

Regulations Governing General Aviation

As promulgated by MOTC Order No.05459 decree on June 17,1977

Amended by MOTC Order No. 7407 on November 15,1985

Amended by MOTC Order No. 8525 on May 23,1996

Amended by MOTC Order No. 8816 on May 13,1999

Amended by MOTC Order No. 0086 on November 27,2001

Amended by MOTC Order No. 91B000017 on April 2,2002

Amended by MOTC Order No. 91B000045 on June 11,2002

Amended by MOTC Order No. 91B000151 on December 13,2002

Amended by MOTC Order No. 0970085025 on April 16,2008

Amendments to Article 9 promulgated by MOTC Order No.09800850404 on July 15,2009

Amendments to Articles 5, 9, 10, 12 promulgated by MOTC Order No. 0980085067 on December 30,2009

Amendments to Articles 18 promulgated by MOTC Order No. 0990085033 on July 8, 2010

Amendments to Articles 8, 9, 10, 14, addition of Article 9-1, promulgated by MOTC Order No. 10250027301 on March 20, 2013

Amendments to Articles 3 promulgated by MOTC Order No. 10350012041 on February 7, 2014

Amendments to Articles 8 promulgated by MOTC Order No. 10350158331 on December 11, 2014

Amendment to Article 9, 10, 16 and addition of Article18-1,18-2 promulgated by MOTC Order No. 10450097191 on July 30, 2015

Article 1

This Regulation is enacted in accordance with the terms in Paragraph 2 of Article 64-1 of the Civil Aviation Act (hereafter referred to as this Act.)

Article 2

“General Aviation Enterprise” means an enterprise engaging in the aviation business other than Civil Air Transport Enterprise for compensation, including aerial tourism, survey, photographing, fire-fighting, searching, paramedic, hauling and lifting, spraying and dusting, drone-hauling service, business charter, as well as other authorized aviation service.

A general aviation enterprise that operates business charter shall provide private and exclusive aviation passenger transportation with an airplane or helicopter having a passenger-seat configuration of 19 seats or fewer, excluding each crewmember seat, and shall not engage in individual solicitations.

Article 3

General aviation enterprise should be run as a specialized business, unless it complies with any of the following:

- 1) Through application for approval pursuant to Regulations of Civil Air Transport Enterprise may apply for scheduled or non-scheduled air carrier services on domestic offshore and outlying island air routes or helicopter carrier service on domestic air routes.

- 2) General aviation enterprise given permission on case-by-case basis may engage concurrently in industry connected with aviation.
- 3) Civil air transport enterprise or an industry connected with aviation given permission on case-by-case basis, may engage concurrently in general aviation germane to its normal operations.

Article 4

General aviation applicant shall form a new company and enclose the following papers in duplicate to request the Ministry of Transportation and Communications (MOTC) through the Civil Aeronautics Administration (hereinafter referred to as CAA) of MOTC for permission to establish its business:

- 1) Application (Attachment 1)
- 2) Draft of company charter
- 3) Name list and identification certificates of sponsors
- 4) Prospectus: covering business projects, fleet of aircraft, market status, forecast of revenue and expenditure, plans to raise capital
- 5) Equipment for flight operation and maintenance, programs of organization and training
- 6) Source of pilots and training

An enterprise applying for general aviation operations concurrent to its regular business or a general aviation enterprise applying to increase its scope of operations according to Article 3 shall enclose papers listed in item 1, items 4 through 6 and a revised draft of company charter.

An enterprise applying to operate business charters shall submit descriptions of flight safety organization and planning.

Article 5

Within a specified preparatory period the general aviation enterprise shall, according to law, complete registration with appropriate authorities, equip itself with aircraft, enable itself to engage in safe operation according to applicable laws and pass the review of operational standards conducted by CAA, execute agreements for conditional or unconditional purchase of aircraft, and enclose the following papers in duplicate in applying to CAA for MOTC approval. The applicant's Operations Specifications will also be approved by CAA. If an applicant's business scope includes international business charter, the applicant shall register with the Customs Office to acquire appropriate certification. The general aviation enterprise may begin its operation only after CAA issues or renews its permit of general aviation enterprise (attachment 2 and attachment 2-1).

