# Civil Aviation Law of the PRC

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## Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding state sovereignty over territorial airspace and civil aviation rights, ensuring the safe and orderly conduct of civil aviation activities, protecting the lawful rights and interests of the parties concerned, and promoting the development of the civil aviation industry.

Article 2 — The territorial airspace of the People's Republic of China refers to the airspace over the land territory and territorial waters of the People's Republic of China. The People's Republic of China has complete and exclusive sovereignty over its territorial airspace.

Article 3 — The competent civil aviation authority under the State Council shall exercise unified supervision and administration over the national civil aviation activities. The administrative measures for regional civil aviation administered by the competent civil aviation authority under the State Council shall be based on the division of regions in accordance with law.

Article 4 — The state shall support the development of the civil aviation industry and encourage and support scientific research and education in civil aviation to enhance the level of civil aviation science and technology.

## Chapter II — State Sovereignty over Civil Aviation

Article 5 — The routes for civil aircraft to fly out of and into the territory of the People's Republic of China and to fly within the territory shall be designated by the competent civil aviation authority under the State Council. The specific routes for international flights and flights to regions shall be approved by the competent civil aviation authority under the State Council.

Article 6 — Foreign civil aircraft may not fly into or fly through the territorial airspace of the People's Republic of China without approval, except as otherwise provided by international treaties concluded or acceded to by the People's Republic of China.

Article 7 — The entry and departure of foreign civil aircraft into and from the territory of the People's Republic of China shall be conducted through designated air ports. The departure airport, arrival airport and alternate airports for foreign civil aircraft shall be designated by the competent civil aviation authority under the State Council.

## Chapter III — Civil Aircraft

Article 8 — For the purposes of this Law, "civil aircraft" means aircraft other than those used for military, customs and police missions. Civil aircraft engaged in civil aviation activities shall be registered with the competent civil aviation authority under the State Council.

Article 9 — Civil aircraft registered in the People's Republic of China shall bear the nationality mark and registration mark stipulated by the state. Where a foreign civil aircraft is permitted to be imported, it shall have its original registration cancelled and be re-registered in the People's Republic of China.

Article 10 — A civil aircraft shall have an airworthiness certificate issued by the competent civil aviation authority under the State Council before it may be operated. The airworthiness of a civil aircraft shall be

subject to continuous supervision and administration by the competent civil aviation authority.

Article 11 — The ownership, mortgage and other rights and interests in civil aircraft shall be registered with the competent civil aviation authority under the State Council. Without registration, such rights may not be set up against a bona fide third party.

Article 12 — A lien holder may exercise a lien on a civil aircraft in accordance with law. A civil aircraft shall not be subject to compulsory enforcement while in operation, except for debts incurred for the purpose of the operation itself.

## Chapter IV — Airmen

Article 13 — For the purposes of this Law, "airmen" means flight personnel and ground personnel engaged in civil aviation activities. Flight personnel includes pilots, navigators, flight engineers, flight radio operators, and cabin crew members.

Article 14 — Flight personnel shall obtain their respective licenses issued by the competent civil aviation authority under the State Council before they may engage in flight duties. The physical examination standards and licensing requirements for flight personnel shall be prescribed by the state.

Article 15 — The working hours and rest periods for flight personnel shall comply with the regulations of the competent civil aviation authority under the State Council to ensure flight safety.

## Chapter V — Public Air Transport Enterprises

Article 16 — Public air transport enterprises are enterprise legal persons that use civil aircraft to transport passengers, baggage, cargo, and mail for profit. The establishment of a public air transport enterprise shall be subject to the approval of the competent civil aviation authority under the State Council.

Article 17 — Public air transport enterprises shall apply for an air operator's certificate. An enterprise that does not hold an air operator's certificate may not engage in public air transport activities.

Article 18 — A public air transport enterprise that applies for operating international routes shall meet the conditions prescribed by the state and obtain approval from the competent civil aviation authority under the State Council. Foreign public air transport enterprises may operate international air transport services from their home countries to the People's Republic of China after obtaining a business permit in accordance with law.

