



## Caribbean Sky Tours

# Summary Review of Mexico Airspace and ATC Over-Time Fees

### Overview

Mexico has a unique regulation identifying the methodology for charging aircraft operators for the use of their airspace or Flight Information Region (FIR) and for over-time charges for the use of ATC services at Mexican airports. The methodology requires pilots to calculate distances travelled through Mexican airspace based on Great Circle Distances and to calculate minutes of over-time used at Mexican airports. Pilots must then calculate the total owed and to make payments via a Mexican bank without any supporting documentations from the civil aviation authorities. These regulations are published in the Mexican Tax Code and **ARE NOT** published in Mexico's Aeronautical Information Publication (AIP) nor in Mexico's Civil Aviation Regulations and are therefore not published in 3<sup>rd</sup> party aviation journals or navigation information. Many pilots are unaware of these requirements and have unknowingly incurred significant fees, penalties and interest which have resulted in denial of access to Mexico's FIR.

### Current Regulations:

The Mexican tax code places the responsibility for charging and collecting ATC fees on one of the three aeronautical entities under Mexico's Secretary of Communications and Transportation. This entity is known in Mexico as **SE**rvicios a la **N**avegación en el **E**spacio **A**éreo **M**exicano or SENEAM for short. SENEAM is in charge of operating the ATC infrastructure including controllers, RADAR facilities, Towers and developing approaches and airways. Unfortunately, unlike other aviation agencies and service providers, SENEAM has been barred from issuing invoices for their services and users are required to determine, on their own, what fees are owed and to make payments electronically via a Mexican bank to the Mexican tax authorities. Payments directly to SENEAM at a Mexican airport is not possible.

**Over-time fees for ATC at airports.** Aircraft that use an airport outside of the normal hours of operation will have to pay a rate of \$11.18 pesos per minute of over-time (approximately US\$ 0.86 per minute). The aircraft operator will have to determine, on his own, how many minutes of usage he owes and then make the corresponding payment to the Mexican tax authorities via electronic transfer from a Mexican bank. *It is important to note that DGAC fees, airport fees and any other over-time related fees are invoiced at the time they are incurred so it is easy for the pilot assume that they have paid all fees related to the over-time usage of the airport without realizing that they still owe SENEAM fees.*

**Use of Mexican Airspace.** Aircraft that fly through Mexican airspace are grouped into two categories:

Category 1. This category includes aircraft that make domestic flights within Mexico or make international flights to/from Mexico to/from a foreign country. In short, the aircraft was on Mexican soil at takeoff and/or landing for a given flight. Aircraft in this category are required to pay a fee each time they fuel in Mexico based on the wingspan of their aircraft. However, if an aircraft DOES NOT fuel during the entire time the aircraft is flying in Mexico, no fees are required to be paid. The amounts to be paid for different wingspan lengths are found in the table below:



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Fee charged at each time aircraft is fueled in Mexico	Fee (pesos)	Fee (Approx US Dollars)
With a wingspan up to 10.0 meters	<b>\$92.80</b>	<b>US\$ 7.14</b>
With a wingspan greater than 10.0 meters up to 11.1 meters	<b>\$132.58</b>	<b>US\$ 10.20</b>
With a wingspan greater than 11.1 meters up to 16.7 meters	<b>\$198.87</b>	<b>US\$ 15.30</b>
With a wingspan greater than 16.7 meters up to 25.0 meters	<b>\$3,685.78</b>	<b>US\$ 283.52</b>
With a wingspan greater than 25.0 meters up to 38.0 meters	<b>\$10,692.73</b>	<b>US\$ 822.52</b>
With a wingspan greater than 38.0 meters	<b>\$16,025.16</b>	<b>US\$ 1,232.70</b>

Aircraft that do not wish to pay a fueling fee have the option of paying per kilometer flown provided they notify the Mexican government within the first 20 calendar days of the year. They must then comply with the requirements of aircraft in Category 2.

**Category 2.** Aircraft that flew through Mexican airspace (FIR) that neither departed nor landed at a Mexican airport during the flight are required to pay a fee per kilometer flown inside the Mexican FIR which is based on the wingspan of the aircraft. Aircraft are grouped into 4 classifications for the purpose of airspace fees based on the tables below.

Classification based on wingspan of aircraft			
Small		Medium	Large
Type A	Type B		
Up to 16.7 meters and helicopters	Greater than 16.7 meters up to 25.0 meters	Greater than 25.0 meters up to 38.0 meters	Greater than 38.0 meters

Rates per kilometers flown		
Aircraft wingspan category	Pesos / Km	US\$ /Nm (approx.)
Small Type A	<b>\$0.20 / Km</b>	<b>US\$ 0.03 / Nm</b>
Small Type B	<b>\$1.61 / Km</b>	<b>US\$ 0.21 / Nm</b>
Medium	<b>\$4.65 / Km</b>	<b>US\$ 0.60 / Nm</b>
Large	<b>\$6.97 / Km</b>	<b>US\$ 0.89 / Nm</b>

Distances are calculated based on the Great Circle Distance between the point of entry and the point of exit of the Mexican FIR, NOT THE ACTUAL DISTANCE FLOWN. There are a number of established distances for common routes published in the Mexican Federal Register. The payment for operations in a given month must be made by the 17th of the following month via electronic bank transfer, from a Mexican bank, in pesos, to the Mexican tax authorities. Within 5 days of this transfer, the pilot/operator must then send the payment confirmation along with an electronic file with the details of the flights relating to this payment to SENEAM. SENEAM will review this information and if there are any discrepancies or questions, SENEAM will advise the pilot/operator within the following 15 days and the pilot will have 3 days in which to respond accordingly.