- 1) Company registration certificate
- 2) Company charter
- 3) Roster of board of directors, supervisors and shareholders
- 4) Resumes of managers
- 5) Contract for lease or purchase of aircraft or for conditional procurement and a synopsis of aircraft
- 6) Company logo

- 7) Certificate of liability insurance taken
- 8) Inventory of maintenance and repair equipment, hangar and field facilities, or contract authorizing a qualified agent to perform maintenance and repairs
- 9) Copy of the ratified security program
- 10) Enclose the following documents for application for business charters:
 - A. Equipment and organization of flight operations and mechanical service and list of personnel
 - B. List of Pilots
 - C. Flight safety organization and list of staffs.
- 11) Operations specifications.

The license shall become invalid if the enterprise fails to start operations within 12 months from the date the license was issued by CAA, or it has suspended operations over 6 months after starting its business. In this case, CAA shall report to MOTC to have the license abolished and notify agencies concerned to cancel its registration, unless a justifiable extension is applied for and approved.

The extension period stated in the preceding paragraph shall not exceed 6 months and will be granted once only.

The general aviation enterprise who received a permit of general aviation enterprise from CAA before this Regulations promulgated on December 30, 2009, shall enclose operations specifications in applying to CAA for renewal, within 6 months since this Regulations promulgated.

Article 6

CAA shall report to MOTC to deny any general aviation applicant on account of one of the following:

- 1) The services to be provided do not coordinate social development or meet practical needs.
- 2) Air terminal or airfield facilities would be overstretched.

Article 7

The equity capital of a general aviation business shall not be lower than NT\$50 million, and shall not be lower than NTD100 million when the operating items include business charter service.

Article 8

To import civil aircraft through procurement, on conditional transaction or on the basis of lease, general aviation enterprise shall apply for MOTC permission via CAA, enclosing the following papers in duplicate:

- 1) specification of aircraft
- 2) plan for use
- 3) maintenance plan (including maintenance organization and training of personnel)
- 4) financial program (including how payment is made, source of funding and projected revenue and expenditure)
- 5) source of pilots and training program

The age of foreign aircraft to be purchased, procured with conditions attached, or leased, for

passenger aircraft it shall not exceed ten years, for cargo aircraft it shall not exceed ten years. Nevertheless, a general air aviation business that has used the same type of aircraft for over three years, the aircraft shall be not more than ten years old for passenger use, not more than fifteen years old for cargo use.

Under one of the following conditions, the proviso in the second paragraph allows continuing use of that aircraft after the general air aviation business encloses pertinent papers and applies to CAA for MOTC approval:

- 1) continued lease of the same aircraft
- 2) with an aircraft already on lease which is meeting the age limit set forth in the preceding paragraph, the lessee is applying for changing the status of lease into that of purchase or conditional procurement
- 3) lease-back of the same aircraft that has been sold.

Aircraft to be used for aerial tourism, rescue and business charter service shall be turbine engines or twin piston engines. The aircraft must carry two pilots in the cockpit together with a cockpit communications recorder. A flight recorder should also be installed where called for. Free balloon to be used for aerial tourism is allowed for without engines and carrying two pilots in the cockpit together with a cockpit communications recorder by applying for CAA permission.

Civil air transport enterprise applying for running general aviation enterprise with helicopter, upon approval to set up business, may continue to use the turbine engine cargo helicopter already in commission without being subjected to the restriction set out in the second paragraph.

Article 9

A general aviation enterprise uses aircrafts except free balloon for flight shall, five working days before a planned operation, enclose the following papers to apply for CAA permission:

- 1) flight operation application (Attachment 3) ;
- 2) list of passenger (Attachment 4) – any changes made to the passenger list shall be submitted to the airport and the operator or manager of the concerned private airfield before takeoff; aerial tourism operators are allowed to submit the passenger list the airport before departure ;
- 3) statement of authorization to execute the operation(Non-profit flight is no need to submit) ; and
- 4) other documents

The sketch of operation area should be provided to Air Navigation and Weather Services, one working day before the planned operation.

To apply for non-profit flights carrying the personnel who are not flight crew, the certificate of liability insurance taken for the said personnel shall also be enclosed.

In order to use a helicopter pad on temporary basis, aside from going by Paragraph 1 of Article 21 of the Regulations Governing the Management of Private Airfield and pertinent rules, CAA permission shall be requested seven working days before the planned operation, submitting the papers aforementioned in Paragraph 1.