Article 19 — Public air transport enterprises shall ensure flight safety and the safety of civil aviation ground facilities. They shall ensure the quality of transport services, implement air transport price policies in accordance with state provisions, and engage in fair competition.

## Chapter VI — General Aviation

Article 20 — For the purposes of this Law, "general aviation" means civil aviation activities other than public air transport, including industrial, agricultural, forestry, fishery and construction aerial work, as well as flight activities for medical and health, emergency rescue, meteorological observation, marine monitoring, scientific experiment, education and training, culture and sports and other purposes.

Article 21 — Entities and individuals engaged in general aviation activities shall meet the conditions prescribed by the state and obtain approvals from the competent civil aviation authority and other relevant authorities.

Article 22 — The state encourages and supports general aviation development and shall simplify the approval procedures for general aviation activities to promote the sound development of general aviation.

## Chapter VII — Airports



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Article 23 — Civil airports refer to airports designated for the take-off and landing of civil aircraft and equipped with the necessary facilities. Civil airports include public air transport airports and general aviation airports. The layout and construction of civil airports shall be included in urban and rural planning.

Article 24 — Civil airport management organizations shall ensure the normal operation and safety of airport facilities and provide fair and good services to airlines and passengers.

Article 25 — Foreign investment in the construction and operation of civil airports shall be governed by the provisions of the state. The state encourages domestic and foreign capital to participate in the construction of civil airports in accordance with law.

## Chapter VIII — Air Navigation

Article 26 — The state shall exercise unified management over air traffic, and the specific management measures shall be prescribed by the State Council and the Central Military Commission. Air traffic control units shall provide air traffic services to civil aircraft to ensure flight safety and order.

Article 27 — Air traffic control units shall assign flight routes, flight altitudes and flight clearances to civil aircraft in accordance with law. Civil aircraft shall comply with air traffic control instructions.

Article 28 — The establishment and management of air navigation service facilities such as communications, navigation, surveillance and meteorological services shall be governed by the unified provisions of the state.

## Chapter IX — Public Safety

Article 29 — Civil airports and public air transport enterprises shall establish and improve civil aviation security systems to prevent and combat illegal interference with civil aviation activities. Security checks shall be carried out on passengers, baggage, cargo and mail.

Article 30 — It is prohibited to carry dangerous articles that endanger flight safety on board civil aircraft. Passengers shall not carry controlled instruments, flammable, explosive, toxic, corrosive, radioactive and other dangerous articles.

Article 31 — In the event of an aircraft accident, the operator shall immediately report to the competent civil aviation authority. The cause of the accident shall be investigated by the competent civil aviation authority in conjunction with the relevant departments.

## Chapter X — Legal Liability

Article 32 — Where an aircraft is operated without a valid airworthiness certificate, the competent civil aviation authority shall order the suspension of operations, confiscate the illegal gains, and may impose a fine of not less than the illegal gains but not more than five times the illegal gains; where there are no illegal gains, a fine of not less than RMB 100,000 but not more than RMB 1,000,000 may be imposed.

Article 33 — Where a public air transport enterprise operates without an air operator's certificate, the competent civil aviation authority shall order it to cease operations, confiscate its illegal gains, and impose a fine of not less than one time but not more than five times the illegal gains; where there are no illegal gains, a fine of not less than RMB 100,000 but not more than RMB 1,000,000 shall be imposed.

Article 34 — Where a person carries dangerous articles on board an aircraft in violation of the provisions of this Law, the public security authorities shall impose penalties in accordance with the relevant provisions. Where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 35 — Where a staff member of the competent civil aviation authority abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain, and the case constitutes a crime, criminal liability shall be pursued in accordance with law; where the case is not serious enough to constitute



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a crime, administrative sanctions shall be imposed in accordance with law.

## Chapter XI — Supplementary Provisions

Article 36 — The measures for the operation of foreign civil aircraft in the territory of the People's Republic of China shall be prescribed by the State Council in accordance with the provisions of international civil aviation conventions to which the state is a party.

Article 37 — This Law shall come into force on March 1, 1996.

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