

中华人民共和国 民用航空器适航管理条例

(一九八七年五月四日国务院发布)

THE PEOPLE'S REPUBLIC OF CHINA
REGULATIONS FOR AIRWORTHINESS
OF CIVIL AIRCRAFT

(ISSUED BY THE STATE COUNCIL MAY 4, 1987)

中国民用航空局

CIVIL AVIATION ADMINISTRATION OF CHINA

中华人民共和国民用航空器 适航管理条例

第一条 为保障民用航空安全,维护公众利益,促进民用航空事业的发展,特制定本条例。

第二条 在中华人民共和国境内从事民用航空器(含航空发动机和螺旋桨,下同)的设计、生产、使用和维修的单位或者个人,向中华人民共和国出口民用航空器的单位或者个人,以及在中华人民共和国境外维修在中华人民共和国注册登记的民用航空器的单位或者个人,均须遵守本条例。

第三条 民用航空器的适航管理,是根据国家的有关规定,对民用航空器的设计、生产、使用和维修,实施以确保飞行安全为目的的技术鉴定和监督。

第四条 民用航空器的适航管理由中国民用航空局(以下简称民航局)负责。

第五条 民用航空器的适航管理,必须执行规定的适航标准和程序。

第六条 任何单位或者个人设计民用航空器,应当持

航空工业部对该设计项目的审核批准文件,向民航局申请型号合格证。民航局接受型号合格证申请后,应当按照规定进行型号合格审定;审定合格的,颁发型号合格证。

第七条 任何单位或者个人生产民用航空器,应当具有必要的生产能力,并应当持本条例第六条规定的型号合格证,经航空工业部同意后,向民航局申请生产许可证。民航局接受生产许可证申请后,应当按照规定进行生产许可审定;审定合格的,颁发生产许可证,并按照规定颁发适航证。

任何单位或者个人未按照前款规定取得生产许可证的,均不得生产民用航空器。但本条例第八条规定的除外。

第八条 任何单位或者个人未取得生产许可证,但因特殊需要,申请生产民用航空器的,须经民航局批准。

按照前款规定生产的民用航空器,须经民航局逐一审查合格后,颁发适航证。

第九条 民用航空器必须具有民航局颁发的适航证,方可飞行。

民航局颁发的适航证应当规定该民用航空器所适用的活动类别、证书的有效期限及安全所需要的其他条件和限制。

第十条 持有民用航空器生产许可证的单位生产的民

用航空器,经国务院有关主管部门批准需要出口时,由民航局签发出出口适航证。

第十一条 在中华人民共和国境内飞行的民用航空器必须具有国籍登记证。在中华人民共和国注册登记的民用航空器,具有中华人民共和国国籍,国籍登记证由民航局颁发。民用航空器取得国籍登记证后,必须按照规定在该民用航空器的外表标明国籍登记识别标志。

第十二条 中华人民共和国的任何单位或者个人进口外国生产的任何型号的民用航空器,如系首次进口并用于民用航空活动时,出口民用航空器的单位或者个人必须向民航局申请型号审查。民航局接受申请后,应当按照规定对该型号民用航空器进行型号审查;审查合格的,颁发准予进口的型号认可证书。

第十三条 中华人民共和国的任何单位或者个人租用的外国民用航空器,必须经民航局对其原登记国颁发的适航证审查认可或者另行颁发适航证后,方可飞行。

第十四条 任何单位或者个人的民用航空器取得适航证以后,必须按照民航局的有关规定和适航指令,使用和维修民用航空器,保证其始终处于持续适航状态。

第十五条 加装或者改装已取得适航证的民用航空器,必须经民航局批准,涉及的重要部件、附件必须经民航

局审定。

第十六条 中华人民共和国境内和境外任何维修单位或者个人,承担在中华人民共和国注册登记的民用航空器的维修业务的,必须向民航局申请维修许可证,经民航局对其维修设施、技术人员、质量管理体系审查合格,并颁发维修许可证后,方可从事批准范围内的维修业务活动。

第十七条 负责维修并放行在中华人民共和国注册登记的民用航空器的维修技术人员,必须向民航局提出申请,经民航局或者其授权单位考核合格并取得维修人员执照或者相应的证明文件后,方可从事民用航空器的维修并放行工作。

第十八条 民用航空器的适航审查应当收取费用。费用办法由民航局会同财政部制定。

第十九条 民航局有权对生产、使用、维修民用航空器的单位或者个人以及取得适航证的民用航空器进行定期检查或者抽查;经检查与抽查不合格的,民航局除按照本条例的有关规定对其处罚外,还可吊销其有关证件。

第二十条 使用民用航空器进行飞行活动的任何单位或者个人有下列情形之一的,民航局有权责令其停止飞行,并视情节轻重,处以罚款:

一、民用航空器未取得适航证的;

