

# **Explanatory Material for " Cross-Strait Collaboration Agreement on Flight Safety and Airworthiness "**

MOTC  
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## **I. Background**

Since the signing of the Cross-Strait Air Transport Agreement between the Straits Exchange Foundation (short for SEF hereinafter) and the Association for Relations across the Taiwan Straits (short for ARATS hereinafter) and the subsequent embark of direct flights across Taiwan Strait, bilateral cooperation in civil aviation transportation has improved significantly; as verified by the remarkable increment of cross-strait flight routes and flight frequency. As the consequence, a consensus was formed that further cooperation in both flight safety and airworthiness standards are needed. Those urgent issues should be put forward as to enhance flight safety and to strengthen people's lives and properties on both sides as much as possible.

In accordance with the relevant ICAO Annexes, Specifications as well as the applicable Civil Aviation Regulations, all activities connecting flight safety and airworthiness standards are subject to be oversight by the flight safety section of the regulatory authority. Furthermore, to cope with the nature of internationality for air transportation, bilateral cooperation between different territories in flight safety and airworthiness standards is a common practice prevailed in the international aviation community; as to promote the development of aviation industry as probable.

In November of 2000, the Civil Aeronautical Administration (short for CAA hereinafter) of Ministry of Transportation and Communications, ROC (short for MOTC hereinafter) first proposed to set up the "Cross-Strait Collaboration Agreement on Flight Safety and Airworthiness". Subsequently, thanks to assistance from Mainland Affairs Council (MAC) and Straits Exchange Foundation (SEF), in February 2014, a consensus is reached during the 10th round of Cross-Strait High-Level Talks in regards to list above-mentioned topics into the meeting agenda of the next high-level meeting. Consequently during the 11th High-Level Talks in July this year, the establishment of cross-strait collaboration mechanism in both flight safety and airworthiness oversight were well deliberated. Both sides therefore agreed to

gradually establish a routine cooperation platform to serve as the joint mechanism to advance mutual cooperation by taking flight safety related activities into action.

## **II. Scope of Cooperation**

In order to enhance the development of cross-strait civil aviation, the Parties agree to prompt establishing an oversight mechanism of the cross-strait flight safety and airworthiness based on the principles of ensuring flight safety as well as reciprocal favored treatment and on the foundation of professionalism and practice. The scope of cooperation will include field specification, oversight mechanism, certificate management, profession validation, information exchange and reporting, etc.

## **III. Expected Benefit**

The public interest is always the top consideration factor of the government policy. As the number of cross-strait flights increase, the urgency of the Cross-Strait Collaboration Agreement on Flight Safety and Airworthiness becomes more obvious. It is expected to achieve enhancing flight safety and passenger convenience, and promoting the development of aviation industry, three goals at the same time through mutual cooperation.

Now the number of cross-strait passenger and freighter flights is large. According to the civil regulations, the airplanes must be inspected for airworthiness and released by qualified maintenance personnel before each flight to ensure flight safety. Since the civil aviation authorities of both sides have not agreed to delegate the inspection tasks to the repair stations of the other side, the airlines send maintenance personnel either to fly with the airplanes or to station at the flight points on the other side. Due to short transit time at the airports of the other side, limited maintenance resource and weak maintenance man power support, only basic inspections and simple corrective actions can be carried out so the potential of flight risk increases.

After this agreement become effective, both sides will be able to conduct inspections against the airlines of the other side. The airlines of both sides may delegate airplane maintenance release tasks to the repair stations of the other side so as to reduce operation cost and increase competition ability. As a result, our industries will get the chance to provide service to the other side's

airlines. For the passenger aspect, not only the conditions of passenger delay caused by mechanical faults may be improved, but also the flight safety may be enhanced.

## **IV. Description for Pursuit of Agreement**

### **A. Collection of public opinions**

In order to increase transparency to the public for this cross-strait negotiation process, the MOTC and CAA jointly held three open communication conferences with participants coming from regulatory authority, aviation industry, and academy fields in October 2014. In addition, on the 4th and 5th of August, 2015, two open public hearing conferences were also conducted at Taipei and Taichung City. Participants from regulatory authority, aviation industry, and academy fields “all express support” and “most express the need to speed up” to sign this agreement. In addition, the survey carried out by MCA in July 2015 shows the public support to signing of this agreement is 79.2%.

### **B. Communication with the Legislative Yuan**

Starting from December of 2014 and successively in the May, June and July of 2015, MAC, MOTC and CAA have proactively initiated pertinent communications with the members and co-chairs of both Home Affairs Committee and Transportation Committee, of Legislative Yuan. Following that, on August 14, 2015, consultation with President of Legislative Yuan, Mr. Wang, Jin-Pyng and with representatives from caucus of various parties were also undertaken. President Wang, after counseling with individual caucus, raised the following comprehensive conclusion- “decision made by the executive authorities in relevant regard will be considered respectively. Nevertheless, when signed by both sides, this Agreement needs to be submitted to Legislative Yuan for final approval, in accordance with the applicable legislative mechanism.”

### **C. Business communication between both sides**

The SEF and ARATST, respective official delegations of the regulatory

authority across the Taiwan Strait, have succeeded in arranging four communication meetings for civil aviation authorities from both sides. According to the meeting, consensus was reached in regards to the title of Agreement and the scope of further collaboration. Additional consensus was also obtained for the principles of follow-up implementation. Either authority agreed to make the necessary review and effort in accordance with its own procedures.

## V. Conclusion

The number of regular roundtrip flights weekly across Taiwan Strait has being reached to 890 for passengers, and 84 for cargo transportation, respectively (in Taiwan including ten operation airports whereas in Mainland China 61, in sum). Coupled with these facts, the accumulated passengers carried in 2015 have already exceeded 10 million. However, suffering from the fact that no mutual recognition of aviation products and components is in place, airlines operating cross-strait flights for both sides have to allocate adequate numbers of qualified technicians aboard to carry out routine/necessary maintenance activities before and after landing. From the flight safety respect, it is deemed as a top priority as well as an urgent issue to promote cross-strait cooperation in a highly proactive manner.

One must agrees that there is no boundary for flight safety. In addition to the high intensity of direct flights across-strait and the common accepted premise- *Prevention in advance is superior than make up afterwards*, it is recommended that mutual cooperation between both sides should be boosted on this issue, as to as preclude every probable risk that might be potentially harmful to every flight passenger. Protection of people's lives is one top-priority, crucial and urgent issue. Through the materialization of this Agreement, the Executive Yuan is entitled to meet the demand for further promotion of flight safety and the enhancement of aviation industry. Besides, through this cooperation platform, it provides a more confident, safer, convenient and more secure aviation environment for every passenger travelled across Taiwan Strait. The aviation industry can also be benefit from this platform cooperation to advance their business more prosperous.