# 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 the sovereignty over territorial airspace and the rights of civil aviation of the State, ensuring the safe and orderly conduct of civil aviation activities, protecting the lawful rights and interests of the parties involved in civil aviation activities, and promoting the development of the civil aviation industry.

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 nationwide. The provisions of this Law concerning the civil aviation authority shall apply to regional civil aviation administrative organs established according to 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, and the adoption of advanced scientific and technological achievements to improve the level of civil aviation science and technology.

Article 5 — Civil aviation activities shall comply with the provisions of laws, administrative regulations and rules, and shall be subject to the supervision and administration of the civil aviation authority. Aircraft performing civil aviation activities shall not fly into no-fly zones or restricted zones.

## Chapter II — Nationality of Civil Aircraft



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Article 6 — Civil aircraft as referred to in this Law means aircraft used for civil aviation activities other than aircraft used for the performance of military, customs, and police missions.

Article 7 — A civil aircraft with the nationality of the People's Republic of China may only be operated after registration in accordance with the law, obtaining the nationality registration certificate and nationality mark issued by the State Council civil aviation authority. The nationality and registration marks of civil aircraft shall be displayed in accordance with State regulations. Civil aircraft registered in the PRC shall not bear dual nationality.

Article 8 — The transfer of ownership of civil aircraft registered in accordance with law shall be registered with the civil aviation authority. Such transfer of ownership shall not be effective against third parties until registered.

Article 9 — Where a civil aircraft registered in accordance with law is subject to a lease contract for a period of six months or more, the lessor shall register the lease with the civil aviation authority.

## Chapter III — Rights of Civil Aircraft

Article 10 — The rights to a civil aircraft as referred to in this Chapter include the ownership of, the mortgage on, and the possessory lien on a civil aircraft, and the priority right to civil aircraft.

Article 11 — A mortgage on a civil aircraft shall be established in writing. The mortgage on a civil aircraft shall be registered with the civil aviation authority. Such mortgage shall not be effective against third parties until registered. The mortgagee and the mortgagor shall jointly register the mortgage. If the mortgage is not registered, it shall not be effective against third parties.

Article 12 — The civil aviation authority shall establish a register of civil aircraft rights. The following matters shall be registered: (1) ownership of, possession of and mortgage on a civil aircraft; (2) priority rights to a civil aircraft.

Article 13 — Except in cases of compulsory auction by a court in accordance with the law, a civil aircraft registered as to nationality shall not be the object of a foreign country's mortgage in respect of the aircraft itself while within the territory of the PRC.

Article 14 — A possessory lien on a civil aircraft entitles the creditor to take possession of the aircraft and sell it in accordance with law. The scope of the possessory lien covers compensation for rescue services and necessary expenses for the custody of the aircraft.

Article 15 — A creditor with a possessory lien on a civil aircraft shall have priority over the mortgagee without registration. Where two or more mortgages are registered on the same civil aircraft, their priorities shall be determined by the sequence of registration.

Article 16 — The rights to a civil aircraft shall be governed by the law of the State of registration of the aircraft.

## Chapter IV — Airworthiness Management

Article 17 — A civil aircraft shall not be flown unless it possesses an airworthiness certificate issued by the civil aviation authority. The design, production, maintenance, and modification of civil aircraft and their engines, propellers, and on-board equipment shall apply for model certification, production certification, and airworthiness certification in accordance with State regulations.

Article 18 — A manufacturer of civil aircraft and its engines, propellers, and on-board equipment shall apply for a type certificate from the civil aviation authority. The civil aviation authority shall issue the type certificate after examination.



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Article 19 — A manufacturer of civil aircraft and its engines, propellers, and on-board equipment that has obtained a type certificate as provided in the preceding article shall apply for a production certificate from the civil aviation authority. The civil aviation authority shall issue the production certificate after examination.

Article 20 — A maintenance entity for civil aircraft and its engines, propellers, and on-board equipment shall apply for a maintenance permit from the civil aviation authority. The civil aviation authority shall issue the maintenance permit after examination.

Article 21 — No unit or individual shall produce civil aircraft or their engines, propellers, or on-board equipment without obtaining a type certificate or a production certificate. No unit or individual shall engage in maintenance activities for civil aircraft without obtaining a maintenance permit.

