
Promulgation Authorities: Standing Committee of the National People's Congress

Promulgation Date: 2017.11.04

Effective Date: 2017.11.05

Validity Status: valid

Civil Aviation Law of the People's Republic of China(Amended in 2017)

(Adopted 30 October 1995 by the Sixteenth Session of the Standing Committee of the Eighth National People's Congress. Promulgated 30 October 1995.

Decree No 56 of the President of the People's Republic of China

The Civil Aviation Law of the People's Republic of China was adopted at the Sixteenth Session of the Eighth National People's Congress Standing Committee of the People's Republic of China on 30 August 1995. It is hereby promulgated and will take effect on 1 March 1996.

Revised on 24 April 2015 pursuant to the Decision of the Standing Committee of the National People's Congress on Revision of Five Laws Including "Metrology Law of the People's Republic of China"

Revised on 7 November 2016 pursuant to the Decision of the Standing Committee of the National People's Congress on Revision of 12 Laws Including the "Foreign Trade Law of the People's Republic of China"

Revised on 4 November 2017 pursuant to the Decision of the Standing Committee of the National People's Congress on Revision of 11 Laws Including the Accounting Law of the People's Republic of China passed by the 30th Session of the Standing Committee of the Twelfth National People's Congress)

CHAPTER I — GENERAL PRINCIPLES

Article 1.

This Law is formulated in order to safeguard State sovereignty over territorial airspace and civil aviation rights, to ensure that safety and order of civil aviation activities, to protect the legal rights and interests of all parties involved in civil aviation activities and to promote the development of civil aviation operations.

Article 2.

The airspace above the territorial land and territorial waters of the People's Republic of China will be the People's Republic of China territorial air. The People's Republic of China has absolute and exclusive sovereignty over its territorial airspace.

Article 3.

The State Council department in charge of civil aviation will exercise uniform supervision and administration of civil aviation activities nationwide and will, in accordance with the law and the decisions of the State Council and within the limits of its authority, promulgate regulations and decisions concerning civil aviation activities.

Regional civil aviation administration office established by the State Council department in charge of civil aviation will supervise and administer civil aviation activities within their respective regions in accordance with the authority delegated by the State Council department in charge of civil aviation.

Article 4.

The State supports the development of civil aviation operations and encourages and supports scientific research and educational undertakings which develop civil aviation, with a view to raising the scientific and technological level of civil aviation.

The State supports the development of the civil aircraft manufacturing industry in order that there may be a supply of safe, advanced, economical and suitable civil aircraft for civil aviation operations.

CHAPTER II — NATIONALITY OF CIVIL AIRCRAFT**Article 5.**

For the purposes of this Law, the term "civil aircraft" refers to aircraft other than those used for flight operations by the army, Customs and the police.

Article 6.

Civil aircraft which have completed the nationality registration procedures with the department in charge of civil aviation under the State Council of the People's Republic of China according to the law are considered to have acquired the nationality of the People's Republic of China and will be issued a Certificate of Nationality by the State Council department in charge of civil aviation.

A civil aircraft nationality register of the People's Republic of China established by the State Council department in charge of civil aviation will uniformly record all matters relating to the nationality registration of civil aircraft.

Article 7.

The following civil aircraft must carry out People's Republic of China nationality registration procedures:

- (1) civil aircraft of State organs of the People's Republic of China;
- (2) civil aircraft owned by corporate enterprises established in accordance with the law of the People's Republic of China. If contributions from foreign business comprise some of the registered capital of a corporate enterprise, then its structural set-up, employee composition and the investment proportion of the registered capital constituted by the contribution of the Chinese investor(s) must comply with the provisions of laws and statutory regulations; and
- (3) other civil aircraft approved for registration by the State Council department in charge of civil aviation.

The lessee of a civil aircraft leased from outside Chinese territory may apply for People's Republic of China nationality registration where the lessee complies with the provisions of the preceding paragraph and where the flight crew of the leased aircraft are provided by the lessee. However, the original nationality registration of the leased civil aircraft must first have been cancelled.

Article 8.

Civil aircraft which have acquired the nationality of the People's Republic of China in accordance with the law must display the stipulated nationality and registration symbols.

Article 9.

A civil aircraft is not permitted to have dual nationality. A civil aircraft which fails to cancel its original foreign nationality is not permitted to apply for nationality registration in the People's Republic of China.

CHAPTER III — RIGHTS OVER CIVIL AIRCRAFT

Section 1 — General Provisions

Article 10.

The rights over civil aircraft referred to in the provisions of this Chapter will include rights in respect of the airframes, engines, screw propellers, radio equipment and all other related parts which are used on a civil aircraft, regardless of whether those parts are affixed to the aircraft or temporarily detached.

Article 11.

The holder of the rights to a civil aircraft must register each of the following rights separately with the State Council department in charge of civil aviation:

- (1) ownership of civil aircraft;
- (2) the right to acquire and possess a civil aircraft through purchase;
- (3) the right to possess civil aircraft acquired through a leasing contract, the lease term of which is no less than six (6) months; and
- (4) mortgage over a civil aircraft.

Article 12.

A register of civil aircraft rights will be established by the State Council department in charge of civil aviation. The registration details of all rights pertaining to the civil aircraft must be recorded in the same register of civil aircraft rights.

Items recorded in the register of civil aircraft rights are available to the public so that they may make enquiries, duplicates or extracts.

Article 13.

Except for civil aircraft subject to compulsory auctions in accordance with the law, neither the nationality registration nor the rights registration of a civil aircraft can be transferred outside of China before compensation has been received for the registered rights to the aircraft or before consent is obtained from the holder of the rights to the civil aircraft in question.

Section 2 — Ownership Rights and Mortgage Rights over Civil Aircraft

Article 14.

The acquisition, assignment or termination of civil aircraft ownership must be registered with the State Council department in charge of civil aviation. Any rights which fail to be registered cannot be used against a third party.

A written contract must be signed when civil aircraft ownership rights are assigned.

Article 15.

The provisions of this Law concerning the owner of civil aircraft are applicable to any legal person who runs, manages or uses state-owned civil aircraft with the authorisation of the State.

Article 16.

Establishment of a mortgage over a civil aircraft must be registered with the State Council department in charge of civil aviation jointly by both the mortgagee and mortgagor. A mortgage which fails to be registered cannot be used against a third party.

Article 17.

Upon establishment of a mortgage over a civil aircraft, the mortgagor involved is not permitted to assign the mortgaged civil aircraft to others without the consent of the mortgagee.

Section 3 — Rights of Priority to Civil Aircraft

Article 18.

A right of priority to a civil aircraft refers to the creditor's claim for payment against the owner or the lessee of a civil aircraft, in accordance with the provisions of Article 19 of this Law, where that creditor has the right to receive payment in priority in respect of the civil aircraft out of which this claim for payment arose.

Article 19.

The following claims will have a right of priority over civil aircraft:

- (1) remuneration for effecting a rescue of that civil aircraft;
- (2) necessary storage and maintenance expenses in respect of that civil aircraft.

Of the claims stipulated above, those which arise last are to be paid first.

Article 20.

A creditor who has the right of priority to a civil aircraft as stipulated in Article 19 of this Law must register his or her claim with the State Council department in charge of civil aviation within three (3) months of the date on which the relevant rescue, storage or maintenance work is concluded.

Article 21.

To protect the common interests of creditors, expenses incurred both during the course of implementing the rulings of people's courts and during the auction of civil aircraft will be appropriated out of the income which is derived from the auction of the civil aircraft in priority to all other claims.

Article 22.

The right of priority to a civil aircraft will have precedence over a mortgage over that civil aircraft.

Article 23.

Where a claim as stipulated in Article 19 of this Law is assigned, the right of priority to that civil aircraft will also be assigned accordingly.

Article 24.

Rights to civil aircraft which arose as a result of that civil aircraft being distrained by a people's court will be exercised in priority over other rights of priority.

Article 25.

The right of priority to a civil aircraft will terminate after three (3) months from the date on which the relevant rescue, storage or maintenance work is completed. However, this will not apply to creditors who have registered their claims in accordance with the provisions of Article 20 of this Law and to whom one of the following applies:

- (1) an agreement has been reached between the creditor and the debtor as to the amount of the claim; or
- (2) a lawsuit concerning that claim has already commenced.

The right of priority to a civil aircraft will not be lost as a result of assignment of the ownership to that civil aircraft unless the aircraft is a civil aircraft which is subject to a compulsory auction according to the law.

Section 4 — Lease of Civil Aircraft

Article 26.

Civil aircraft lease contracts, including finance lease contracts and other types of lease contracts, must be made out in written form.

Article 27.

A finance lease of a civil aircraft refers to the situation where the lessor purchases the civil aircraft, based on the lessee's choice of supplier and civil aircraft, and then leases the civil aircraft to the lessee who pays rent to the lessor on a regular basis for its use.

Article 28.

During the period of a finance lease, the lessor will have legal ownership of the civil aircraft, while the lessee will have the legal right to possess, use and benefit from the civil aircraft.

Article 29.

During the period of a finance lease, the lessor is prohibited from interfering with the legal possession and use of the civil aircraft by the original condition as at the time it was delivered. This will not include reasonable wear and tear of the civil aircraft or changes to the civil aircraft which have been agreed to by the lessor.

Article 30.

Upon expiry of a finance lease, the lessee must return the civil aircraft to the lessor in a condition which conforms with the provisions of Article 29 of this Law. This requirement does not apply where the lessee exercises the right stipulated in the contract to purchase the civil aircraft or to continue the lease and thus retain possession of the civil aircraft.

Article 31.

The supplier of a civil aircraft subject to a finance lease will not bear liability concurrently to both the lessor and lessee for the same damage sustained by the civil aircraft.

Article 32.

The lessee may, during the period of a finance lease, assign its right to possession of the civil aircraft or other rights stipulated in the lease contract to others. However, this must be done with the consent of the lessor and on the condition that the interests of third parties will not be harmed.