If extension of an operation is required, CAA permission must be requested three working days before the last day of the operation, submitting the following papers:

- 1) letter of authorization to extend operation(Non-profit flight is no need to submit) ; and
 - 2) photocopy of the original letter of agreement approved
- Application for launching an operation of fire-fighting, search & rescue , paramedic or other matter of emergency may be filed with the nearest air terminal affiliated to CAA, exempt from the working days requirement as stipulated in paragraph 1, 2 and 4.

Article 9-1

A general aviation enterprise uses free balloon for flight shall, 1 month before activity, enclose the plan to apply for CAA permission.

The plan shall include following papers:

- 1) Reason for application.
- 2) Contents of activities (including nationality mark, registration number of the free balloons and estimated starting and ending time of activities).
- 3) Airspace (including Scope, Height and Period of time).
- 4) Relevant document of the temporary take off and landing field used.
- 5) Certificate of liability insurance taken

The airspace referred to in subparagraph 3 of the preceding paragraph shall be complied with the relevant provisions of the Rules of the Air.

The temporary take off and landing field referred to in subparagraph 4 of paragraph II shall be complied with Article 21 of Regulations Governing the Management of Private Airfields.

A general aviation enterprise conducting the flight actives of free balloons shall submit the passenger list (Attachment 4) to the airport designated by CAA for record as well as the passenger list changed.

Article 10

Application from general aviation enterprise for business charter operations shall abide by the following regulations:

- 1) Submit the following documents to CAA to apply for permission two working days prior to the expected takeoff when using a civil airport or private airfield, or three working days before the expected takeoff when using a civil and military airport
 - A. Application (Attachment 5)
 - B. A copy of the business charter contract (Non-profit flight is no need to submit).
 - C. List of passengers to be aboard the said business charter flight (Attachment 6). Changes to the passenger list should be presented to the airport and the operator or manager of a private airfield before takeoff.
- 2) Voluntary cancellation of an approved flight should be reported to concerned airports, the operator or manager of a private airfield in advance for record.
- 3) Flight permission is valid within 24 hours before and after the estimated time of departure and arrival as shown in the flight notification (Attachment 7).

To apply for non-profit flights carrying the personnel who are not duty personnel aboard an aircraft, the certificate of liability insurance taken for the said personnel shall also be enclosed.

In case of business charter flights for evacuating the wounded or sick, or other emergencies, application may be filed exempt from the working days requirement as stipulated in the first paragraph.

Article 11

Aside from dealing with the respective situations according to law, general aviation enterprises shall report any one of the following scenarios to CAA for MOTC record:

- 1) Entering into contract with other enterprise in respect of lease, joint operation or franchise, change or termination of such contract
- 2) Change or relocation of the base for flight operations and maintenance services, or of principal equipment

Article 12

General aviation enterprises shall report to CAA for MOTC record any changes in the company title, organization, representatives and capital fund, within 15 days from the date such changes have been registered with the concerned agency. Change in the board of directors, supervisors, managers, address or establishment of a branch company shall be reported to CAA for file within 15 days following the completion of registration.

Upon changes in company title, organization, representatives, capital fund and address, a new general aviation permit shall be applied for, enclosing the fee for a replacement permit.

Any changes in permit of general aviation enterprise, shall pay a fixed fee to apply for renewal.

Article 13

Before a general aviation enterprise terminates its operation, advance notice must be served to MOTC through CAA. Within 30 days from the termination, it should surrender the issued license for cancellation. If the license has not been surrendered within the 30-day period, CAA will issue a public notice advising that the license has been revoked.

Article 14

General aviation enterprises shall submit the following periodical report to CAA for MOTC record:

- 1) statistics of operation data and volume of carriage(Attachments 8~10).
- 2) second quarter financial report and annual financial report.
- 3) statement on capital increase or issuance of company bonds.
- 4) flight operation report.
- 5) maintenance & repair report and flight safety information.
- 6) shareholders holding more than 3 percent of company shares.

General aviation enterprises shall submit electronic financial data on schedule announced by CAA. If necessary, CAA may examine the company business and financial status and other relevant documents.

Article 15

To promote the development of civil aviation industry, ensure aviation safety or public interest, the CAA may provide personnel to inspect general aviation enterprises and monitor their operations including employees and equipment. General aviation enterprises shall not refuse, avoid or impede such inspections, and will be notified of deficiencies if any, and shall improve within a certain period of time when so advised by the CAA.

If no improvement has been done within the specified period, or the general aviation enterprise refuses, avoids or impedes inspections, the CAA may, with the MOTC approval, take action necessary to put on hold the general aviation enterprise's application under Article 9 or Article 10.

