

Regulations Governing Aircraft Takeoff and Landing

Quota in Domestic Airports

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Article 2, 3, attachment 2 of Article 8 amended and promulgated on November 30, 2011 by the CAA per Decree No. Qi-Fa-Fa-0051

Article 3, 5, 6 amended and promulgated on August 13, 2014 by the CAA per Decree No. Qi-Fa-Fa-10314008081

Article 1

These Regulations are prescribed in accordance with Article 50, Paragraph 5 of the Civil Aviation Act.

Article 2

The terms used herein are defined as follows:

1. “Domestic airport” means any of the five military and civil airports, which include Taichung Ching Chuang Kang Airport, Chiayi Airport, Tainan Airport, Hualien Airport and Penghu Airport.
2. “Aircraft takeoff and landing quota” means the quota for one takeoff and one landing in a single airport for an aircraft.

Article 3

The aircraft takeoff and landing quota in domestic airports (hereinafter referred to as “airport quota”) shall be allocated to civil air transport enterprises (hereinafter referred to as “enterprise”) by the Civil Aviation Administration, Ministry of Transportation and Communications (hereinafter referred to as the “CAA”) of the Ministry of Transportation and Communications (hereinafter referred to as the “MOTC”) in accordance with the rules set forth herein.

Article 4

An enterprise shall not regard the allocated airport quota as exclusive rights, and shall not assign or lend it to any other enterprise; provided that an exchange of airport quota may be conducted between such enterprises upon approval by the CAA if prompted by

joint operation or adjustment of air routes.

If any merger or acquisition of enterprises is approved by the MOTC, their airport quotas may be arranged in accordance with the following provisions, without regard to the restrictions on assignment set forth in the preceding paragraph:

1. An enterprise to be merged or acquired may transfer its originally allocated airport quota to the surviving enterprise upon the merger or acquisition.
2. An affiliated company of the enterprise to be merged or acquired, which is also a civil air transport enterprise, may transfer its originally allocated airport quota to the surviving enterprise upon the merger or acquisition.

Article 5

When an enterprise applies for allocation of airport quota, it shall file an application with the CAA, along with its operation plan. The CAA shall ask other enterprises' demands and equitably allocate such quota to the enterprise depending on actual demands.

If two or more enterprises file applications and the total amount of airport quota applied is higher than the amount of airport quota remaining unallocated, the CAA shall rate according to the enterprises' operating plans to make the allocations mentioned in the preceding paragraph. The technical rating items of subparagraph 2 of paragraph 1 of Article 6 of Regulations Governing Allocation of International Air Traffic Rights and Charter Flights shall apply to do the previous rating and the calculation period of the safety assessment score is 2 years prior to the end of the month which the CAA asks the enterprises' demands.

The CAA shall, when allocating the takeoff and landing quota, give preference to an enterprise that develops a regular route between Taiwan proper and such offshore island areas as Lienchiang County, Penghu County, Kinmen County and Lanyu Township and Lyudao Township of Taitung County, or between an offshore island and its offshore isles.

The CAA may give preference to an enterprise in allocating airport quotas as dictated by policy demands if the enterprise meets one of the following conditions:

1. It operates a regular offshore island route in such areas as Lienchiang County, Cimei Township and Wang-An Township of Penghu County or Lanyu Township and Lyudao Township of Taitung County; or
2. It is the enterprise that survived a merger or acquisition one (1) year after the date thereof.

If the airport quotas must be adjusted or reduced to meet the demands of public interests or military combats, exercises or trainings, the CAA may adjust or retract the airport quotas already allocated to the enterprises.

If the CAA plans to restore the adjusted or retracted airport quotas mentioned in the preceding paragraph, it shall give preference to the enterprises that originally used such airport quotas unless any of the circumstances set forth in Article 6 hereof occurs.