二、民用航空器适航证已经失效的；

三、使用民用航空器超越适航证规定范围的。

第二十一条 维修民用航空器的单位或者个人，有下列情形之一的，民航局有权责令其停止维修业务或者吊销其维修许可证，并视情节轻重，处以罚款：

一、未取得维修许可证，擅自承接维修业务的；

二、超过维修许可证规定的业务范围，承接维修业务的；

三、由未取得维修人员执照的人员负责民用航空器的维修并放行的。

第二十二条 任何单位或者个人违反本条例第七条规定，擅自生产民用航空器的，民航局有权责令其停止生产，并视情节轻重，处以罚款。

第二十三条 按照本条例受到处罚的单位的上级主管机关，应当根据民航局的建议对受罚单位的主要负责人或者直接责任人员给予行政处分；情节严重，构成犯罪的，由司法机关依法追究刑事责任。

第二十四条 民航局因适航管理工作的过失造成人身伤亡或者重大财产损失的，应当承担赔偿责任，并对直接责任人员给予行政处分；直接责任人员的行为构成犯罪的，由司法机关依法追究刑事责任。

第二十五条 民航局从事适航管理的工作人员，利用

职务之便营私舞弊的，应当给予行政处分；情节严重，构成犯罪的，由司法机关依法追究刑事责任。

第二十六条 任何单位或者个人对民航局作出的罚款决定不服的，可以在接到罚款通知书之日起十五日内向民航局提请复议，也可以直接向人民法院起诉；期满不提请复议也不起诉又不执行的，民航局可以申请人民法院强制执行。

第二十七条 民航局应当在广泛征求航空工业部及各有关部门意见的基础上，制定本条例的实施细则及有关技术标准。

第二十八条 本条例由民航局负责解释。

第二十九条 本条例自一九八七年六月一日起施行。

The people's Republic of China Regulations For Airworthiness of Civil Aircraft

Article 1 These regulations are formulated with a view to ensuring the safety of civil aviation, safeguarding the public interest and promoting the development of the civil aviation.

Article 2 Any organization or individual engaged in the design, production, operation and maintenance of civil aircraft (including aero engines and propellers, the same hereinafter) in the People's Republic of China, any organization or individual exporting civil aircraft to the People's Republic of China, and any organization or individual performing maintenance on civil aircraft of the People's Republic of China registry outside the territory of the People's Republic of China shall comply with these regulations.

Article 3 The regulation for airworthiness of civil aircraft shall be exercised through technical evaluation and supervision of the design,

production, operation and maintenance of civil aircraft for the purpose of ensuring flight safety in accordance with applicable State regulations.

Article 4 The Civil Aviation Administration of China (hereinafter referred to as CAAC) shall be the competent authority responsible for the regulation for airworthiness of civil aircraft.

Article 5 The prescribed provisions of airworthiness standards and procedures shall be implemented in the regulation for airworthiness of civil aircraft.

Article 6 Any organization or individual engaged in the design of civil aircraft shall make an application to the CAAC for a type certificate. Documents of review and approval of the designed it issued by the Ministry of Aviation Industry shall be submitted to the CAAC together with the application. Upon receiving the application for a type certificate, the CAAC shall conduct type certification activities in accordance with applicable regulations and a Type Certificate shall be issued if found qualified.

Article 7 Any manufacturer engaged in the production of civil aircraft shall have the necessary capability for production and hold a Type Certificate as provided in Article 6 of these regulations, and shall submit, after being approved by the Ministry of Aviation Industry, an

application to the CAAC for a production certificate. Upon receiving the application for a production certificate, the CAAC shall conduct production certification activities in accordance with applicable regulations and issue a Production Certificate to the manufacturer, and a Certificate of Airworthiness for each aircraft produced, if found qualified.

Any manufacturer not having obtained a Production Certificate in accordance with the provisions of the preceding paragraph, shall not be allowed to produce civil aircraft, except as provided in Article 8 of these regulations.

Article 8 In special cases, a manufacturer not having obtained a Production Certificate, may submit an application to produce civil aircraft and shall be subject to the approval of the CAAC.

Civil aircraft produced in conformity with the provision of the preceding paragraph shall be issued Certificate of Airworthiness only after the review and approval of the CAAC case by case.

Article 9 No civil aircraft may be airborne unless it possesses a Certificate of Airworthiness issued by the CAAC.

The Certificate of Airworthiness issued by the CAAC shall prescribe the categories of operation, the duration of the certificate and other conditions and limitations necessary for safety applicable to such

aircraft.

Article 10 In case of export, as approved by the competent authorities of the State Council, of the civil aircraft produced by the manufacturer holding a Production Certificate for the civil aircraft, an Export Certificate of Airworthiness shall be issued by the CAAC.

Article 11 A civil aircraft flying within the territory of the People's Republic of China must possess a Certificate of Nationality Registration. A civil aircraft registered in the People's Republic of China has the nationality of the People's Republic of China and its Certificate of Nationality Registration shall be issued by the CAAC. After obtaining a Certificate of Nationality Registration, a civil aircraft must display its nationality and registration marks for identification on the exterior of the civil aircraft in accordance with applicable regulations.