Article 22 — Export civil aircraft and its engines, propellers, and on-board equipment may, as needed, be certified for export airworthiness by the civil aviation authority.

## Chapter V — Aircrew

Article 23 — Aircrew members as referred to in this Law means the following persons serving on board a civil aircraft during flight: pilot-in-command, co-pilots, flight engineers, flight navigators, and flight attendants. The crew composition of a civil aircraft shall comply with the provisions of the State Council's civil aviation authority.

Article 24 — Aircrew members shall possess the appropriate licenses or certificates and meet the medical fitness standards prescribed by the State Council's civil aviation authority.

Article 25 — The pilot-in-command of a civil aircraft shall be the pilot who is responsible for the operation and safety of the aircraft during flight. The pilot-in-command shall strictly perform their duties and shall have the right to make final decisions on all matters concerning the safe operation of the aircraft.

Article 26 — The pilot-in-command shall have the right to take necessary measures, including the destruction of property, to protect the safety of the aircraft, persons, or property on board if he or she has reasonable grounds to believe that an unlawful interference with the aircraft has occurred or is about to occur.

Article 27 — Aircrew members shall undergo regular training and examinations and shall comply with the flight time and duty time restrictions prescribed by the civil aviation authority.

## Chapter VI — Civil Airports

Article 28 — Civil airports as referred to in this Law means a defined area on land or water intended to be used either wholly or in part for the landing, takeoff, and surface movement of civil aircraft, including any buildings, installations, and equipment within the area.

Article 29 — The layout and construction of civil airports shall comply with the national civil airport layout plan and shall be subject to the approval of the State Council and the Central Military Commission or the civil aviation authority as authorized.

Article 30 — Civil airports may be established and operated by the State or by enterprises meeting the qualifications prescribed by the State. Foreign investors may invest in the construction and operation of civil airports in accordance with State regulations.

Article 31 — A civil airport shall possess an airport use permit before commencing operations. Airport operators shall establish and improve safety management systems to ensure the safe operation of the airport.

Article 32 — It shall be prohibited to construct buildings, erect facilities, or engage in other activities within airport clearance protection zones that affect flight safety. Airport operators shall strengthen safety



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management and regularly inspect the airport clearance protection environment.

Article 33 — Civil airports shall be equipped with security inspection, firefighting, rescue, and other safety facilities in accordance with State regulations, and shall establish and improve emergency response plans.

## Chapter VII — Air Navigation

Article 34 — The State exercises unified control over the utilization of airspace. The division of airspace shall take into consideration the needs of both civil aviation and national defense, the interests of the public, and the requirements for ensuring flight safety.

Article 35 — Civil aircraft shall fly in accordance with the air routes and flight altitudes designated by the air traffic control authority. If a deviation from the designated air route or flight altitude is necessary, permission shall be obtained from the air traffic control authority.

Article 36 — Air traffic control units shall provide air traffic services to civil aircraft, including air traffic control services, flight information services, and alerting services, to ensure the safe and efficient flow of air traffic.

Article 37 — Before each flight, the pilot-in-command shall conduct a pre-flight inspection of the civil aircraft. No civil aircraft shall take off unless the pilot-in-command has signed the flight release document.

Article 38 — Communication, navigation, surveillance, meteorological, and other air navigation service facilities shall comply with civil aviation technical standards and shall be subject to the unified management of the civil aviation authority.

Article 39 — Entities providing communication, navigation, surveillance, meteorological, and other services shall obtain the corresponding qualifications and operate in compliance with national technical standards.

Article 40 — Civil aircraft shall not fly in no-fly zones or restricted zones except in execution of special missions approved by the State.

## Chapter VIII — Public Air Transport Enterprises

Article 41 — A public air transport enterprise shall be a legal person enterprise established in accordance with the law and shall obtain a public air transport enterprise operating permit from the civil aviation authority.

Article 42 — A public air transport enterprise shall apply for an air operator certificate from the civil aviation authority and may only commence operations after obtaining the certificate.

Article 43 — A public air transport enterprise shall comply with the conditions prescribed by the State regarding registered capital, aircraft, flight personnel, maintenance capabilities, and liability insurance coverage.

