

ASEAN-China Aviation Cooperation Framework

Introduction

1. To support the realisation of the ASEAN-China Free Trade Agreement in 2010, ASEAN and China agreed to work towards concluding an ASEAN-China Regional Air Services Agreement, covering both air freight and air passenger services to support and facilitate the traffic and movement of passengers and cargo to increase the trade and economy of ASEAN and China.
2. In support of the proposed air services agreement, both parties also agreed to pursue cooperation and facilitation in the relevant areas as agreed in the Memorandum of Understanding (MoU) between the Governments of Member Countries of the Association of Southeast Asian Nations and the Government of the People's Republic of China on Transport Cooperation signed in Vientiane, Lao PDR on 27 November 2004.

Aviation Cooperation

3. In this regard, ASEAN Member Countries and China will strengthen cooperation in the following two fields:

(a) Air Services Arrangements

4. The Parties shall actively expand the air services arrangements and connectivity either on a bilateral, regional or sub-regional basis, to support and facilitate the traffic and movement of passengers and cargo to increase the trade and economy of ASEAN and China.
5. As a priority, the Parties shall begin negotiation on the ASEAN-China Regional Air Services Arrangement, known as "Air Transport Agreement between the Government of the People's Republic of China and the Governments of the Member Countries of the Association of Southeast Asian Nations", starting at the Third ASEAN-China Working Group Meeting on Regional Air Transport Arrangement. The Parties also agreed to conclude the ASEAN-China Regional Air Services Agreement by 2010, and to implement this said agreement thereafter in line with the establishment of the ASEAN-China FTA.
6. The substantive elements of this ASEAN-China Regional Air Services Arrangement would include, but not limited to, provisions for gradual liberalisation of cargo services as well as passenger services:
 - a. removal of restrictions to the number of points in the route schedule;
 - b. no limitations on third and fourth freedom traffic rights between ASEAN and

China;

- c. no limitations on fifth freedom traffic rights between ASEAN and China;
- d. no limitations on frequency and capacity, as well as the type of aircraft;
- e. charter operation as an element; and
- f. multiple airline designation.

(b) Cooperation in Other Aviation Fields

(i) Airline Cooperation

7. The Parties shall promote, among others, the following:

- a. co-operative arrangements between or among airlines, including the utilisation of resources and business management, and
- b. airline cooperation in the form of interlining, block-space, code-sharing among ASEAN and Chinese airlines.

(ii) Airport Infrastructure Construction

8. Considering that they share the interest in undertaking economic and technical cooperation in the construction of air transport infrastructure, the Parties are encouraged to actively cooperate in the planning, designing and construction of civil airports; investment in and financing for the construction of civil airports.

(iii) Aviation Safety/Flight Standards

9. The Parties shall exchange information on air safety (major aircraft incidents and accidents) and provide mutual assistance in the use of air safety investigation facilities and equipment, with a view to sharing information on flight safety and expertise on accident investigation.

10. The Parties shall cooperate in technical discussion on the mutual recognition on the:

- a. certificates issued by the respective agencies for aircraft maintenance, repairing and over-haul, and
- b. operational standards for new techniques of flight and special flights and exchange information thereof.

(iv) Aviation Security

11. The Parties shall, act in conformity with the aviation security provisions established by the International Civil Aviation Organisation and designated as Annexes to the Chicago Convention, exchange information and best practices on aviation security, including but not limited to:

- a. passenger, baggage and cargo screening;
- b. combat against acts of unlawful interference against civil aircraft and airport operation;
- c. harmonisation of aviation security standard operation procedures (SOP), such as

those relating to containing of liquid, aerosol and gel (LAG) in the carry-on baggage of passengers in transit.

(v) Human Resources Development

12. The Parties shall cooperate in holding of workshops or seminars on subjects of common interest in the air transport sector. Subjects may cover, but shall not be limited to, personnel training on planning, construction, and management of civil airports; safety management for air service; aircraft maintenance, repairing and overhaul; air traffic control; airworthiness; special techniques on incident and accident investigation; certification of aircraft operation; apron movement control, fire fighting and aviation security; and training in the licensing and certification for pilots, and training in international civil aviation laws.

(vi) Information Exchange

13. The Parties shall cooperate in the exchange of information on air transport infrastructure and industry developments to facilitate ASEAN-China air transport services. The information may cover, laws and regulations, policies and standards in the field of civil aviation, including but not limited to, construction, management and operation of civil airports; safety management systems of airport and aircraft operators, and notification and investigation of aircraft accidents and incidents.

Working Mechanism

14. The mechanism for the implementation of the ASEAN-China Aviation Cooperation Framework shall be a working-group level. The Working Group shall focus on the negotiation/formulation of the air services agreement as priority. Upon concluding the ASEAN-China Regional Air Services Arrangement, the Working Group shall continue its work on the other aviation cooperation fields. The ASEAN Secretariat will render the technical assistance to the Working Group.