Article 16

General aviation enterprises are required to keep all contracts, letters of authorization, passenger lists or their electronic files for at least 2 years for CAA's reference.

Article 17

The Rules of Compensation for Damage Caused to Passengers and Freight shall apply to the passengers and flight crew aboard an aircraft for whom the general aviation enterprise is accountable, unless otherwise stipulated in a special contract.

Article 18

General aviation enterprise applying for a general aviation enterprise permit shall pay a permit charge of NT\$36,000.

In the case a general aviation enterprise permit is damaged or lost, the general aviation enterprise shall state reasons in applying to CAA for issuance of the new one.

To apply for English version of the above said permit or for issuance of the new one, general aviation enterprise shall pay NT\$2,100.

Article 18-1

All flight application mentioned in this regulations may be applied through the on-line information system designated by CAA.

Article 18-2

CAA may commission the airport operator to conduct and approve the flight application or changes in Paragraph 1 of Article 9 and Paragraph 1 of Article 10.

The commissioned the airport operator and matters, and the legal basis for such commission in the preceding paragraph shall be publicly announced and published in a government gazette.

Article 19

This Regulation shall become effective on the date of promulgation.

Amended attachments

Attachment 1

Application for Establishment of General Aviation Business

Recipient: Civil Aeronautics Administration, Ministry of Transportation and Communications

Issuing Date: ____yy ____mm ____dd

Subject: To apply for establishment of _____

Issuing No.:

1. Company Name	Chinese:
	English:
2. Total Capital	NTD
3. Location of Headquarters (address)	
4. Location of Aircraft Base (address)	
5. Business Items Intended	
6. Models and Number of Aircrafts to Be Used	
7. Remark	

Amended attachments

Applicant:

(Signature)

Attachment 2

CIVIL AERONAUTICS ADMINISTRATION
MINISTRY OF TRANSPORTATION AND COMMUNICATIONS
REPUBLIC OF CHINA

PERMIT OF GENERAL AVIATION ENTERPRISE

Reference No. :

WHEREAS, _____ with items listed below has applied
for operation of general aviation business ;

NOW CONSIDERING that all the items listed have met the requirements of related civil aviation regulations,
this Permit and AOC is hereby issued according to Paragraph One of Article Sixty-four of Civil Aviation Act.

1. Name of the Company:
2. Name of Legal Representative:
3. Business Engaged in:
4. Paid-in Capital Amount:
5. Registered Office Address:

Effective Date:

○○○

Director General

AIR OPERATOR CERTIFICATE

REPUBLIC OF CHINA

CIVIL AERONAUTICS ADMINISTRATION MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

AOC# : Expiry date: (Invalidation or revocation of “Permit of General Aviation Enterprise” or “Operations Specifications”)	_____ (Airline’s Name) Operator address: Telephone: Fax: E-mail:	Operational points of contact Contact details, at which operational management can be contacted without undue delay, are listed in _____ _____
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This certificate certifies that _____ (Airline’s Name) _____ is authorized to perform **general aviation operations** (*including business charter*), as defined in the attached operations specifications, in accordance with the operations manual and the Aircraft Flight Operation Regulations .

Date of issue: dd-mm-yyyy	Name and signature: ○○○○ Title: Director General
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Attachment 3

Application for General Aviation Operations

Subject of Application						
Operation Plan	Principal Airport				Relieve Airport	
	Flight Information region	See aviation map				
	Estimated Operation Time	Hour			From (Date):	To (Date):
	Aircraft Model		Nationality Code		Number of Aircrafts	
Flight Plan	<p>1. Flight route planning:</p> <p>2. Flight distance _____ nautical miles</p> <p>3. Personnel boarding and descending locations:</p> <p>4. Flight airspeed: _____ nautical miles/hour</p>					
Reminders	<p>1. 15 copies of this application are required..</p> <p>2. Indication of obstacles in a temporary takeoff/landing site should be in accordance with a helicopter field planned and designed in accordance with the final entry and departure area and includes the locations, altitudes and the relevant geometric dimensions of obstacles.</p> <p>3. The sketch of operation area that shall be a sketch with a ratio scale and includes the flight route and the operation range should be provided to Air Navigation and Weather Services, one working day before the planned operation.</p>					

Date of Application:

Applicant: (Signature)

Attachment 4**Passenger List**

Date of Application: Aircraft Model: Takeoff Location: Pilot :

Date of Operation Applied:

