

中华人民共和国民用航空法

CIVIL AVIATION LAW OF
THE PEOPLE'S REPUBLIC OF CHINA

中国民用航空总局 编
EDITED BY GENERAL ADMINISTRATION OF
CIVIL AVIATION OF CHINA

**CIVIL AVIATION LAW OF
THE PEOPLE'S REPUBLIC OF CHINA**

Translated by the Legislative Affairs Commission of
the Standing Committee of
the National People's Congress of
the People's Republic of China

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**Order of the President of
the People's Republic of China
No. 56**

The Civil Aviation Law of the People's Republic of China, adopted at the 16th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on October 30, 1995, is hereby promulgated and shall enter into force as of March 1, 1996.

**Jiang Zemin
President of the People's Republic of China**

October 30, 1995

Civil Aviation Law of the People's Republic of China

*(Adopted at the 16th Meeting of the Standing Committee
of the Eighth National People's Congress on October 30, 1995,
promulgated by Order No. 56 of the President of the
People's Republic of China on October 30, 1995
and effective as of March 1, 1996)*

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Chapter I

General Provisions

Article 1 This Law is enacted with a view to safeguarding the national sovereignty of territorial airspace and the rights of civil aviation, to ensuring the conduct of civil aviation activities in a safe and orderly manner, to protecting the lawful rights and interests of the parties concerned in civil aviation activities, and to promoting the development of civil aviation industry.

Article 2 The airspace above the land territory and territorial waters of the People's Republic of China is the territorial airspace 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 exercises unified supervision and administration over civil aviation activities in the whole country; issues regulations and decisions concerning civil aviation activities within the scope of its authority in accordance with laws and the decisions of the State Council.

The regional civil aviation administrative organs set up by the competent civil aviation authority under the State Council supervise and administer the civil aviation activities in their respective regions in accordance

with the authorizations of the competent civil aviation authority under the State Council.

Article 4 The State supports the development of civil aviation industry, and encourages and supports the progress of scientific research and education in the field of civil aviation and the improvement of civil aviation science and technology.

The State supports the development of civil aircraft manufacturing industry so as to provide safe, advanced, economical and suitable civil aircraft for civil aviation activities.

Chapter II

Nationality of Civil Aircraft

Article 5 "Civil aircraft" as referred to in this Law means aircraft other than those used in flight missions of military, customs and police services.

Article 6 A civil aircraft that has performed its nationality registration with the competent civil aviation authority under the State Council of the People's Republic of China according to law has the nationality of the People's Republic of China, and shall be issued a nationality registration certificate by the competent civil aviation authority under the State Council.

The competent civil aviation authority under the State Council shall set up a Civil Aircraft Nationality Register of the People's Republic of China to exclusively record matters concerning nationality registration of civil aircraft.

Article 7 The following civil aircraft shall perform the nationality registration of the People's Republic of China:

(1) The civil aircraft of a State organ of the People's Republic of China;

(2) The civil aircraft of a corporate enterprise set up in accordance with the law of the People's Republic of China; if such corporate enterprise has foreign investment in its registered capital, its organizational structure and composition of personnel, and the proportion of contribution of Chinese investor shall conform to the provisions of administrative rules and regulations; and

(3) Other civil aircraft, the registration of which is approved by the competent civil aviation authority under the State Council.

Where a civil aircraft was leased from abroad, the lessee being in conformity with the provisions of the preceding paragraph, and the crew of the civil aircraft is provided by the lessee, the latter may apply for the nationality registration of the People's Republic of China, provided that the original nationality registration of such aircraft has been cancelled.

Article 8 A civil aircraft which has acquired the nationality of the People's Republic of China according to law shall display the specified nationality mark and registration mark.

Article 9 A civil aircraft shall not possess dual nationality. Application for the nationality registration of the People's Republic of China shall not be filed for a civil aircraft which has not cancelled its nationality of a foreign country.

Chapter III

Rights of Civil Aircraft

Section 1 Basic Principles

Article 10 The rights to a civil aircraft as referred to in this Chapter include the rights to the airframe, engines, propellers, radio apparatus of the civil aircraft and all other articles intended for use in such civil aircraft, no matter whether they are installed thereon or separated temporarily therefrom.

Article 11 The person entitled to the rights of a civil aircraft shall register the following rights respectively with the competent civil aviation authority

under the State Council:

- (1) The ownership of the civil aircraft;
- (2) The right for the acquisition and possession of the civil aircraft through an act of purchase;
- (3) The right to possess the civil aircraft in accordance with a lease contract covering a lease term of six months or over; and
- (4) Mortgage of the civil aircraft.

Article 12 A register of the rights of civil aircraft shall be maintained by the competent civil aviation authority under the State Council. Matters registered concerning the rights of one and the same civil aircraft shall be recorded in the same register of rights.

Matters registered concerning the rights of civil aircraft may be made available to the public for inquiry, reproduction or extraction.

Article 13 Unless a civil aircraft was the subject of a forced auction sale in accordance with the law, the nationality registration of such civil aircraft or the registration of rights thereof shall not be transferred abroad before the registered rights of such aircraft are compensated or before the consent of the person entitled to the aforesaid rights is given.

Section 2 Ownership and Mortgage of Civil Aircraft

Article 14 The acquisition, transference and extinction of the ownership of a civil aircraft shall be registered with the competent civil aviation authority under the State Council; no acquisition, transference or extinction of the ownership of the civil aircraft shall act against a third party unless registered.

The transference of the ownership of a civil aircraft shall be made by a contract in writing.

Article 15 Where a State-owned civil aircraft is authorized by the State to be operated, administered or utilized by a legal person, the provisions of this Law concerning the owner of civil aircraft shall be applicable to such legal person.

Article 16 The mortgage of a civil aircraft shall be established by registering the mortgage of the civil aircraft with the competent civil aviation authority under the State Council jointly by the mortgagee and the mortgagor; no mortgage may act against a third party unless registered.

Article 17 Once a mortgage is established on a civil aircraft, the ownership of the mortgaged civil aircraft shall not be transferred without the consent of the mortgagee.

Section 3 Civil Aircraft Liens

Article 18 A civil aircraft lien is the right of the claimant, subject to the provisions of Article 19 of this Law, to take priority in compensation against the owner and lessee of the civil aircraft with respect to the civil aircraft which gave rise to the said claim.

Article 19 The following obligatory rights shall be entitled to civil aircraft liens:

- (1) Remuneration for rescuing the civil aircraft; and
- (2) Necessary expenses incurred for the custody of the civil aircraft.

With respect to the obligatory rights specified in the preceding paragraph, that arising later shall be satisfied first.

Article 20 The creditor of the civil aircraft liens specified in Article 19 of this Law shall register his obligatory rights with the competent civil aviation authority under the State Council within three months commencing from the date of the end of rescue or custody.

Article 21 For the common interests of creditors, the expenses incurred in enforcing the decision of

the People's Court and in the course of auction sale shall be deducted and paid first from the proceeds of the auction sale of the civil aircraft.

Article 22 A civil aircraft lien shall have priority over the mortgage of a civil aircraft.

Article 23 Where the obligatory rights provided in Article 19 of this Law are transferred, the civil aircraft liens attached thereto shall be transferred accordingly.

Article 24 A civil aircraft lien shall be enforced by the People's Court by arresting the civil aircraft that gave rise to the said civil aircraft lien.

Article 25 A civil aircraft lien shall be terminated at the expiry of three months commencing from the date of the end of rescue or custody; except that the creditor has registered his obligatory rights according to the provisions of Article 20 of this Law and that the case is under one of the following circumstances:

(1) The creditor and debtor have reached agreement on the amount of the said obligatory rights; or

(2) The legal action concerning the obligatory rights has started.

A civil aircraft lien shall not be extinguished because of the transference of the ownership of the civil aircraft; except that the civil aircraft was the subject of

a forced auction sale in accordance with law.

Section 4 Lease of Civil Aircraft

Article 26 A civil aircraft lease contract, including financing lease contract and other lease contracts, shall be made in writing.

Article 27 The "financing lease of civil aircraft" means that the lessor acquires a civil aircraft pursuant to the selection of the lessee with respect to supplier and civil aircraft, and leases it to the lessee, who shall pay rental periodically.

Article 28 During the period of financing lease, the lessor shall be legally entitled to the ownership of the civil aircraft, and the lessee shall be legally entitled to the rights of possession, utilization and earnings of the civil aircraft.

Article 29 During the period of financing lease, the lessor shall ensure the lessee to possess and use the civil aircraft without interference; the lessee shall take proper care of the civil aircraft and keep it in the condition in which it was delivered, subject to fair wear and tear and to any modification of the civil aircraft agreed by the lessor.

Article 30 When the financing lease contract comes to an end, the lessee, unless exercising a right to purchase the civil aircraft or to hold the civil aircraft on lease for a further period in accordance with the contract, shall return the civil aircraft to the lessor in the condition specified in Article 29 of this Law.

Article 31 The supplier in the financing lease of a civil aircraft shall not be liable to both the lessor and the lessee at the same time in respect of the same damage.

Article 32 During the period of financing lease, the lessee may transfer the right of the possession of the civil aircraft as well as other rights under the lease contract only with the consent of the lessor and without jeopardizing the interests of third parties.

Article 33 In the case of a financing lease, or other leases covering a period of six months or longer, the lessee shall register his right of possession of the civil aircraft with the competent civil aviation authority under the State Council; no such lease may act against a third party unless registered.

Chapter IV

Airworthiness Management of Civil Aircraft

Article 34 Application shall be filed with the competent civil aviation authority under the State Council for type certificate for the designing of civil aircraft and its engines, propellers and on-board equipment. A type certificate shall be issued accordingly if found qualified through examination.

Article 35 Application shall be filed with the competent civil aviation authority under the State Council for production certificate and maintenance certificate for the production and maintenance of civil aircraft and its engines, propellers and on-board equipment. A corresponding certificate or certificates shall be issued accordingly if found qualified through examination.

Article 36 Where a civil aircraft and its engines, propellers and on-board equipment produced by a foreign manufacturer are imported into China for the first time, such foreign manufacturer shall file an application with the competent civil aviation authority under the State Council for type validation certificate. A type validation certificate shall be issued if found qualified through examination.

Where a civil aircraft and its engines, propellers

and on-board equipment, for which a type certificate has been issued in a foreign country, are produced for the first time in China, the holder of the type certificate shall file an application with the competent civil aviation authority under the State Council for type validation certificate. A type validation certificate shall be issued if found qualified through examination.

Article 37 A civil aircraft possessing the nationality of the People's Republic of China may fly only if it holds an airworthiness certificate issued by the competent civil aviation authority under the State Council.

Application shall be filed with the competent civil aviation authority under the State Council by the manufacturer for export airworthiness certificate with respect to the export of civil aircraft and its engines, propellers and on-board equipment. An export airworthiness certificate shall be issued if found qualified through examination.

A foreign civil aircraft on lease may fly only after the competent civil aviation authority under the State Council has examined and rendered valid its airworthiness certificate issued by the State in which the nationality of such aircraft was originally registered, or has issued a new airworthiness certificate therefor.

The regulations for the airworthiness of civil aircraft shall be formulated by the State Council.

Article 38 The owner and lessee of a civil aircraft shall use the aircraft in accordance with the scope of use prescribed in airworthiness certificate, conscientiously carry out the maintenance of the aircraft and ensure its airworthiness.

Chapter V

Airmen

Section 1 Basic Principles

Article 39 The "airmen" as referred to in this Law means the following flight personnel and ground personnel engaged in civil aviation activities:

(1) Flight personnel, including pilots, navigators, flight engineers, flight radio operators and cabin attendants; and

(2) Ground personnel, including civil aircraft maintenance personnel, air traffic controllers, flight dispatchers and aeronautical radio station operators.

Article 40 An airman may perform the duty specified in his licence only if he has received professional training, and has been qualified through examination and issued a licence by the competent civil aviation authority under the State Council.

Flight personnel and air traffic controllers shall, before obtaining licences, also be subject to the check of the physical examination unit approved by the competent civil aviation authority under the State Council, and obtain the physical examination certificate issued by the competent civil aviation authority under the State Council.

Article 41 Flight personnel shall, in performing flight missions, carry on their persons licences and physical examination certificates and be subject to the check of the competent civil aviation authority under the State Council.

Article 42 Airmen shall be subject to the periodical or non-periodical inspection and examination of the competent civil aviation authority under the State Council. Only those qualified in inspection and examination may continue to perform the duties specified in their licences.

Flight personnel shall also take part in periodical training of emergency procedures.

Flight personnel who have exceeded the time limit of interruption in flight prescribed by the competent civil aviation authority under the State Council shall be subject to inspection and examination; with the exception of cabin attendants, flight personnel shall also go through instruction flight. Only those qualified through inspection, examination and instruction flight may con-

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takeoff.

Article 46 The pilot-in-command has the right to take necessary and appropriate measures in flight, under the prerequisite of ensuring flight safety, against any acts which may destroy the civil aircraft, interfere with the order on board and jeopardize the safety of persons or property therein, and any other acts jeopardizing flight safety.

In case of extraordinary circumstances in flight, the pilot-in-command shall have authority as to disposition of the civil aircraft so as to ensure the safety of the aircraft and the persons therein.

Article 47 The pilot-in-command has the right to ask for a change of crew member(s) in order to ensure flight safety if he discovers that the crew member(s) are not suitable for performing the flight mission.

Article 48 In case a civil aircraft is in distress, the pilot-in-command has the right to take all necessary measures, and direct the crew members and other persons on board the aircraft to take rescue measures. In case of emergency which necessitates evacuation from the civil aircraft in distress, the pilot-in-command must take measures first to organize passengers to leave the civil aircraft safely; no crew member shall leave the civil aircraft unless authorized by the

pilot-in-command; the pilot-in-command shall be the last to leave the aircraft.

Article 49 In case an accident occurred to a civil aircraft, the pilot-in-command shall report in time the state of the accident accurately to the competent civil aviation authority under the State Council directly or through air traffic control unit.

Article 50 When a pilot-in-command received SOS signals from a ship or another aircraft, or discovered a ship or an aircraft and the persons therein in distress, he shall report the state of distress in time to the nearest air traffic control unit and give possible, rational assistance.

Article 51 In case a pilot-in-command is unable to perform his duties in flight due to one reason or another, the pilot holding a post next only to him shall act on his behalf; the owner or lessee of the civil aircraft shall assign a new pilot-in-command to take over before the aircraft takes off at the next place of stop.

Article 52 In the case of a civil aircraft with only one pilot and without the need to have other flight personnel, the provisions of this Section concerning the pilot-in-command shall be applicable to such pilot.

Chapter VI

Civil Airport

Article 53 The "civil airport" as referred to in this Law means a defined area, including any subsidiary buildings, installations and equipment, intended to be used for the takeoff, landing, taxiing, parking and other activities of civil aircraft.

The civil airport referred to in this Law does not include temporary airfield.

The measures for the management of airports used by both military and civil air operations shall be separately formulated by the State Council and the Central Military Commission jointly.

Article 54 The construction and utilization of civil airports shall be subject to overall arrangement and rational distribution, and the efficiency of airport utilization shall be raised.

The plan of distribution and construction of civil airports in the whole country shall be formulated jointly by the competent civil aviation authority under the State Council and other departments concerned under the State Council, and shall be implemented after being approved in accordance with the procedures prescribed by the State.

The People's Governments of provinces, autono-

mous regions and municipalities directly under the Central Government shall formulate the civil airport construction plans of their own administrative areas on the basis of the national plan of civil airport distribution and construction, and incorporate such plans into the national economic and social development programs at their respective levels after being approved in accordance with the procedures prescribed by the State.

Article 55 The civil airport construction plan shall be coordinated with city construction planning.

Article 56 The construction, modification and extension of a civil airport shall conform to the plan of civil airport distribution and construction formulated according to law and to the standards of civil airport, and shall be subject to the approval of the competent authority concerned and implemented in accordance with State regulations.

A construction project of civil airport not conforming to the plan of civil airport distribution and construction formulated according to law shall not be approved.

Article 57 With respect to the construction and extension of a civil airport, an announcement shall be issued by the local People's Government at or above the county level in the place where the civil airport is lo-

cated.

The announcement prescribed in the preceding paragraph shall be published in main local newspapers, and posted in areas around the airport to be constructed or extended.