Article 33.

For finance leases of civil aircraft and other leases of civil aircraft with a lease period of six (6) months or more, the lessee must register its right to possession of the civil aircraft with the State Council department in charge of civil aviation. Those rights to possession of a civil aircraft which are not registered cannot be used against a third party.

CHAPTER IV — ADMINISTRATION OF AIRWORTHINESS OF CIVIL AIRCRAFT**Article 34.**

Designs of civil aircraft, including the designs of engines, screw propellers and apparatus used in civil aircraft must be submitted to the State Council department in charge of civil aviation in order to apply for a model qualification certificate. Model qualification certificates will be issued to those which are found to qualify upon examination.

Article 35.

Applications in respect of the production and maintenance of civil aircraft, including the production and maintenance of engines, screw propellers and apparatus used in civil aircraft must be submitted to the State Council department in charge of civil aviation for a production permit and a maintenance permit. Permits will be issued to those which are found to qualify upon examination.

Article 36.

The foreign manufacturer of civil aircraft of any model, including the engines, screw propellers and apparatus used in these civil aircraft, manufactured overseas and imported into China for the first time, must apply to the State Council department in charge of civil aviation for a model ratification certificate. Model ratification certificates will be issued to those which are found to qualify upon examination.

Where a model qualification certificate from a foreign country has been obtained in respect of civil aircraft, including the engines, screw propellers and apparatus used in the civil aircraft, which are to be manufactured within the territory of China for the first time, the holder of this certificate must apply to the State Council department in charge of civil aviation for a model ratification certificate. Model ratification certificates will be issued to those which are found to qualify upon examination.

Article 37.

Civil aircraft which have acquired the nationality of the People's Republic of China must obtain an airworthiness certificate issued by the State Council department in charge of civil aviation before commencing flight.

Where civil aircraft including the engines, screw propellers and apparatus used in the civil aircraft are to be exported, the manufacturer concerned must apply to the State Council department in charge of civil aviation for an export airworthiness certificate. Certificates will be issued to those which are found to qualify upon examination.

A leased foreign civil aircraft must have its airworthiness certificate which was issued by its country of nationality examined and ratified by the State Council department in charge of civil aviation before commencing flight.

Regulations on administration of airworthiness of civil aircraft will be formulated by the State Council.

Article 38.

The owner or the lessee of a civil aircraft must use the civil aircraft within the scope of use as stipulated in the airworthiness certificate and must undertake proper repairs and maintenance of the civil aircraft so as to ensure its sound airworthy condition.

CHAPTER V — AVIATION PERSONNEL

Section 1 — General Provisions

Article 39.

For the purposes of this Law, aviation personnel refers to the following air crew and ground crew engaged in civil aviation activities:

(1) the air crew includes pilots, flight mechanics and cabin crew;

(2) the ground crew includes civil aircraft maintenance personnel, air traffic controllers, flight dispatchers and aviation radio communicators.

Article 40.

Aviation personnel must first receive professional training, pass a qualifying examination and obtain a licence from the State Council department in charge of civil aviation before they may undertake any work which is specified in their licences.

Before obtaining a licence, air crew and air traffic controllers are also required to undergo physical check-ups conducted by physical examination units approved by the State Council department in charge of civil aviation and obtain a certificate of physical fitness issued by the State Council department in charge of civil aviation.

Article 41.

When performing flight tasks, the air crew are required to carry with them their licence and the certificate of physical fitness and must be subject to inspections from the State Council department in charge of civil aviation.

Article 42.

Aviation personnel will undergo regular or random inspections and assessment tests conducted by the State Council department in charge of civil aviation. Only those found to qualify upon inspection and assessment may continue to carry out the work specified in their work licences.

Air crew are also required to participate in regular emergency procedure training.

Air crew personnel who resume flying after a period of absence which exceeds the time limit set by the State Council department in charge of civil aviation must be subject to inspection and assessment; air crew personnel other than flight attendants who resume flying after a period of absence which exceeds the time

limit set by the State Council department in charge of civil aviation must also undergo supervised flight. Only those found to qualify upon inspection, assessment or supervised flight may continue to carry out the work specified in their work licences.

Section 2 — Flight Crew

Article 43.

The flight crew of a civil aircraft is composed of the captain and other members of the air crew. The position of captain of a civil aircraft must be held by a pilot who has the skills and experience to fly that model civil aircraft unaccompanied.

The composition and the number of the flight crew of a civil aircraft must comply with the provisions formulated by the State Council department in charge of civil aviation.

Article 44.

The captain must assume responsibility for the operation of the civil aircraft. The captain must strictly fulfil his or her responsibilities in protecting the civil aircraft and ensuring the safety of personnel and property on board.

All personnel on board a civil aircraft must observe the orders of the captain issued within the scope of his or her powers.

Article 45.

Before taking off, the captain must carry out necessary checks on the civil aviation. If these checks are not carried out, the civil aircraft will not be permitted to take off.

The captain has the authority to refuse take off if it is discovered that the civil aircraft, airport or meteorological conditions do not comply with stipulations and flight safety cannot be ensured.

Article 46.

During flight, the captain has the authority to adopt necessary and appropriate measures for the sake of ensuring safety, in respect of any activities which would damage the civil aircraft, create disturbances inside the civil aircraft, endanger the safety of personnel and property on board or pose a danger to flight safety.

During flight, the captain has the authority, under special circumstances, to deal with the civil aircraft so as to ensure the safety of the civil aircraft and persons on board.

Article 47.

If a captain considers that a member of the flight crew is unfit to carry out his or her flight tasks, the captain has the authority to propose a reorganisation of personnel in order to ensure flight safety.

Article 48.

Where a civil aircraft is in distress, its captain has the authority to adopt all necessary measures and to command the flight crew and other persons on board the aircraft to adopt rescue procedures. In an emergency situation where all persons on board must abandon the civil aircraft in distress, the captain must adopt measures to first organise passengers to leave the civil aircraft safely. No member of the flight crew is permitted to leave the civil aircraft without the permission of the captain. The captain must leave the civil aircraft last.

Article 49.

Where a civil aircraft is involved in an accident, the captain of the civil aircraft must directly, or through the air traffic control unit, report accurate details of the accident to the State Council department in charge of civil aviation.

Article 50.

Where a captain receives distress signals from a vessel or other aircraft, or discovers a vessel, aircraft or people in distress, the captain must promptly report the details of the accident to the nearest air traffic control unit and meanwhile render all reasonable assistance to those in distress.

Article 51.

If, for some reason, the captain is unable to carry out his or her duties during flight the pilot who holds the post second in command to the captain will become the acting captain. A new captain will be appointed by the owner or the lessee of the civil aircraft before the aircraft takes off from its next stop en route.

Article 52.

The provisions of this Section in relation to the captain are also applicable to the pilot who flies a civil aircraft alone with no need for other air crew members.

CHAPTER VI — CIVIL AIRPORTS**Article 53.**

For the purposes of this Law, civil airports refer to the areas specified for the take-off, landing, taxiing, standing and other activities of civil aircraft, and also include auxiliary buildings, installations and facilities.

Civil airports stated in this Law exclude temporary airfields.

The State Council and the Central Military Commission will formulate separate administrative measures concerning airports which are used for both military and civilian purposes.

Article 54.

So that the utilisation rate of airports will be increased, there will be overall planning and rational allocation of the construction and use of civil airports.

Comprehensive plans for the allocation and construction of national civil airports will be formulated by the State Council department in charge of civil aviation in conjunction with other relevant State Council departments. These plans will be arranged for implementation after being approved in accordance with the procedures stipulated by the State.

People's governments of various provinces, autonomous regions and directly administered municipalities will, in line with the comprehensive plans for the distribution and construction of national civil airports, formulate their own plans for the construction of civil airports within their own administrative regions. These plans will be incorporated in the national economic and social development program of that province, autonomous region or directly administered municipality after being approved in accordance with the stipulated procedures of the State.

Article 55.

Plans for the construction of civil airports must be coordinated with the urban construction program of the region concerned.

Article 56.

Any new construction, refurbishment and expansion of civil airports must conform to plans for the allocation and construction of civil airports which have been formulated in accordance with the law and must meet the standards for civil airports and will be implemented after being approved by relevant departments responsible in accordance with State regulations.

Approval will not be granted to civil airport construction projects which fail to comply with plans for the distribution and construction of civil airports which have been formulated in accordance with the law.

Article 57.

Any new construction or expansion of a civil airport will be announced publicly by the local people's government at county level or above in the place where the civil airport is located.

The public announcements mentioned in the preceding paragraph must be published in major local newspapers and also posted up in areas adjacent to the site of the proposed civil airport construction or expansion.

Article 58.

The following activities are forbidden within areas legally designated as civil airports and within the protected airport clearance areas defined in accordance with relevant State provisions:

- (1) construction of buildings or facilities which may discharge large amounts of smoke, dust, flames or waste gas into the air which will affect flight safety;
- (2) construction of buildings or facilities such as shooting ranges and warehouses for strong explosives which will affect flight safety.
- (3) construction of buildings or facilities which fail to meet the airspace clearance requirements of the airport;
- (4) installation of lights, signs or objects which will affect the use of airport visual air navigation aids;
- (5) growing of plants which will affect flight safety or will affect the use of airport air navigation aids;
- (6) breeding and release of birds and other objects which will affect flight safety; and
- (7) construction of buildings or facilities which will affect the airport electromagnetic field.

It is prohibited to keep or raise livestock within areas legally designated as civil airports.

Article 59.

Prior to the issue of the public announcement of the new construction or expansion of a civil airport, all buildings, structures, trees, lights and other obstructions which exist within areas legally designated for that civil airport and within the protected airport clearance area and which may affect flight safety must be removed within a stipulated time limit. Compensation will be granted or other remedial measures will be adopted in accordance with the law in respect of any loss occasioned by this removal.

Article 60.

