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Legislation related to Family Assistance
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Provisions on the Emergency Response and Family Assistance Relating to Civil Aircraft Flight Accidents

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Department: CIVIL AVIATION ADMINISTRATION OF CHINA

Subject: AVIATION

Order of Civil Aviation Administration of China (No. 155)

The Provisions on Emergency Response and Family Assistance Relating to Civil Aircraft Flight Accidents (CCAR-399) were adopted at the executive meeting of the Civil Aviation Administration of China on 31 August 2005

They are hereby promulgated and shall come into force as of 01 January 2006

Director Yang Yuanyuan - 07 October 2005

Chapter I

General Provisions

Article 1

For the purposes of enhancing the abilities to respond to civil aircraft flight accidents together with alleviating associated injuries and providing victims, survivors, missing persons and their families with necessary assistance - these Provisions are formulated in accordance with the Civil Aviation Law of the People's Republic of China, the Work Safety Law of the People's Republic of China and the relevant provisions of the State Council

Article 2

These Provisions shall apply to serious accidents occurring to aircraft engaging in commercial operations under CCAR121 and CCAA-135 within the territory of the People's Republic of China (excluding Hong Kong Special Administrative Region, Macao Special Administrative Region, and Taiwan Region) - and shall be investigated by the civil aviation administrative department of the State Council - with extremely severe civil aircraft flight being investigated upon authorization of the State Council

Article 3

The following terms as mentioned in these Provisions are defined as follows:

- The term "civil aircraft flight accident" refers to an accident which occurs during the course of public air transport associated with the operation of an aircraft - between the time any person boards the aircraft with the intention of flight and such time as all persons have disembarked, in which a person is killed or injured

- The term "serious or extremely severe civil aircraft flight accident" refers to a serious or extremely severe civil aircraft flight accident as defined according to the Grades of Civil Aircraft Flight Accidents (National Standards GB14648-93)
- The term "accident handling and coordinating team" refers to an organization or institution (as designated by the National Command for Handling Flight Accidents in accordance with the National Emergency Plan for Handling Civil Aircraft Flight Accidents) which shall be responsible for coordinating and acting as a liaison for the public aircraft transport enterprise to which a civil aircraft flight accident happened - together with the victims, survivors, missing persons and their families, involved in the accident concerned as well as other government departments and institutions - so as to offer assistance to the victims, survivors, missing persons and their families
- The term "victim" refers to any person whose death is directly caused by a civil aircraft flight accident, including the crew, passengers holding transport vouchers, free passengers, as well as the third party (ground victims)
- The term "survivor" refers to any person who survives because he / she has not suffered from a fatal injury
- The term "missing person" refers to any person missing - as directly caused by a civil aircraft flight
- The term "family members" refers to those persons who are the spouses, children, parents, brothers, sisters and grandparents of any victim, survivor or missing person involved in a civil aircraft flight accident

Article 4

The Civil Aviation Administration of China (CAAC) shall be responsible for the supervision and inspection of emergency responses and family assistance relating to civil aircraft flight accidents, urging the formulation and execution of assistance plans for the members of the public air transport enterprises and performing other duties in accordance with the National Emergency Plan for Handling Civil Aircraft Flight Accidents

The *regional* administrative bureau of civil aviation of China (hereinafter referred to as the RABCA) and its dispatched institutions shall, within their respective jurisdiction, assist in the work of emergency response and family assistance relating to civil aircraft flight accidents

Article 5

An immediate reporting system shall be adopted for civil aircraft flight accidents to public (civil) aviation transport enterprises (companies). An accident report shall be made in a timely and accurate manner.