Article 58 The following activities are prohibited within the limits of civil airport defined according to law and within the airport obstacle clearance protection zone defined according to State regulations:

(1) The construction of buildings or facilities that will possibly affect flight safety by emitting large amount of smoke, dust, flames and waste gas in the air;

(2) The construction of buildings or facilities that will affect flight safety such as shooting range and storage of strong explosives;

(3) The construction of buildings or facilities that do not meet the requirements of obstacle clearance of the airport;

(4) The installation of lights, signs or objects that will affect the use of airport visual navaid;

(5) The growing of plants that will affect flight safety or affect the use of airport navaid;

(6) The keeping and setting free of birds and other objects that will affect flight safety; and

(7) The construction of buildings or facilities that will affect the electromagnetic environment of the airport.

Herding of livestock within the limits of civil air-

port defined according to law is prohibited.

Article 59 Before the issue of announcement concerning the construction and extension of a civil airport, the buildings, structures, trees, lights and other obstacles existing within the limits of the civil airport defined according to law and within the airport obstacle clearance protection zone defined in accordance with State regulations that might affect flight safety shall be removed within prescribed time limit; the damage caused thereby shall be compensated or other remedial measures shall be taken according to law.

Article 60 After the issue of announcement concerning the construction and extension of a civil airport, the buildings, structures, trees, lights and other obstacles, that affect flight safety, built, planted or put up in violation of this Law and the provisions of relevant administrative rules and regulations by any unit or individual within the limits of the civil airport defined according to law and within the airport obstacle clearance protection zone defined in accordance with State regulations shall be removed by the order of the local People's Government at or above the county level in the place where the airport is located; the damage caused thereby shall be borne by the person who built, planted or put up such obstacles.

Article 61 In accordance with the relevant regu-

lations of the State, movement obstacle lights and marks shall be installed on high buildings or facilities, outside the civil airport and its obstacle clearance protection zone defined according to State regulations, that will possibly affect flight safety, and shall be kept in normal condition.

Article 62 A civil airport may be opened to traffic only if it holds an airport operating licence.

A civil airport may apply for an airport operating licence if it meets the following conditions and has been checked and accepted as qualified according to State regulations:

(1) It has available a movement area, a terminal area, a working area and service facilities and personnel corresponding to its operation;

(2) It has available air traffic control, communication, navigation and meteorological facilities and personnel that can ensure flight safety;

(3) It has available security protection conditions conforming to State regulations;

(4) It has an emergency plan to deal with extraordinary circumstances and corresponding facilities and personnel; and

(5) It has available other conditions prescribed by the competent civil aviation authority under the State Council.

An international airport shall also have the conditions for operating international air transport and be

provided with customs and other port inspection organs.

Article 63 A civil airport operating licence shall be applied for by airport administrative organ to the competent civil aviation authority under the State Council, and shall be issued after the application being examined and approved by the competent civil aviation authority under the State Council.

Article 64 The establishment of an international airport shall be reported by the competent civil aviation authority under the State Council for the examination and approval of the State Council.

The opening to traffic of an international airport shall be announced to the public by the competent civil aviation authority under the State Council; the data of an international airport shall be exclusively provided by the competent civil aviation authority under the State Council.

Article 65 A civil airport shall take measures to ensure the safety of personnel and property in the airport in accordance with the provisions of the competent civil aviation authority under the State Council.

Article 66 A civil airport used by civil aircraft for the purpose of transporting passengers and cargo shall be equipped with necessary facilities to provide

good service to passengers, shippers and consignees in accordance with the standards provided by the competent civil aviation authority under the State Council.

Article 67 A civil airport administrative organ shall protect well the environment of the civil airport in accordance with the provisions of the laws and administrative rules and regulations concerning environmental protection.

Article 68 A user's charge and a service charge shall be paid for the use of civil airport and its navaid by a civil aircraft; the rates of user's charge and service charge shall be formulated jointly by the competent civil aviation authority under the State Council and the finance department and the competent authority of prices under the State Council.

Article 69 Where a civil airport is abandoned or used for other purposes, the civil airport administrative organ shall go through the formalities of reporting and approval in accordance with State regulations.

Chapter VII

Air Navigation

Section 1 Airspace Management

Article 70 The State exercises unified management over the airspace.

Article 71 In delineating the airspace, consideration shall be given to the requirements of both civil aviation and the security of national defence and to public interest for the rational, full and effective utilization of the airspace.

Article 72 The specific measures for airspace management shall be formulated jointly by the State Council and the Central Military Commission.

Section 2 Flight Management

Article 73 Responsibility for the control of aircraft operating within a defined, controlled airspace shall be vested in a single air traffic control unit.

Article 74 The approval of an air traffic control unit shall be obtained for a civil aircraft to conduct flight activities in a controlled airspace.

Article 75 A civil aircraft in flight shall follow the air route and fly at the altitude specified by the air traffic control unit; permission shall be obtained from the air traffic control unit if a deviation from the air route or a change in flight altitude specified is necessary for one reason or another.

Article 76 Aircraft flying in the territory of the People's Republic of China must observe unified rules of the air.

A civil aircraft performing visual flight shall observe visual flight rules and keep a safe separation from other aircraft and ground obstacles.

A civil aircraft performing instrument flight shall observe instrument flight rules.

The rules of the air shall be formulated jointly by the State Council and the Central Military Commission.

Article 77 No crew member of a civil aircraft shall perform a flight mission if his flight time or time on duty exceeds the time limits prescribed by the competent civil aviation authority under the State Council.

No crew member of a civil aircraft shall perform a flight mission if his work capacity is impaired by the effect of alcoholic beverage, narcotic or other drugs.

Article 78 No civil aircraft shall fly into a pro-

hibited area unless it is specially approved in accordance with State regulations; no civil aircraft shall fly into a restricted area unless it observes the prescribed conditions of restriction.

The prohibited area and restricted area specified in the preceding paragraph are defined in accordance with State regulations.

Article 79 No civil aircraft shall fly across the airspace over a city except in one of the following circumstances:

(1) It is necessary for takeoff, landing or specified air route;

(2) The flight altitude is high enough to permit the civil aircraft to leave the airspace over the city in the event of emergency without undue hazard to persons or property on the surface;

(3) The flight has been approved in accordance with the procedures prescribed by the State.

Article 80 Nothing shall be dropped or sprayed from a civil aircraft in flight except in one of the following circumstances:

(1) It is indispensable for flight safety; or

(2) It is indispensable for performing a rescue mission or other flight missions conforming to the public interest of the society.

Article 81 No civil aircraft shall fly out of the

territorial airspace of the People's Republic of China unless approved.

Where a civil aircraft is leaving the airspace of the People's Republic of China without authorization, the department concerned has the right to take necessary measures to stop it in accordance with concrete conditions.

Section 3 Flight Support

Article 82 An air traffic control unit shall provide air traffic services to civil aircraft in flight, including air traffic control service, flight information service and alerting service.

The purpose of providing air traffic control service is to prevent collisions between civil aircraft and aircraft, and between civil aircraft and obstacles, and maintain and expedite an orderly flow of air traffic.

The purpose of providing flight information service is to provide advice and information useful for the safe and efficient conduct of flights.

The purpose of providing alerting service is to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required.

Article 83 In the event that an air traffic control unit discovers a civil aircraft deviated from its

specified air route or lost its course, it shall rapidly take all necessary measures to enable the aircraft to regain course.

Article 84 Necessary navigation, communication, meteorological and ground monitoring equipments shall be installed on the air route.

Article 85 The natural obstacles that affect flight safety on air route shall be marked on aeronautical charts; flight obstacle lights and marks shall be installed on man-made obstacles that affect flight safety on air route and shall be kept in normal condition.

Article 86 The construction of a shooting range or other facilities that will possibly affect flight safety is prohibited within the area extending 30 kilometers from the edges of an air route, unless it is a shooting range for flat trajectory light weapon.

The construction of a fixed or temporary air shooting ground beyond the area prescribed in the preceding paragraph shall be subject to approval according to relevant State regulations; the shooting direction of an air shooting range shall not intersect an air route.

Article 87 Any activity that will possibly affect flight safety may be carried out only after being approved according to law with necessary measures being taken to ensure flight safety.

Article 88 The competent civil aviation authority under the State Council shall exercise control over civil aviation radio stations and the special frequencies assigned to be used by civil aviation system according to law.

No radio station or other instrument and device used by a unit or an individual shall hinder the normal use of civil aviation special radio frequencies. Where harmful interference has been caused to civil aviation special radio frequencies, the unit or individual concerned shall rapidly remove such interference; the use of such radio station or other instrument and device shall be stopped before the removal of the interference.

Article 89 The post and telecommunication enterprise shall give priority in service to civil aviation telecommunication transmission.

The State meteorological organ shall provide necessary meteorological data to civil aviation meteorological organ.

Section 4 Essential Documents for Flight

Article 90 A civil aircraft engaged in flight operation shall carry the following documents:

(1) Civil aircraft certificate of nationality registration;

- (2) Civil aircraft certificate of airworthiness;
- (3) Appropriate licences for crew members;
- (4) Civil aircraft journey log book;
- (5) If the civil aircraft is equipped with radio apparatus, its radio station licence;
- (6) If the civil aircraft carries passengers, a list of their names and places of embarkation and destination;
- (7) If the civil aircraft carries cargo, a manifest and detailed declarations of the cargo; and
- (8) Other documents that should be carried according to the flight mission.

Where a civil aircraft fails to carry the documents as listed in the preceding paragraph according to regulations, the competent civil aviation authority under the State Council or the regional civil aviation administrative organ authorized by it may prohibit such civil aircraft to take off.

Chapter VIII

Public Air Transport Enterprise

Article 91 "Public air transport enterprise" means a corporate enterprise engaged in the transport of passengers, baggage, mail or cargo with civil aircraft for the purpose of making profit.

Article 92 In establishing a public air transport

enterprise, application shall be filed with the competent civil aviation authority under the State Council for operating licence, and registration with the administrative department for industry and commerce shall be performed according to law; where a public air transport enterprise fails to obtain operating licence, no registration shall be performed for such enterprise by the administrative department for industry and commerce.

Article 93 The establishment of a public air transport enterprise shall satisfy the following conditions:

(1) It has the civil aircraft conforming to the requirements of ensuring flight safety as stipulated by the State;

(2) It has the necessary airmen who have been issued licences according to law;

(3) It has the registered capital not less than the minimum limit prescribed by the State Council; and

(4) Other conditions prescribed by laws and administrative rules and regulations.

Article 94 The provisions of the Company Law shall be applicable to the form of organization and institutional framework of public air transport enterprises.

Where the form of organization and institutional framework of the public air transport enterprises established before the implementation of this Law do not

completely conform to the provisions of the Company Law, original provisions can continue to be followed, and the date of the application of the provisions in the preceding paragraph shall be specified by the State Council.

Article 95 A public air transport enterprise shall take the assurance of flight safety, the regularity of flight and the provision of good service as guiding principles, and take effective measures to improve transport service quality.

A public air transport enterprise shall educate and require its staff and workers to strictly perform their duties, and conscientiously accomplish the services of transporting passengers and cargo with refined manners and thoughtfulness.

In the event of delay in passenger transport flight, relevant information shall be announced in time in the airport.

Article 96 A public air transport enterprise shall apply to the competent civil aviation authority under the State Council for approval with respect to the air route to be operated for scheduled air services, and the suspension or termination of the operation of air route.

A public air transport enterprise operating scheduled air services shall have its timetable published.

Article 97 The chargeable business items of a public air transport enterprise shall be determined by the competent civil aviation authority under the State Council.

The measures for the control of tariff of domestic air transport shall be formulated jointly by the competent civil aviation authority under the State Council and the competent authority of prices under the State Council, and shall be implemented after being approved by the State Council.

The tariff of international air transport shall be implemented in accordance with the provisions of the agreements signed between the Government of the People's Republic of China and foreign governments; in the absence of any agreement, the tariff shall be formulated with reference to the market prices of international air transport, and shall be implemented after being approved by the competent civil aviation authority under the State Council.

Article 98 The operation of non-scheduled air transport by a public air transport enterprise shall be subject to the approval of the competent civil aviation authority under the State Council, provided that it shall not affect the normal operation of scheduled air transport.

Article 99 A public air transport enterprise shall formulate a security plan in accordance with the

public air transport security regulations formulated by the State Council, and report to the competent civil aviation authority under the State Council for the record.

Article 100 No public air transport enterprise shall carry articles the transport of which is prohibited by the provisions of laws and administrative rules and regulations.

No public air transport enterprise shall carry munitions of war and implements of war unless approved by the competent civil aviation authority under the State Council.

Passengers bringing on their persons articles the transport of which is prohibited by the provisions of laws and administrative rules and regulations are prohibited from flying in a civil aircraft.

Article 101 A public air transport enterprise shall observe the relevant regulations of the State in the transport of dangerous articles.

The consigning of dangerous articles for shipment under the name of non-dangerous articles is prohibited.

Passengers bringing dangerous articles on their persons are prohibited from flying in a civil aircraft. Passengers bringing firearms or controlled knives are prohibited from flying in a civil aircraft unless they are performing official duties and approved in accordance

with State regulations. The consigning of dangerous articles as baggage for shipment against the provisions stipulated by the competent civil aviation authority under the State Council is prohibited.

The names of dangerous articles shall be prescribed and published by the competent civil aviation authority under the State Council.

Article 102 No public air transport enterprise shall carry passengers who refused to accept security inspection, nor shall it carry baggage which have not gone through security inspection against State regulation.

A public air transport enterprise must carry out security inspection or take other measures to ensure the security of the cargo it undertakes to transport in accordance with the provisions stipulated by the competent civil aviation authority under the State Council.

Article 103 The civil aircraft of a public air transport enterprise engaged in international air transport and the persons, baggage and cargo carried therein shall accept the inspection of such competent authorities as frontier inspection, customs and quarantine; provided that unnecessary delay shall be prevented at the time of inspection.

Article 104 A public air transport enterprise shall give priority to the transport of mail in accordance

with the provisions of relevant laws and administrative rules and regulations.

Article 105 A public air transport enterprise shall be covered by insurance against liability for third parties on the surface.

Chapter IX

Public Air Transport

Section 1 Basic Principles

Article 106 This Chapter shall apply to the transport of persons, baggage, or cargo performed by the civil aircraft of public air transport enterprise, including the gratuitous transport performed by the civil aircraft of public air transport enterprise.

This Chapter shall not apply to the transport of mail performed by civil aircraft.

The provisions of this Chapter shall apply to the part of transport by air in the case of multi-modal transport.

Article 107 "Domestic air transport" referred to in this Chapter means any transport in which, according to the contract of transport by air between the parties, the place of departure, the place of destination and

the agreed stopping place are all situated within the territory of the People's Republic of China.

"International air transport" referred to in this Chapter means any transport in which, according to the contract of transport by air between the parties, the place of departure, the place of destination or the agreed stopping place, whether or not there be a break in the transport or a transshipment, is not situated within the territory of the People's Republic of China.

Article 108 Transport to be performed by several successive air carriers is deemed to be one undivided transport, if it has been regarded by the parties to the contract of transport by air as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts.

Section 2 Transport Documents

Article 109 For the transport of passengers the carrier shall deliver a passenger ticket. A passenger to travel in civil aircraft shall produce a valid passenger ticket for check.

Article 110 The contents of a passenger ticket shall be prescribed by the competent civil aviation authority under the State Council. A passenger ticket shall at least contain the following particulars:

- (1) The place of departure and of destination;
- (2) If the places of departure and destination are within the territory of the People's Republic of China, one or more agreed stopping places being outside the said territory, an indication of at least one such stopping place; and
- (3) If the ultimate destination, the place of departure or the agreed stopping place of the passenger's journey is not situated within the territory of the People's Republic of China, a notice indicating the international air transport convention applicable to such transport, in case such convention requires the inclusion of the notice in the passenger ticket.

Article 111 The passenger ticket shall constitute prima facie evidence of the conclusion and conditions of the contract of transport of passenger by air.

The failure of the passenger to produce the passenger ticket, or the irregularity or loss of the passenger ticket does not affect the existence or validity of the contract of transport.

In domestic air transport, if, with the consent of the carrier, the passenger embarks on a civil aircraft without a passenger ticket having been delivered, the carrier shall not be entitled to avail himself of the provisions of Article 128 of this Law concerning the limit of liability.

In international air transport, if, with the consent of the carrier, the passenger embarks on a civil aircraft

without a passenger ticket having been delivered, or if the ticket does not include the notice required by sub-paragraph (3) of Article 110 of this Law, the carrier shall not be entitled to avail himself of the provisions of Article 129 of this Law concerning the limit of liability.

Article 112 In respect of the transport of checked baggage by a carrier, a baggage check may be combined with or incorporated in a passenger ticket. In addition to the provisions of Article 110 of this Law, a baggage check shall also include the following particulars:

(1) The number of packages and weight of the baggage; and

(2) If a declaration of interest in delivery at destination of the checked baggage is required, indicate the sum of declared interest.