If, following a public announcement of the new construction or expansion of a civil airport, any unit or individual, in violation of the provisions of this Law or relevant administrative regulations, builds, plants or installs buildings, structures, trees, lights or other obstacles within the area legally designated for that civil airport or within the area designated for protective airport clearance pursuant to State regulations, where these obstacles will affect flight safety, the local people's government at county level or above at the place where the airport is located will order their removal. Any loss occasioned by this removal will be borne by those who built, planted or installed the obstacles.

Article 61.

High-rise buildings or facilities outside a civil airport or outside the area designated by the State regulations as its protective clearance area and which may affect flight safety must have flight obstacle indication lights and signs erected in accordance with relevant State regulations. These indication lights and signs must be maintained so as to be in normal working order.

Article 62.

A civil airport must first obtain a permit to operate as an airport before it can be put into operation.

A civil airport may apply for the permit to operate as an airport only if it meets the following requirements and has been found to qualify upon acceptance checks in accordance with relevant State regulations:

- (1) the civil airport has a flight zone, airport zone, work zone, service facilities and personnel which are suitable to the needs of its business operations;
- (2) the civil airport has air traffic control, communications navigation and meteorological facilities and personnel which can ensure flight safety;
- (3) the civil airport has safety and security conditions which conform to relevant State regulations;
- (4) the civil airport has emergency plans and appropriate equipment and personnel for dealing with extraordinary circumstances; and
- (5) the civil airport meets other requirements as stipulated by the State Council department in charge of civil aviation.

In addition, international airports are required to meet international navigation requirements and to set up Customs and other port inspection offices at the airport.

Article 63.

The application for a permit to operate as an airport will be submitted to the State Council department in charge of civil aviation by the airport administration office and the permit will be issued upon examination and approval by the State Council department in charge of civil aviation.

Article 64.

Establishment of an international airport must be reported by the State Council department in charge of civil aviation to the State Council for examination and approval.

The opening and operating of an international airport will be announced to the public by the State Council department in charge of civil aviation. Information relating to such an international airport will be uniformly supplied to the public by the State Council department in charge of civil aviation.

Article 65.

A civil airport must adopt measures to ensure the safety of personnel and property within the airport in accordance with regulations of the State Council department in charge of civil aviation.

Article 66.

In order that proper service is provided for passengers, consignors and consignees, civil airports to be used by civil passenger aircraft and air freight craft must install necessary facilities pursuant to the standards set by the State Council department in charge of civil aviation.

Article 67.

The civil airport administration office must take proper measures to protect the airport environment in accordance with the provisions of laws and administrative regulations on environmental protection.

Article 68.

Civil aircraft which use civil airports and civil airport navigational aid facilities must pay utilisation fees and service fees. Fee standards for these charges will be formulated by the State Council department in charge of civil aviation.

Article 69.

If a civil airport is abandoned or put to use for other purposes, the administration office of that civil airport must carry out the necessary submission and approval procedures in accordance with relevant State regulations.

CHAPTER VII — AIR NAVIGATION**Section I — Airspace Control****Article 70.**

The State exercises uniform control over its airspace.

Article 71.

The division of airspace must take into consideration the needs of both civil aviation and national defence and security, as well as the interests of the public, with a view to effecting a rational, full and efficient use of the airspace.

Article 72.

Detailed measures for airspace control will be formulated by the State Council and the Central Military Commission.

Section 2 — Flight Control**Article 73.**

For each designated controlled airspace, one air traffic control unit will be responsible for controlling the air traffic of all aircraft flying within that designated airspace.

Article 74.

Civil aircraft must first obtain the permission of the air traffic control unit in order to conduct flights within controlled airspace.

Article 75.

Civil aircraft must fly along the air route and at the altitudes designated by the air traffic control unit. Where it is legitimately necessary to deviate from the designated air route or change flight altitudes, the permission of the air traffic control unit must be obtained.

Article 76.

Aircraft flying within the territory of the People's Republic of China must observe the country's uniform flight rules and regulations.

Civil aircraft on visual flight must observe visual flight rules and regulations and maintain a safe distance from other aircraft and land-base obstacles.

Civil aircraft on instrument flight must observe instrument flight rules and regulations.

Flight rules and regulations will be formulated by the State Council and the Central Military Commission.

Article 77.

The flight time and hours of duty of the flight crew of civil aircraft must not exceed the time limit stipulated by the State Council department in charge of civil aviation.

Any member of the flight crew of civil aircraft whose ability to work suffers detriment under the influence of alcohol, narcotics or other drugs will not be permitted to engage in flight tasks.

Article 78.

Except for those with special approval obtained in accordance with relevant State regulations, civil aircraft are not permitted to enter prohibited zones. With exception of those which observe the stipulated conditions of restrictions, civil aircraft are not permitted to fly into restricted zones.

The prohibited zones and restricted zones stipulated in the preceding paragraph will be defined in accordance with relevant State regulations.

Article 79.

Civil aircraft are not permitted to fly over urban areas except in any of the following circumstances:

- (1) where it is necessary for the aircraft to take off, land or to follow the designated are route;
- (2) where the aircraft is flying at a sufficiently high altitude to enable it, in the case of an emergency, to leave the urban airspace immediately, without endangering the safety of people or property on the ground; or
- (3) where the aircraft has obtained permission by means of procedures stipulated by the State.

Article 80.

Civil aircraft are not permitted to eject objects during flights, except in any of the following circumstances:

(1) where it is necessary for flight safety; or

(2) where it is necessary to effect a rescue or carry out other flight tasks which are in the public interest.

Article 81.

Civil aircraft are not permitted to fly out of the territorial airspace of the People's Republic of China without approval.

In the situation where a civil aircraft is flying out of the territorial airspace of the People's Republic of China without approval, relevant departments will have the authority to adopt necessary measures in the light of the specific situation to stop that aircraft.

Section 3 — Ensuring Flight Safety

Article 82.

Air traffic control units must provide air traffic services for civil aircraft in flight. These services will include air traffic control services, flight information services and warning services.

The provision of air traffic control services is aimed at preventing collisions between civil aircraft and between civil aircraft and obstacles and to maintain and improve the orderliness of air traffic activities.

The provision of flight information services is aimed at providing information and recommendations for civil aircraft to assist in the safe and efficient completion of flights.

The provision of warning services is aimed at ensuring that, when the need for search and rescue arises in relation to a civil aircraft, the relevant departments will be notified and also to assist these departments to carry out search and rescue in accordance with requirements.

Article 83.

When an air traffic control unit discovers that a civil aircraft has drifted off the designated air route or has lost direction, the air traffic control unit must promptly adopt all necessary measures to bring the aircraft back to the correct course.

Article 84.

Necessary air navigation, telecommunications, meteorological and ground surveillance equipment must be installed along the air routes.

Article 85.

Any natural obstacles along the air routes which will affect flight safety must be clearly indicated on the flight chart. Flight obstacle lights and signs must be installed to indicate any artificial obstacles along the air routes which will affect flight safety. These lights and signs must be maintained in normal working order.

Article 86.

The construction of shooting ranges and other facilities which may affect flight safety is forbidden within 30 kilometres of an air route. However, an exception will apply to shooting ranges for flat-trajectory light weapons.

The construction of permanent or temporary shooting ranges which fire upwards into the air in areas other than those specified in the preceding paragraph will be subject to approval in accordance with relevant State regulations. The firing direction of these shooting ranges must not cross any air routes.

Article 87.

Any activity that may affect flight safety cannot be carried out until approval has been acquired in accordance with the law and measures necessary to ensure flight safety have been adopted.

Article 88.

The State Council department in charge of civil aviation must exercise control over civil aviation radio transmitter-receivers and the frequencies assigned for the special use of the civil aviation system.

Radio transmitter-receivers and other instruments and equipment used by any units or individuals must not obstruct the normal functions of frequencies assigned for the special use of civil aviation radios. Relevant units or individuals must promptly eliminate any hazardous interference from their own radios or appliances which may jam the special frequencies used by civil aviation radios. Before such interference is eliminated, relevant units or individuals must cease using the radio transmitter-receivers or other instruments or equipment which created the interference.

Article 89.

Postal and telecommunications enterprises must give priority to providing services for civil aviation telecommunications transmission.

State meteorological authorities must provide necessary meteorological data to the civil aviation meteorological authorities.

Section 4 — Necessary Flight Documents

Article 90.

A civil aircraft engaged in flight must have the following documents on board:

- (1) civil aircraft nationality registration certificate;
- (2) civil aircraft airworthiness certificate;
- (3) licences of the flight crew;
- (4) civil aircraft flight log;
- (5) for those civil aircraft which have radio equipment installed, a radio transmitter-receiver permit;
- (6) for civil passenger aircraft, a name list of the passengers on board with their places of departure and arrival clearly specified;
- (7) for civil aircraft which carry cargo, a shipping bill and a detailed declaration form concerning the cargo on board; and
- (8) other documents as necessary in accordance with the particular flight task.

The State Council department in charge of civil aviation or other authorised regional civil aviation administration must forbid any civil aircraft from take off if the aircraft crew fails to present all the documents stipulated in the preceding paragraph.

CHAPTER VIII — PUBLIC AIR TRANSPORT ENTERPRISES

Article 91.

Public air transport enterprises refer to corporate enterprises which use civil aircraft to transport passengers, luggage, mail or cargo for the purpose of making a profit.

Article 92.

Enterprises engaging in public air transport business shall apply to the civil aviation authorities of the State Council for a business permit.

Article 93.

Applicants for a public air transport business permit shall meet the following requirements:

- (1) have civil aircraft which comply with applicable requirements for ensuring flight safety as stipulated by the State;
- (2) have necessary aviation personnel who hold required licences that are obtained in accordance with the law;
- (3) have no less than the minimum amount of registered capital required by the State Council; and
- (4) other requirements as stipulated by relevant laws and administrative regulations.

Article 94.

The provisions of the Company Law will apply to the organisational form and structure of public air transport enterprises.

