Civil Aviation Law of the People’s Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 2

Chapter I — General Provisions 2

Chapter II — Nationality of Civil Aircraft 3

Chapter III — Rights in Civil Aircraft 3

Chapter IV — Airworthiness Management of Civil Aircraft 3

Chapter V — Aviation Personnel 3

Chapter VI — Civil Airports 3

Chapter VII — Air Navigation 4

Chapter VIII — Public Air Transport Enterprises 4

Chapter IX — General Aviation 4

Chapter X — Carriage by Air 4

Chapter XI — Search and Rescue and Accident Investigation 4

Chapter XII — Liability for Damage to Third Parties on the Surface 4

Chapter XIII — Foreign-Related Civil Aviation 4

Chapter XIV — Legal Liability 4

Chapter XV — Supplementary Provisions 4

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Republic of China adopted at the 27th Meeting of the Standing Committee of the 12th National People's Congress on November 4, 2016; amended for the fourth time in accordance with the Decision on Amending Five Laws Including the Civil Aviation Law adopted at the 29th Meeting of the Standing Committee of the 12th National People's Congress on November 4, 2017; amended for the fifth time in accordance with the Decision on Amending Eight Laws Including the Civil Aviation Law adopted at the Second Meeting of the Standing Committee of the 13th National People's Congress on April 27, 2018; and amended for the sixth time in accordance with the Decision on Amending Five Laws Including the Civil Aviation Law adopted at the 28th Meeting of the Standing Committee of the 13th National People's Congress on April 29, 2021

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Nationality of Civil Aircraft
- Chapter III — Rights in Civil Aircraft
- Chapter IV — Airworthiness Management of Civil Aircraft
- Chapter V — Aviation Personnel
- Chapter VI — Civil Airports
- Chapter VII — Air Navigation
- Chapter VIII — Public Air Transport Enterprises
- Chapter IX — General Aviation
- Chapter X — Carriage by Air
- Chapter XI — Search and Rescue and Accident Investigation
- Chapter XII — Liability for Damage to Third Parties on the Surface
- Chapter XIII — Foreign-Related Civil Aviation
- Chapter XIV — Legal Liability
- Chapter XV — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding the sovereignty of the People's Republic of China over its territorial airspace and the rights of civil aviation, ensuring the safe and orderly conduct of civil aviation activities, protecting the lawful rights and interests of the parties to civil aviation activities, and promoting the development of civil aviation.

Article 2 — The People's Republic of China has complete and exclusive sovereignty over its territorial airspace.

Article 3 — The civil aviation authority under the State Council shall exercise unified supervision and administration over civil aviation activities throughout the country. The specific measures shall be separately prescribed by the State Council.

Article 4 — The Civil Aviation Administration of China shall, in accordance with this Law and the decisions of the State Council, issue decisions and orders concerning civil aviation activities within the scope of its authority.

Article 5 — The State shall encourage and support the development of civil aviation science and technology and the training of civil aviation personnel, and shall improve the level of civil aviation science and

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technology.

Article 6 — The State shall support the construction of civil aviation infrastructure and the development of general aviation.

Chapter II — Nationality of Civil Aircraft

Article 7 — A civil aircraft registered with the civil aviation authority under the State Council in accordance with the law shall have Chinese nationality. The civil aviation authority under the State Council shall issue a nationality registration certificate to a civil aircraft registered with it. A civil aircraft with Chinese nationality shall bear its prescribed registration mark.

Chapter III — Rights in Civil Aircraft

Article 8 — The ownership, mortgage, and priority rights in a civil aircraft shall be registered with the civil aviation authority under the State Council. Such rights shall not be asserted against a third party without registration.

Article 9 — The transfer of ownership of a civil aircraft with Chinese nationality shall be registered. Without registration, the transfer shall not be asserted against a third party. The ownership of a civil aircraft shall not be transferred unless otherwise agreed between the transferor and the transferee and the civil aviation authority under the State Council has registered the transfer.

Article 10 — The mortgage of a civil aircraft shall be registered jointly by the mortgagor and the mortgagee with the civil aviation authority under the State Council. The mortgage shall not be asserted against a third party without registration. The sign of nationality and the registration mark of a mortgaged civil aircraft shall not be transferred to a foreign country unless the mortgage debt has been satisfied.