The baggage check shall constitute prima facie evidence of the checking of the baggage and of the conditions of the contract of transport.

The failure of the passenger to produce the baggage check, or the irregularity or loss of the baggage check does not affect the existence or validity of the contract of transport.

In domestic air transport, if the carrier carries the checked baggage without a baggage check having been delivered, he shall not be entitled to avail himself of the provisions of Article 128 of this Law concerning the

limit of liability.

In international air transport, if the carrier carries the checked baggage without a baggage check having been delivered, or if the baggage check does not include the notice required by sub-paragraph (3) of Article 110 of this Law, the carrier shall not be entitled to avail himself of the provisions of Article 129 of this Law concerning the limit of liability.

Article 113 The carrier has the right to require the shipper to make out an air waybill; a shipper has the right to require the carrier to accept the air waybill. The failure of the shipper to produce the air waybill, or the irregularity or loss of the air waybill shall not affect the existence or validity of the contract of transport.

Article 114 The air waybill shall be made out by the shipper in three original parts and be handed over to the carrier with the cargo.

The first part of the air waybill shall be marked "for the carrier" and shall be signed and sealed by the shipper; the second part shall be marked "for the consignee" and shall be signed and sealed by both the shipper and the carrier; the third part shall be signed and sealed by the carrier and handed by him to the shipper after the cargo has been accepted.

If, at the request of the shipper, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the ship-

per.

Article 115 The contents of an air waybill shall be prescribed by the competent civil aviation authority under the State Council. An air waybill shall at least contain the following particulars:

(1) The place of departure and of destination;

(2) If the places of departure and destination are within the territory of the People's Republic of China, one or more agreed stopping places being outside such territory, an indication of at least one such stopping place; and

(3) If the ultimate destination, the place of departure or the agreed stopping place of the cargo transport is not situated within the territory of the People's Republic of China, a notice indicating the international air transport convention applicable to such transport, in case such convention requires the inclusion of the notice in the air waybill.

Article 116 In domestic air transport, if, with the consent of the carrier, cargo is carried without an air waybill having been made out, the carrier shall not be entitled to avail himself of the provisions of Article 128 of this Law concerning the limit of liability.

In international air transport, if, with the consent of the carrier, cargo is carried without an air waybill having been made out, or if the air waybill does not include the notice required by sub-paragraph (3) of Arti-

cle 115 of this Law, the carrier shall not be entitled to avail himself of the provisions of Article 129 of this Law concerning the limit of liability.

Article 117 The shipper shall be responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the air waybill.

The shipper shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements inserted in the air waybill.

Article 118 The air waybill shall be *prima facie* evidence of the conclusion of the contract of transport of cargo by air, of the conditions of transport and of the receipt of the cargo by the carrier.

The statements in the air waybill relating to the weight, dimensions, and packing of the cargo, as well as those relating to the number of packages, shall be *prima facie* evidence of the facts stated. Those relating to the quantity, volume, and conditions of the cargo shall not constitute evidence against the carrier except so far as they both have been and are stated in the air waybill to have been checked by him in the presence of the shipper, or relate to the apparent condition of the cargo.

Article 119 Subject to his liability to carry out

all his obligations under the contract of transport of cargo by air, the shipper shall have the right to dispose of the cargo by withdrawing them at the airport of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination, or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring them to be returned to the airport of departure; provided that the shipper must not exercise this right of disposition in such a way as to prejudice the carrier or other shippers and he must repay any expenses occasioned by the exercise of this right.

If it is impossible to carry out the orders of the shipper, the carrier must so inform him forthwith.

If the carrier obeys the orders of the shipper for the disposition of the cargo without requiring the production of the part of the air waybill delivered to the latter, he will be liable, without prejudice to his right of recovery from the shipper, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill.

The right conferred on the shipper shall cease at the moment when that of the consignee begins in accordance with the provisions of Article 120 of this Law; provided that if the consignee declines to accept the air waybill or the cargo, or if he cannot be communicated with, the shipper shall resume his right of disposition.

Article 120 Except in the circumstances set out in Article 119, the consignee shall be entitled, on arrival of the cargo at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the cargo to him, on payment of the charges due and on complying with the conditions of transport set out in the air waybill.

Unless it is otherwise agreed, it shall be the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee shall be entitled to put into force against the carrier the rights which flow from the contract of transport of cargo by air.

Article 121 The shipper and the consignee can respectively enforce all the rights given them by Articles 119 and 120 of this Law, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract of transport of cargo by air.

Article 122 The provisions of Articles 119, 120 and 121 of this Law shall not affect the relations of the shipper and the consignee with each other or the mutual relations of third parties whose right are derived ei-

ther from the shipper or from the consignee.

Any terms of the contract which are different from the provisions of Articles 119, 120 and 121 of this Law shall be expressly stated in the air waybill.

Article 123 The shipper shall furnish such information and documents as are necessary to meet the formalities provided by laws and administrative rules and regulations before the cargo can be delivered to the consignee. The shipper shall be liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier, his servants or agents.

The carrier is under no obligation to check such information or documents unless otherwise provided by laws and administrative rules and regulations.

Section 3 Liability of the Carrier

Article 124 The carrier shall be liable for the death or personal injury of a passenger, if the accident took place on board the civil aircraft or in the course of any of the operations of embarking on or disembarking from the civil aircraft; provided that the carrier is not liable if the death or injury resulted solely from the state of health of the passenger.

Article 125 The carrier shall be liable for the destruction or loss of, or damage to, any carry-on articles of the passenger, if the occurrence took place on board the civil aircraft or in the course of any of the operations of embarking on or disembarking from the civil aircraft of the passenger. The carrier shall be liable for the destruction or loss of, or damage to any checked baggage of the passenger, if the occurrence took place during the transport by air.

The carrier shall not be liable for the destruction or loss of, or damage to, any carry-on articles or checked baggage of the passenger if such destruction or loss or damage resulted solely from the inherent defect, quality or vice of the baggage.

"Baggage" referred to in this Chapter includes both checked baggage and the carry-on articles of the passenger.

The carrier shall be liable for the destruction or loss of, or damage to, any cargo if the occurrence took place during the transport by air; provided that the carrier is not liable if he proves that the destruction or loss of, or damage to, the cargo resulted solely from one or more of the following:

- (1) Inherent defect, quality or vice of that cargo;
- (2) Defective packing of that cargo performed by a person other than the carrier or his servants or agents;
- (3) An act of war or an armed conflict; or
- (4) An act of public authority carried out in connection with the entry, exit or transit of the cargo.

The "period of the transport by air" referred to in this Article means the whole period during which the checked baggage or cargo is in the charge of the carrier, whether in an airport or on board a civil aircraft, or, in the case of a landing outside the airport, in any place whatsoever.

The period of the transport by air does not extend to any transport by land, by sea or by river performed outside an airport; provided that if such transport is used for loading, delivery or transshipment for the performance of a contract of transport by air, any damage took place during such transport is presumed, subject to proof to the contrary, to have been the damage taken place during the period of transport by air.

Article 126 The carrier shall be liable for damage occasioned by delay in the transport by air of passengers, baggage or cargo; provided that the carrier is not liable if he proved that he and his servants or agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

Article 127 In the transport of passengers and baggage, if the carrier proves that the damage was caused by or contributed to by the fault of the claimant, the carrier may be wholly or partly exonerated from his liability in accordance with the extent of the fault that caused or contributed to such damage.

Where a person other than the passenger claims compensation with respect to the death or injury of the passenger, the carrier may similarly be wholly or partly exonerated from his liability in accordance with the extent of the fault that caused or contributed to such damage, if the carrier proves that the death or injury was caused by or contributed to by the fault of the passenger himself.

In the transport of cargo, if the carrier proves that the damage was caused by or contributed to the fault of the person claiming compensation, or the person from whom he derived his right, the carrier shall be wholly or partly exonerated from his liability in accordance with the extent of the fault that caused or contributed to such damage.

Article 128 The limits of carrier's liability in domestic air transport shall be formulated by the competent civil aviation authority under the State Council and put in force after being approved by the State Council.

If the passenger or the shipper has made, at the time when the checked baggage or cargo was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires, the carrier shall be liable to pay a sum not exceeding the declared sum, unless he proves that the sum declared by the passenger or shipper is greater than the actual interest of the checked

baggage or cargo in delivery at destination; the other provisions of Article 129 of this Law shall be applicable to domestic air transport except the limits of liability.

Article 129 In international air transport, the liability of the carrier shall be as the following:

(1) The liability of the carrier for each passenger is limited to the sum of 16600 units of account. Nevertheless, the passenger may agree with the carrier in writing to a limit of liability higher than that prescribed by this sub-paragraph;

(2) The liability of the carrier for each kilogram of checked baggage or cargo is limited to a sum of 17 units of account. If the passenger or shipper has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires, the carrier shall be liable to pay a sum not exceeding the declared sum, unless he proves that the sum declared by the passenger or shipper is greater than the actual interest of the checked baggage or cargo in delivery at destination.

In the case of destruction, loss, damage or delay of a part of checked baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall only be the total weight of the package or packages concerned. Nevertheless, when the destruction, loss, damage or delay of a part of the

checked baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability of the carrier.

(3) The liability of the carrier for carry-on baggage of a passenger is limited to 332 units of account per passenger.

Article 130 Any provision tending to relieve the carrier of the liability prescribed by this Law or to fix a lower limit than that which is laid down in this Law shall be null and void, but the nullity of any such provision shall not involve the nullity of the whole contract of transport by air.

Article 131 Any action for damage occurred in air transport, however founded, can only be brought subject to the conditions and limits of liability set out in this Law, without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights.

Article 132 The carrier shall not be entitled to avail himself of the provisions of Articles 128 and 129 of this Law concerning the limit of liability if it is proved that the damage in the air transport resulted from an act or omission of the carrier, his servants or

agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent of the carrier, it is also proved that he was acting within the scope of his employment.

Article 133 If an action is brought against a servant or agent of the carrier arising out of damage during air transport, such servant or agent, if it proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability as provided in Articles 128 and 129 of this Law.

The aggregate of the amounts recoverable from the carrier, his servants and agents, in the case provided in the preceding paragraph, shall not exceed the legal limits of liability.

The provisions of paragraphs 1 and 2 of this Article shall not apply if it is proved that the damage in air transport resulted from an act or omission of the servant or agent of the carrier done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 134 Receipt by the passenger of checked baggage or receipt of cargo by the consignee without complaint shall be *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of transport.

In the case of damage to checked baggage or

cargo, the passenger or consignee must complain to the carrier forthwith after the discovery of the damage, and at the latest, within seven days from the date of receipt in the case of checked baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the checked baggage or cargo have been placed at the disposition of the passenger or consignee.

Every complaint must be made in writing upon the document of transport or by separate notice dispatched within the periods prescribed in the preceding paragraph.

Failing complaint within the periods provided in paragraph 2 of this Article, the passenger or consignee shall be deprived of the right to claim compensation from the carrier, save in the case of fraud on the part of the carrier.

Article 135 The time for bringing up an action concerning air transport is limited to two years, reckoned from the date of arrival of civil aircraft at the destination, or from the date on which the civil aircraft ought to have arrived, or from the date on which the transport stopped.

Article 136 In the case of transport to be performed by various successive carriers, each carrier who accepts passengers, baggage or cargo shall be subject to

the provisions of this Law, and shall be deemed to be one of the contracting parties to the contract of transport in so far as that part of the transport is concerned which is performed by it in accordance with the contract.

In the case of transport of this nature, the passenger or his successor can take action only against the carrier who performed the part of transport during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier shall assume liability for the whole journey.

As regards checked baggage or cargo, the passenger or shipper shall have the right of action against the first carrier, and the passenger or consignee shall have the right of action against the last carrier, and further, each may take action against the carrier who performed the part of transport during which the destruction, loss, damage, or delay took place. These carriers shall be jointly and severally liable to the passenger or to the shipper or consignee.

Section 4 Special Provisions Governing Air Transport Performed by Actual Carrier

Article 137 "Contracting carrier" referred to in this Section means any person who has concluded a contract of transport by air subject to the regulations of this Chapter in his own name with a passenger or a

shipper, or with the agent of a passenger or of a shipper.

"Actual carrier" referred to in this Section means any person to whom the performance of the whole or part of the transport referred to in the preceding paragraph has been authorized by the contracting carrier, and who is not the successive carrier as provided in this Chapter; in the absence of a proof to the contrary, such authorization is deemed to be in existence.

Article 138 Both the contracting carrier and the actual carrier shall, except as otherwise provided in this Section, be subject to the provisions of this Chapter. The contracting carrier shall be responsible for the whole of the transport contemplated in the contract. The actual carrier shall be responsible for the transport which he performs.

Article 139 The acts and omissions of an actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the transport performed by the actual carrier, be deemed to be also those of the contracting carrier.

The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the transport performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability ex-

ceeding the legal limits.

Any special agreement under which the contracting carrier concerned assumes obligations not imposed by this Chapter or waives the rights conferred by this Chapter or any special declaration of interest in delivery at destination contemplated in Articles 128 and 129 of this Law, shall not affect the actual carrier unless agreed by him.

Article 140 Any claim to be made or order to be given under the provisions of this Chapter shall have equal effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 119 of this Law shall only be effective if addressed to the contracting carrier.

Article 141 In relation to the transport performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the provisions of Articles 128 and 129 of this Law concerning the limits of liability, unless he acted in a manner which, under the provisions of this Law, prevents the limits of liability from being invoked.

Article 142 In relation to the transport performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the con-

tracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Law, but none of the persons mentioned shall be liable for a sum in excess of the limit of liability applicable to him.

Article 143 In relation to the transport performed by the actual carrier, an action may be brought against that carrier or the contracting carrier separately, or against both together; the carrier against whom an action has been brought shall have the right to require the other carrier to join in the proceedings.

Article 144 Except as provided in Article 143 of this Law, nothing in this Section shall affect the rights and obligations between the actual carrier and the contracting carrier.

Chapter X

General Aviation

Article 145 "General aviation" means civil aviation operations other than public air transport with civil aircraft, including aerial work in the fields of industry, agriculture, forestry, fishery and building in-

dustry, and flight operations in the fields of medical and health work, emergency and disaster relief, meteorological service, ocean monitoring, scientific experiment, education and training, culture and sports.

Article 146 The operation of general aviation shall satisfy the following conditions:

(1) The availability of civil aircraft suitable to the general aviation activities to be operated and conforming to the requirements of ensuring flight safety;

(2) The availability of necessary airmen who have been issued licences according to law; and

(3) Other conditions conforming to the provisions of laws and administrative rules and regulations.

The operation of general aviation for commercial purposes is limited to corporate enterprises.

Article 147 Those engaged in general aviation operations not for commercial purposes shall register with the competent civil aviation authority under the State Council.

Those engaged in general aviation operations for commercial purposes shall apply to the competent civil aviation authority under the State Council for general aviation operating licences, and register with the administrative department for industry and commerce according to law; no registration shall be performed by the administrative department for industry and commerce for those that failed to obtain operating licences.

Article 148 A general aviation enterprise engaged in general aviation operations for commercial purposes shall enter into agreement in writing with users with the exception of rescue or disaster relief operations under emergent circumstances.

Article 149 In organizing and carrying out aerial work, effective measures shall be taken to ensure flight safety, protect environment and ecological balance and prevent damage to be caused to environment, residents, crops or livestock.

Article 150 Those engaged in general aviation operations shall be covered by insurance against liability for third parties on the surface.

Chapter XI

Search and Rescue and Accident Investigation

Article 151 A civil aircraft in emergency shall flash signals and report to air traffic control unit to request rescue; the air traffic control unit shall notify immediately the search and rescue coordination centre. A civil aircraft in emergency on the sea shall also flash signals to vessels and national maritime search and rescue service.

Article 152 Any unit or person observing or listening in to the emergency of a civil aircraft shall immediately notify the search and rescue coordination centre concerned, the maritime search and rescue service concerned or the local People's Government.

Article 153 Upon receiving the notification, the search and rescue coordination centre, the local People's Government and the maritime search and rescue service shall immediately organize the search and rescue operation.

The search and rescue coordination centre which has received the notice shall manage to notify the civil aircraft in emergency of the search and rescue measures already taken.

The specific measures for searching and rescuing civil aircraft shall be formulated by the State Council.

Article 154 The unit or person performing search and rescue mission shall do their best to rescue the persons carried in the civil aircraft, and take measures to rescue the civil aircraft, protect the scene of accident and preserve evidences according to regulations.

