit holder, the technical requirements that guarantee that the services will be provided with safety, quality and opportunity must be met.

That NOM-008-SCT3-2002, which establishes the technical requirements to be met by concessionaires and permit holders of the air transport service to the public, to obtain the air service operator certificate (AOC), indicates the same technical requirements for obtaining said certificate, both for concessionaires and air transport permit holders.

That the National Advisory Committee for Air Transport Standardization, determined that there is no reason to establish the same technical requirements to obtain the air services operator certificate (AOC), both for air transport concessionaires and permit holders, such as it is currently done under the terms of NOM-008-SCT3-2002, due to the fact that the type of service they provide is different.

That article 51, second paragraph, of the Federal Law on Metrology and Standardization, provides that when the causes that motivated the issuance of an official Mexican standard do not subsist, the agencies may modify the standard in question without following the procedure for its elaboration.

That the modification to NOM-008-SCT3-2002 is not intended to create new requirements or procedures, nor to incorporate stricter specifications, but rather that air transport service providers only have to cover the corresponding requirements to obtain the AOC, according to the type of service that they provide or are going to provide, which will have a positive impact on the aviation sector.

That it is essential for the country to deepen regulatory improvement through administrative simplification, for which I have had the good will to issue this:

**MODIFICATION TO NOM-008-SCT3-2002, WHICH ESTABLISHES THE TECHNICAL REQUIREMENTS TO  
FULFILLED BY THE CONCESSIONAIRES AND PERMIT HOLDERS OF THE SERVICE TO THE PUBLIC OF  
AIR TRANSPORTATION, TO OBTAIN THE SERVICE OPERATOR CERTIFICATE  
AIRPORTS, AS WELL AS THE TECHNICAL REQUIREMENTS TO BE FULFILLED BY THE PERMIT HOLDERS OF THE  
COMMERCIAL PRIVATE AIR TRANSPORTATION SERVICE, PUBLISHED IN THE OFFICIAL GAZETTE OF  
THE FEDERATION ON MAY 14, 2003**

**SINGLE.-** Modify : the INDEX, and the numerals: 3.1, 3.2, 4.3. first paragraph, 5.1 (a), 5.1. (b)(1), 5.7. (c)(2) and (3), 6, 6.8.18 (a) and (d); the numerals are **added** : 2.17 bis, 2.52 bis, 2.52 ter, 5.1. (b)(2) to 5.1. (b)(5), 5.7. (c)(4)(5) and (6), 6 bis, 6 bis.1., 6 bis.2., 6 bis.2.1., 6 bis.2.2., 6 bis.2.2.1., 6 bis.2.2.2., 6 bis 3., and **numerals** 3.3., 5.1 (a)(1) and (2), 6.8.2. (e)., to be as follows:

**"INDEX"**

1. to 5. (...)

6. Technical requirements to be met by a national concessionaire of the public air transport service. Continued compliance with such requirements

6a. Technical requirements to be met by a national permit holder of public air transport service non-regular national and non-regular international. Continued compliance with such requirements

6 bis.1. National permit holders of the public air transport service in the charter modality (more than 19 passengers).

6 bis.2. National permit holders of the public air transport service in the air taxi modality.

**6 bis.2.1.** Air taxi in the service modality to third parties

**6 bis.2.2.** Air taxi in the form of corporate service.

**6 bis.2.2.1.** national operation.

**6 bis.2.2.2. international operation**

**6 bis 3.**

**7. to 14. (...)**

(...)

**2.17a. Letter of Advice:** Publication in the Official Gazette of the Federation of character

information through which the addressees of NOM-008-SCT3-2002 are provided with an acceptable method or means of compliance with the technical requirements for obtaining the air services operator certificate, alternate to NOM-008-SCT3-2002 and its modification.

**2.18. at 2.52. (...)**

**2.52 bis. Air taxi in corporate service modality:** Air taxi that only provides air transportation services through a provision contract or its equivalent, to legal entities or individuals of its organization and/or corporate group.