Article 44 — Public air transport enterprises shall ensure flight safety, operational safety, and air transport safety. They shall establish safety management systems and formulate safety management manuals.

Article 45 — Air fares for domestic routes shall be based on government-guided pricing and shall be reported to the price authority and the civil aviation authority under the State Council for approval. Air fares for international routes shall comply with the relevant provisions of international treaties concluded or acceded to by the PRC.

Article 46 — Public air transport enterprises shall publish their flight schedules and transport conditions, provide quality services, properly handle passenger complaints, and accept social supervision.

Article 47 — Public air transport enterprises shall purchase liability insurance for third parties on the ground as prescribed by the civil aviation authority.

## Chapter IX — General Aviation



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Article 48 — General aviation as referred to in this Law means civil aviation activities other than public air transport, including industrial, agricultural, forestry, fishery, and construction flight operations, as well as flight operations for medical and health services, emergency rescue, meteorological observation, oceanographic monitoring, scientific experiments, education and training, cultural and sports activities, and tourism.

Article 49 — An entity engaging in general aviation activities shall meet the conditions prescribed by the State, obtain a general aviation operating permit from the civil aviation authority, and register in accordance with the law.

Article 50 — General aviation enterprises shall organize and implement flight operations in accordance with State regulations, ensure flight safety, and protect the ecological environment and natural resources to prevent pollution and other public hazards.

Article 51 — The State encourages and supports the development of general aviation and shall take measures to promote the growth of the general aviation industry.

## Chapter X — Air Transport

Article 52 — Air transport contracts shall be governed by the provisions of this Chapter. Matters not covered in this Chapter shall be governed by the relevant provisions of the Civil Code of the People's Republic of China.

Article 53 — An air transport contract is a contract under which the air carrier undertakes to transport passengers, baggage, or cargo by civil aircraft from the place of departure to the place of destination, and the passenger, consignor, or consignee pays the fare or freight charges.

Article 54 — The air waybill or baggage check is prima facie evidence of the conclusion of the air transport contract and of the conditions of transport. The absence, irregularity, or loss of the air waybill or baggage check does not affect the existence or validity of the transport contract.

Article 55 — The passenger ticket shall contain the following particulars: (1) the place of departure and destination; (2) if the places of departure and destination are within the territory of the PRC and there are one or more agreed stopping places outside the territory, at least one such stopping place shall be indicated; (3) a statement that the transport is subject to the liability rules established by this Law if the passenger's ultimate destination or stop is not in the country of departure.

Article 56 — The consignor shall have the right to dispose of the cargo by withdrawing it at the airport of departure or destination, by stopping it in the course of the journey on any landing, by calling for its delivery at the place of destination or in the course of the journey to a person other than the consignee designated in the air waybill, or by requiring it to be returned to the airport of departure.

Article 57 — The consignor shall provide such information and documents as are necessary for customs, police, and other public authorities before the cargo can be delivered to the consignee. The consignor shall be liable to the carrier for any loss caused by the absence, insufficiency, or irregularity of any such information or documents, unless the loss was caused by the fault of the carrier or its servants or agents.

Article 58 — The consignee shall be entitled, upon arrival of the cargo at the place of destination, to demand delivery of the cargo against payment of the charges due and compliance with the conditions of transport set out in the air waybill.

Article 59 — The carrier shall have the right to the agreed freight and other charges and shall have a lien on the transported cargo for any unpaid amount due.

Article 60 — The carrier shall be liable for damage sustained in the event of the death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the



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aircraft or in the course of any of the operations of embarking or disembarking.

Article 61 — The carrier shall be liable for damage sustained in the event of the destruction or loss of, or damage to, any registered baggage or cargo upon condition only that the occurrence which caused the destruction, loss, or damage took place during the air transport.

Article 62 — Air transport as referred to in the preceding article comprises the period during which the baggage or cargo is in the charge of the carrier, whether at an airport or on board an aircraft, or in the case of landing outside an airport, in any place whatsoever.

Article 63 — The carrier shall be liable for damage occasioned by delay in the transport by air of passengers, baggage, or cargo. However, the carrier shall not be liable if it proves that it and its servants or agents took all necessary measures to avoid the damage, or that it was impossible for them to take such measures.