Public air transport enterprises which were established prior to the implementation of this Law, and whose organisational form and structure do not completely comply with the provisions of the Company Law, may continue to follow the original regulations. The date that the provisions stipulated in the preceding paragraph will apply will be determined by the State Council.

Article 95.

A public air transport enterprise must, on the principle of providing sound services by means of ensuring air safety and maintaining a normal flight schedule, adopt effective measures to enhance the quality of its transport services.

A public air transport enterprise must educate and require its staff and workers to strictly fulfil their duties, have a civilised, polite, courteous and considerate service manner and strive to provide sound services for both passenger and cargo transportation.

Information concerning any delay of passenger flights must be announced promptly within the confines of the airport.

Article 96.

Public air transport enterprises which apply to operate air routes for regular flight transport (referred to in this Law as flight transport) or to suspend or terminate the operation of certain air routes will be subject to the approval of the State Council department in charge of civil aviation.

Public air transport enterprises engaged in scheduled flight transport must publicise their flight schedules.

Article 97.

Items for which operating fees can be charged by public air transport enterprises will be determined by the State Council department in charge of civil aviation.

Administrative measures for the control of domestic air transport prices will be formulated by the State Council department in charge of civil aviation in conjunction with the State Council department in charge of commodity prices. These measures will be implemented upon approval by the State Council.

Formulation of international air transport tariffs shall comply with the provisions of the protocols, agreements between the People's Republic of China Government and foreign governments; in the absence of such protocols, agreements, the tariffs shall be determined with reference to international air transport market prices.

Article 98.

A public air transport enterprise which intends to engage in any ad hoc transport business must be subject to approval by the State Council department in charge of civil aviation and must guarantee that such business will not affect the normal operation of flight transport.

Article 99.

Public air transport enterprises must draw up safety and security plans in line with the regulations on the safety and security of public air transport formulated by the State Council and submit the plans to the State Council department in charge of civil aviation for the record.

Article 100.

Public air transport enterprises must not transport any articles which are prohibited under the provisions of laws or administrative regulations.

Without approval by the State Council department in charge of civil aviation, public air transport enterprises are not permitted to transport arms or ammunition or combat materials.

Passengers on board civil aircraft are prohibited from carrying with them any articles which are prohibited under the provisions of laws or administrative regulations.

Article 101.

Public air transport enterprises engaged in the transport of dangerous cargo must observe relevant State regulations.

Dangerous cargo must not be consigned under the name of non-dangerous cargo.

Passengers on board civil aircraft are prohibited from carrying with them any dangerous articles. Except for those exercising public functions who have obtained approval according to relevant State regulations, passengers are prohibited from carrying guns and controlled knives on board civil aircraft. It is prohibited to check in dangerous articles as luggage in violation of the stipulations of the State Council department in charge of civil aviation.

A list of dangerous cargo items will be promulgated by the State Council department in charge of civil aviation.

Article 102.

Public air transport enterprises must not transport passengers who refuse to undergo security checks and must not violate State regulations by transporting luggage which has not been subject to security check procedures.

Public air transport enterprises must conduct security checks of consigned cargo or adopt other measures to ensure security in accordance with regulations of the State Council department in charge of civil aviation.

Article 103.

Public air transport enterprises engaged in international air transport must subject their civil aircraft, including the personnel, luggage and cargo on board, to inspections conducted by competent departments in charge of frontier defence, Customs and quarantine. However, unnecessary delays must be avoided in the course of these inspections.

Article 104.

Public air transport enterprises must, in accordance with the provisions of relevant laws and administrative regulations, give priority to the transport of mail.

Article 105.

Public air transport enterprises must take out liability insurance in respect of third parties on the ground.

CHAPTER IX — PUBLIC AIR TRANSPORTATION

Section 1 — General Provisions

Article 106.

The provisions of this Chapter are applicable to the transport of passengers, luggage and cargo by public air transport enterprises using civil aircraft. This includes gratuitous transport handled by public air transport enterprises using civil aircraft.

The provisions of this Chapter are not applicable to the transport of mail by these enterprises using civil aircraft.

The provisions of this Chapter are applicable to the air transport sectors of multimodal connecting transport.

Article 107.

Domestic air transport stated in this Law refers to transport which is conducted according to an air transport contract entered into between the parties concerned and where the place of departure, agreed en route stops and the place of arrival are all located within the territory of the People's Republic of China.

International air transport stated in this Law refers to transport which is conducted according to an air transport contract entered into between the parties concerned and where the place of departure, the place

of arrival or one of the agreed en route stops is not located within the territory of the People's Republic of China, regardless of whether the transport is in an interrupted or transit process.

Article 108.

If all parties to an air transport contract consider that transport by several air transport carriers in succession is actually one single business activity, this will be regarded as an individual item of transport, regardless of whether it is established in the form of one contract or in several contracts.

Section 2 — Transportation Documents

Article 109.

A carrier must issue passenger tickets to the passengers it transports. Passengers travelling by civil aircraft must present valid tickets for checking.

Article 110.

The required contents of a passenger ticket will be stipulated by the State Council department in charge of civil aviation; at a minimum, a ticket must include the following items:

- (1) the place of departure and place of destination;
- (2) where both the place of departure and place of destination are located within the territory of the People's Republic of China and one or several agreed en route stops are outside the country, at least one en route stop must be indicated on the ticket; and
- (3) according to the provisions of applicable international air transport treaties, where the final place of destination, place of departure or one of the agreed en route stops on the route of the civil aircraft is not located within the territory of the People's Republic of China, a declaration must be made and printed on the ticket stating that the transport is covered by these treaties.

Article 111.

The passenger ticket is prima facie evidence that an air passenger transport contract has been entered into and of the conditions of that transport contract.

The existence or the validity of a transport contract will not be affected by the fact that a passenger is unable to present his or her passenger ticket, the passenger ticket does not meet the requirements of relevant regulations or the passenger ticket has been lost.

Where a carrier agrees to allow a passenger to board a civil aircraft without presenting his or her passenger ticket for domestic air transport, the carrier will have no right to invoke the provisions in Article 128 of this Law concerning limitation of liability for compensation.

Where a carrier agrees to allow a passenger to board a civil aircraft without presenting his or her passenger ticket for international air transport, or the carrier fails to make a declaration on the passenger ticket in accordance with the provisions of item 3 of Article 110 of this Law, the carrier will have no right to invoke the provisions in Article 129 of this Law concerning limitation of liability for compensation.

Article 112.

When a carrier transports consigned luggage, the luggage ticket may be contained inside the passenger ticket or incorporated into the passenger ticket. In addition to the details stipulated in Article 110 of this Law, the luggage ticket must also include the following items:

(1) number of pieces and weight of the consigned luggage; and

(2) where interests must be declared in respect of consigned luggage upon delivery at the place of destination, amounts to be declared must be specified.

The luggage ticket is prima facie evidence of the consignment of luggage and of the conditions of the transport contract.

The existence or validity of the transport contract will not be affected by the fact that a passenger is unable to present his or her luggage ticket, the luggage ticket does not meet the requirements of relevant regulations or the luggage ticket has been lost.

Where a carrier agrees to transport consigned luggage without issuing a luggage ticket during domestic air transport, that carrier will have no right to invoke the provisions of Article 128 of this Law concerning limitation of liability for compensation.

Where a carrier agrees to transport consigned luggage without issuing a luggage ticket during international air transport, or the carrier fails to make a declaration on the luggage ticket in accordance with the provisions of item 3 of Article 110 of this Law, that carrier will have no right to invoke the provisions of Article 129 of this Law concerning limitation of liability for compensation.

Article 113.

The carrier has the right to ask the consignor to complete the air waybill, while the consignor has the right to request the carrier to accept the air waybill presented. The existence or the validity of the transport contract will not be affected by the fact that the consignor is unable to present the air waybill, the air waybill does not meet the requirements of relevant regulations, or the air waybill has been lost.

Article 114.

The consignor must complete the air waybill in triplicate and hand it over to the carrier together with the consigned cargo.

The first copy of the air waybill must be marked "For the Carrier" and will be signed and sealed by the consignor; the second copy must be marked "For the Consignee" and will be signed and sealed by both the consignor and the carrier; and the third copy will be signed and sealed by the carrier upon receipt of the cargo and then be returned to the consignor.

Provided that there is no evidence to the contrary, the air waybill completed by the carrier at the request of the consignor will be regarded as having been completed on behalf of the consignor.

Article 115.

The required contents of an air waybill will be stipulated by the State Council department in charge of civil aviation; at a minimum, an air waybill must include the following items:

(1) the place of departure and place of destination;

(2) where both the place of departure and place of destination are located within the territory of the People's Republic of China and one or several agreed en route stops outside the country, at least one en route stop must be indicated on the ticket; and

(3) according to the provisions of international air transport treaties for freight transport, where the final place of destination, place of departure, or one of the agreed en route stops of the freight transport is not

located within the territory of the People's Republic of China, a declaration must be made and printed on the air waybill stating that the transport is covered by these treaties.

Article 116.

Where a carrier agrees to transport cargo without completing an air waybill for domestic air transport, the carrier will have no right to invoke the provisions of Article 128 of this Law concerning limitation of liability for compensation.

Where a carrier agrees to transport cargo without completing an air waybill for international air transport, or the carrier fails to make a declaration on the air waybill in accordance with the provisions of item 3 of Article 115 of this Law, the carrier will have no right to invoke the provisions of Article 129 of this Law concerning limitation of liability for compensation.

Article 117.

The consignor will be held responsible for the accuracy of the description of the cargo and the declaration on the air waybill.

The consignor will bear liability for any loss incurred by the carrier or by any other persons for whom the carrier is responsible, where this loss is due to the description or declaration on the air waybill not complying with regulations or being incorrect or incomplete.

Article 118.

The air waybill is prima facie evidence that an airfreight transport contract has been entered into, and of the conditions of transport and of the carrier's receipt of the cargo.