Article 155 The parties to an accident of civil aircraft and persons concerned shall, at the time of investigation, truthfully reflect the situation at the scene of accident and other information concerning the acci-

dent.

Article 156 The organization and procedures of the investigation of civil aircraft accident shall be prescribed by the State Council.

Chapter XII

Liability for Damage to Third Parties on the Surface

Article 157 Any person on the surface (including water surface, the same below) who suffers death or personal injury or damage to property caused by a civil aircraft in flight or by any person or thing falling therefrom shall be entitled to compensation. Nevertheless, the person suffers damage shall have no right to compensation if the damage is not a direct consequence of the incident giving rise thereto, or if the damage results from the mere fact of passage of the civil aircraft through the airspace in conformity with air traffic regulations concerned of the State.

The term "in flight" mentioned in the preceding paragraph means the period beginning from the moment when power is applied by a civil aircraft for the purpose of actual takeoff until the moment when the landing run ends. In the case of a civil aircraft lighter than air, the expression "in flight" relates to the period

from the moment when it becomes detached from the surface until it becomes again attached thereto.

Article 158 The liability for compensation contemplated by Article 157 of this Law shall attach to the operator of the civil aircraft.

The term “operator” mentioned in the preceding paragraph means the person who was making use of the civil aircraft at the time the damage was caused. However, if the control of the navigation of the civil aircraft was retained by the person from whom the right to make use of the civil aircraft was derived, whether directly or indirectly, that person shall still be considered the operator.

The operator shall be considered to be making use of a civil aircraft when his servants or agents are using the civil aircraft in the course of their employment, whether or not within the scope of their authority.

The registered owner of the civil aircraft shall be presumed to be the operator and shall be liable as such unless, in the proceedings for the determination of his liability, he proves that some other person was the operator and, in so far as legal procedures permit, takes appropriate measures to make that other person a party in the proceedings.

Article 159 If a person makes use of a civil aircraft without the consent of the person entitled to its navigational control and caused a damage to third par-

ties on the surface, the person entitled to the navigation control, unless he proves that he has exercised due care to prevent such use, shall be jointly and severally liable with the unlawful user.

Article 160 Any person who would otherwise be liable under the provisions of this Chapter shall not be liable if the damage is the direct consequence of armed conflict or civil disturbance.

Any person who would otherwise be liable under the provision of this Chapter shall not be liable if such person has been deprived of the right to use the civil aircraft by the public authority according to law.

Article 161 Any person who would otherwise be liable under the provisions of this Chapter shall be exonerated from the liability for damage if he proves that the damage was caused solely by the fault of the person who suffers the damage or of the latter's servants or agents. If the person liable proves that the damage was contributed to by the fault of the person who suffers the damage, or of his servants or agents, the compensation shall be reduced to the extent to which such fault contributed to the damage. Nevertheless, there shall be no such exoneration or reduction if, in the case of the fault of a servant or agent, the person who suffers the damage proves that his servant or agent was acting outside the scope of his authority.

Where an action is brought by one person to re-

cover the damage arising from the death or injury of another person, and the damage was caused by the fault of such other person, or of his servants or agents, the provisions of the preceding paragraph shall apply.

Article 162 When two or more civil aircraft have collided or interfered with each other in flight and damage for which a right to compensation as contemplated in Article 157 of this Law results, or when two or more civil aircraft have jointly caused such damage, each of the civil aircraft concerned shall be considered to have caused the damage and the operator of each civil aircraft shall be liable.

Article 163 The persons referred to in paragraph 4 of Article 158 and Article 159 of this Law shall be entitled to all defences which are available to an operator under the provisions of this Chapter.

Article 164 Neither the operator, the owner, any person liable under Article 159 of this Law, nor their respective servants or agents, shall be liable for damage on the surface caused by a civil aircraft in flight or any person or thing falling therefrom otherwise than as expressly provided in this Chapter, except any such person who has caused the damage deliberately.

Article 165 Nothing in this Chapter shall preju-

dice the question whether a person liable for damage in accordance with its provisions has a right of recourse against any other person.

Article 166 The operator of a civil aircraft shall be covered by insurance against liability for third parties on the surface or obtain corresponding guarantee.

Article 167 The insurer or the guarantor may, in addition to the defences available to the operator, and the defence of forgery, set up only the following defences against claims brought up in accordance with the provisions of this Chapter:

(1) That the damage occurred after the insurance or guarantee ceased to be effective. However, if the insurance or guarantee expires during a flight, it should be continued in force until the next landing specified in the flight plan, but no longer than twenty-four hours; and

(2) That the damage occurred outside the territorial limits provided by the insurance or guarantee, unless flight outside of such limits was caused by force majeure, assistance justified by the circumstances or an error in piloting, operation or navigation.

The continuation in force of the insurance and guarantee under the provisions of the preceding paragraph shall apply only for the benefit of the person suffering damage.

Article 168 Without prejudice to any right of direct action which the person suffering damage may have under the law governing the contract of insurance or guarantee, such person may bring a direct action against the insurer or guarantor only in the following cases:

(1) Where the insurance or guarantee is continued in force under the provisions of sub-paragraphs (1) and (2) of Article 167 of this Law; and

(2) The bankruptcy of the operator.

Excepting the defences specified in paragraph 1 of Article 167 of this Law, the insurer or guarantor may not, with respect to direct actions brought by the person suffering damage in accordance with the provisions of this Chapter, avail himself of any ground of nullity of the insurance or guarantee or any right of retroactive cancellation in setting up defences.

Article 169 If insurance or guarantee is furnished in accordance with Article 166 of this Law, it shall be specifically and preferentially assigned to payment of claims under this Chapter.

Article 170 Any sum due to an operator from an insurer shall be exempt from seizure and execution by creditors of the operator until claims of third parties under this Chapter have been satisfied.

Article 171 Actions concerning indemnity for

damage to third parties on the surface shall be subject to a period of limitation of two years from the date of the incident which caused the damage; but in any case such period shall not go beyond a period of three years from the date of the incident which caused the damage.

Article 172 The provisions of this Chapter shall not apply to the following damage:

(1) The damage caused to a civil aircraft in flight, or to persons or cargo on board such aircraft;

(2) The damage which is regulated either by a contract between the person who suffers such damage and the operator or the person entitled to use the civil aircraft at the time the damage occurred, or by the law relating to workman's compensation applicable to a contract of employment between such persons; and

(3) Nuclear damage.

Chapter XIII

Special Provisions Governing Foreign Civil Aircraft

Article 173 The provisions of this Chapter shall be applicable to foreign civil aircraft operated by foreigners and engaged in civil aviation activities in the territory of the People's Republic of China; where no provisions are available in this Chapter, other provi-

sions concerned in this Law shall apply.

Article 174 A foreign civil aircraft may enter or leave the airspace of the People's Republic of China, and operate or land in the territory of the People's Republic of China only in accordance with the air transport agreement concluded between the Government of the People's Republic of China and the government of the State in which the aircraft is registered, or in accordance with the approval or clearance of the competent civil aviation authority under the State Council of the People's Republic of China.

If a foreign civil aircraft, not conforming to the provisions of the preceding paragraph, is entering or leaving the airspace of the People's Republic of China without authorization, the authorities concerned of the People's Republic of China have the right to take necessary measures to order the aircraft to land at a designated airport; if there is reasonable ground to deem that it is necessary to make an inspection of a foreign civil aircraft which operates in conformity with the provisions of the preceding paragraph, the authorities concerned have the right to order the aircraft to land at a designated airport.

Article 175 The operator of a foreign civil aircraft entering the airspace of the People's Republic of China shall furnish relevant certificate(s) to prove that he has been covered by insurance against liability for

third parties on the surface, or obtained corresponding guarantee; where the operator fails to furnish the relevant certificate(s), the competent civil aviation authority under the State Council of the People's Republic of China has the right to refuse him to operate into the airspace of the People's Republic of China.

Article 176 The operator of a foreign civil aircraft may operate the international scheduled air services specified in the air transport agreement concluded between the Government of the People's Republic of China and his own government only after he has been designated by his own government and obtained the operating licence issued by the competent civil aviation authority under the State Council of the People's Republic of China; the operator of a foreign civil aircraft may operate non-scheduled air transport between a place within the territory of the People's Republic of China and a place without said territory only after he has been approved by his own government and by the competent civil aviation authority under the State Council of the People's Republic of China.

The operator of foreign civil aircraft mentioned in the preceding paragraph shall, in accordance with the provisions of the laws and administrative rules and regulations of the People's Republic of China, formulate corresponding plan of security and submit it to the competent civil aviation authority under the State Council of the People's Republic of China for the re-

cord.

Article 177 No operator of foreign civil aircraft shall operate the air transport between two points in the People's Republic of China.

Article 178 The flight of a foreign civil aircraft shall be conducted in accordance with the timetable or flight plan approved by the competent civil aviation authority under the State Council of the People's Republic of China; approval of the competent civil aviation authority under the State Council of the People's Republic of China shall be obtained by the operator in respect of any change in timetable or flight plan; the operator shall report in time to the competent civil aviation authority under the State Council of the People's Republic of China in respect of any change or cancellation of flight.

Article 179 A foreign civil aircraft shall take off or land at a customs airport designated by the competent civil aviation authority under the State Council of the People's Republic of China.

Article 180 The competent civil aviation authority under the State Council of the People's Republic of China and other competent authorities shall have the right to inspect the documents specified in Article 90 of this Law of a foreign civil aircraft on its landing

or departure.

Foreign civil aircraft and the persons, baggage and cargo carried therein shall be subject to entry, exit, customs, quarantine and other inspections exercised by the competent authorities concerned of the People's Republic of China according to law.

In exercising the inspections prescribed in the two preceding paragraphs, undue delay shall be prevented.

Article 181 The civil aircraft certificates of airworthiness and certificates of competency and licences of crew members issued or rendered valid by the State in which the nationality of a foreign civil aircraft is registered, shall be recognized as valid by the Government of the People's Republic of China, provided that the requirements under which such certificates or licences were issued or rendered valid shall be equal to or above the minimum standards established by the International Civil Aviation Organization.

Article 182 In the event that a foreign civil aircraft is in emergency within the search and rescue area of the People's Republic of China, the participation of its owner or of the State in which the nationality of the aircraft is registered shall be subject to the approval of the competent civil aviation authority under the State Council of the People's Republic of China or in accordance with the agreement between the governments of the two States.

Article 183 In the event of an accident occurred to a foreign civil aircraft in the territory of the People's Republic of China, the State in which the nationality of the aircraft is registered or other States concerned may appoint observers to take part in accident investigation. The report of accident investigation and findings in the matter shall be communicated by the competent civil aviation authority under the State Council of the People's Republic of China to the State in which the nationality of such civil aircraft is registered and other States concerned.

Chapter XIV

Application of Law to Foreign-related Matters

Article 184 Where the provisions of an international treaty concluded or acceded to by the People's Republic of China are different from those of this Law, the provisions of that international treaty shall apply, except the provisions for which reservation has been declared by the People's Republic of China.

In respect of cases which are not provided by the law of the People's Republic of China or by the international treaties concluded or acceded to by the People's Republic of China, international practices may apply.

Article 185 The law of the State in which the nationality of a civil aircraft is registered shall be applicable to the acquisition, transference and extinction of the ownership of the civil aircraft.

Article 186 The law of the State in which the nationality of a civil aircraft is registered shall be applicable to the mortgage of the civil aircraft.

Article 187 The law of the location of the court which takes up the case shall be applicable to civil aviation liens.

Article 188 The parties to a contract of civil air transport may choose the law applicable to the contract unless otherwise provided by law. In case the parties to the contract have made no such choice, the law of the State most closely related to the contract shall apply.

Article 189 The law of the place where an act of tort occurred shall be applicable to indemnity for damage caused by a civil aircraft to third parties on the surface.

The law of the location of the court which takes up the case shall be applicable to the indemnity for damage caused by civil aircraft over the high seas to third parties on the surface.

Article 190 The application of foreign laws or international practices in accordance with the provisions of this Chapter shall in no way violate the public interest of the People's Republic of China.

Chapter XV

Legal Liability

Article 191 Where a person seized an aircraft by violence, threats thereof or other means, his criminal responsibility shall be investigated in accordance with the Decision Regarding the Punishment of the Criminals Engaged in Aircraft Hijacking.

Article 192 Where a person endangers flight safety by using violence against a person on board a civil aircraft in flight, but without resulting in serious consequences, his criminal responsibility shall be investigated in accordance with the provisions of Article 105 of the Criminal Law; if grave consequences result from such act, his criminal responsibility shall be investigated in accordance with the provisions of Article 106 of the Criminal Law.

Article 193 A person who, in violation of the provisions of this Law, conceals and brings explosives, detonators or other dangerous articles while flying in a

civil aircraft, or consigns dangerous articles for shipment under the name of non-dangerous articles, but without resulting in serious consequences, shall be investigated for his criminal responsibility by applying *mutatis mutandis* the provisions of Article 163 of the Criminal Law; if grave consequences result from such crime, his criminal responsibility shall be investigated in accordance with the provisions of Article 110 of the Criminal Law.

An enterprise or institution which commits the crime prescribed in the preceding paragraph shall be subject to a fine, and criminal responsibilities shall be investigated against the person directly in charge and other personnel directly responsible for the crime in accordance with the provisions of the preceding paragraph.

A person who conceals and brings firearms, ammunition and controlled knives while flying in a civil aircraft shall be investigated for his criminal responsibility by applying *mutatis mutandis* the provisions of Article 163 of the Criminal Law.

Article 194 Where a public air transport enterprise carries dangerous articles in violation of the provisions of Article 101 of this Law, the competent civil aviation authority under the State Council shall confiscate its unlawful earnings and may also impose a fine of not more than 100% of the unlawful earnings.

Where a public air transport enterprise commits an

act described in the preceding paragraph and thereby creates a serious accident, its unlawful earnings shall be confiscated and a fine shall be imposed; and criminal responsibilities shall be investigated against the person directly in charge and other personnel directly responsible for the crime in accordance with the provisions of Article 115 of the Criminal Law.

Article 195 A person who deliberately places or instigates another person to place dangerous articles on board a civil aircraft in use, sufficient to destroy the civil aircraft and endanger flight safety but without resulting in serious consequences, shall be investigated for his criminal responsibility in accordance with the provisions of Article 107 of the Criminal Law; if grave consequences result from such crime, he shall be investigated for criminal responsibility in accordance with the provisions of Article 110 of the Criminal Law.

Article 196 A person who deliberately transmits false information and disturbs the normal order of flight, resulting in serious losses to public or private property, shall be investigated for criminal responsibility in accordance with the provisions of Article 158 of the Criminal Law.

Article 197 A person who steals or deliberately damages or removes navigational facilities in use and thereby creates danger to flight safety, sufficient to

cause the fall or destruction of the civil aircraft but without resulting in serious consequences, shall be investigated for criminal responsibility in accordance with the provisions of Article 108 of the Criminal Law; if grave consequences result from such crime, he shall be investigated for criminal responsibility in accordance with the provisions of Article 110 of the Criminal Law.

Article 198 A person who assembles a crowd to disturb the order in a civil airport shall be investigated for his criminal responsibility in accordance with the provisions of Article 159 of the Criminal Law.

Article 199 Where an airman neglects his duty or violates the rules and regulations, thereby creating a serious flight accident resulting in grave consequences, his criminal responsibility shall be investigated in accordance with the provisions of Article 187 or by applying *mutatis mutandis* the provisions of Article 114 of the Criminal Law respectively.

Article 200 A person who violates the provisions of this Law, not seriously enough for criminal punishment but should be subject to penalty for public security, shall be punished in accordance with the Regulations on Administrative Penalties for Public Security.

Article 201 Where in violation of the provisions of Article 37 of this Law, a civil aircraft flies without the certificate of airworthiness, or a foreign civil aircraft on lease flies without having its certificate of airworthiness, issued by the State in which the nationality of the aircraft was originally registered, examined and rendered valid by the State Council, or without having a new certificate of airworthiness issued therefor by the said authority, the competent civil aviation authority under the State Council shall order it to stop flying, confiscate the unlawful earnings, and may also impose a fine of more than 100% but not exceeding 500% of the unlawful earnings; in case there is no unlawful earnings, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

Where a certificate of airworthiness has lost its effect or a flight was conducted beyond the scope prescribed in the certificate of airworthiness, the punishment prescribed in the preceding paragraph shall apply.