Article 64 — In the case of carriage of passengers, the liability of the carrier for each passenger shall be limited to the amounts prescribed by the civil aviation authority and published. The limits of liability in air transport shall be implemented in accordance with the relevant provisions of the State.

Article 65 — The carrier shall not be entitled to avail itself of the limits of liability if it is proved that the damage resulted from an act or omission of the carrier, its servants, or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 66 — If an action is brought against a servant or agent of the carrier arising out of damage, such servant or agent, if they prove that they acted within the scope of their employment, shall be entitled to avail themselves of the limits of liability which the carrier itself is entitled to invoke under this Law.

Article 67 — Receipt by the person entitled to delivery of baggage or cargo without complaint shall be prima facie evidence that the same has been delivered in good condition and in accordance with the transport document. In case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and at the latest within seven days from the date of receipt for baggage, and within fourteen days from the date of receipt for cargo. In case of delay, the complaint must be made within twenty-one days from the date on which the baggage or cargo has been placed at the person’s disposal.

Article 68 — The right to damages shall be extinguished if an action is not brought within two years from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the transport was terminated.

Article 69 — An air transport contract may contain provisions for arbitration, provided that any arbitration proceedings shall, at the option of the claimant, take place within one of the jurisdictions specified in this Law. Arbitration clauses or agreements shall not deprive passengers or consignors of their rights to bring actions in court.

## Chapter XI — Search and Rescue

Article 70 — When a civil aircraft is in distress, the crew shall immediately report to the air traffic control unit and shall take all necessary measures to organize rescue operations. Other aircraft in flight shall, upon receiving the distress signal, render assistance to the maximum extent possible.

Article 71 — The air traffic control unit shall, upon learning that a civil aircraft is in distress, immediately notify the search and rescue coordination center and activate the emergency rescue plan. The search and rescue coordination center shall immediately organize search and rescue operations.

Article 72 — The State shall establish and improve a civil aviation search and rescue system. Relevant departments and local people’s governments shall cooperate in conducting search and rescue operations.

Article 73 — Where a civil aircraft accident involves military aircraft, or endangers State security, the relevant military authorities shall participate in the rescue operations in accordance with regulations.



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## Chapter XII — Investigation of Flight Accidents

Article 74 — Flight accidents of civil aircraft shall be investigated in accordance with the relevant State regulations. The purpose of the investigation is to ascertain the cause of the accident and to propose measures for preventing future accidents, rather than to apportion blame or liability.

Article 75 — After a flight accident of a civil aircraft occurs, the civil aviation authority shall organize an investigation team to conduct the investigation. The carrier and the manufacturer of the aircraft, the engine, and the on-board equipment involved shall cooperate with the investigation.

Article 76 — The accident investigation report shall be made public in a timely manner. Any entity or individual shall truthfully provide information relevant to the accident investigation.

Article 77 — The State where the accident occurs shall institute an inquiry into the circumstances of the accident. The State of registration, the State of the operator, the State of design, and the State of manufacture shall have the right to appoint accredited representatives to participate in the investigation.

## Chapter XIII — Liability for Damage to Third Parties

Article 78 — The operator of a civil aircraft shall be liable for damage caused by death or personal injury or damage to property on the ground or on water by an aircraft in flight or by any person or thing falling from the aircraft.

Article 79 — A person who would otherwise be liable under the provisions of this Law shall not be liable if the damage is the direct consequence of armed conflict or civil disturbance, or if such person has been deprived of the use of the aircraft by an act of public authority.

Article 80 — If a person takes off and uses an aircraft without the consent of the person entitled to navigate it, the latter shall be liable for damage caused by the aircraft unless he or she proves that he or she exercised due care to prevent such use.

Article 81 — The operator of a civil aircraft shall purchase liability insurance for damage to third parties on the ground or provide corresponding financial guarantees in accordance with State regulations.

Article 82 — The limits of liability for damage to third parties on the ground caused by civil aircraft shall be prescribed by the civil aviation authority under the State Council.

## Chapter XIV — Special Provisions on Foreign-Related Matters

Article 83 — Where a civil aircraft of foreign nationality flies into or out of the territory of the PRC or operates within the territory of the PRC, the operator of the aircraft shall obtain permission from the civil aviation authority of the State Council.