Article 12 If any organization or individual of the People's Republic of China imports for the first time civil aircraft of whatever type produced by a foreign country and the aircraft is to be used for civil aviation purposes, the organization or individual exporting such civil aircraft must submit an application to the CAAC for type certification. Upon receiving the application, the CAAC shall conduct type certification for the type of civil aircraft in accordance with

relevant regulations and if the aircraft is found qualified, the CAAC shall issue a Type Validation Certificate authorizing its import.

Article 13 A foreign civil aircraft leased by an organization or individual of the People's Republic of China may fly only after the CAAC has examined and validated the Certificate of Airworthiness issued by the original country of registry for that aircraft, or has issued a new Certificate of Airworthiness therefor.

Article 14 After a Certificate of Airworthiness has been issued for a civil aircraft of an organization or individual, the aircraft must be operated and maintained in accordance with the applicable regulations and airworthiness directives of the CAAC so as to ensure its continued airworthiness.

Article 15 Modification or alteration of a civil aircraft for which a Certificate of Airworthiness has been issued must be approved by the CAAC, and the major components, accessories involved must be evaluated and approved by the CAAC.

Article 16 Any organization or individual engaged in maintenance work within or outside the territory of the People's Republic of China, intending to undertake the maintenance of civil aircraft of the People's Republic of China registry must submit an application to the CAAC for a Maintenance Organization Certificate. The organization or individual

may undertake work within the approved scope only after the CAAC has evaluated and approved the maintenance facilities, qualification of technical personnel, and quality control system of such organization or individual, and has issued a Maintenance Organization Certificate accordingly.

Article 17 The maintenance personnel responsible for the maintenance and release of civil aircraft registered in the People's Republic of China must submit their application to the CAAC for licences. Such personnel may perform maintenance and release of civil aircraft only after the CAAC or its authorized agency has examined and approved their applications and has issued to them Maintenance Personnel Licences or corresponding certificates.

Article 18 The examination of airworthiness of civil aircraft shall be subject to charges which shall be stipulated by the CAAC jointly with the Ministry of Finance.

Article 19 The CAAC has the authority to make periodic or random surveys of the organizations or individuals that produce, operate and maintain civil aircraft, and on a civil aircraft which has been issued a Certificate of Airworthiness. If such an organization or individual is found disqualified in a periodic or random survey, the organization or individual shall be subject to a penalty by the CAAC

in accordance with the relevant provisions of these regulations, and the applicable certificates may also be revoked.

Article 20 The CAAC has the authority to order any organization or individual that operates civil aircraft to suspend the operation in any of the following cases, and impose a fine depending on the seriousness of the case:

1. Operating a civil aircraft without having obtained a Certificate of Airworthiness;

2. Operating a civil aircraft with a Certificate of Airworthiness that is no longer in force;

3. Operating a civil aircraft beyond the scope prescribed by the Certificate of Airworthiness.

Article 21 The CAAC has the authority to order any organization or individual that maintains civil aircraft to suspend the maintenance work or revoke the Maintenance Organization Certificate in any of the following cases, and impose a fine depending on the seriousness of the case:

1. Undertaking maintenance work without having obtained a Maintenance Organization Certificate;

2. Undertaking maintenance work beyond the scope prescribed in the Maintenance Organization Certificate;

3. Maintaining and releasing civil aircraft by unlicensed personnel.

Article 22 The CAAC has the authority to order any manufacturer producing civil aircraft without complying with the provisions of Article 7 of these regulations to suspend such production, and impose a fine depending on the seriousness of the case.

Article 23 The competent agency at a higher level shall take administrative disciplinary measures against the person in charge of the affected organization, or against the persons directly responsible at the discretion of the CAAC. In case of a gross violation which constitutes a crime, the criminal responsibilities shall be investigated and affixed by the judicial authorities in accordance with the law.

Article 24 In the event of personal injuries or deaths or heavy losses of property due to negligence in airworthiness certification, the CAAC shall be held responsible for indemnification, and take administrative disciplinary measures against the person directly responsible. If the act of a person directly responsible constitutes a crime, the criminal responsibilities shall be investigated and affixed by the judicial authorities in accordance with the law.

Article 25 If personnel of the CAAC engaged in airworthiness certification take advantage of their positions and practise graft, administrative disciplinary measures shall be taken against such

personnel. In case of gross violation which constitutes a crime, the criminal responsibilities shall be investigated and affixed by the judicial authorities in accordance with the law.

Article 26 If any organization or individual refuses to accept as final the decision of the CAAC to impose a fine, such organization or individual may request the CAAC to reexamine the case within 15 days from the date of receipt of the notice of fine, or may bring a suit to the people's court. If no such request or suit has been brought up nor any action taken to implement the decision within the specified period, the CAAC may apply to the people's court for enforcement.

Article 27 On the basis of opinions and comments extensively collected from the Ministry of Aviation Industry and various other departments concerned, the CAAC shall formulate rules, procedures, and relevant technical standards for the implementation of these regulations.

Article 28 The CAAC is responsible for the interpretation of these regulations.

Article 29 These regulations shall become effective on June 1st, 1987.