Article 202 Where a person, in violation of the provisions of Article 34 and paragraph 2 of Article 36 of this Law, carries out the production of civil aircraft and its engines, propellers or on-board equipment without obtaining type certificate and type validation certificate, the competent civil aviation authority under the State Council shall order him to stop such production, confiscate his unlawful earnings and may also im-

pose on him a fine of not more than 100% of his unlawful earnings; in case there is no unlawful earnings, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 203 Where a person, in violation of the provisions of Article 35 of this Law, is engaged in the activities of production and maintenance without obtaining production certificate and maintenance certificate or, in violation of the provisions of Article 92 and paragraph 2 of Article 147 of this Law, is engaged in public air transport or general aviation operations for commercial purposes without obtaining a public air transport operating licence or a general aviation operating licence, the competent civil aviation authority under the State Council shall order him to stop such production, maintenance or operations.

Article 204 Where an enterprise having obtained the production certificate and maintenance certificate prescribed in Article 35 of this Law creates a serious accident because of the problem in the quality of production and maintenance, the competent civil aviation authority under the State Council may cancel its production certificate or maintenance certificate.

Article 205 Where a person, in violation of the provisions of Article 40 of this Law, is engaged in civil aviation activities without obtaining the corresponding

airman's licence and physical examination certificate, the competent civil aviation authority under the State Council shall order him to stop such activities, no such licence and certificate shall be issued within the time limit prescribed by the competent civil aviation authority under the State Council, and a fine of not more than 200,000 yuan shall be imposed on the unit that the person belongs to.

Article 206 In one of the following circumstances in which the law is violated, the competent civil aviation authority under the State Council shall punish the pilot-in-command by warning or by withholding his licence for a period of one to six months, or under aggravating circumstances, punish him by cancelling his licence:

(1) The pilot-in-command, in violation of the provisions of paragraph 1 of Article 45 of this Law, takes off without carrying out an inspection of the civil aircraft; or

(2) A civil aircraft, in violation of the provisions of Article 75 of this Law, fails to follow the air route and to fly at the altitude specified by the air traffic unit, or in violation of the provisions of Article 79 of this Law, flies across the airspace over a city.

Article 207 Where a civil aircraft, in violation of the provisions of Article 74 of this Law, conducts flight activities without the approval of the air traffic

control unit, the competent civil aviation authority under the State Council shall order it to stop flying, and impose a fine on the owner or lessee of the civil aircraft of not less than 10,000 yuan but not more than 100,000 yuan; and punish the pilot-in-command of the civil aircraft by warning or by withholding his licence for a period of one to six months, or under aggravating circumstances, punish him by cancelling his licence.

Article 208 Where the pilot-in-command of a civil aircraft or another member of the crew commits one of the following acts, the competent civil aviation authority under the State Council shall punish him by warning or by withholding his licence for a period of one to six months; if the act listed in sub-paragraph (2) or (3) is committed, he shall be punished by having his licence cancelled:

(1) Failure to carry on his person licence and physical examination certificate in performing a flight mission as required by the provisions of Article 41 of this Law; or

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

(3) Performing a flight mission in violation of the provisions of paragraph 2 of Article 77 of this Law.

Article 209 Where some articles are dropped or sprayed from a civil aircraft in flight in violation of the

provisions of Article 80 of this Law, the competent civil aviation authority under the State Council shall give a warning, and may impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the person directly responsible.

Article 210 Where a civil airport is opened to traffic without obtaining an airport operating licence in violation of the provisions of Article 62 of this Law, the competent civil aviation authority under the State Council shall order it to stop its opening to traffic, confiscate its unlawful earnings, and may impose a fine of not exceeding 100% of the unlawful earnings.

Article 211 Where a public air transport enterprise or a general aviation enterprise violates the provisions of this Law, in circumstances of a serious nature, the competent civil aviation authority under the State Council may, in addition to the punishment prescribed by this Law, cancel its operating licence. If the operating licence of such enterprise is cancelled, the administrative department for industry and commerce shall cancel its business licence.

Article 212 The working personnel of the competent civil aviation authority under the State Council and of regional civil aviation administrative organs, who neglect their duties, abuse their powers, practise favouritism and embezzlement, if the case constitutes a

crime, shall be investigated for criminal responsibilities according to law; if the case does not constitute a crime, they shall be subject to administrative sanctions according to law.

Chapter XVI

Supplementary Provisions

Article 213 "Unit of account" mentioned in this Law refers to the Special Drawing Right as defined by the International Monetary Fund; its equivalent in Renminbi shall be the amount calculated in terms of the conversion rate from the Special Drawing Right of the International Monetary Fund to Renminbi as prescribed by the competent State foreign exchange authority at the date of the judgement of the court, the date of the award of arbitration agency or the date agreed between the parties concerned.

Article 214 This Law shall go into effect as of March 1, 1996.

(In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail. —Tr.)

中华人民共和国主席令

第五十六号

《中华人民共和国民用航空法》已由中华人民共和国第八届全国人民代表大会常务委员会第十六次会议于1995年10月30日通过，现予公布，自1996年3月1日起施行。

中华人民共和国主席 江 泽 民
1995年10月30日

中华人民共和国民用航空法

(1995年10月30日第八届全国人民代表大会
常务委员会第十六次会议通过 1995年10月30日
中华人民共和国主席令第五十六号公布
自1996年3月1日起施行)

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第一章 总 则

第一条 为了维护国家的领空主权和民用航空权利，保障民用航空活动安全和有秩序地进行，保护民用航空活动当事人各方的合法权益，促进民用航空事业的发展，制定本法。

第二条 中华人民共和国的领陆和领水之上的空域为中华人民共和国领空。中华人民共和国对领空享有完全的、排他的主权。

第三条 国务院民用航空主管部门对全国民用航空活动实施统一监督管理；根据法律和国务院的决定，在本部门的权限内，发布有关民用航空活动的规定、决定。

国务院民用航空主管部门设立的地区民用航空管理机构依照国务院民用航空主管部门的授权，监督管理各该地区的民用航空活动。

第四条 国家扶持民用航空事业的发展，鼓励和支持发展民用航空的科学研究和教育事业，提高民用航空科学技术水平。

国家扶持民用航空器制造业的发展，为民用航空活动提供安全、先进、经济、适用的民用航空器。

第二章 民用航空器国籍

第五条 本法所称民用航空器，是指除用于执行军事、海关、警察飞行任务外的航空器。

第六条 经中华人民共和国国务院民用航空主管

部门依法进行国籍登记的民用航空器，具有中华人民共和国国籍，由国务院民用航空主管部门发给国籍登记证书。

国务院民用航空主管部门设立中华人民共和国民用航空器国籍登记簿，统一记载民用航空器的国籍登记事项。

第七条 下列民用航空器应当进行中华人民共和国国籍登记：

（一）中华人民共和国国家机构的民用航空器；

（二）依照中华人民共和国法律设立的企业法人的民用航空器；企业法人的注册资本中有外商出资的，其机构设置、人员组成和中方投资人的出资比例，应当符合行政法规的规定；

（三）国务院民用航空主管部门准予登记的其他民用航空器。

自境外租赁的民用航空器，承租人符合前款规定，该民用航空器的机组人员由承租人配备的，可以申请登记中华人民共和国国籍，但是必须先予注销该民用航空器原国籍登记。

第八条 依法取得中华人民共和国国籍的民用航空器，应当标明规定的国籍标志和登记标志。

第九条 民用航空器不得具有双重国籍。未注销外国国籍的民用航空器不得在中华人民共和国申请国籍登记。

第三章 民用航空器权利

第一节 一般规定

第十条 本章规定的对民用航空器的权利，包括对民用航空器构架、发动机、螺旋桨、无线电设备和其他一切为了在民用航空器上使用的，无论安装于其上或者暂时拆离的物品的权利。

第十一条 民用航空器权利人应当就下列权利分别向国务院民用航空主管部门办理权利登记：

（一）民用航空器所有权；

（二）通过购买行为取得并占有民用航空器的权利；

（三）根据租赁期限为六个月以上的租赁合同占有民用航空器的权利；

（四）民用航空器抵押权。

第十二条 国务院民用航空主管部门设立民用航空器权利登记簿。同一民用航空器的权利登记事项应当记载于同一权利登记簿中。

民用航空器权利登记事项，可以供公众查询、复制或者摘录。

第十三条 除民用航空器经依法强制拍卖外，在已经登记的民用航空器权利得到补偿或者民用航空器权利人同意之前，民用航空器的国籍登记或者权利登记不得转移至国外。

第二节 民用航空器所有权和抵押权

第十四条 民用航空器所有权的取得、转让和消灭，应当向国务院民用航空主管部门登记；未经登记的，不得对抗第三人。

民用航空器所有权的转让，应当签订书面合同。

第十五条 国家所有的民用航空器，由国家授予法人经营管理或者使用的，本法有关民用航空器所有人的规定适用于该法人。

第十六条 设定民用航空器抵押权，由抵押权人和抵押人共同向国务院民用航空主管部门办理抵押权登记；未经登记的，不得对抗第三人。

第十七条 民用航空器抵押权设定后，未经抵押权人同意，抵押人不得将被抵押民用航空器转让他人。

第三节 民用航空器优先权

第十八条 民用航空器优先权，是指债权人依照本法第十九条规定，向民用航空器所有人、承租人提出赔偿请求，对产生该赔偿请求的民用航空器具有优先受偿的权利。

第十九条 下列各项债权具有民用航空器优先权：

- (一) 援救该民用航空器的报酬；
 - (二) 保管维护该民用航空器的必需费用。
- 前款规定的各项债权，后发生的先受偿。

第二十条 本法第十九条规定的民用航空器优先

权，其债权人应当自援救或者保管维护工作终了之日起三个月内，就其债权向国务院民用航空主管部门登记。

第二十一条 为了债权人的共同利益，在执行人民法院判决以及拍卖过程中产生的费用，应当从民用航空器拍卖所得价款中先行拨付。

第二十二条 民用航空器优先权先于民用航空器抵押权受偿。

第二十三条 本法第十九条规定的债权转移的，其民用航空器优先权随之转移。

第二十四条 民用航空器优先权应当通过人民法院扣押产生优先权的民用航空器行使。

第二十五条 民用航空器优先权自援救或者保管维护工作终了之日起满三个月时终止；但是，债权人就其债权已经依照本法第二十条规定登记，并具有下列情形之一的除外：

（一）债权人、债务人已经就此项债权的金额达成协议；

（二）有关此项债权的诉讼已经开始。

民用航空器优先权不因民用航空器所有权的转让而消灭；但是，民用航空器经依法强制拍卖的除外。

第四节 民用航空器租赁

第二十六条 民用航空器租赁合同，包括融资租赁合同和其他租赁合同，应当以书面形式订立。

第二十七条 民用航空器的融资租赁，是指出租人按照承租人对供货方和民用航空器的选择，购得民

用航空器，出租给承租人使用，由承租人定期交纳租金。

第二十八条 融资租赁期间，出租人依法享有民用航空器所有权，承租人依法享有民用航空器的占有、使用、收益权。

第二十九条 融资租赁期间，出租人不得干扰承租人依法占有、使用民用航空器；承租人应当适当地保管民用航空器，使之处于原交付时的状态，但是合理损耗和经出租人同意的对民用航空器的改变除外。

第三十条 融资租赁期满，承租人应当将符合本法第二十九条规定状态的民用航空器退还出租人；但是，承租人依照合同行使购买民用航空器的权利或者为继续租赁而占有民用航空器的除外。

第三十一条 民用航空器融资租赁中的供货方，不就同一损害同时对出租人和承租人承担责任。

第三十二条 融资租赁期间，经出租人同意，在不损害第三人利益的情况下，承租人可以转让其对民用航空器的占有权或者租赁合同约定的其他权利。

第三十三条 民用航空器的融资租赁和租赁期限为六个月以上的其他租赁，承租人应当就其对民用航空器的占有权向国务院民用航空主管部门办理登记；未经登记的，不得对抗第三人。

第四章 民用航空器适航管理

第三十四条 设计民用航空器及其发动机、螺旋桨和民用航空器上设备，应当向国务院民用航空主管

部门申请领取型号合格证书。经审查合格的，发给型号合格证书。

第三十五条 生产、维修民用航空器及其发动机、螺旋桨和民用航空器上设备，应当向国务院民用航空主管部门申请领取生产许可证书、维修许可证书。经审查合格的，发给相应的证书。

第三十六条 外国制造人生产的任何型号的民用航空器及其发动机、螺旋桨和民用航空器上设备，首次进口中国的，该外国制造人应当向国务院民用航空主管部门申请领取型号认可证书。经审查合格的，发给型号认可证书。

已取得外国颁发的型号合格证书的民用航空器及其发动机、螺旋桨和民用航空器上设备，首次在中国境内生产的，该型号合格证书的持有人应当向国务院民用航空主管部门申请领取型号认可证书。经审查合格的，发给型号认可证书。

第三十七条 具有中华人民共和国国籍的民用航空器，应当持有国务院民用航空主管部门颁发的适航证书，方可飞行。

出口民用航空器及其发动机、螺旋桨和民用航空器上设备，制造人应当向国务院民用航空主管部门申请领取出口适航证书。经审查合格的，发给出口适航证书。

租用的外国民用航空器，应当经国务院民用航空主管部门对其原国籍登记国发给的适航证书审查认可或者另发适航证书，方可飞行。

民用航空器适航管理规定，由国务院制定。

第三十八条 民用航空器的所有人或者承租人应

当按照适航证书规定的使用范围使用民用航空器，做好民用航空器的维修保养工作，保证民用航空器处于适航状态。

第五章 航空人员

第一节 一般规定

第三十九条 本法所称航空人员，是指下列从事民用航空活动的空勤人员和地面人员：

（一）空勤人员，包括驾驶员、领航员、飞行机械人员、飞行通信员、乘务员；

（二）地面人员，包括民用航空器维修人员、空中交通管制员、飞行签派员、航空电台通信员。

第四十条 航空人员应当接受专门训练，经考核合格，取得国务院民用航空主管部门颁发的执照，方可担任其执照载明的的工作。

空勤人员和空中交通管制员在取得执照前，还应当接受国务院民用航空主管部门认可的体格检查单位的检查，并取得国务院民用航空主管部门颁发的体格检查合格证书。

第四十一条 空勤人员在执行飞行任务时，应当随身携带执照和体格检查合格证书，并接受国务院民用航空主管部门的查验。

第四十二条 航空人员应当接受国务院民用航空主管部门定期或者不定期的检查和考核；经检查、考核合格的，方可继续担任其执照载明的的工作。

空勤人员还应当参加定期的紧急程序训练。

空勤人员间断飞行的时间超过国务院民用航空主管部门规定时限的，应当经过检查和考核；乘务员以外的空勤人员还应当经过带飞。经检查、考核、带飞合格的，方可继续担任其执照载明的工作。

第二节 机 组

第四十三条 民用航空器机组由机长和其他空勤人员组成。机长应当由具有独立驾驶该型号民用航空器的技术和经验的驾驶员担任。

机组的组成和人员数额，应当符合国务院民用航空主管部门的规定。

第四十四条 民用航空器的操作由机长负责，机长应当严格履行职责，保护民用航空器及其所载人员和财产的安全。

机长在其职权范围内发布的命令，民用航空器所载人员都应当执行。

第四十五条 飞行前，机长应当对民用航空器实施必要的检查；未经检查，不得起飞。

机长发现民用航空器、机场、气象条件等不符合规定，不能保证飞行安全的，有权拒绝起飞。

第四十六条 飞行中，对于任何破坏民用航空器、扰乱民用航空器内秩序、危害民用航空器所载人员或者财产安全以及其他危及飞行安全的行为，在保证安全的前提下，机长有权采取必要的适当措施。

飞行中，遇到特殊情况时，为保证民用航空器及其所载人员的安全，机长有权对民用航空器作出处

置。

第四十七条 机长发现机组人员不适宜执行飞行任务的，为保证飞行安全，有权提出调整。

第四十八条 民用航空器遇险时，机长有权采取一切必要措施，并指挥机组人员和航空器上其他人员采取抢救措施。在必须撤离遇险民用航空器的紧急情况下，机长必须采取措施，首先组织旅客安全离开民用航空器；未经机长允许，机组人员不得擅自离开民用航空器；机长应当最后离开民用航空器。