**2.52b. Air taxi in third-party service mode:** Air taxi that provides air transport services to legal entities or individuals, unrelated to your organization through a contract in exchange for financial remuneration.

**2.53. at 2.58. (...)**

### **3. General provisions**

**3.1.** This Official Mexican Standard regulates the issuance of the Air Services Operator Certificate (AOC), the operation specifications as a technical complement to the permit and/or concession granted by the Ministry, as well as the general requirements related to air operations, maintenance of the aircraft and other applicable requirements according to the type of service provided or intended to be provided.

**3.2.** The concessionaire or permit holder of public air transport service, national or foreign, must comply with this Official Mexican Standard when it intends to obtain authorization to start its operations, or when it intends to include any additional aircraft to its concession or permit, or when trying to renew its concession, as applicable. Likewise, you must permanently comply with this standard, while your concession or permit is in force and you are carrying out air operations.

**3.3.** It is eliminated

### **4. Permit holders and concessionaires of the public air transport service and permit holders of the commercial private air transport service**

**4.1. and 4.2. (...)**

**4.3.** Permit holders of the commercial private air transportation service do not require an Air Services Operator Certificate. However, in order to authorize the corresponding start of operations, in the case of national permit holders of the private commercial air transport service, they must comply with the applicable technical requirements indicated in section 7.3. of this standard, and for foreign licensees of the commercial private air transportation service, they must comply with the applicable technical requirements indicated in section 8., as well as the requirements established by the corresponding official Mexican standards.

(...)

**5. Issuance and compliance with the Air Services Operator Certificate (AOC).****National concessionaires and permit holders of the air transport service to the public**

(a) to (c) (...)

**5.1. Application for the Air Services Operator Certificate.**

(a) A national air transport concessionaire or permit holder must submit to the Aeronautical Authority, an application to obtain an AOC, in accordance with the provisions of this Official Mexican Standard.

(1) and (2) are removed.

(b) Each applicant must submit their application for the initial issuance of an AOC, with a minimum anticipation of 75 calendar days to the date for which they intend to start operations, with the exception of the following manuals:

(one) General Operations Manual,

(2) \*General Manual of Maintenance and Aeronautical Workshop Procedures, in case of having its own Aeronautical Workshop, when applicable

(3) Air Safety Manual and

(4) \*General Maintenance Manual, and

(5) Manual for the Prevention of Acts of Unlawful Interference,

**Note:** The manuals referred to in points (1) (2) and (3) must be submitted 25 business days prior to the start date of operations, and the manuals related to points (4) and (5) 20 business days prior to the start date of operations, (\*) as applicable.

**5.7 Carrying out tests and inspections.**

(a) and (b) (...)

(c) (...)

(one) (...)

(2) Its General Operations Manual, as mentioned in section 6.8.1 of this Official Mexican Standard.

(3) General Maintenance Manual and Aeronautical Workshop Procedures when they have their own aeronautical workshop or General Maintenance Manual, as applicable,

(4) Air Safety Manual and

(5) Manual for the Prevention of Acts of Unlawful Interference,

(6) An updated list, including the position within the company and the location of the personnel responsible for the preservation of each record, document, and report that, according to the applicable legislation, regulations, and standards, must be kept by the AOC holder.

**Note:** The MGM and PT manuals are required when they apply to users who have said services and are their own, as well as having the MGM only when the workshop services are provided by third parties, when the type of operation of the owner or applicant of an AOC so deserves it.

(d) (...)

**6. Technical requirements to be met by a public air transport service concessionaire.****Continued compliance with such requirements.**

The technical requirements established in this section 6 must be met by the dealers of the public air transport service, who are holders of an AOC or who intend to obtain it,...

**6.8.2. Training and training program.**

(a) (...)

(b) (...)

(c) (...)

(d) (...)

(e) It is removed.

**6.8.18. Flight tracking.**

(a) For charter operations, each AOC holder or applicant must have a system to provide the necessary documents for the preparation of flights and the determination of the departure and arrival times of their flights at all aerodromes approved by the Aeronautical Authority.