Article 6

If an enterprise is subject to any of the following circumstances, it shall be given any airport quota:

1. It is involved in a financial dispute that affects normal operation of the company;
2. It has not honestly reported an aircraft accident occurring during the past year;
3. It uses the type(s) of aircraft that fail to meet the requirements of the airport for which allocation of the airport quota was applied;
4. The facilities of the airport for which allocation of the airport quota was applied cannot meet proper demands; and
5. Within one (1) year after the occurrence of any aircraft accident; provided that the accident was apparently not attributable to the enterprise, as determined by the CAA's Flight Safety Assessment Committee.

If an enterprise may not participate in the allocation of airport quota due to the restrictions set forth in Item 5 of the preceding paragraph, but the accident investigation later determined that the accident was not attributable to the enterprise, such restrictions shall then be withdrawn. If, during the period when such restrictions are imposed, additional allocation of airport quota is made and the said enterprise cannot acquire any quota because it is disqualified under such restrictions, the CAA may consider giving preference to the enterprise when making any allocation of airport quota in the future.

Article 7

An enterprise shall apply for a regular line for domestic routes based on the allocated airport quota. If the airport quota is for an assigned route, it shall not be diverted to another non-assigned route.

Article 8

The CAA may retract part or the entire airport quota already allocated provided that an enterprise does not fulfill its obligations and commitments to the following measures:

1. fails to truthfully carry out the operation plan presented by it and duly reviewed by CAA;
2. stops, combines or reduces flights without due authorization, and fails to take corrective measures within the period stipulated by the CAA; and
3. violates the governing regulations in the Attachment 2.

Article 9

The CAA may provide unused airport quota of an enterprise to another enterprise on a temporary basis if and when the runway needs an overhaul or any other emergency arises.

The enterprise may apply, to CAA, for additional airport quota, which is unused and available for a short term period, in order to meet a temporary market demand if its original allocated airport quota is insufficient, however, the additional airport quota shall not be used for more than six months during the whole year.

If any allocated airport quota is used on an air route that apparently has a peak season and a low season, and the average rate of its usage does not reach seventy percent (70%) for six consecutive months, the CAA may then retract the unused portion thereof.

In addition to an air route mentioned in the preceding paragraph, the CAA may also retract the unused portion of any airport quota whose average rate of usage does not reach eighty percent (80%) for six consecutive months.

Any unused portion of the airport quota that is not attributable to an enterprise will not be considered when calculating the rate of usage mentioned in the preceding two paragraphs.

The air route that apparently has a peak season and a low season as mentioned in Paragraph 3 hereof means one whose highest monthly average passenger capacity for three consecutive months during the past year is one and half times that of the lowest monthly average passenger capacity during the same period.

In the event that an enterprise terminates any of its domestic scheduled air routes, the CAA may retract its original allocated airport quota, wherein, such retracted airport quota thereto will be calculated based on the average quota of its usage of such air route in a period of six consecutive months prior to the actual termination month.

Article 10

The CAA may announce the airport quotas to be allocated and the deadlines for filing an application at regular or irregular intervals. No application shall be accepted if filed for any airport quota that has not been announced.

Article 11

These Regulations shall become effective as of the date of promulgation.

Attachment 1
(delete)

Attachment 2

1. Civil air transport enterprise shall utilize the airport pursuant to its allocated quota, in which, at most one flight quota could exchange between daytime or nighttime.
2. Aircraft takeoff and landing period shall be in compliance with the agreement between the CAA and the Air Force Command Headquarters of the Ministry of National Defense. In the event of delayed takeoff or landing time due to particular factors (e.g. flight activities, maintenance activities, climate factors or public holidays etc.); the relevant civil air transport enterprise shall apply it to airport office in advance and implement it while receiving the approval of the military authorities through airport office.
3. In case of the application for temporary flight beyond prescribed limits or ferry flight due to special circumstances (e.g. natural disaster, disruption of ground transportation, climate factors or public holidays etc.), the relevant civil air transport enterprise shall apply it to airport office in advance and implement it after receiving the approval of airport office.