No one may conceal, report any false information about or delay the reporting of any accident

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Article 6

The work of emergency response to a civil aircraft flight accident shall comply with the policy of focusing on the prevention and being always on the alert - whilst observing the principles of unified leadership and coordination, performing one's own duties, making a response in a timely manner and strengthening cooperation

Article 7

The family assistance task shall provide the victims, survivors, missing persons and their families with material and spiritual help by complying with the basic principle of timeliness, facilitation and humaneness

Chapter II

Accident Reporting

Article 8

After the occurrence of a civil aircraft flight accident, the entity or individual who discovers an accident shall lose no time in reporting the accident to the CAAC, the local RABCA or its dispatched institution and the local people's government. As soon as the local RABCA or its dispatched institution receives the report of an accident, it shall report it to the CAAC, maintain smooth contact with the CAAC and simultaneously notify the local people's government of the accident

After the people's government (of the location where the accident occurs) receives the relevant information about an accident, it shall, according to the relevant provisions, report it to the superior people's government and the local RABCA or its dispatched institution

Article 9

In the event that air traffic control loses contact with a civil aircraft within the prescribed time period, it shall report the situation to the CAAC as soon as possible

Article 10

As soon as the CAAC receives an accident report, it shall report to the State Council, Work Safety Supervisory and Administrative department and News Publicity Administrative Department of the State Council, and shall properly complete the follow-up reporting work

Article 11

The RABCA of the location where a civil aircraft flight accident occurs and the public air transport enterprise to which the accident occurs shall, within the prescribed time limit, complete the initial accident reporting form and submit it to the relevant departments

The date of report, departments to which the report is made, and contents to be reported shall comply with the National Emergency Plan for Handling Civil Aircraft Flight Accidents, the Provisions on the Administration Civil Aviation Safety Information as well as their annexes Aviation Emergency Response Plan

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Article 12

After the public air transport enterprise in which a civil aircraft flight accident occurs has reported the accident, if the number of casualties changes or if any other new circumstance occurs, it shall continue to report such change and new circumstance in a timely manner

Chapter III

Emergency Preparations and Responses of Government Departments

Article 13

After a civil aircraft flight accident occurs, the CAAC shall, according to the authorization of the State Council and the relevant provisions of the National Emergency Plan for Handling Civil Aircraft Flight Accidents, be responsible for organizing, coordinating and guiding the emergency handling of response, organize the accident investigation in pursuance of the relevant provisions of the state - and shall be responsible for inspecting, supervising and coordinating family assistance work

Article 14

The CAAC shall take effective measures to prevent civil aviation aircraft flight accidents, control the consequences thereof, stabilize air transport and resume normal operations as soon as possible

Article 15

The CAAC shall, according to the National Emergency Plan for Handling Civil Aircraft Flight Accidents and, within the scope of its own functions, formulate its emergency plan for handling civil aircraft flight accidents. An emergency plan shall cover:

- Composition of the emergency handling command and control team and the duties of the relevant departments
- Civil aircraft flight accident information reporting system, including the information gathering, analysis, reporting and circulating
- Emergency response to civil aircraft flight accidents
- Emergency safe-guarding against civil aircraft flight accidents
- Follow-up handling of a civil aircraft flight accident
- Information distribution system for civil aviation aircraft flight accidents and
- Other relevant matters

Article 16

A RABCA or each of its dispatched institutions shall, in light of actual circumstances within its own region, formulate an emergency plan for civil aircraft flight accidents occurring in this region and submit to the CAAC for approval

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Article 17

An emergency plan for civil aircraft flight accidents shall be periodically revised and supplemented according to the changes of the objective circumstances as well as the problems found in the execution thereof

Article 18

After a civil aircraft flight accident occurs, the CAAC and the RABCA shall promptly activate the emergency plan in light of the circumstances of the accident

Article 19

When the CAAC activates the emergency plan for civil aircraft flight accidents, it shall, within the scope of its own functions, simultaneously organize the relevant persons to deploy to the site of the accident without delay - and participate in the accident rescue work so as to avoid heavier losses

Article 20

After activation of an emergency plan to which these Provisions apply, the National Command for Handling Flight Accidents shall designate an accident handling and coordinating team as soon as possible, which shall be responsible for coordinating the emergency handling of the accident response, coordinate the liaison between the public air transport enterprise and the families - and help the accident investigation team to carry out the investigation work

Article 21

The accident handling and coordinating team shall publicize its telephone number and contact information so as to:

- obtain more information about the accident
- obtain more information about victims, survivors and missing persons
- identity authentication work and accident investigation as well as other relevant information.....and
- facilitate families contact