Descriptions of the weight, size, packing and number of packages of the cargo specified in the air waybill have the force of prima facie evidence. Descriptions of the quantity, volume and conditions on the air waybill cannot constitute any evidence against the carrier unless verification of this is made by both the carrier and the consignor in each other's presence and this verification is specified in the air waybill or a written description of the external conditions of the cargo is made on the air waybill.

Article 119.

Under the condition of performing the obligations stipulated in the airfreight transport contract, the consignor will have the right to do the following: withdraw the cargo from the airport at either the place of departure or the place of destination; suspend the transport in transit at an en route stop; demand delivery of the cargo to a consignee not specified on the air waybill along the transport route or at the place of destination; or demand that the cargo be sent back to the airport of the place of departure. However, the consignor, when exercising these rights, must not cause the carrier or other consignors to suffer loss. The consignor must pay for any expenses arising as a result of the exercise of these rights.

The carrier must notify the consignor immediately if unable to carry out the consignor's instructions.

If a carrier handles cargo pursuant to the consignor's instructions and does not request the consignor to present its certified air waybill and this causes the legal holder of the air waybill to suffer loss, the carrier will be liable for this loss. However, this does not hinder the right of the carrier to seek compensation from the consignor.

The rights of the consignor will terminate when the rights of the consignee commence according to the provisions of Article 120 of this Law. However, the consignor will resume its right of dealing with the cargo where the consignee refuses to accept the air waybill or the cargo, or where the carrier has no way of making contact with the consignee.

Article 120.

Except for the situations described in Article 119 of this Law, the consignee has the right to request the carrier to hand over the air waybill and deliver the cargo at the place of destination for the cargo upon payment of all payable charges and upon honouring all the transport conditions listed on the air waybill.

Except it otherwise agreed, the carrier must notify the consignee immediately after the cargo arrives.

Where the carrier concedes that the cargo has been lost or where the cargo fails to arrive seven (7) days after the scheduled arrival date, the consignee has the right to execute all its rights under the airfreight transport contract against the carrier.

Article 121.

Provided that the consignor and the consignee perform the obligations stipulated on the airfreight transportation contract, they may execute separately, each in their own name, their rights as provided by Articles 119 and 120 of this Law, either for the sake of their own interests or for the interests of others.

Article 122.

The provisions of Articles 119, 120 and 121 of this Law will not affect the mutual relationship between the consignor and the consignee, nor will they affect relations between third parties who have obtained rights from either the consignor or the consignee.

Any contractual terms which differ from the provisions of Articles 119, 120 and 121 of this Law must be clearly stated on the air waybill.

Article 123.

The consignor must provide necessary information and documents so as to facilitate the completion of all the relevant procedures stipulated by relevant laws and administrative regulations before the delivery of the cargo to the consignee. The consignor will be held responsible to the carrier for any loss caused by a failure to provide all the necessary information and documents or where the information or documents are insufficient or do not meet the requirements of relevant regulations. This will not include loss caused due to the fault of the carrier or of an employee or agent of the carrier.

Except if otherwise stipulated by relevant laws and administrative regulations, the carrier will have no obligation to verify the information or documents stipulated in the preceding paragraph.

Section 3 — Carrier's Liabilities**Article 124.**

The carrier must bear liability for any injury or death of a passenger caused by events occurring either on board the civil aircraft or during passenger embarkation or disembarkation from the civil aircraft. However, the carrier will not be held responsible for any injury or death of a passenger that is caused by the passenger's own health problems.

Article 125.

The carrier must bear liability for the destruction or loss of or damage to articles carried by a passenger where that destruction, loss or damage is caused by events occurring either on board the civil aircraft or when the passenger is embarking or disembarking from the civil aircraft. The carrier will also bear liability for the destruction or loss of or damage to the consigned luggage of a passenger which is caused by events occurring during the period of air transport.

The carrier will not be held responsible for the destruction or loss of or damage to articles carried by a passenger or to his or her consigned luggage where that destruction, loss or damage is caused entirely due to the natural properties or quality of or defects in the luggage itself.

Luggage mentioned in this Chapter refers to the consigned luggage of a passenger and articles carried by a passenger.

The carrier must bear liability for the destruction or loss of or damage to cargo which is caused by events occurring during the period of air transport. However, the carrier will not be held responsible if it can prove that the destruction or loss of or damage to the cargo is entirely due to any of the following reasons:

- (1) natural properties or quality of or defects in the cargo itself;
- (2) the improper packing of the cargo by people other than the carrier or other than an employee or agent of the carrier;
- (3) wars or armed conflicts; or
- (4) execution of duties by relevant government departments relating to the entry, exit or transit inspections of the cargo.

The period of air transport mentioned in this Article refers to the entire period during which the consigned luggage and cargo is handled inside the airport, on board the civil aircraft or at any landing sites outside the airport under the jurisdiction of the carrier.

The period of air transport excludes any land transport, marine transport and inland water transport processes. However, provided that there is no evidence to the contrary, where this land transport, marine transport or inland water transport is necessary for the performance of the air transport contract in terms of loading, delivery or transshipment purposes, any loss which occurs during this transport will be considered loss occurring during the period of air transport.

Article 126.

The carrier must bear liability for any loss caused to passengers, luggage or cargo through delays during the period of air transport. However, the carrier will not be held responsible if it can be proved that the carrier itself, its employee or agent, adopted all necessary measures or was unable to adopt such measures to avoid the occurrence of such loss.

Article 127.

If it is proved by the carrier that losses which occur during the transport of passengers and luggage are caused or contributed to by the fault of the claimant, the liability of the carrier for such loss will be exempted or reduced according to the seriousness of that fault. Similarly, if it is proved by the carrier that the death or injury of a passenger is caused or contributed to by the passenger himself or herself, the carrier against whom compensation claims for such death or injury have been filed by people other than the passenger himself or herself, will be exempted or reduced according to the seriousness of that fault.

If it is proved by the carrier that loss which occurs during the transport of cargo is caused or contributed to by the fault of the claimant or people acting on behalf of the claimant, the liability of the carrier will be exempted or reduced according to the seriousness of that fault.

Article 128.

The limits on liability for compensation for domestic air transport carriers will be determined by the State Council department in charge of civil aviation and will be promulgated and implemented upon approval by the State Council.

Where a passenger or consignor especially indicates what is his or her interest in the luggage or cargo upon delivery at the place of destination when he or she hands over the consigned luggage or cargo to the carrier, and pays any necessary additional fees, unless it is proved by the carrier that the amount indicated by the passenger or the consignor exceeds the actual interest in the consigned luggage or the cargo upon delivery at the place of destination, the carrier will bear liability within the scope of the indicated amount. Except for the stipulation on limits on liability for compensation, all other provisions of Article 129 of this Law are applicable to domestic air transport.

Article 129.

The limits on liability for compensation for international air transport carriers will be implemented in accordance with the following stipulations:

(1) The limit on liability for compensation for each passenger is 16,600 calculation units. However, the passenger and the carrier may agree in writing on a higher limit on liability for compensation than that stipulated here.

(2) The limit on liability for compensation for consigned luggage or cargo is 17 calculation units to every kilogram. Where the passenger or the consignor specially indicates his or her interests upon delivery at the place of destination and pays any necessary additional charges at the time when he or she hands over the consigned luggage or cargo to the carrier, unless it is proved by the carrier that the amount indicated by the passenger or the consignor exceeds the actual interests in the consigned luggage or cargo upon delivery at the place of destination, the carrier will bear liability within the scope of the indicated amount.

The limit on liability for compensation for the carrier for destruction, loss, damage or delay in relation to part of or any piece of the consigned luggage or cargo will be determined by the total weight of one or several pieces of such consigned luggage or cargo. However, the limit on liability for compensation for the carrier for the decrease in value of other pieces included in the same luggage ticket or in the same air waybill caused by the destruction, loss, damage or delay in relation to part of or any piece of the consigned luggage or cargo will be determined with reference to the total weight of the devalued pieces.

(3) The limit on liability for compensation for articles carried by each passenger is 332 calculation units.

Article 130.

Any clauses aimed at exempting the carrier from the liabilities stipulated in this Law or aimed at reducing the limits on liability for compensation stipulated in this Law are invalid. However, the invalidity of such clauses will not affect the validity of the entire air transport contract.

Article 131.

Any lawsuits over loss incurred during air transport, based on whatever grounds, may only be filed on the basis of the conditions and limits on liability for compensation stipulated in this Law. However, this will not restrict persons with rights from filing a lawsuit or exercising any other of their rights.

Article 132.

If it is proved that the loss incurred during the air transport is caused deliberately by the carrier or by an employee or agent of the carrier, or caused by their reckless actions or their failure to take actions when they are fully aware of the possibility of causing such losses, the carrier will have no right to invoke the provisions of Articles 128 and 129 of this Law concerning limits on liability for compensation. Evidence

used to prove those reckless actions or a failure to take actions by an employee or agent of the carrier must also prove the fact that the employee or the agent acted within the scope of his or her employment or agency.

Article 133.

When a lawsuit has been brought against the employee or the agent of the carrier in respect of the loss incurred during air transport, the employee or the agent has the right to invoke the provisions of Articles 128 and 129 of this Law concerning the limits on liability for compensation if he or she can prove that he or she acted within the scope of his or her employment or agency.

In the situation stipulated in the preceding paragraph, the total amount of compensation paid by the carrier and by the employee or the agent of the carrier must not exceed the statutory limits on liability for compensation.

If it is proved that loss incurred during air transport was caused deliberately by the employee or agent of the carrier, or caused by their reckless actions or their failure to take action when they were fully aware of the possibility of causing such loss, such loss will not be covered by the provisions of paragraphs 1 and 2 of this Article.

Article 134.

The fact that a passenger or the consignee has claimed his or her consigned luggage or cargo without making any objection is prima facie evidence that there has been complete and proper delivery of the consigned luggage or cargo and compliance with relevant transport vouchers.