Article 84 — Foreign civil aircraft entering or leaving the territory of the PRC shall fly in accordance with the designated air routes and shall land at and take off from designated airports. Customs, immigration, quarantine, and other inspections shall be conducted at such airports.

Article 85 — Civil aircraft of foreign nationality shall not engage in the transport of passengers, baggage, cargo, or mail between two points within the territory of the PRC.

Article 86 — In air transport, the application of international treaties concluded or acceded to by the PRC shall take precedence over the provisions of this Law, except where the PRC has declared reservations.

Article 87 — Air transport under this Chapter shall be governed by relevant provisions of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention 1999), where applicable.



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Article 88 — The law applicable to a civil aircraft mortgage shall be the law of the State of nationality registration of the aircraft. The law applicable to a possessory lien on a civil aircraft shall be the law of the court hearing the case.

Article 89 — The jurisdiction of the PRC courts over civil cases involving foreign interests relating to civil aviation shall be determined in accordance with the provisions of this Law and relevant laws.

## Chapter XV — Legal Liability

Article 90 — Where a civil aircraft is operated without obtaining an airworthiness certificate, the civil aviation authority shall order the suspension of operation and impose a fine. If the circumstances are serious, the relevant licenses or certificates shall be revoked.

Article 91 — Where a civil aircraft is produced, maintained, or modified without obtaining the corresponding certificates or permits, the civil aviation authority shall order cessation of the activity, confiscate illegal gains, and impose a fine.

Article 92 — Where public air transport is engaged in without obtaining a public air transport enterprise operating permit or an air operator certificate, the civil aviation authority shall order cessation of operations, confiscate illegal gains, and impose a fine.

Article 93 — Where general aviation activities are conducted without obtaining the corresponding permit, the civil aviation authority shall order cessation of the activity, confiscate illegal gains, and impose a fine.

Article 94 — Where anyone hijacks an aircraft or commits other acts endangering flight safety by means of violence, coercion, or other methods, criminal liability shall be pursued in accordance with the law. If the act does not constitute a crime, public security administrative penalties shall be imposed.

Article 95 — Where anyone carries dangerous goods or contraband onto a civil aircraft, the public security organ shall impose penalties in accordance with the law. If a crime is constituted, criminal liability shall be pursued.

Article 96 — Where a public air transport enterprise violates the provisions of this Law by failing to purchase liability insurance for third parties on the ground, the civil aviation authority shall order rectification and impose a fine.

Article 97 — Where an aircrew member violates flight time or duty time limitations, the civil aviation authority shall impose penalties on the aircrew member and the air carrier.

Article 98 — Where anyone, in violation of this Law, flies into no-fly zones or restricted zones without authorization, the relevant military or public security authorities shall take necessary measures to order the aircraft to land at a designated airport. Penalties shall be imposed on the operator.

Article 99 — Where an airport is operated without an airport use permit, the civil aviation authority shall order cessation of operations, confiscate illegal gains, and impose a fine.

Article 100 — Where anyone constructs buildings or erects facilities within an airport clearance protection zone in violation of regulations, the relevant department shall order removal within a time limit and may impose a fine. If the violation endangers flight safety, the civil aviation authority may request the local people’s government to order removal.

Article 101 — Where anyone, in violation of laws and regulations on civil aviation safety, causes a flight accident, they shall bear compensation liability. If a crime is constituted, criminal liability shall be pursued.

Article 102 — Staff members of the civil aviation authority who neglect their duties, abuse their authority, or engage in malpractice for personal gain shall be subject to administrative sanctions. If a crime is constituted, criminal liability shall be pursued.

## Chapter XVI — Supplementary Provisions

Article 103 — The calculation of the time limits prescribed in this Law shall comply with the provisions of the Civil Code of the People's Republic of China. Official holidays or non-business days shall be included in the calculation of time limits. If the last day of a time limit falls on an official holiday or non-business day, the time limit shall expire on the first following business day.

Article 104 — The State Council and the Central Military Commission shall separately formulate measures for the management of non-civil aircraft used for civil aviation purposes.

Article 105 — The State Council shall formulate rules for the implementation of this Law.

Article 106 — This Law shall come into force on March 1, 1996.

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