Article 22

The accident handling and coordinating team shall be empowered to demand the public air transport enterprise in which a civil aircraft flight accident occurs to provide information about the persons on board the aircraft. The public air transport enterprise shall provide it with such information at once

Article 23

The accident handling and coordinating team shall, jointly with the public air transport enterprise, be empowered to inspect the logistic assistance work relating to the families of the victims, survivors and missing persons, including the safety, quality of the facilities and equipment in their lodging places - and the protection of the privacy of the families

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Article 24

The accident handling and coordinating team, the public air transport enterprise in which the civil aircraft flight accident occurs and the people's government of the place where the accident happens shall form a joint center for family assistance so as to coordinate the services and activities relating to the families

Article 25

The accident handling and coordinating team shall maintain contact with the public air transport enterprise in which the civil aircraft flight accident occurs so as to obtain timely information about the progress in making contact with the families of the victims, survivors and missing persons

Article 26

The accident handling and coordinating team shall organize and convene a coordination meeting (in a timely manner), which shall be attended by the representatives of the public air transport enterprise in which the civil aircraft flight accident occurs and the people's government of the place where the accident happens, so as to solve the relevant problems and adjust the family assistance work in good time

Article 27

The accident handling and coordinating team shall offer (in a timely manner) the necessary information to the families of any confirmed victim, survivor or missing person so as to facilitate their access to the relevant information

Article 28

The accident handling and coordinating team shall announce the relevant information about the family assistance by proper (appropriate) means

Chapter IV

Public Air Transport Enterprise's Emergency Response and Family Assistance Tasks

Article 29

After the occurrence of a civil aircraft flight accident, the public air transport enterprise shall provide the families of the victims, survivors and missing persons involved in an accident with material and mental (psychosocial) assistance

Article 30

A public air transport enterprise shall formulate an emergency plan for civil aircraft flight accident, and shall organize an emergency drilling every year so as to (identify and) correct the potential problems in the emergency plan

Article 31

The public air transport enterprise shall submit a family assistance plan to the CAAC, which shall cover:

- a telephone number(s) which is rapidly available after the civil aircraft flight accident occurs, and a name list of the well-trained persons who are capable of handling the phone calls of the families of the passengers
- the procedure for giving timely notice to the families of the passengers
- the channel for offering to the competent authority the information about the persons aboard the aircraft as well as for updating such information
- the promise to negotiate with the family of each passenger about the disposition of the remains and personal effects of the victim
- the promise to train, where necessary, its personnel and agents so as to address the needs of the families of victims, survivors and missing persons involved in the accident
- a compensation plan
- procedures and organization for handling the funeral affairs of the victims..... and
- the promise to commit sufficient resources to carry out this plan

For any change to the family assistance plan, the public air transport enterprise shall report it to the CAAC for archival purposes within 10 days after the change

Article 32

As soon as the public air transport enterprise learns of a civil aircraft flight accident, it shall activate the emergency plan immediately and shall report the situation to the CAAC as soon as possible. The accident reporting information of a public air transport enterprise shall not only comply with the requirements as mentioned in Article 11 of these Provisions, but also provide the following information:

1. The emergency response measures taken after the occurrence of the accident
2. Main contact information, including the name and contact information of the general director for the onsite handling of the accident
3. The name, telephone number and location of the designated hotels for providing assistance to the families
4. The name and contact information of the persons who are responsible for providing the information of persons aboard the aircraft
5. The name and contact information of the persons who are responsible for notifying the families..... and
6. Other information relating to the accident

Article 33

The public air transport enterprise shall immediately announce the telephone number available for the inquiries of the families of the victims, survivors and missing persons

Article 34

The public air transport enterprise shall, as soon as possible, make initial notification to the family members of the victims, survivors and missing persons, and shall correct the information about the persons aboard the aircraft after verifying it against the boarding documents (and update notifications accordingly)

Article 35

A public air transport enterprise shall provide the accident coordinating team with a copy of the verified information about the persons aboard the aircraft, and shall make reports of further verified information

Article 36

A public air transport enterprise shall provide assistance to the families of the victims, survivors and missing persons - which shall include:

1. Providing transport support to family members to travel to and from the site of the accident
2. Providing necessary logistical support to the family members such as lodging, place of activities, etc.
3. Assigning trained personnel to provide family members with mental conciliation (psychological first aid)
4. Providing the victims, survivors and missing persons and their families with necessary medical health support
5. Providing necessary funds to carry out the family assistance tasks..... and
6. Providing other assistance relating to the civil aircraft flight accident

The public air transport enterprise shall be responsible for the abovementioned assistance expenses

Article 37

A public air transport enterprise shall publicize the progress of contacting the families so as to further contact the families of the victims, survivors and missing persons in a timely manner

Article 38

Where any foreign passenger(s) is involved in a civil aircraft flight accident, the public air transport enterprise shall report (in a timely manner) the necessary information about him /her / them to the accident coordinating team - so as to enable the foreign affairs department to contact the relevant foreign embassy in a timely manner

Chapter V
Emergency Response of Civil Airport

Article 39

After a civil aircraft flight accident occurs within the bounds of a civil transport airport (hereinafter referred to as the airport) or its adjacent area, efforts shall be made to organize rescue work at the location of accident so as to avoid heavier losses

Article 40

An airport shall make a rapid response to any civil aircraft flight accident that occurs on an airport or its adjacent area, take appropriate measures to avoid or reduce casualties as well as property losses, and shall provide necessary assistance for the public air transport enterprise to carry out rescue and assistance tasks.

The term "on an airport or its adjacent area" refers to the area within the enclosure of the airport as well as the area within a distance of 8 kilometers from the benchmark location of the airport

Article 41

The administrative department of an airport shall formulate an airport emergency plan and shall be responsible for the overall coordination of the emergency rescue tasks for the civil aircraft flight accidents that occur within the airport and its adjacent area. The emergency rescue plan of an airport shall, according to the relevant provisions, be reported to the CAAC or the RABCA for approval. Any modification to it shall be reported to the original approval organ for archival purposes

Article 42

The administrative department of an airport shall regularly organize emergency drills, for which the objectives shall comply with the relevant provisions

Article 43

An airport shall establish an airport emergency rescue leading team, which shall be composed of the local people's government, the RABCA, administrative department of the airport, air traffic regulatory department, public air transport enterprise and other entities stationed in this airport, to be responsible for the organization and coordination of the emergency rescue tasks for the civil aircraft flight accidents that occur within the airport and its adjacent area

Article 44

After a civil aircraft flight accident occurs within an airport or its adjacent area, the airport emergency rescue leading team shall organize and carry out rescue, and shall arrange rescue resources by coordinating the fire prevention, medical, public security and other departments of the airport

Article 45

The administrative department of an airport shall help the public air transport enterprise in which a civil aircraft flight accident occurs to carry out the family assistance tasks, such as facilitating their transportation, lodging, etc.

Article 46

During the course of an emergency rescue, the entities participating in the emergency rescue shall protect the site of the accident and the relevant evidence. They shall avoid moving any aircraft wreckage, fallouts and remains of the victims (where possible)

If it is necessary to move (any of the above e.g. to save life and / or to preserve evidence) at the site of accident, the site shall be photographed, videotaped or marked, a sketch of the site shall be drawn and transcripts shall be made

For any operating parts and / or injured and killed persons within the cabin of the aircraft, before it is moved, it (he) shall be photographed, a sketch shall be drawn and transcripts shall be made.

Chapter VI

Supplementary Provisions

Article 47

These Provisions shall come into force as of 01 January 2006

Article 48

Other civil aircraft flight accidents which are not prescribed in these Provisions shall be governed by these Provisions

Article 49

A public air transport enterprise which has obtained a business operation permit prior to the effectiveness of these Provisions shall submit a family assistance plan to the CAAC according to these Provisions within 180 days after these Provisions come into effect. Any applicant that files an application for a public air transport enterprise business operation permit after these provisions come into effect shall submit such a plan when it submits the aforesaid application

Article 50

Any matter which relates to the handling of civil aircraft flight accidents but is not specifically prescribed by these Provisions shall be addressed in pursuance of the pertinent provisions of the state