The passenger or the consignee must make any complaint to the carrier as soon as any loss in respect of consigned luggage or cargo is discovered. Complaints about loss of consigned luggage must be made within seven (7) days from the date of receipt of the luggage in question; while complaints about loss of cargo must be made within 14 days from the date of receipt of the cargo in question. Complaints about any delays in respect of the consigned luggage or cargo must be made within 21 days from the delivery of the luggage or cargo to the passenger or the consignee.

All Complaints must be recorded in writing on transport documents or raised separately in written form within the time limits stipulated in the preceding paragraph.

Unless the carrier is proved to have engaged in misleading conduct, the passenger or the consignee who fails to make a complaint within the time limits stipulated in paragraph 2 of this Article has no right to seek compensation from the carrier.

Article 135.

The prescribed period of validity for air transport litigation is two (2) years, commencing from the arrival date of the civil aircraft at the place of destination, the originally scheduled arrival date at the place of destination or the date of termination of the transport.

Article 136.

In relation to connecting transport undertaken by several air transport carriers in succession, each of these carriers handling the passenger, the luggage or the cargo will be bound by the provisions of this Law and will act as one of the signing parties to the transport contract under which it is responsible for one specified transport zone.

With regard to connecting transport as stipulated in the preceding paragraph, unless the contract states in explicit terms that the first carrier will bear liability for the entire transport process, the passenger or his or

her beneficiaries can only take legal proceedings against the carrier responsible for the specified transport zone where the accident or delays occurred.

In case of destruction, loss, damage or delay in respect of the consigned luggage or cargo, passengers and consignors have the right to sue the first carrier and passengers and consignees have the right to sue the last carrier. Passengers, consignors and consignees all have the right to sue the carrier responsible for the specified transport zone where the destruction, loss, damage or delay occurred. The carriers mentioned above must bear joint liability to passengers, consignors or consignees.

Section 4 — Special Provisions concerning Performance of Air Transport Obligations by the Actual Carrier

Article 137.

The contracting carrier mentioned in this Section refers to a person who, in his or her own name, enters into, with a passenger or a consignor, or with an agent of the passenger or the consignor, the air transport contracts regulated in this Chapter.

The actual carrier mentioned in this Section refers to a person who performs the whole or part of the transport process stipulated in the preceding paragraph upon authorisation of the contracting carrier. The actual carrier will not be considered as a connecting carrier as stipulated in this Chapter. provided that there is no evidence to the contrary, this authorisation is regarded as valid.

Article 138.

Except if otherwise stipulated in this Section, the contracting carrier and the actual carrier will both be bound by the provisions of this Chapter. The contracting carrier must take responsibility for the whole process of the transport as agreed in the contract; while the actual carrier must be responsible for the part of the transport it carries out.

Article 139.

Acts or omissions of the actual carrier and acts or omissions of an employee or agent of the actual carrier within the scope of his or her employment or agency which are related to the transport carried out by the actual carrier will be regarded as acts or omissions of the contracting carrier.

Acts or omissions of the contracting carrier and acts or omissions of an employee or agent of the contracting carrier within the scope of his or her employment or agency which are related to the transport carried out by the actual carrier will be considered as the acts or omissions of the actual carrier. However, the liability borne by the actual carrier must not exceed the statutory limits on liability for compensation resulting because of these acts or omissions.

Except if agreed by the actual carrier, any special agreements entered into by the contracting carrier concerning the performance of obligations not stipulated in this Chapter or concerning the waiving of any rights under this Chapter, or any special declarations made by the contracting carrier about the interests at the time of delivery in the place of destination in accordance with the provisions of Articles 128 and 129 of this Law, will not affect the actual carrier.

Article 140.

All compensation claims or instructions regardless of whether they are filed against or issued to the contracting carrier or to the actual carrier, in accordance with the provisions of this Chapter, will be equally valid. However, the instructions stipulated in Article 119 of this Law will become effective only when issued to the contracting carrier.

Article 141.

If it is proved that an employee or the agent of the actual carrier, or an employee or agent of the contracting carrier acts within the scope of his or her employment or agency in relation to the transport carried out by the actual carrier, he or she has the right to invoke the provisions of Article 128 and 129 of this Law on limits on liability for compensation, with the exception of those specified by this Law who have no right to invoke such provisions on limits on liability for compensation.

Article 142.

In relation to transport carried out by the actual carrier, the total amount of compensation paid by the actual carrier and the contracting carrier, as well as by their employee or agent within the scope of his or her employment or agency, must not exceed the maximum amount of compensation that can be obtained from the contracting carrier or the actual carrier in accordance with the law. The amount of compensation must not exceed the limits on liability for compensation applicable to any of the above persons.

Article 143.

A lawsuit concerning transport carried out by the actual carrier may be initiated either separately against the actual carrier and the contracting carrier or jointly against both. The carrier sued in a lawsuit has the right to request another carrier to participate as a defendant in the litigation.

Article 144.

Except for the provisions of Article 143 of this Law, the provisions of this Section will not affect the rights and obligations between the actual carrier and the contracting carrier.

CHAPTER X — GENERAL PURPOSE AVIATION**Article 145.**

General purpose aviation refers to the use of civil aircraft for civil aviation activities other than public air transport. Such activities include the flights for industrial, agricultural, forestry, fishery and construction sectors and the flight activities carried out in the fields of public health and medicine, disaster relief and rescue, meteorological survey, ocean monitoring, scientific experiments, educational training, culture and sports.

Article 146.

The following requirements must be met in order to engage in general purpose aviation activities:

- (1) possession of civil aircraft which are suitable for operations to be undertaken in general purpose aviation and which meet the requirements for flight safety;
- (2) possession of aviation personnel who hold the necessary licences are obtained in accordance with the law;
- (3) other requirements which conform to the provisions of relevant laws and administration regulations.

Only corporate enterprises may engage in general purpose aviation.

Article 147.

Units which engage in general purpose aviation of a non-business nature must register with the State Council department in charge of civil aviation.

A unit which engages in general purpose aviation of a business nature must apply for a business permit for general purpose aviation with the State Council department in charge of civil aviation.

Article 148.

A general purpose aviation enterprise engaged in general purpose aviation activities of a business nature must enter into written contracts with its clients, except for emergency rescues or disaster relief flights.

Article 149.

An enterprise which organises and conducts flights must adopt effective measures necessary to ensure flight safety, protect the environment and ecological balance and avoid any damage that may be done to the environment, residents, crops or livestock.

Article 150.

Units engaged in general purpose aviation activities must take out liability insurance for third parties on the ground.

CHAPTER XI — SEARCH, RESCUE AND ACCIDENT INVESTIGATION

Article 151.

In case of emergency, civil aircraft must send out distress signals to the air traffic control unit and ask for assistance. The air traffic control unit must inform the search and rescue coordination centre immediately. In case of civil aircraft emergency at sea, the civil aircraft must also send distress signals to nearby vessels and to the State's maritime search and rescue bodies.

Article 152.

Units or individuals who discover civil aircraft in distress or receive the distress signals sent by civil aircraft must immediately inform the relevant search and rescue coordination centre, maritime search and rescue bodies or local people's governments.

Article 153.

Upon receipt of notice of an emergency, search and rescue coordination centres, local people's governments and maritime search and rescue bodies must immediately organise forces to carry out a search-and-rescue.

Upon receipt of notice of an emergency, the search and rescue coordination centre must try all possible means to inform the civil aircraft in distress of the fact that search-and-rescue measures are being carried out.

Detailed measures for search and rescue of civil aircraft will be formulated by the State Council.

Article 154.

Units or individuals carrying out the search-and-rescue task must do their utmost to rescue the personnel on board the civil aircraft in distress, adopt measures to save the civil aircraft, keep the scene of the accident intact and preserve evidence in accordance with relevant regulations.

Article 155.

During an investigation of a civil aircraft accident, the parties directly involved and relevant personnel must give a true account of the accident and detailed information related to the accident.

Article 156.

The organisation and procedure for investigation concerning civil aircraft accidents will be formulated by the State Council.

CHAPTER XII — LIABILITY FOR COMPENSATION FOR DAMAGE DONE TO THIRD PARTIES ON THE GROUND**Article 157.**

Where injury or death of persons or damage to properties on the ground (including on the surface of the water) are caused by civil aircraft in flight or by persons or objects falling from civil aircraft in flight, aggrieved persons have the right to seek compensation for damage incurred. However, aggrieved persons have no right to seek compensation if the damage he or she suffers is not the direct consequence of the relevant accident, or if the damage he or she suffers is caused by the civil aircraft passing overhead in compliance with relevant air traffic rules and regulations of the State.

The term "in flight" mentioned in the preceding paragraph refers to the process which starts from the moment civil aircraft uses engine power to effect a take off and ends with the termination of the taxiing of the civil aircraft at landing. In case of civil aircraft lighter than air, the term "in flight" refers to the process which starts from the moment the aircraft leaves the ground and ends with the moment it touches down again.

Article 158.

The liability for compensation stipulated in Article 157 of this Law will be borne by the operator of the civil aircraft.

The operator mentioned in the preceding paragraph refers to the user of the civil aircraft at the time the damage is caused. A person will still be regarded as the operator of civil aircraft if he or she retains the right of flight control in respect of the civil aircraft, even if the right to use the civil aircraft has been directly or indirectly delegated to others.

The use of civil aircraft by the employee or the agent of the operator, during the course of his or her employment or agency, regardless of whether he or she is acting within the scope of his or her employment or agency, will be regarded as use of civil aircraft by the operator.

The registered owner of a civil aircraft will be regarded as the operator of the civil aircraft and will assume the responsibilities of the operator. This will not be the case if the owner can prove in a lawsuit which make orders on liabilities that the operator is another person. The owner may then adopt measures permitted by legal procedures to have that other person become a defendant in the lawsuit.

Article 159.

Where a civil aircraft is used without the permission of the holder of the right of flight control and has caused damage to a third party on the ground, unless he or she can prove that he or she has taken proper precautions against such illegal use of his or her civil aircraft, the holder of the right of flight control in respect of the civil aircraft will bear joint liabilities together with the illegal user of the civil aircraft.