(b) (...)

(c) (...)

(d) Each holder or applicant of an AOC that carries out or intends to carry out charter flights must have an approved flight monitoring system, adequate for the appropriate monitoring of each flight, considering the operations to be carried out.

(e) to (g) (...)

**6a. Technical requirements to be met by a national non-regular national and international air transport public service permit holder. Continued compliance with such requirements****6 bis.1. National permit holders of the air transport service to the public in the modality of chartering**

Any legal person that provides or intends to provide services as a permit holder of the air transport service to the public in the form of chartering (according to the provisions of the Civil Aviation Law and its Regulations, must comply with the provisions of numerals 4 and 5 of this standard, when you intend to obtain authorization to start your operations, as applicable; when you intend to include any additional aircraft to your permit.

Likewise, you must comply with numeral 6 in your capacity as air transport permit holder in the modality of chartering, with the exception of the following numerals:

6.7.1.2. (b) (13)

6.7.1.2. (b) (14) (IV)

6.7.7.2.

6.7.1.2. (b) (14) (I)

6.7.1.2. (b) (14) (V)

**6 bis.2. National permit holders of the air transport service to the public in the modality of air taxi.**

The technical requirements established in this section must be met by the national permit holders of the air transport service to the public, who are holders of an AOC or who intend to get it.



**Note (1):** 10 hours, unless the Aeronautical Authority according to the requirements and type of operation determines some variation or exception.

**Note (2):** Except aircraft with a capacity of more than 19 passengers.

**Note (3):** The Aeronautical Authority will determine some variation or exception, depending on the geographical areas in which it is intended to operate.

### **6 bis.3. Private commercial air transport service.**

Any Mexican natural or legal person, who provides or intends to provide commercial private air transport service (specialized air services), must comply with the established conditions and applicable requirements for the maintenance of the aircraft(s) at their service and as well as the following:

Manual of procedures for the specialized services it provides, under the terms of section 5.1. (b)(1) (1)

Maintenance Program, under the terms of numeral 5.1. (b)(2).

Aeronautical Technical Personnel, under the terms of numerals 6.2.2.1 (a)(1) and 6.2.2.2. (a)(1).

Certificate of airworthiness, under the terms of numeral 6.7.1.1. (a).

Mandatory Airworthiness Directives and Service Bulletins, under the terms of numeral (6.7.1.1. (b))

Equipment on board the aircraft, as applicable, under the terms of numeral 6.7.1.2.

Training courses, under the terms of numeral 6.8.2. (a)

Minimum Equipment List (MEL) and configuration deviation list (CDL), as applicable, under the terms of section 6.8.5.

Aircraft Operations Manual and/or 6.8.4. Flight Manual, as applicable, under the terms of numeral 6.8.3.

Maintenance Manual, under the terms of numeral 6.9.8.

Publication of Aeronautical Information of Mexico (PIA)(1), , under the terms of numeral 6.8.16.

Any breach of what is described above may lead to the suspension or revocation of the permit issued by the Aeronautical Authority.

**Note (1):** Except for air fumigation services, when they operate in areas established by the Aeronautical Authority, or those specialized services where their area of operation is duly limited.

**7. to 14. (...)**

### **TRANSIENT**

**FIRST.** This amendment to the Official Mexican Standard NOM-008-SCT3-2002 will enter into force 60 calendar days after its publication in the Official Gazette of the Federation.

**SECOND.** The national permit holders of the air transport service in the air taxi modality, whose air services operator certificate (AOC) is in force at the time of the entry into force of this Agreement, may opt for the modality of services to third parties or the of corporate service by means of a free letter addressed to the Aeronautical Authority in which they express their interest in this regard and the latter verifies the operational capacity of the modality in its AOC.

Mexico, DF, September 5, 2012.- The Undersecretary of Transportation and Chairman of the Committee National Consultant for the Standardization of Air Transport, **Felipe Duarte Olvera.**- Heading.