Article 11 — Creditors of the following claims shall have a priority right over a civil aircraft: (1) salvage remuneration for rescuing the civil aircraft; and (2) necessary expenses incurred for the preservation of the civil aircraft. Priority creditors shall exercise their priority right within three months of the end of the salvage or preservation. The claims specified in the preceding paragraph shall be satisfied before mortgage claims.

Chapter IV — Airworthiness Management of Civil Aircraft

Article 12 — The design of civil aircraft and their engines, propellers, and onboard equipment shall be subject to the type certification of the civil aviation authority. Those meeting the requirements of airworthiness shall be issued a type certificate.

Article 13 — Civil aircraft manufactured in accordance with a design that has been issued a type certificate shall be subject to the production certification of the civil aviation authority. Those passing the production certification shall be issued a production certificate.

Article 14 — Civil aircraft with Chinese nationality shall hold an airworthiness certificate issued by the civil aviation authority. The operation of an aircraft without a valid airworthiness certificate is prohibited.

Chapter V — Aviation Personnel

Article 15 — Aviation personnel shall be subject to the license management of the civil aviation authority. No person shall engage in civil aviation activities without holding an appropriate license.

Chapter VI — Civil Airports

Article 16 — Civil airports shall be subject to the unified planning, construction, and management of the civil aviation authority. Civil airports shall be open to the public for use and shall be operated and managed in accordance with the law.

Chapter VII — Air Navigation

Article 17 — The State shall exercise unified control over airspace. The division of airspace shall take into account the needs of both civil aviation and national defense and the public interest, and shall be subject to scientific planning and management.

Article 18 — The establishment of air routes shall be subject to the approval of the civil aviation authority under the State Council in conjunction with the military aviation authority.

Chapter VIII — Public Air Transport Enterprises

Article 19 — Public air transport enterprises shall meet the conditions prescribed by the State and shall be subject to the license management of the civil aviation authority. No entity shall engage in public air transport without a license.

Chapter IX — General Aviation

Article 20 — General aviation engaged in operations such as industrial, agricultural, forestry, fishery, and construction aviation, as well as flight operations for medical and health care, emergency rescue, meteorological exploration, ocean monitoring, scientific experimentation, education and training, cultural and sports activities, and other purposes, shall be subject to the provisions of this Law.

Chapter X — Carriage by Air

Article 21 — The rights and obligations of the parties to a contract of carriage of passengers, baggage, or cargo by air shall be governed by the provisions of the Civil Code and this Law. International carriage by air shall be governed by the provisions of international conventions to which China is a party.

Chapter XI — Search and Rescue and Accident Investigation

Article 22 — Civil aircraft in distress shall be searched for and rescued. The civil aviation authority shall organize and coordinate search and rescue operations. All relevant entities and individuals shall provide assistance in search and rescue operations.

Chapter XII — Liability for Damage to Third Parties on the Surface

Article 23 — The operator of a civil aircraft shall be liable for damage caused by the aircraft in flight or by any person or object falling from the aircraft to persons or property on the surface. However, the operator shall not be liable if the damage is solely attributable to the fault of the person suffering the damage.

Chapter XIII — Foreign-Related Civil Aviation

Article 24 — Foreign civil aircraft entering or leaving the territory of China or operating within China shall comply with the flight rules and air traffic control rules of China and shall be subject to the supervision and administration of the civil aviation authority. Foreign civil aircraft shall operate in accordance with the air routes and airports designated by the State.

Chapter XIV — Legal Liability

Article 25 — Where any provision of this Law is violated, the civil aviation authority may, depending on the circumstances, order rectification, impose a fine, suspend or revoke the relevant license or certificate, or take other measures. Where the violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter XV — Supplementary Provisions

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Article 26 — The operation of State aircraft shall be governed by the provisions of other laws and administrative regulations. Military aircraft shall be managed under separate provisions. The provisions of this Law shall apply to civil aviation activities carried out by State aircraft, unless otherwise provided for by the State Council or the Central Military Commission.

Article 27 — The rights to ownership, mortgage, and priority in civil aircraft; the airworthiness management of civil aircraft; the management of aviation personnel; the management of civil airports; the rules of the air; the safety and security of civil airports; the safety management of civil aviation; and other civil aviation matters, the specific measures whereof shall be separately prescribed by the State Council.

Article 28 — This Law shall come into force as of March 1, 1996.

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