Article 160.

The person liable for damages as stipulated in this Chapter will not be held responsible for any damage that is the direct consequence of armed conflicts or disturbances.

The person liable for damage as stipulated in this Chapter will not be held responsible for the lawful deprivation by the State of the right to use civil aircraft.

Article 161.

The person liable for damage as stipulated in this Chapter will be exempted from his or her liability for compensation if he or she can prove that the damage was entirely caused by the fault of the aggrieved person or by the fault of the employee or the agent of the aggrieved person. The liability for compensation of the person liable for the damage will be reduced accordingly if he or she can prove that the damage was partly caused by the fault of the aggrieved person or by the fault of the employee or the agent of the aggrieved person. However, where damage is caused by the employee or the agent of the aggrieved person and where the aggrieved person can prove that the conduct of his or her employee or agent has exceeded the scope of his or her authorisation, the liability for compensation of the person liable for damage will neither be exempted nor reduced.

The provisions of the preceding paragraph apply to the case where one person brings a lawsuit against another person to claim for compensation for death or injury and the loss is caused by the fault of that other person or their employee or agent.

Article 162.

Where two or more civil aircraft collide with or disturb one another resulting in damage for which there is a liability for compensation as stipulated in Article 157, or where such damage was caused jointly by two or more civil aircraft, every civil aircraft involved will be considered the cause of the damage and the operator of every civil aircraft involved will bear liability accordingly.

Article 163.

The persons stipulated in paragraph 4 of Article 158 and in Article 159 of this Law have the right of counterplea stipulated in this Chapter which can be invoked by the operator.

Article 164.

Except if explicitly stipulated otherwise in this Chapter, the operator, the owner and the person liable for damage stipulated in Article 159 of this Law, as well as their employees or agents, will not be held responsible for the damage done on the ground which was caused by civil aircraft in flight or by persons or objects falling from the civil aircraft in flight. However, those who deliberately cause such damage are responsible.

Article 165.

The provisions of this Chapter will not prevent the right of the person liable for damages stipulated in this Chapter to seek compensation from others.

Article 166.

The operator of civil aircraft must take out liability insurance for third parties on the ground or secure an equivalent liability guarantee.

Article 167.

Despite their entitlement to the same right of counterplea as that of the operator and to the right to contest forged documents, the insurer and the guarantor can only use the following circumstances to counter the compensation claims that are raised in accordance with the provisions of this Chapter:

(1) damage occurring after the expiry of the relevant insurance or guarantee. However, where an insurance policy or guarantee expires during a flight, this insurance or guarantee will remain valid until the next landing prescribed on the flight schedule; however the extended period will be no more than 24 hours;

(2) damage occurring outside the regions covered by the insurance or the guarantee, unless it resulted from unavoidable circumstances, a necessary action to provide assistance to others, or is caused by faults in piloting, flight or navigation.

The provisions of the preceding paragraph on the extended validity of insurance or guarantee are applicable only when the situation is in the favour of the aggrieved person.

Article 168.

The aggrieved person may take legal action directly against the insurer or the guarantor only in the following circumstances. However, this does not hinder the right of the aggrieved person to take direct legal proceedings in accordance with the legal provisions stipulated in the relevant insurance or guarantee contract:

(1) where the insurance or guarantee remains valid in accordance with the provisions of items 1 and 2 of Article 167 of this Law; or

(2) where the operator is bankrupt.

Except for the right of counterplea stipulated in paragraph 1 of Article 167 of this Law, the insurer or guarantor may not rely on the invalidity of or termination of the retrospective force of the insurance or guarantee to counter a direct lawsuit initiated by an aggrieved person pursuant to the provisions of this Chapter.

Article 169.

The insurance or guarantee that is provided in accordance with the provisions of Article 166 of this Law must be used first to pay the compensation stipulated in this Chapter.

Article 170.

The amount payable by the insurer to the operator will not be retained or disposed of by the creditor(s) of the operator before the third party's request for compensation as stipulated in this Chapter is fulfilled.

Article 171.

The limitation period for lawsuits over compensation for damage to a third party on the ground is two (2) years and will be calculated from the day when the damage occurred. However, the limitation period for lawsuits over compensation cannot, under any circumstances, exceed three (3) years starting on the day when the damage occurred.

Article 172.

The provisions of this Chapter are not applicable to damages listed below:

(1) damage done to a civil aircraft in flight or to the personnel or objects on board the civil aircraft;

(2) damage covered by contracts entered into between the aggrieved person and the operator or between the aggrieved person and the party enjoying the right to use the civil aircraft at the time the damage is done, or by provisions concerning staff compensation stipulated by laws on labour contracts which are applicable to both parties; and

(3) nuclear damage.

CHAPTER XIII — SPECIAL PROVISIONS FOR FOREIGN CIVIL AIRCRAFT

Article 173.

The provisions of this Chapter are applicable to foreign civil aircraft which are operated by foreigners and engage in civil aviation activities within the territory of the People's Republic of China. The relevant provisions of this Law will apply to matters which are not covered by this Chapter.

Article 174.

Foreign civil aircraft can only fly into and out of the territorial airspace of the People's Republic of China or fly and land within the territory of the People's Republic of China on the condition that they observe the provisions of treaties and agreements signed between the countries of their nationality registration and the government of the People's Republic of China, or that they have obtained permission or approval from the State Council department in charge of civil aviation of the People's Republic of China.

Where foreign civil aircraft, without authorisation, fly into and out of the territorial airspace of the People's Republic of China in violation of the provisions of the preceding paragraph, relevant organs of the People's Republic of China will have the right to adopt necessary measures to force such foreign civil aircraft to land at designated airports. Where foreign civil aircraft comply with the provisions of the preceding paragraph but the relevant organs decide it necessary on reasonable grounds to conduct checks on such foreign civil aircraft, the organs will have the right to order the foreign civil aircraft to land in designated airports.

Article 175.

The operator of foreign civil aircraft which fly into the territorial airspace of the People's Republic of China must present a relevant certificate to prove that it has purchased liability insurance for third parties on the ground or has acquired equivalent liability guarantee. If the operator fails to present the relevant certificate, the State Council department in charge of civil aviation of the People's Republic of China has the right to refuse to allow the foreign civil aircraft in question from flying into the territorial airspace of the People's Republic of China.

Article 176.

The operator of foreign civil aircraft can only run international flight transport business in accordance with relevant treaties and agreements entered into between the government of the People's Republic of China and the government of his or her country on the condition that he or she is designated by his or her own government and has obtained a business licence from the State Council department in charge of civil aircraft of the People's Republic of China. The operator of a foreign civil aircraft can run ad hoc air transport business between one place within and one place outside the territory of the People's Republic of China only on the condition that he or she has acquired the approval of both the government of his or her own country and the State Council department in charge of civil aviation of the People's Republic of China.

The operator of foreign civil aircraft stipulated in the preceding paragraph must formulate a safety and security plan in accordance with the provisions of the laws and administrative regulations of the People's Republic of China which will be submitted to the State Council department in charge of civil aviation of the People's Republic of China for the record.

Article 177.

The operator of foreign civil aircraft will not be permitted to engage in any air transport business between two places within the territory of the People's Republic of China.

Article 178.

Foreign civil aircraft must fly in accordance with the flight schedule or the flight plan approved by the State Council department in charge of civil aviation of the People's Republic of China. The operator must obtain the approval of the State Council department in charge of civil aviation of the People's Republic of China in case the operator needs to make any changes to the flight schedule or the flight plan. The operator must promptly inform the State Council department in charge of civil aviation of the People's Republic of China of any changes to or cancellation of the flights.

Article 179.

Foreign civil aircraft must take off or land at airports with Customs inspection services which are designated by the State Council department in charge of civil aviation of the People's Republic of China.

Article 180.

The State Council department in charge of civil aviation and other competent departments of the People's Republic of China have the right to examine the documents stipulated in Article 90 of this Law upon the landing or departure of foreign civil aircraft.

Foreign civil aircraft, including the personnel, luggage and cargo on board, are subject to entry and exit inspection, Customs inspection and quarantine inspection conducted by relevant competent departments of the People's Republic of China in accordance with the law.

The process of examination and inspection as stipulated in the preceding two paragraphs must avoid causing unnecessary delays.

Article 181.

The Government of the People's Republic of China will recognise the validity of the airworthiness certificate of foreign civil aircraft and the qualifications certificate and the licences of the flight crew issued or verified by the countries of their nationality registration. However, this must be on the condition that the standards set by those countries for the issue or verification of such certificates or licences are equivalent to or higher than the minimum requirements set by the international civil aviation organisation.

Article 182.

Where a foreign civil aircraft is in distress within the search-and-rescue zone of the People's Republic of China, the owner or the country of nationality registration of the civil aircraft which intends to participate in the search-and-rescue work will first be subject to approval by the State Council department in charge of civil aviation of the People's Republic of China or must act in accordance with the provisions stipulated in the agreements entered into between the two governments.

Article 183.

Where a foreign civil aircraft is involved in an accident within the territory of the People's Republic of China, the country of nationality registration and other relevant countries of the civil aircraft may send people to participate in the accident investigation as observers. The report and results of the accident investigation will be conveyed by the State Council department in charge of civil aviation of the People's Republic of China to the country of nationality registration of the civil aircraft and to other relevant countries.

CHAPTER XIV — APPLICATION OF LAWS WHERE FOREIGN COUNTRIES ARE INVOLVED

Article 184.

Where the provisions of international treaties signed or participated in by the People's Republic of China differ from those stipulated in this Law, the international treaties will be applied. However, this will not be the case where the People's Republic of China has an express reservation clause in the relevant treaty.

International practice will apply to issues which are not covered by laws of the People's Republic of China or by international treaties signed or participated in by the People's Republic of China.

Article 185.

The laws of the country of nationality registration of civil aircraft will apply to the acquisition, assignment and termination of the ownership of civil aircraft.