第四十九条 民用航空器发生事故，机长应当直接或者通过空中交通管制单位，如实将事故情况及时报告国务院民用航空主管部门。

第五十条 机长收到船舶或者其他航空器的遇险信号，或者发现遇险的船舶、航空器及其人员，应当将遇险情况及时报告就近的空中交通管制单位并给予可能的合理的援助。

第五十一条 飞行中，机长因故不能履行职务的，由仅次于机长职务的驾驶员代理机长；在下一个经停地起飞前，民用航空器所有人或者承租人应当指派新机长接任。

第五十二条 只有一名驾驶员，不需配备其他空勤人员的民用航空器，本节对机长的规定，适用于该驾驶员。

第六章 民用机场

第五十三条 本法所称民用机场，是指专供民用

航空器起飞、降落、滑行、停放以及进行其他活动使用的划定区域，包括附属的建筑物、装置和设施。

本法所称民用机场不包括临时机场。

军民合用机场由国务院、中央军事委员会另行制定管理办法。

第五十四条 民用机场的建设和使用应当统筹安排、合理布局，提高机场的使用效率。

全国民用机场的布局和建设规划，由国务院民用航空主管部门会同国务院其他有关部门制定，并按照国家规定的程序，经批准后组织实施。

省、自治区、直辖市人民政府应当根据全国民用机场的布局和建设规划，制定本行政区域内的民用机场建设规划，并按照国家规定的程序报经批准后，将其纳入本级国民经济和社会发展规划。

第五十五条 民用机场建设规划应当与城市建设规划相协调。

第五十六条 新建、改建和扩建民用机场，应当符合依法制定的民用机场布局和建设规划，符合民用机场标准，并按照国家规定报经有关主管机关批准并实施。

不符合依法制定的民用机场布局和建设规划的民用机场建设项目，不得批准。

第五十七条 新建、扩建民用机场，应当由民用机场所在地县级以上地方人民政府发布公告。

前款规定的公告应当在当地主要报纸上刊登，并在拟新建、扩建机场周围地区张贴。

第五十八条 禁止在依法划定的民用机场范围内和按照国家规定划定的机场净空保护区域内从事下列

活动:

(一) 修建可能在空中排放大量烟雾、粉尘、火焰、废气而影响飞行安全的建筑物或者设施;

(二) 修建靶场、强烈爆炸物仓库等影响飞行安全的建筑物或者设施;

(三) 修建不符合机场净空要求的建筑物或者设施;

(四) 设置影响机场目视助航设施使用的灯光、标志或者物体;

(五) 种植影响飞行安全或者影响机场助航设施使用的植物;

(六) 饲养、放飞影响飞行安全的鸟类动物和其他物体;

(七) 修建影响机场电磁环境的建筑物或者设施。

禁止在依法划定的民用机场范围内放养牲畜。

第五十九条 民用机场新建、扩建的公告发布前，在依法划定的民用机场范围内和按照国家规定划定的机场净空保护区域内存在的可能影响飞行安全的建筑物、构筑物、树木、灯光和其他障碍物体，应当在规定的期限内清除；对由此造成的损失，应当给予补偿或者依法采取其他补救措施。

第六十条 民用机场新建、扩建的公告发布后，任何单位和个人违反本法及有关行政法规的规定，在依法划定的民用机场范围内和按照国家规定划定的机场净空保护区域内修建、种植或者设置影响飞行安全的建筑物、构筑物、树木、灯光和其他障碍物体的，由机场所在地县级以上地方人民政府责令清除；由此造成的损失，由修建、种植或者设置该障碍物体的人

承担。

第六十一条 在民用机场及其按照国家规定划定的净空保护区域以外，对可能影响飞行安全的高大建筑物或者设施，应当按照国家有关规定设置飞行障碍灯和标志，并使其保持正常状态。

第六十二条 民用机场应当持有机场使用许可证，方可开放使用。

民用机场具备下列条件，并按照国家规定经验收合格后，方可申请机场使用许可证：

(一) 具备与其运营业务相适应的飞行区、航站区、工作区以及服务设施和人员；

(二) 具备能够保障飞行安全的空中交通管制、通信导航、气象等设施 and 人员；

(三) 具备符合国家规定的安全保卫条件；

(四) 具备处理特殊情况的应急计划以及相应的设施和人员；

(五) 具备国务院民用航空主管部门规定的其他条件。

国际机场还应当具备国际通航条件，设立海关和其他口岸检查机关。

第六十三条 民用机场使用许可证由机场管理机构向国务院民用航空主管部门申请，经国务院民用航空主管部门审查批准后颁发。

第六十四条 设立国际机场，由国务院民用航空主管部门报请国务院审查批准。

国际机场的开放使用，由国务院民用航空主管部门对外公告；国际机场资料由国务院民用航空主管部门统一对外提供。

第六十五条 民用机场应当按照国务院民用航空主管部门的规定，采取措施，保证机场内人员和财产的安全。

第六十六条 供运输旅客或者货物的民用航空器使用的民用机场，应当按照国务院民用航空主管部门规定的标准，设置必要设施，为旅客和货物托运人、收货人提供良好服务。

第六十七条 民用机场管理机构应当依照环境保护法律、行政法规的规定，做好机场环境保护工作。

第六十八条 民用航空器使用民用机场及其助航设施的，应当缴纳使用费、服务费；使用费、服务费的收费标准，由国务院民用航空主管部门会同国务院财政部门、物价主管部门制定。

第六十九条 民用机场废弃或者改作他用，民用机场管理机构应当依照国家规定办理报批手续。

第七章 空中航行

第一节 空域管理

第七十条 国家对空域实行统一管理。

第七十一条 划分空域，应当兼顾民用航空和国防安全的需要以及公众的利益，使空域得到合理、充分、有效的利用。

第七十二条 空域管理的具体办法，由国务院、中央军事委员会制定。

第二节 飞行管理

第七十三条 在一个划定的管制空域内，由一个空中交通管制单位负责该空域内的航空器的空中交通管制。

第七十四条 民用航空器在管制空域内进行飞行活动，应当取得空中交通管制单位的许可。

第七十五条 民用航空器应当按照空中交通管制单位指定的航路和飞行高度飞行；因故确需偏离指定的航路或者改变飞行高度飞行的，应当取得空中交通管制单位的许可。

第七十六条 在中华人民共和国境内飞行的航空器，必须遵守统一的飞行规则。

进行目视飞行的民用航空器，应当遵守目视飞行规则，并与其他航空器、地面障碍物保持安全距离。

进行仪表飞行的民用航空器，应当遵守仪表飞行规则。

飞行规则由国务院、中央军事委员会制定。

第七十七条 民用航空器机组人员的飞行时间、执勤时间不得超过国务院民用航空主管部门规定的时限。

民用航空器机组人员受到酒类饮料、麻醉剂或者其他药物的影响，损及工作能力的，不得执行飞行任务。

第七十八条 民用航空器除按照国家规定经特别批准外，不得飞入禁区；除遵守规定的限制条件外，不得飞入限制区。

前款规定的禁区和限制区，依照国家规定划定。

第七十九条 民用航空器不得飞越城市上空；但是，有下列情形之一的除外：

（一）起飞、降落或者指定的航路所必需的；

（二）飞行高度足以使该航空器在发生紧急情况时离开城市上空，而不致危及地面上的人员、财产安全的；

（三）按照国家规定的程序获得批准的。

第八十条 飞行中，民用航空器不得投掷物品；但是，有下列情形之一的除外：

（一）飞行安全所必需的；

（二）执行救助任务或者符合社会公共利益的其他飞行任务所必需的。

第八十一条 民用航空器未经批准不得飞出中华人民共和国领空。

对未经批准正在飞离中华人民共和国领空的民用航空器，有关部门有权根据具体情况采取必要措施，予以制止。

第三节 飞行保障

第八十二条 空中交通管制单位应当为飞行中的民用航空器提供空中交通服务，包括空中交通管制服务、飞行情报服务和告警服务。

提供空中交通管制服务，旨在防止民用航空器同航空器、民用航空器同障碍物物体相撞，维持并加速空中交通的有秩序的活动。

提供飞行情报服务，旨在提供有助于安全和有效

地实施飞行的情报和建议。

提供告警服务，旨在当民用航空器需要搜寻援救时，通知有关部门，并根据要求协助该有关部门进行搜寻援救。

第八十三条 空中交通管制单位发现民用航空器偏离指定航路、迷失航向时，应当迅速采取一切必要措施，使其回归航路。

第八十四条 航路上应当设置必要的导航、通信、气象和地面监视设备。

第八十五条 航路上影响飞行安全的自然障碍物，应当在航图上标明；航路上影响飞行安全的人工障碍物，应当设置飞行障碍灯和标志，并使其保持正常状态。

第八十六条 在距离航路边界三十公里以内的地带，禁止修建靶场和其他可能影响飞行安全的设施；但是，平射轻武器靶场除外。

在前款规定地带以外修建固定的或者临时性对空发射场，应当按照国家规定获得批准；对空发射场的发射方向，不得与航路交叉。

第八十七条 任何可能影响飞行安全的活动，应当依法获得批准，并采取确保飞行安全的必要措施，方可进行。

第八十八条 国务院民用航空主管部门应当依法对民用航空无线电台和分配给民用航空系统使用的专用频率实施管理。

任何单位或者个人使用的无线电台和其他仪器、装置，不得妨碍民用航空无线电专用频率的正常使用。对民用航空无线电专用频率造成有害干扰的，有

关单位或者个人应当迅速排除干扰；未排除干扰前，应当停止使用该无线电台或者其他仪器、装置。

第八十九条 邮电通信企业应当对民用航空电信传递优先提供服务。

国家气象机构应当对民用航空气象机构提供必要的气象资料。

第四节 飞行必备文件

第九十条 从事飞行的民用航空器，应当携带下列文件：

- (一) 民用航空器国籍登记证书；
- (二) 民用航空器适航证书；
- (三) 机组人员相应的执照；
- (四) 民用航空器航行记录簿；
- (五) 装有无无线电设备的民用航空器，其无线电台执照；
- (六) 载有旅客的民用航空器，其所载旅客姓名及其出发地点和目的地点的清单；
- (七) 载有货物的民用航空器，其所载货物的舱单和明细的申报单；
- (八) 根据飞行任务应当携带的其他文件。

民用航空器未按规定携带前款所列文件的，国务院民用航空主管部门或者其授权的地区民用航空管理机构可以禁止该民用航空器起飞。

第八章 公共航空运输企业

第九十一条 公共航空运输企业，是指以营利为目的，使用民用航空器运送旅客、行李、邮件或者货物的企业法人。

第九十二条 设立公共航空运输企业，应当向国务院民用航空主管部门申请领取经营许可证，并依法办理工商登记；未取得经营许可证的，工商行政管理部门不得办理工商登记。

第九十三条 设立公共航空运输企业，应当具备下列条件：

（一）有符合国家规定的适应保证飞行安全要求的民用航空器；

（二）有必需的依法取得执照的航空人员；

（三）有不少于国务院规定的最低限额的注册资本；

（四）法律、行政法规规定的其他条件。

第九十四条 公共航空运输企业的组织形式、组织机构适用公司法的规定。

本法施行前设立的公共航空运输企业，其组织形式、组织机构不完全符合公司法规定的，可以继续沿用原有的规定，适用前款规定的日期由国务院规定。

第九十五条 公共航空运输企业应当以保证飞行安全和航班正常，提供良好服务为准则，采取有效措施，提高运输服务质量。

公共航空运输企业应当教育和要求本企业职工严格履行职责，以文明礼貌、热情周到的服务态度，认真做好旅客和货物运输的各项服务工作。

旅客运输航班延误的，应当在机场内及时通告有关情况。

第九十六条 公共航空运输企业申请经营定期航班运输（以下简称航班运输）的航线，暂停、终止经营航线，应当报经国务院民用航空主管部门批准。

公共航空运输企业经营航班运输，应当公布班期时刻。

第九十七条 公共航空运输企业的营业收费项目，由国务院民用航空主管部门确定。

国内航空运输的运价管理办法，由国务院民用航空主管部门会同国务院物价主管部门制定，报国务院批准后执行。

国际航空运输运价的制定按照中华人民共和国政府与外国政府签订的协定、协议的规定执行；没有协定、协议的，参照国际航空运输市场价格制定运价，报国务院民用航空主管部门批准后执行。

第九十八条 公共航空运输企业从事不定期运输，应当经国务院民用航空主管部门批准，并不得影响航班运输的正常经营。

第九十九条 公共航空运输企业应当依照国务院制定的公共航空运输安全保卫规定，制定安全保卫方案，并报国务院民用航空主管部门备案。

第一百条 公共航空运输企业不得运输法律、行政法规规定的禁运物品。

公共航空运输企业未经国务院民用航空主管部门批准，不得运输作战军火、作战物资。

禁止旅客随身携带法律、行政法规规定的禁运物品乘坐民用航空器。

第一百零一条 公共航空运输企业运输危险品，应当遵守国家有关规定。

禁止以非危险品品名托运危险品。

禁止旅客随身携带危险品乘坐民用航空器。除因执行公务并按照国家规定经过批准外，禁止旅客携带枪支、管制刀具乘坐民用航空器。禁止违反国务院民用航空主管部门的规定将危险品作为行李托运。

危险品品名由国务院民用航空主管部门规定并公布。

第一百零二条 公共航空运输企业不得运输拒绝接受安全检查的旅客，不得违反国家规定运输未经安全检查的行李。

公共航空运输企业必须按照国务院民用航空主管部门的规定，对承运的货物进行安全检查或者采取其他保证安全的措施。

第一百零三条 公共航空运输企业从事国际航空运输的民用航空器及其所载人员、行李、货物应当接受边防、海关、检疫等主管部门的检查；但是，检查时应当避免不必要的延误。

第一百零四条 公共航空运输企业应当依照有关法律、行政法规的规定优先运输邮件。

第一百零五条 公共航空运输企业应当投保地面第三人责任险。

第九章 公共航空运输

第一节 一般规定

第一百零六条 本章适用于公共航空运输企业使用民用航空器经营的旅客、行李或者货物的运输，包括公共航空运输企业使用民用航空器办理的免费运输。

本章不适用于使用民用航空器办理的邮件运输。

对多式联运方式的运输，本章规定适用于其中的航空运输部分。

第一百零七条 本法所称国内航空运输，是指根据当事人订立的航空运输合同，运输的出发地点、约定的经停地点和目的地点均在中华人民共和国境内的运输。

本法所称国际航空运输，是指根据当事人订立的航空运输合同，无论运输有无间断或者有无转运，运输的出发地点、目的地点或者约定的经停地点之一不在中华人民共和国境内的运输。

第一百零八条 航空运输合同各方认为几个连续的航空运输承运人办理的运输是一项单一业务活动的，无论其形式是以一个合同订立或者数个合同订立，应当视为一项不可分割的运输。

第二节 运输凭证

第一百零九条 承运人运送旅客，应当出具客票。旅客乘坐民用航空器，应当交验有效客票。

第一百一十条 客票应当包括的内容由国务院民用航空主管部门规定，至少应当包括以下内容：

(一) 出发地点和目的地点；

(二) 出发地点和目的地点均在中华人民共和国境内，而在境外有一个或者数个约定的经停地点的，至少注明一个经停地点；

(三) 旅客航程的最终目的地点、出发地点或者约定的经停地点之一不在中华人民共和国境内，依照所适用的国际航空运输公约的规定，应当在客票上声明此项运输适用该公约的，客票上应当载有该项声明。

第一百一十一条 客票是航空旅客运输合同订立和运输合同条件的初步证据。

旅客未能出示客票、客票不符合规定或者客票遗失，不影响运输合同的存在或者有效。

在国内航空运输中，承运人同意旅客不经其出票而乘坐民用航空器的，承运人无权援用本法第一百二十八条有关赔偿责任限制的规定。

在国际航空运输中，承运人同意旅客不经其出票而乘坐民用航空器的，或者客票上未依照本法第一百一十条第(三)项的规定声明的，承运人无权援用本法第一百二十九条有关赔偿责任限制的规定。

第一百一十二条 承运人载运托运行李时，行李票可以包含在客票之内或者与客票相结合。除本法第一百一十条的规定外，行李票还应当包括下列内容：

(一) 托运行李的件数和重量；

(二) 需要声明托运行李在目的地点交付时的利益的，注明声明金额。

行李票是行李托运和运输合同条件的初步证据。

旅客未能出示行李票、行李票不符合规定或者行李票遗失，不影响运输合同的存在或者有效。

在国内航空运输中，承运人载运托运行李而不出具行李票的，承运人无权援用本法第一百二十八条有关赔偿责任限制的规定。

在国际航空运输中，承运人载运托运行李而不出具行李票的，或者行李票上未依照本法第一百一十条第（三）项的规定声明的，承运人无权援用本法第一百二十九条有关赔偿责任限制的规定。

第一百一十三条 承运人有权要求托运人填写航空货运单，托运人有权要求承运人接受该航空货运单。托运人未能出示航空货运单、航空货运单不符合规定或者航空货运单遗失，不影响运输合同的存在或者有效。