Name of Airline Company: Flight No.: Landing Location:
Copilot :

No.	Name	ID No.	Date of Birth	Gender	Employer and Job Title	Insurance and Amount	Airline Signature
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							

Remarks	<p>Form completion and affidavit:</p> <ol style="list-style-type: none"> 1. For passengers that are staff members of the applying airline company, the insurance field can be omitted. The airline company shall vouch for the authenticity of the rest of the registered information or will be held for any legal responsibility entailed. 2. For passengers that are employees of the unit authorizing the operation, the airline company shall vouch for all registered information or will be held for any legal responsibility entailed. 3. For passengers aboard the aircraft for air sightseeing, the Employer and Job Title field can be omitted. The unit authorizing the operation or the travel agency shall vouch for the authenticity of the rest of the registered information or will be held for any legal responsibility entailed. Passenger information can be submitted to the airport before takeoff. 4. Any change to this list should be submitted to the airport and the operator or manager of the private airfield in concern before takeoff.
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Attachment 5

**Ministry of Transportation and Communications
Civil Aeronautics Administration
Application for Business Charter Operations**

Recipient: Civil Aeronautics Administration, Ministry of Transportation and Communications		Issuance	Date	
Subject:			Number	
Application Referral			Instruction	

The application below has been completed in accordance with the Regulation Governing General Aviation from the Ministry of Transportation and Communications of the Republic of China. The applicant hereby requests for permission for the said aircraft to fly within the regulated air route and vows to abide by all civil aviation laws and related regulations.

Issuing No.:

Applicant: _____ (Signature) _____yy _____mm _____dd

Aircraft	(1) Nationality Mark and Registration Number	
	(2) Model	
Owner	(3) Name	
	(4) Nationality	
	(5) Address	
(6) Pilot Name and Nationality		
(7) Flight Type		<input type="checkbox"/> Instrument Flight <input type="checkbox"/> Visual Flight
(8) Flight Number		
(9) Flight Route		
(1 0) Arrival Time/Date and Airport		
(1 1) Departure Time/Date and Airport		
(1 2) Number of Passengers (Entry, Exit or Transit)		
Agent	(1 3) Name (Name of Person in Charge)	
	(1 4) Address	
(15)Remark		

Attachment 6**Business Charter Passenger List**

Date of Flight Application: Aircraft Model and Flight No.: Takeoff from: Pilot:

Airline Company: Nationality mark and Registration No.: Landing at: Copilot:

No.	Name	Nationality	ID or Passport No.	Date of Birth	Gender	Insurance Amount	Remark
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Note: A business charter flight shall be provided to one single client only. The airline company is required to vouch for the authenticity of all registered information or will be held for any legal responsibility entailed.

Airline signature: _____

Remark	Any change to this list should be submitted to the airport and the operator or manager of the private airfield in concern before takeoff.
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Attachment 7

**Ministry of Transportation and Communications
Civil Aeronautics Administration
Notification for Business Charter Permission**

Recipient :

Carbon :
Copy
Recipient

Date:

Approval Record No.: Yunfa _____

Flight Date					
Aircraft Model					
Flight No.					
Airline Company Name					
Flight Route					
Times of Departure and Arrival					
Agent					

Remark					
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Attachment 8

(Name of General aviation enterprise) Business Status of Implementation

year

Catalog	Flight hours		Movements
	Hour	Minute	
total			
aerial tourism			
survey			
photographing			
fire-fighting			
searching			
paramedic			
hauling and lifting			
spraying and dusting			
drone-hauling service			
other			

Remarks 1 : To be submitted last year data to Civil Aeronautics Administration before the January 31st of every year.

Remarks 2 : Not including business charter.

Attachment 9

(Name of General aviation enterprise) Business
charter Status of Implementation

year

No.	Airport	Movements
	Total	
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Remarks : To be submitted last year data to Civil Aeronautics

Administration before the January 31st of every year.

Attachment 10

(Name of General aviation enterprise) Staff position

Until December 31, (year)

No.	Position of employees	Number of people
1	Pilot-in-Command	
	National	
	Foreign	
2	Copilot	
	National	
	Foreign	
3	Flight engineer	
4	Mechanic	
5	Repairman	
6	Aircraft dispatcher	
7	Cabin Crew	
8	Sales	
9	Shipping clerk	
10	Executive	
11	Others	
Total		

Remarks : To be submitted last year data to Civil Aeronautics

Administration before the January 31st of every year.