Article 186.

The laws of the country of nationality registration of civil aircraft will apply to a mortgage over that civil aircraft.

Article 187.

The laws of the location of the court which accepts a case will apply to the rights of priority to civil aircraft.

Article 188.

Except if otherwise stipulated by law, the parties to a civil air transport contract may choose which laws apply to that contract. Where the parties to a contract do not so choose, the law of the country which is most closely related to the contract will apply.

Article 189.

The laws of the location of the infringing act will apply to compensation for loss caused by civil aircraft to third parties on the ground.

The laws of the location of the court which accepts a case will apply to compensation for damage done to third parties on the water by civil aircraft in the airspace above the open sea.

Article 190.

The application of foreign laws or international custom in accordance with the provisions of this Chapter must not infringe upon the social and public interests of the People's Republic of China.

CHAPTER XV — LEGAL LIABILITY

Article 191.

Those who hijack civil aircraft by force, threat or other means will be held criminally liable in accordance with the Decision on the Punishment of Criminals for Hijacking Aircraft.

Article 192.

Those who, during the flight of a civil aircraft, endanger flight safety by means of force but serious consequences do not result, will be held criminally liable in accordance with the provisions of Article 105 of the Criminal Law. Where serious consequences do result, perpetrators will be held criminally liable in accordance with provisions of Article 106 of the Criminal Law.

Article 193.

Those who violate provisions of this Law by concealing and carrying explosives, detonators or other dangerous articles on board a civil aircraft or by consigning dangerous articles as non-dangerous articles but serious consequences do not result, will be held criminally liable in accordance with the provisions of Article 163 of the Criminal Law. Where serious consequences do result, perpetrators will be held criminally liable in accordance with the provisions of Article 110 of the Criminal Law.

A fine will be imposed on an enterprise or institution which has committed the crimes stated in the preceding paragraph. Principal personnel in charge who are directly responsible and other personnel directly responsible will be held criminally liable in accordance with the provisions of the preceding paragraph.

Those who conceal and carry guns, bullets or controlled knives on board a civil aircraft will be held criminally liable in accordance with the provisions of Article 163 of the Criminal Law.

Article 194.

If a public air transport enterprise transports dangerous articles in violation of the provisions of Article 101 of this Law, any illicit gains will be confiscated by the State Council department in charge of civil aviation and a fine of up to an amount equal to the amount of the illicit gains may simultaneously be imposed.

If a public air transport enterprise commits acts stated in the preceding paragraph and a major accident results, any illicit gains will be confiscated and a fine will be imposed. Principal personnel in charge who are directly responsible and other personnel directly responsible will be held criminally liable in accordance with the provisions of Article 115 of the Criminal Law.

Article 195.

Those who deliberately install dangerous articles on civil aircraft which are in use or incite others to do so and where this is sufficient to destroy the civil aircraft and endanger flight safety but serious consequences do not result, will be held criminally liable in accordance with the provisions of Article 107 of the Criminal Law. Where serious consequences do result, perpetrators will be held criminally liable in accordance with the provisions of Article 110 of the Criminal Law.

Article 196.

Those who deliberately give false information so as to disrupt the normal flight order and where heavy losses result to both public and private property will be held criminally liable in accordance with the provisions of Article 158 of the Criminal Law.

Article 197.

Those who steal or deliberately destroy or move aviation equipment on a civil aircraft which is in use so as to endanger flight safety sufficiently to cause a crash or the destruction of the civil aircraft, but serious consequences do not result, will be held criminally liable in accordance with the provisions of Article 108 of the Criminal Law. Where serious consequences do result, perpetrators will be held criminally liable in accordance with the provisions of Article 110 of the Criminal Law.

Article 198.

Those who assemble crowds to disrupt the order of civil airports will be held criminally liable in accordance with the provisions of Article 159 of the Criminal Law.

Article 199.

Aviation personnel involved in major flight accidents which lead to serious consequences as a result of these personnel neglecting their duty or violating work regulations and systems will be held criminally liable in accordance with and in reference to the provisions of Article 187 or Article 114 of the Criminal Law respectively.

Article 200.

Those who violate the provisions of this Law and for whom criminal penalties are insufficient will have public security penalties imposed. These penalties will be imposed in accordance with the provisions of rules regarding public security penalties.

Article 201.

Those who violate the provisions of Article 37 of this Law by operating civil aircraft without an airworthiness certificate, or who operate leased foreign civil aircraft and have not had the airworthiness certificate issued by the country of nationality registration examined or approved by the State Council department in charge of civil aviation or have not had the certificate changed to a new one, will be ordered by the State Council department in charge of civil aviation to suspend flights and to turn over any illicit gains. A fine of more than an amount equal to and less than six times the amount of the illicit gains may also be imposed. Where there are no illicit gains, a fine of more than RMB100,000 yuan and less than RMB 1 million will be imposed.

Those operating civil aircraft with an invalid airworthiness certificate or those who exceed the flight scope stipulated by the airworthiness certificate will be penalised in accordance with the provisions of the preceding paragraph.

Article 202.

Those who violate the provisions of Article 34 and paragraph 2 of Article 36 of this Law by producing civil aircraft, including the engines, screw propellers, or apparatus on the civil aircraft, without first acquiring a model qualification certificate and a model ratification certificate will be order by the State Council department in charge of civil aviation to suspend production and turn over any illicit gains. A fine of up to an amount equal to the amount of the illicit gains will also be imposed. Where there are no illicit gains a fine of more than RMB50,000 yuan and less than RMB500,000 yuan will be imposed.

Article 203.

Those who violate the provisions of Article 35 of this Law by engaging in production and maintenance activities without first acquiring a production permit or a maintenance permit or those who violate the provisions of Article 92 and paragraph 2 of Article 147 of this Law by engaging in public air transport or in general purpose aviation of a business nature without first acquiring a business permit for public air transport or a business permit for general purpose aviation, will be order by the State Council department in charge of civil aviation to suspend their production, maintenance or business activities.

Article 204.

Enterprises which cause serious accidents as a result of the inferior quality of their production and maintenance, wand which have acquired a production permit and a maintenance permit in accordance with the provisions of Article 35 of this Law, may have their production permit and the maintenance permit revoked by the State Council department in charge of civil aviation.

Article 205.

Those who violate the provisions of Article 40 of this Law by engaging in corresponding civil aviation activities without an aviation personnel licence or certificate of physical fitness will be ordered by the State Council department in charge of civil aviation to suspend their civil aviation activities and will not be permitted to apply for relevant licences and certificates within a time limit stipulated by the State Council department in charge of civil aviation. Units to which such people belong will be fined up to RMB200,000 yuan.

Article 206.

The State Council department in charge of civil aviation will issue a disciplinary warning to the captain or impose the penalty of suspending his or her licence for a period of one (1) to six (6) months if he or she is involved in any of the following illegal activities. In very serious cases, the captain concerned may have his or her licence revoked:

(1) The captain is in violation of provisions of paragraph 1 of Article 45 of this Law by failing to check his or her civil aircraft before it takes off.

(2) The civil aircraft fail to follow the air routes and the flight altitude designated by the air traffic control unit, in violation of the provisions of Article 75 of this Law, or make flights over urban areas in violation of the provisions of Article 79 of this Law.

Article 207.

Civil aircraft which engage in flight activities without first seeking permission from the air traffic control unit which is in violation of the provisions of Article 74 of this Law will be ordered by the State Council department in charge of civil aviation to suspend the flights. The owner or the lessee of the civil aircraft in question will be fined more than RMB10,000 yuan and less than RMB100,000 yuan, while the captain of the civil aircraft will be issued a disciplinary warning or will have his or her licence suspended for a period of one (1) to six (6) months. In very serious cases, the captain in question may face the penalty of having his or her licence revoked.

Article 208.

The captain or other members of the crew of a civil aircraft involved in any of the following activities will be issued a disciplinary warning by the State Council department in charge of civil aviation or face the penalty of having their licences suspended for a period of one (1) to six (6) months. Those involved in activities listed in items 2 and 3 may face the penalty of having their licences revoked:

(1) failure to carry their licence or the certificate of physical fitness when undertaking flight tasks, in violation of the provisions of Article 41 of this Law;

(2) leaving civil aircraft in distress, in violation of the provisions of Article 48 of this Law; or

(3) performing flight duties in violation of the provisions of paragraph 2 of Article 77 of this Law.

Article 209.

Civil aircraft which eject objects in flight in violation of the provisions of Article 80 of this Law will be issued a warning by the State Council department in charge of civil aviation, while personnel directly responsible may have a fine of more than RMB2,000 yuan and less than RMB20,000 yuan imposed.

Article 210.

A civil airport put into operation before obtaining a permit to operate as an airport in violation of the provisions of Article 62 of this Law will be ordered by the State Council department in charge of civil aviation to suspend its operation, any illicit gains will be confiscated and a fine of up to an amount equal to the amount of the illicit gains may also be imposed.

Article 211.

Public air transport enterprises and general purpose aviation enterprises involved in violation of this Law in serious cases will not only be penalised in accordance with the provisions of this Law, but will also have their business permits revoked by the State Council department in charge of civil aviation.

Article 212.

Staff members of the State Council department in charge of civil aviation and of the regional civil aviation administrative organs who neglect their duty, abuse their power for personal gain or practise favouritism will, if this constitutes a crime, be held criminally liable in accordance with the law. If these activities do not constitute a crime, disciplinary sanctions will be imposed.

CHAPTER XVI — SUPPLEMENTARY PRINCIPLES

Article 213.

For the purposes of this Law, the term "calculation unit" refers to the special drawing rights stipulated by the international monetary fund. The amount in renminbi will be calculated on the basis of conversion rates stipulated by the State administration in charge of exchange control between the international monetary fund's special drawing rights and the renminbi on the date on which court judgment is made, an award is given by an arbitration body, or agreement is entered into between the parties concerned.

Article 214.

This Law will take effect from 1 March 1996.



扫一扫，手机阅读更方便