第一百一十四条 托运人应当填写航空货运单正本一式三份，连同货物交给承运人。

航空货运单第一份注明“交承运人”，由托运人签字、盖章；第二份注明“交收货人”，由托运人和承运人签字、盖章；第三份由承运人在接受货物后签字、盖章，交给托运人。

承运人根据托运人的请求填写航空货运单的，在没有相反证据的情况下，应当视为代托运人填写。

第一百一十五条 航空货运单应当包括的内容由国务院民用航空主管部门规定，至少应当包括以下内容：

（一）出发地点和目的地点；

（二）出发地点和目的地点均在中华人民共和国境内，而在境外有一个或者数个约定的经停地点的，至

少注明一个经停地点；

(三) 货物运输的最终目的地点、出发地点或者约定的经停地点之一不在中华人民共和国境内，依照所适用的国际航空运输公约的规定，应当在货运单上声明此项运输适用该公约的，货运单上应当载有该项声明。

第一百一十六条 在国内航空运输中，承运人同意未经填具航空货运单而载运货物的，承运人无权援用本法第一百二十八条有关赔偿责任限制的规定。

在国际航空运输中，承运人同意未经填具航空货运单而载运货物的，或者航空货运单上未依照本法第一百一十五条第(三)项的规定声明的，承运人无权援用本法第一百二十九条有关赔偿责任限制的规定。

第一百一十七条 托运人应当对航空货运单上所填关于货物的说明和声明的正确性负责。

因航空货运单上所填的说明和声明不符合规定、不正确或者不完全，给承运人或者承运人对之负责的其他人造成损失的，托运人应当承担赔偿责任。

第一百一十八条 航空货运单是航空货物运输合同订立和运输条件以及承运人接受货物的初步证据。

航空货运单上关于货物的重量、尺寸、包装和包装件数的说明具有初步证据的效力。除经过承运人和托运人当面查对并在航空货运单上注明经过查对或者书写关于货物的外表情况的说明外，航空货运单上关于货物的数量、体积和情况的说明不能构成不利于承运人的证据。

第一百一十九条 托运人在履行航空货物运输合同规定的义务的条件下，有权在出发地机场或者目的

地机场将货物提回，或者在途中经停时中止运输，或者在目的地点或者途中要求将货物交给非航空货运单上指定的收货人，或者要求将货物运回出发地机场；但是，托运人不得因行使此种权利而使承运人或者其他托运人遭受损失，并应当偿付由此产生的费用。

托运人的指示不能执行的，承运人应当立即通知托运人。

承运人按照托运人的指示处理货物，没有要求托运人出示其所收执的航空货运单，给该航空货运单的合法持有人造成损失的，承运人应当承担责任，但是不妨碍承运人向托运人追偿。

收货人的权利依照本法第一百二十条规定开始时，托运人的权利即告终止；但是，收货人拒绝接受航空货运单或者货物，或者承运人无法同收货人联系的，托运人恢复其对货物的处置权。

第一百二十条 除本法第一百一十九条所列情形外，收货人于货物到达目的地点，并在缴付应付款项和履行航空货运单上所列运输条件后，有权要求承运人移交航空货运单并交付货物。

除另有约定外，承运人应当在货物到达后立即通知收货人。

承运人承认货物已经遗失，或者货物在应当到达之日起七日后仍未到达的，收货人有权向承运人行使航空货物运输合同所赋予的权利。

第一百二十一条 托运人和收货人在履行航空货物运输合同规定的义务的条件下，无论为本人或者他人的利益，可以以本人的名义分别行使本法第一百一十九条和第一百二十条所赋予的权利。

第一百二十二条 本法第一百一十九条、第一百二十条和第一百二十一条的规定，不影响托运人同收货人之间的相互关系，也不影响从托运人或者收货人获得权利的第三人之间的关系。

任何与本法第一百一十九条、第一百二十条和第一百二十一条规定不同的合同条款，应当在航空货运单上载明。

第一百二十三条 托运人应当提供必需的资料和文件，以便在货物交付收货人前完成法律、行政法规规定的有关手续；因没有此种资料、文件，或者此种资料、文件不充足或者不符合规定造成的损失，除由于承运人或者其受雇人、代理人的过错造成的外，托运人应当对承运人承担责任。

除法律、行政法规另有规定外，承运人没有对前款规定的资料或者文件进行检查的义务。

第三节 承运人的责任

第一百二十四条 因发生在民用航空器上或者在旅客上、下民用航空器过程中的事件，造成旅客人身伤亡的，承运人应当承担责任；但是，旅客的人身伤亡完全是由于旅客本人的健康状况造成的，承运人不承担责任。

第一百二十五条 因发生在民用航空器上或者在旅客上、下民用航空器过程中的事件，造成旅客随身携带物品毁灭、遗失或者损坏的，承运人应当承担责任。因发生在航空运输期间的事件，造成旅客的托运行李毁灭、遗失或者损坏的，承运人应当承担责任。

旅客随身携带物品或者托运行李的毁灭、遗失或者损坏完全是由于行李本身的自然属性、质量或者缺陷造成的，承运人不承担责任。

本章所称行李，包括托运行李和旅客随身携带的物品。

因发生在航空运输期间的事件，造成货物毁灭、遗失或者损坏的，承运人应当承担责任；但是，承运人证明货物的毁灭、遗失或者损坏完全是由于下列原因之一造成的，不承担责任：

（一）货物本身的自然属性、质量或者缺陷；

（二）承运人或者其受雇人、代理人以外的人包装货物的，货物包装不良；

（三）战争或者武装冲突；

（四）政府有关部门实施的与货物入境、出境或者过境有关的行为。

本条所称航空运输期间，是指在机场内、民用航空器上或者机场外降落的任何地点，托运行李、货物处于承运人掌管之下的全部期间。

航空运输期间，不包括机场外的任何陆路运输、海上运输、内河运输过程；但是，此种陆路运输、海上运输、内河运输是为了履行航空运输合同而装载、交付或者转运，在没有相反证据的情况下，所发生的损失视为在航空运输期间发生的损失。

第一百二十六条 旅客、行李或者货物在航空运输中因延误造成的损失，承运人应当承担责任；但是，承运人证明本人或者其受雇人、代理人为了避免损失的发生，已经采取一切必要措施或者不可能采取此种措施的，不承担责任。

第一百二十七条 在旅客、行李运输中，经承运人证明，损失是由索赔人的过错造成或者促成的，应当根据造成或者促成此种损失的过错的程度，相应免除或者减轻承运人的责任。旅客以外的其他人就旅客死亡或者受伤提出赔偿请求时，经承运人证明，死亡或者受伤是旅客本人的过错造成或者促成的，同样应当根据造成或者促成此种损失的过错的程度，相应免除或者减轻承运人的责任。

在货物运输中，经承运人证明，损失是由索赔人或者代行权利人的过错造成或者促成的，应当根据造成或者促成此种损失的过错的程度，相应免除或者减轻承运人的责任。

第一百二十八条 国内航空运输承运人的赔偿责任限额由国务院民用航空主管部门制定，报国务院批准后公布执行。

旅客或者托运人在交运托运行李或者货物时，特别声明在目的地点交付时的利益，并在必要时支付附加费的，除承运人证明旅客或者托运人声明的金额高于托运行李或者货物在目的地点交付时的实际利益外，承运人应当在声明金额范围内承担责任；本法第一百二十九条的其他规定，除赔偿责任限额外，适用于国内航空运输。

第一百二十九条 国际航空运输承运人的赔偿责任限额按照下列规定执行：

（一）对每名旅客的赔偿责任限额为 16600 计算单位；但是，旅客可以同承运人书面约定高于本项规定的赔偿责任限额。

（二）对托运行李或者货物的赔偿责任限额，每公

斤为 17 计算单位。旅客或者托运人在交运托运行李或者货物时，特别声明在目的地点交付时的利益，并在必要时支付附加费的，除承运人证明旅客或者托运人声明的金额高于托运行李或者货物在目的地点交付时的实际利益外，承运人应当在声明金额范围内承担责任。

托运行李或者货物的一部分或者托运行李、货物中的任何物件毁灭、遗失、损坏或者延误的，用以确定承运人赔偿责任限额的重量，仅为该一包件或者数包件的总重量；但是，因托运行李或者货物的一部分或者托运行李、货物中的任何物件的毁灭、遗失、损坏或者延误，影响同一份行李票或者同一份航空货运单所列其他包件的价值，确定承运人的赔偿责任限额时，此种包件的总重量也应当考虑在内。

(三) 对每名旅客随身携带的物品的赔偿责任限额为 332 计算单位。

第一百三十条 任何旨在免除本法规定的承运人责任或者降低本法规定的赔偿责任限额的条款，均属无效；但是，此种条款的无效，不影响整个航空运输合同的效力。

第一百三十一条 有关航空运输中发生的损失的诉讼，不论其根据如何，只能依照本法规定的条件和赔偿责任限额提出，但是不妨碍谁有权提起诉讼以及他们各自的权利。

第一百三十二条 经证明，航空运输中的损失是由于承运人或者其受雇人、代理人的故意或者明知可能造成损失而轻率地作为或者不作为造成的，承运人无权援用本法第一百二十八条、第一百二十九条有关

赔偿责任限制的规定；证明承运人的受雇人、代理人有此种作为或者不作为的，还应当证明该受雇人、代理人是在受雇、代理范围内行事。

第一百三十三条 就航空运输中的损失向承运人的受雇人、代理人提起诉讼时，该受雇人、代理人证明他是在受雇、代理范围内行事的，有权援用本法第一百二十八条、第一百二十九条有关赔偿责任限制的规定。

在前款规定情形下，承运人及其受雇人、代理人的赔偿总额不得超过法定的赔偿责任限额。

经证明，航空运输中的损失是由于承运人的受雇人、代理人的故意或者明知可能造成损失而轻率地作为或者不作为造成的，不适用本条第一款和第二款的规定。

第一百三十四条 旅客或者收货人收受托运行李或者货物而未提出异议，为托运行李或者货物已经完好交付并与运输凭证相符的初步证据。

托运行李或者货物发生损失的，旅客或者收货人应当在发现损失后向承运人提出异议。托运行李发生损失的，至迟应当自收到托运行李之日起七日内提出；货物发生损失的，至迟应当自收到货物之日起十四日内提出。托运行李或者货物发生延误的，至迟应当自托运行李或者货物交付旅客或者收货人处置之日起二十一日内提出。

任何异议均应当在前款规定的期间内写在运输凭证上或者另以书面提出。

除承运人有欺诈行为外，旅客或者收货人未在本条第二款规定的期间内提出异议的，不能向承运人提

出索赔诉讼。

第一百三十五条 航空运输的诉讼时效期间为二年，自民用航空器到达目的地点、应当到达目的地点或者运输终止之日起计算。

第一百三十六条 由几个航空承运人办理的连续运输，接受旅客、行李或者货物的每一个承运人应当受本法规定的约束，并就其根据合同办理的运输区段作为运输合同的订约一方。

对前款规定的连续运输，除合同明文约定第一承运人应当对全程运输承担责任外，旅客或者其继承人只能对发生事故或者延误的运输区段的承运人提起诉讼。

托运行李或者货物的毁灭、遗失、损坏或者延误，旅客或者托运人有权对第一承运人提起诉讼，旅客或者收货人有权对最后承运人提起诉讼，旅客、托运人和收货人均可以对发生毁灭、遗失、损坏或者延误的运输区段的承运人提起诉讼。上述承运人应当对旅客、托运人或者收货人承担连带责任。

第四节 实际承运人 履行航空运输的特别规定

第一百三十七条 本节所称缔约承运人，是指以本人名义与旅客或者托运人，或者与旅客或者托运人的代理人，订立本章调整的航空运输合同的人。

本节所称实际承运人，是指根据缔约承运人的授权，履行前款全部或者部分运输的人，不是指本章规定的连续承运人；在没有相反证明时，此种授权被认

为是存在的。

第一百三十八条 除本节另有规定外，缔约承运人和实际承运人都应当受本章规定的约束。缔约承运人应当对合同约定的全部运输负责。实际承运人应当对其履行的运输负责。

第一百三十九条 实际承运人的作为和不作为，实际承运人的受雇人、代理人在受雇、代理范围内的作为和不作为，关系到实际承运人履行的运输的，应当视为缔约承运人的作为和不作为。

缔约承运人的作为和不作为，缔约承运人的受雇人、代理人在受雇、代理范围内的作为和不作为，关系到实际承运人履行的运输的，应当视为实际承运人的作为和不作为；但是，实际承运人承担的责任不因此种作为或者不作为而超过法定的赔偿责任限额。

任何有关缔约承运人承担本章未规定的义务或者放弃本章赋予的权利的特别协议，或者任何有关依照本法第一百二十八条、第一百二十九条规定所作的在目的地点交付时利益的特别声明，除经实际承运人同意外，均不得影响实际承运人。

第一百四十条 依照本章规定提出的索赔或者发出的指示，无论是向缔约承运人还是向实际承运人提出或者发出的，具有同等效力；但是，本法第一百二十九条规定的指示，只在向缔约承运人发出时，方有效。

第一百四十一条 实际承运人的受雇人、代理人或者缔约承运人的受雇人、代理人，证明他是在受雇、代理范围内行事的，就实际承运人履行的运输而言，有权援用本法第一百二十八条、第一百二十九条

有关赔偿责任限制的规定，但是依照本法规定不得援用赔偿责任限制规定的除外。

第一百四十二条 对于实际承运人履行的运输，实际承运人、缔约承运人以及他们的在受雇、代理范围内行事的受雇人、代理人的赔偿总额不得超过依照本法得以从缔约承运人或者实际承运人获得赔偿的最高数额；但是，其中任何人都不承担超过对他适用的赔偿责任限额。

第一百四十三条 对实际承运人履行的运输提起的诉讼，可以分别对实际承运人或者缔约承运人提起，也可以同时对实际承运人和缔约承运人提起；被提起诉讼的承运人有权要求另一承运人参加应诉。

第一百四十四条 除本法第一百四十三条规定外，本节规定不影响实际承运人和缔约承运人之间的权利、义务。

第十章 通用航空

第一百四十五条 通用航空，是指使用民用航空器从事公共航空运输以外的民用航空活动，包括从事工业、农业、林业、渔业和建筑业的作业飞行以及医疗卫生、抢险救灾、气象探测、海洋监测、科学实验、教育训练、文化体育等方面的飞行活动。

第一百四十六条 从事通用航空活动，应当具备下列条件：

(一) 有与所从事的通用航空活动相适应，符合保证飞行安全要求的民用航空器；

- (二) 有必需的依法取得执照的航空人员;
- (三) 符合法律、行政法规规定的其他条件。

从事经营性通用航空,限于企业法人。

第一百四十七条 从事非经营性通用航空的,应当向国务院民用航空主管部门办理登记。

从事经营性通用航空的,应当向国务院民用航空主管部门申请领取通用航空经营许可证,并依法办理工商登记;未取得经营许可证的,工商行政管理部门不得办理工商登记。

第一百四十八条 通用航空企业从事经营性通用航空活动,应当与用户订立书面合同,但是紧急情况下的救护或者救灾飞行除外。

第一百四十九条 组织实施作业飞行时,应当采取有效措施,保证飞行安全,保护环境和生态平衡,防止对环境、居民、作物或者牲畜等造成损害。

第一百五十条 从事通用航空活动的,应当投保地面第三人责任险。

第十一章 搜寻援救和事故调查

第一百五十一条 民用航空器遇到紧急情况时,应当发送信号,并向空中交通管制单位报告,提出援救请求;空中交通管制单位应当立即通知搜寻援救协调中心。民用航空器在海上遇到紧急情况时,还应当向船舶和国家海上搜寻援救组织发送信号。

第一百五十二条 发现民用航空器遇到紧急情况或者收听到民用航空器遇到紧急情况的信号的单位或

者个人，应当立即通知有关的搜寻援救协调中心、海上搜寻援救组织或者当地人民政府。

第一百五十三条 收到通知的搜寻援救协调中心、地方人民政府和海上搜寻援救组织，应当立即组织搜寻援救。

收到通知的搜寻援救协调中心，应当设法将已经采取的搜寻援救措施通知遇到紧急情况的民用航空器。

搜寻援救民用航空器的具体办法，由国务院规定。

第一百五十四条 执行搜寻援救任务的单位或者个人，应当尽力抢救民用航空器所载人员，按照规定对民用航空器采取抢救措施并保护现场，保存证据。

第一百五十五条 民用航空器事故的当事人以及有关人员在接受调查时，应当如实提供现场情况和与事故有关的情节。

第一百五十六条 民用航空器事故调查的组织和程序，由国务院规定。

第十二章 对地面第三人损害的赔偿责任

第一百五十七条 因飞行中的民用航空器或者从飞行中的民用航空器上落下的人或者物，造成地面（包括水面，下同）上的人身伤亡或者财产损害的，受害人有权获得赔偿；但是，所受损害并非造成损害的事故的直接后果，或者所受损害仅是民用航空器依照国家有关的空中交通规则在空中通过造成的，受害人

