

## **Cross-Strait Air Transport Agreement (Draft)**

To promote the development of cross-strait economic and trade relations, and facilitate contacts between the peoples on the two sides of the Taiwan Strait, the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait, after negotiation based on an equal footing, hereby agree on the following matters concerning direct cross-strait air transportation:

### **1. Flight Paths**

The Parties agree to open a direct two-way flight path in a northern line across the Taiwan Strait, and to establish a procedure for direct handover between the air traffic control departments on either side of the Taiwan Strait.

The Parties agree to continue discussing the opening of a direct two-way flight path in a southern line across the Taiwan Strait, as well as other more convenient flight paths.

### **2. Undertaking Carriers**

The Parties agree that airline companies capitalized by and registered on either side of the Taiwan Strait may, with approval, undertake business transporting passengers and cargo across the Taiwan Strait.

### **3. Flight Points for Direct Flights**

The Parties agree to open suitable flight points for direct cross-strait passenger and cargo flights according to market demand.

### **4. Regular Flights**

The Parties agree to do the utmost possible to make arrangements for regular passenger and cargo flights within six months of the implementation of this agreement.

### **5. Cargo Charter Flights**

The Parties agree to open direct cross-strait cargo charter flights to carry cross-strait cargo.

### **6. Passenger Charter Flights**

The Parties agree to increase flight points and flight schedules on the basis of cross-strait weekend charter flights, and to adjust them to regularized arrangements for passenger charter flights.

#### **7. Business (Official) Charter Flights**

The Parties agree to the opening of non-commercial business (official) charter flights as circumstances warrant.

#### **8. Mutatis Mutandis Application**

The Parties agree that the provisions of the Minutes of Talks on Cross-Strait Charter Flights shall apply mutatis mutandis to passenger and cargo charter flights and related matters.

#### **9. Liaison Bodies**

- (1) Communications and implementation of matters relating to this Agreement shall be handled by and between the Taipei Airlines Association and the Cross-Strait Aviation Transport Exchange Council. The Parties may designate other institution(s) for such communications, if necessary, upon mutual consent.
- (2) Communications regarding other matters related to this Agreement shall be handled by the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait.

#### **10. Performance and Amendment to the Agreement**

- (1) The Parties shall comply with the provisions of this Agreement. The Annex to the Agreement shall have the same effect as the Agreement itself.
- (2) This Agreement shall be amended only with both Parties' consents, and shall be confirmed in writing.

#### **11. Dispute Resolution**

Any disputes arising from the application of this Agreement shall be resolved by prompt negotiation between the Parties.

#### **12. Matters not Mentioned in this Agreement**

Matters not mentioned in this Agreement shall be separately discussed and resolved by the Parties in an appropriate manner.

### **13. Effective Date**

This Agreement shall become effective within 40 days after signature by the Parties.

This Agreement was signed on November 4 in four original copies, with each Party keeping two copies.

Annex: Arrangements for cross-strait flight paths and passenger and cargo charter flights

Straits Exchange Foundation  
Chairman

Association for Relations Across the Taiwan Strait  
Chairman

*(Signature)*

*(Signature)*

[Note: In case of any discrepancy between the Chinese and English texts, the Chinese text shall govern.]

## **ANNEX**

### **Arrangements for Cross-Strait Flight Paths and Passenger and Cargo Charter Flights**

Specific arrangements under Articles 1, 3, 5 and 6 of this Agreement are as follows:

#### **1. Direct Flight Path**

The Parties agree that the air traffic control departments on either side of the Taiwan Strait shall in a suitable manner conduct liaison and make concrete arrangements to establish a direct flight path in a northern line from Taipei to Shanghai Flight Information Regions, and for the air traffic control handover procedure.

The northern line direct flight path shall be:

From B576 point BERBA (N27°04'41" E123°00'00" ) to Dongshan via point A air traffic control handover point agreed by the Parties (N27°26'20" E122°25'19" ), for use in both directions.

#### **2. Cargo Charter Flights**

- (1) Carriers: The Parties agree that each may designate two or three airline companies to operate cargo charter flight business.
- (2) Flight points: The Taiwan side agrees to open Taoyuan and Kaohsiung (Sioagang) and the Mainland side agrees to open Shanghai (Pudong) and Guangzhou as flight points for cargo charter flights.
- (3) Flights: The Parties shall operate 60 round-trip flights per month, with each Party operating 30 round-trip flights. Of these, 15 return flights each to and from Shanghai (Pudong) and Guangzhou shall be made by each Party per month. In the peak cargo shipment months of October and November, each Party may operate an additional 15 return-trip flights.
- (4) Commercial arrangements: The Parties' designated airlines shall adopt a commercial cooperation mode of operation, and implement this after filing on record with the relevant administrative authority.

#### **3. Passenger Charter Flights**

- (1) The Taiwan side agrees to open the eight flight points of Taoyuan, Kaohsiung (Siaogang), Taichung (Chingchungkang), Taipei (Sungshan), Penghu (Makung), Hualien, Kinmen and Taitung for passenger charter flights. The Mainland side agrees, on the basis of the five flight points of Beijing, Shanghai (Pudong), Guangzhou, Xiamen and Nanjing already opened for weekend charter flights, to open the additional 16 flight points of Chengdu, Chongqing, Hangzhou, Dalian, Guilin, Shenzhun, Wuhan, Fuzhou, Qingdao, Changsha, Haikou, Kunming, Xian, Shenyang, Tianjin and Zhengzhou for passenger charter flights.
- (2) The Parties will over seven days each week operate no more than 108 round-trip flights, with each Party operating no more than 54 round-trip flights. Among these, the Taiwan side's flights to Shanghai (Pudong) may not exceed 20 round-trip flights. The number of flights may hereafter be increased or decreased at appropriate times according to market demand.
- (3) Other matters: After normalized arrangements for passenger charter flights have been realized, the previous arrangements for holiday charter flights will no longer be implemented. Charter flights for the Lunar New Year holiday period may be temporarily increased by an appropriate number according to the circumstances.
- (4) Mail transport: The Parties agree to the use of passenger charter flights for delivery of mail between the two sides.