For aircraft who opted NOT TO PAY on a per-fueling basis for domestic and international flights (Category 1), the distance is calculated based on the Great Circle Distance between the departure airport and the destination airport (regardless of the actual distance/route flown). For international flights the distance is calculated based on



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the Great Circle Distance between the entry/exit point of the Mexican FIR and the departure/destination airport (regardless of the actual distance/route flown).

## Q&A

- Q: I have been over-flying Mexico for years and no one has ever mentioned anything like this nor have I received any invoices. Where did all this come from?
- A: Mexico has actually had regulations for paying over-flight fees for many years, however, due to a series of lawsuits by a small group of aviation users, the government was forced to eliminate a weight-based fee system and stop issuing invoices. The new procedures were developed to avoid further lawsuits and have been in effect since 2005 but were not strictly enforced until the Mexican tax code was changed in December 2011 making government employees personally liable for not enforcing all tax laws. Since these laws are not published in Mexico's AIP, they have not made their way into 3<sup>rd</sup> party aviation publications.
- Q: I have been flying to Mexico for years, do I owe any fees?
- A: If all of your flights that went through Mexican airspace began or ended at a Mexican airport, you do not owe anything, even if you did not buy fuel while you were in Mexico. Only flights through Mexican airspace that did not either begin or end at a Mexican airport are required to pay.
- Q: I live in Texas and to reduce my flying time when flying from one airport to another near the border I have been cutting through Mexican airspace. Do I owe anything?
- A: More than likely, YES. Since you flew through Mexican airspace and did not take off or land at a Mexican airport then you are liable for airspace charges.
- Q: Why does Caribbean Sky Tours charge for helping me pay what I owe, can't they give me a break?
- A: Regrettably, the administrative effort required to assist you is considerable. We have to determine the amounts owed to the Mexican government for the last 10 years and then calculate adjustments and back interest. Once you have sent us what is owed, the money must then be moved from a USA bank to a Mexican bank and then finally to the Mexican tax office.



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- Q: When I have flown to Mexico and have purchased fuel I have been charged a “SENEAM fee”, what is this?
- A: The SENEAM fee (sometimes referred to as the wing tax) is a fee base on the wingspan of the aircraft that is applied to aircraft flying within Mexico in lieu of having to calculate distances and make individual payments to the Mexican government.
- Q: Our company has multiple factories in Mexico and when I add up the amount we pay in SENEAM fees divided by the distances we fly in Mexico, we are paying a lot more than the official rates per kilometer, what can we do?
- A: If you believe that it is more convenient and cost effective to pay on a per-kilometer basis rather than just with the SENEAM fee when you fuel, then you must advise the Mexican government during the first 20 calendar days of the year that you wish to do so. Otherwise, you will fall under the default methodology of paying when you fuel.
- Q: One year ago we asked for permission to arrive after hours at an airport in Mexico and we were charged over-time fees at the airport which we paid. Do we still owe something?
- A: Most likely yes. Although the DGAC and the airport charge for over-time on the spot, SENEAM is forced to charge for their fees through this tax system. Even customers who used a handler should check that they do not owe something as many handling companies were not making these payments either.
- Q: I was unaware of these regulations and I am pretty sure that I owe the Mexican government for previous flights. How do I find out how much I owe and how can I make payment?
- A: The Mexican government cannot publish an official list. You will need to consult with an aviation group that has a working relationship with SENEAM, like Caribbean Sky Tours, who can inquire as to your debt and make the payment on your behalf.
- Q: I have made a lot of flights through Mexican airspace and never paid anything. What happens if I just ignore this and do nothing?
- A: Since December of 2011, SENEAM has been forced to implement this law in its entirety and to advise the Mexican tax authorities of outstanding debtors as well as publish a list of these aircraft to all ATC centers and towers throughout the country. If your aircraft is on this list and you attempt to enter Mexican



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airspace you could be denied entry and forced to fly around the Mexican FIR. A number of aircraft have already faced this scenario.

- Q: We just purchased a used aircraft and noticed in the logbooks that the previous owner made a lot of over-flights of Mexico with the aircraft. Are we liable for these fees?
- A: Yes you are unless you provide SENEAM with documentation demonstrating the change of ownership. Once you have demonstrated the legal change, you will only be liable for flights made after the change of ownership.
- Q: We have an aircraft on a dry lease and the prior lessee made numerous over-flights through Mexican airspace and never paid, what can we do?
- A: Since dry leases are recorded with the FAA, you can present SENEAM with the documentation provided to the FAA to demonstrate that you are the new operator of this aircraft. You will only be liable for flights made since the lease went into effect.