无权要求赔偿。

前款所称飞行中，是指自民用航空器为实际起飞而使用动力时起至着陆冲程终了时止；就轻于空气的民用航空器而言，飞行中是指自其离开地面时起至其重新着地时止。

第一百五十八条 本法第一百五十七条规定的赔偿责任，由民用航空器的经营人承担。

前款所称经营人，是指损害发生时使用民用航空器的人。民用航空器的使用权已经直接或者间接地授予他人，本人保留对该民用航空器的航行控制权的，本人仍被视为经营人。

经营人的受雇人、代理人在受雇、代理过程中使用民用航空器，无论是否在其受雇、代理范围内行事，均视为经营人使用民用航空器。

民用航空器登记的所有人应当被视为经营人，并承担经营人的责任；除非在判定其责任的诉讼中，所有人证明经营人是他人，并在法律程序许可的范围内采取适当措施使该人成为诉讼当事人之一。

第一百五十九条 未经对民用航空器有航行控制权的人同意而使用民用航空器，对地面第三人造成损害的，有航行控制权的人除证明本人已经适当注意防止此种使用外，应当与该非法使用人承担连带责任。

第一百六十条 损害是武装冲突或者骚乱的直接后果，依照本章规定应当承担责任的人不承担责任。

依照本章规定应当承担责任的人对民用航空器的使用权业经国家机关依法剥夺的，不承担责任。

第一百六十一条 依照本章规定应当承担责任的人证明损害是完全由于受害人或者其受雇人、代理人

的过错造成的，免除其赔偿责任；应当承担责任的人证明损害是部分由于受害人或者其受雇人、代理人的过错造成的，相应减轻其赔偿责任。但是，损害是由于受害人的受雇人、代理人的过错造成时，受害人证明其受雇人、代理人的行为超出其所授权的范围的，不免除或者不减轻应当承担责任的人的赔偿责任。

一人对另一人的死亡或者伤害提起诉讼，请求赔偿时，损害是该另一人或者其受雇人、代理人的过错造成的，适用前款规定。

第一百六十二条 两个以上的民用航空器在飞行中相撞或者相扰，造成本法第一百五十七条规定的应当赔偿的损害，或者两个以上的民用航空器共同造成此种损害的，各有关民用航空器均应当被认为已经造成此种损害，各有关民用航空器的经营人均应当承担赔偿责任。

第一百六十三条 本法第一百五十八条第四款和第一百五十九条规定的人，享有依照本章规定经营人所能援用的抗辩权。

第一百六十四条 除本章有明确规定外，经营人、所有人和本法第一百五十九条规定的应当承担责任的人，以及他们的受雇人、代理人，对于飞行中的民用航空器或者从飞行中的民用航空器上落下的人或者物造成的地面上的损害不承担责任，但是故意造成此种损害的人除外。

第一百六十五条 本章不妨碍依照本章规定应当对损害承担责任的人向他人追偿的权利。

第一百六十六条 民用航空器的经营人应当投保地面第三人责任险或者取得相应的责任担保。

第一百六十七条 保险人和担保人除享有与经营人相同的抗辩权，以及对伪造证件进行抗辩的权利外，对依照本章规定提出的赔偿请求只能进行下列抗辩：

（一）损害发生在保险或者担保终止有效后；然而保险或者担保在飞行中期满的，该项保险或者担保在飞行计划中所载下一次降落前继续有效，但是不得超过二十四小时；

（二）损害发生在保险或者担保所指定的地区范围外，除非飞行超出该范围是由于不可抗力、援助他人所必需，或者驾驶、航行或者领航上的差错造成的。

前款关于保险或者担保继续有效的规定，只在对受害人有利时适用。

第一百六十八条 仅在下列情形下，受害人可以直接对保险人或者担保人提起诉讼，但是不妨碍受害人根据有关保险合同或者担保合同的法律规定提起直接诉讼的权利：

（一）根据本法第一百六十七条第（一）项、第（二）项规定，保险或者担保继续有效的；

（二）经营人破产的。

除本法第一百六十七条第一款规定的抗辩权，保险人或者担保人对受害人依照本章规定提起的直接诉讼不得以保险或者担保的无效或者追溯力终止为由进行抗辩。

第一百六十九条 依照本法第一百六十六条规定提供的保险或者担保，应当被专门指定优先支付本章规定的赔偿。

第一百七十条 保险人应当支付给经营的款项，

在本章规定的第三人的赔偿请求未满足前，不受经营人的债权人的扣留和处理。

第一百七十一条 地面第三人损害赔偿的诉讼时效期间为二年，自损害发生之日起计算；但是，在任何情况下，时效期间不得超过自损害发生之日起三年。

第一百七十二条 本章规定不适用于下列损害：

(一) 对飞行中的民用航空器或者对该航空器上的人或者物造成的损害；

(二) 为受害人同经营人或者同发生损害时对民用航空器有使用权的人订立的合同所约束，或者为适用两方之间的劳动合同的法律有关职工赔偿的规定所约束的损害；

(三) 核损害。

第十三章 对外国民用航空器的特别规定

第一百七十三条 外国人经营的外国民用航空器，在中华人民共和国境内从事民用航空活动，适用本章规定；本章没有规定的，适用本法其他有关规定。

第一百七十四条 外国民用航空器根据其国籍登记国政府与中华人民共和国政府签订的协定、协议的规定，或者经中华人民共和国国务院民用航空主管部门批准或者接受，方可飞入、飞出中华人民共和国领空和在中华人民共和国境内飞行、降落。

对不符合前款规定，擅自飞入、飞出中华人民共和国

和国领空的外国民用航空器，中华人民共和国有关机关有权采取必要措施，令其在指定的机场降落；对虽然符合前款规定，但是有合理的根据认为需要对其进行检查的，有关机关有权令其在指定的机场降落。

第一百七十五条 外国民用航空器飞入中华人民共和国领空，其经营人应当提供有关证明书，证明其已经投保地面第三人责任险或者已经取得相应的责任担保；其经营人未提供有关证明书的，中华人民共和国国务院民用航空主管部门有权拒绝其飞入中华人民共和国领空。

第一百七十六条 外国民用航空器的经营人经其本国政府指定，并取得中华人民共和国国务院民用航空主管部门颁发的经营许可证，方可经营中华人民共和国政府与该外国政府签订的协定、协议规定的国际航班运输；外国民用航空器的经营人经其本国政府批准，并获得中华人民共和国国务院民用航空主管部门批准，方可经营中华人民共和国境内一地和境外一地之间的不定期航空运输。

前款规定的外国民用航空器经营人，应当依照中华人民共和国法律、行政法规的规定，制定相应的安全保卫方案，报中华人民共和国国务院民用航空主管部门备案。

第一百七十七条 外国民用航空器的经营人，不得经营中华人民共和国境内两点之间的航空运输。

第一百七十八条 外国民用航空器，应当按照中华人民共和国国务院民用航空主管部门批准的班期时刻或者飞行计划飞行；变更班期时刻或者飞行计划的，其经营人应当获得中华人民共和国国务院民用航

空主管部门的批准；因故变更或者取消飞行的，其经营人应当及时报告中华人民共和国国务院民用航空主管部门。

第一百七十九条 外国民用航空器应当在中华人民共和国国务院民用航空主管部门指定的设关机场起飞或者降落。

第一百八十条 中华人民共和国国务院民用航空主管部门和其他主管机关，有权在外国民用航空器降落或者飞出时查验本法第九十条规定的文件。

外国民用航空器及其所载人员、行李、货物，应当接受中华人民共和国有关主管机关依法实施的入境出境、海关、检疫等检查。

实施前两款规定的查验、检查，应当避免不必要的延误。

第一百八十一条 外国民用航空器国籍登记国发给或者核准的民用航空器适航证书、机组人员合格证书和执照，中华人民共和国政府承认其有效；但是，发给或者核准此项证书或者执照的要求，应当等于或者高于国际民用航空组织制定的最低标准。

第一百八十二条 外国民用航空器在中华人民共和国搜寻援救区内遇险，其所有人或者国籍登记国参加搜寻援救工作，应当经中华人民共和国国务院民用航空主管部门批准或者按照两国政府协议进行。

第一百八十三条 外国民用航空器在中华人民共和国境内发生事故，其国籍登记国和其他有关国家可以指派观察员参加事故调查。事故调查报告和调查结果，由中华人民共和国国务院民用航空主管部门告知该外国民用航空器的国籍登记国和其他有关国家。

第十四章 涉外关系的法律适用

第一百八十四条 中华人民共和国缔结或者参加的国际条约同本法有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

中华人民共和国法律和中华人民共和国缔结或者参加的国际条约没有规定的，可以适用国际惯例。

第一百八十五条 民用航空器所有权的取得、转让和消灭，适用民用航空器国籍登记国法律。

第一百八十六条 民用航空器抵押权适用民用航空器国籍登记国法律。

第一百八十七条 民用航空器优先权适用受理案件的法院所在地法律。

第一百八十八条 民用航空运输合同当事人可以选择合同适用的法律，但是法律另有规定的除外；合同当事人没有选择的，适用与合同有最密切联系的国家的法律。

第一百八十九条 民用航空器对地面第三人的损害赔偿，适用侵权行为地法律。

民用航空器在公海上空对水面第三人的损害赔偿，适用受理案件的法院所在地法律。

第一百九十条 依照本章规定适用外国法律或者国际惯例，不得违背中华人民共和国的社会公共利益。

第十五章 法律责任

第一百九十一条 以暴力、胁迫或者其他方法劫持航空器的，依照关于惩治劫持航空器犯罪分子的决定追究刑事责任。

第一百九十二条 对飞行中的民用航空器上的人员使用暴力，危及飞行安全，尚未造成严重后果的，依照刑法第一百零五条的规定追究刑事责任；造成严重后果的，依照刑法第一百零六条的规定追究刑事责任。

第一百九十三条 违反本法规定，隐匿携带炸药、雷管或者其他危险品乘坐民用航空器，或者以非危险品品名托运危险品，尚未造成严重后果的，比照刑法第一百六十三条的规定追究刑事责任；造成严重后果的，依照刑法第一百十一条的规定追究刑事责任。

企业事业单位犯前款罪的，判处罚金，并对直接负责的主管人员和其他直接责任人员依照前款规定追究刑事责任。

隐匿携带枪支子弹、管制刀具乘坐民用航空器的，比照刑法第一百六十三条的规定追究刑事责任。

第一百九十四条 公共航空运输企业违反本法第一百零一条的规定运输危险品的，由国务院民用航空主管部门没收违法所得，可以并处违法所得一倍以下的罚款。

公共航空运输企业有前款行为，导致发生重大事故的，没收违法所得，判处罚金；并对直接负责的主管人员和其他直接责任人员依照刑法第一百一十五条的规定追究刑事责任。

第一百九十五条 故意在使用中的民用航空器上放

置危险品或者唆使他人放置危险品，足以毁坏该民用航空器，危及飞行安全，尚未造成严重后果的，依照刑法第一百零七条的规定追究刑事责任；造成严重后果的，依照刑法第一百一十条的规定追究刑事责任。

第一百九十六条 故意传递虚假情报，扰乱正常飞行秩序，使公私财产遭受重大损失的，依照刑法第一百五十八条的规定追究刑事责任。

第一百九十七条 盗窃或者故意损毁、移动使用中的航行设施，危及飞行安全，足以使民用航空器发生坠落、毁坏危险，尚未造成严重后果的，依照刑法第一百零八条的规定追究刑事责任；造成严重后果的，依照刑法第一百一十条的规定追究刑事责任。

第一百九十八条 聚众扰乱民用机场秩序的，依照刑法第一百五十九条的规定追究刑事责任。

第一百九十九条 航空人员玩忽职守，或者违反规章制度，导致发生重大飞行事故，造成严重后果的，分别依照、比照刑法第一百八十七条或者第一百一十四条的规定追究刑事责任。

第二百条 违反本法规定，尚不够刑事处罚，应当给予治安管理处罚的，依照治安管理处罚条例的规定处罚。

第二百零一条 违反本法第三十七条的规定，民用航空器无适航证书而飞行，或者租用的外国民用航空器未经国务院民用航空主管部门对其原国籍登记国发给的适航证书审查认可或者另发适航证书而飞行的，由国务院民用航空主管部门责令停止飞行，没收违法所得，可以并处违法所得一倍以上五倍以下的罚款；没有违法所得的，处以十万元以上一百万元以下

的罚款。

适航证书失效或者超过适航证书规定范围飞行的，依照前款规定处罚。

第二百零二条 违反本法第三十四条、第三十六条第二款的规定，将未取得型号合格证书、型号认可证书的民用航空器及其发动机、螺旋桨或者民用航空器上的设备投入生产的，由国务院民用航空主管部门责令停止生产，没收违法所得，可以并处违法所得一倍以下的罚款；没有违法所得的，处以五万元以上五十万元以下的罚款。

第二百零三条 违反本法第三十五条的规定，未取得生产许可证书、维修许可证书而从事生产、维修活动的，违反本法第九十二条、第一百四十七条第二款的规定，未取得公共航空运输经营许可证或者通用航空经营许可证而从事公共航空运输或者从事经营性通用航空的，国务院民用航空主管部门可以责令停止生产、维修或者经营活动。

第二百零四条 已取得本法第三十五条规定的生产许可证书、维修许可证书的企业，因生产、维修的质量问题造成严重事故的，国务院民用航空主管部门可以吊销其生产许可证书或者维修许可证书。

第二百零五条 违反本法第四十条的规定，未取得航空人员执照、体格检查合格证书而从事相应的民用航空活动的，由国务院民用航空主管部门责令停止民用航空活动，在国务院民用航空主管部门规定的期限内不得申领有关执照和证书，对其所在单位处以二十万元以下的罚款。

第二百零六条 有下列违法情形之一的，由国务

院民用航空主管部门对民用航空器的机长给予警告或者吊扣执照一个月至六个月的处罚，情节较重的，可以给予吊销执照的处罚：

（一）机长违反本法第四十五条第一款的规定，未对民用航空器实施检查而起飞的；

（二）民用航空器违反本法第七十五条的规定，未按照空中交通管制单位指定的航路和飞行高度飞行，或者违反本法第七十九条的规定飞越城市上空的。

第二百零七条 违反本法第七十四条的规定，民用航空器未经空中交通管制单位许可进行飞行活动的，由国务院民用航空主管部门责令停止飞行，对该民用航空器所有人或者承租人处以一万元以上十万元以下的罚款；对该民用航空器的机长给予警告或者吊扣执照一个月至六个月的处罚，情节较重的，可以给予吊销执照的处罚。

第二百零八条 民用航空器的机长或者机组其他人员有下列行为之一的，由国务院民用航空主管部门给予警告或者吊扣执照一个月至六个月的处罚；有第（二）项或者第（三）项所列行为的，可以给予吊销执照的处罚：

（一）在执行飞行任务时，不按照本法第四十一条的规定携带执照和体格检查合格证书的；

（二）民用航空器遇险时，违反本法第四十八条的规定离开民用航空器的；

（三）违反本法第七十七条第二款的规定执行飞行任务的。

第二百零九条 违反本法第八十条的规定，民用航空器在飞行中投掷物品的，由国务院民用航空主管

部门给予警告，可以对直接责任人员处以二千元以上二万元以下的罚款。

第二百一十条 违反本法第六十二条的规定，未取得机场使用许可证开放使用民用机场的，由国务院民用航空主管部门责令停止开放使用；没收违法所得，可以并处违法所得一倍以下的罚款。

第二百一十一条 公共航空运输企业、通用航空企业违反本法规定，情节较重的，除依照本法规定处罚外，国务院民用航空主管部门可以吊销其经营许可证。对被吊销经营许可证的，工商行政管理部门应吊销其营业执照。

第二百一十二条 国务院民用航空主管部门和地区民用航空管理机构的工作人员，玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第十六章 附 则

第二百一十三条 本法所称计算单位，是指国际货币基金组织规定的特别提款权；其人民币数额为法院判决之日、仲裁机构裁决之日或者当事人协议之日，按照国家外汇主管机关规定的国际货币基金组织的特别提款权对人民币的换算办法计算得出的人民币数额。

第二百一十四条 本法自 1996 年 3 月 1 日起施行。