

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

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The Provisions on the 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 August 31, 2005. They are hereby promulgated and shall come into force as of January 1, 2006.

Director Yang Yuanyuan

October 7, 2005

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

Chapter I General Provisions

Article 1 For the purpose of enhancing the abilities to respond to flight accidents of civil aircrafts, alleviating the injuries of accidents, and providing the victims, survivors, missing persons and their families in such

accidents 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 the serious accidents, which happen in any aircrafts engaging in commercial operations under CCAR-121 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, and the extremely severe civil aircraft flight accidents that shall be 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 that 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, 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.

"Survivor" refers to any person who survives because he has not suffered from a fatal injury or he was saved from death though he suffered from a fatal injury in a civil aircraft flight accident.

"Missing person" refers to any missing person directly caused by a civil aircraft flight.

"Family members" refers to the persons who are the spouse, 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 with the public aviation transport enterprises as the accident reporting subject. 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.

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, and observe 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 work 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 place 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 regulatory department loses contact with a civil aircraft within the prescribed time period, it shall report it to the CAAC as soon as possible.

Article 10 As soon as the CAAC receives the report of an accident, 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 place where a civil aircraft flight accident occurs and the public air transport enterprise in which the accident occurs shall, within the prescribed time limit, fill in the initial reporting form for the unsafe incident in the civil aircraft flight and submit it to the relevant departments, reporting to them the brief information about the accident. 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.

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 the civil aircraft flight accident, 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 there, stabilize air transport, and resume the operations as soon as possible.

Article 15 The CAAC shall, according to the National Emergency Plan for Handling Civil Aircraft Flight Accidents, within the scope of its own functions, formulate its emergency plan for handling civil aircraft flight accidents.

An emergency plan shall cover:

- (1) the composition of the emergency handling command and the duties of the relevant departments;
- (2) civil aircraft flight accident information reporting system, including the information gathering, analysis, reporting and circulating;
- (3) emergency responses to the civil aircraft flight accidents;
- (4) emergency safeguard against civil aircraft flight accidents;
- (5) follow-up handling of a civil aircraft flight accident;
- (6) information announcement system for the civil aviation aircraft flight accidents; and
- (7) other relevant contents.

Article 16 An 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 submitted it to the CAAC for approval.

Article 17 An emergency plan for civil aircraft flight accidents shall be timely 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 head for the site of  
the  
accident without delay, participate in the accident rescue work so as to  
avoid heavier losses.

Article 20 After the activation of an emergency plan, if the civil  
aircraft  
flight accident to which these Provisions apply, the National Command  
for  
Handling Flight Accidents shall designate an accident handling and  
coordinating team as soon as possible, shall be responsible for  
coordinating  
the emergency handling of the accident, 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 civil aircraft flight accident, look for the information  
about the  
victims, survivors and missing persons, identity authentication work  
and  
accident investigation, as well as other relevant information, and to  
facilitate the families to contact with it.

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 offer the information about the persons aboard 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.

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 the contact with the public air transport enterprise in which the civil aircraft flight accident occurs so as to timely obtain its latest information about the progress in contacting with the families of the victims, survivors and missing persons.

Article 26 The accident handling and coordinating team shall timely organize and convene a coordination meeting, 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 timely offer 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 means.

#### Chapter IV Public Air Transport Enterprise's Emergency Responses and Family Assistance

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 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 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:

- (1) a telephone number 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;
  - (2) the procedure for giving a timely notice to the families of the passengers;
  - (3) the channel for offering to the competent authority the information about the persons aboard the aircraft as well as for updating such information;
  - (4) the promise to negotiate with the family of each passenger about the disposition of the remains and personal effects of the victim;
  - (5) 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;
  - (6) a compensation plan and procedures, and the procedures and organization for handling the funeral affairs of the victims; and
  - (7) 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 it 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) The main contact information, including the name and contact information of the general director for the onsite handling of the accident; the name, telephone number and location of the designated hotels for providing assistance to the families; the name and contact information of the persons who are responsible for providing the information of persons aboard the aircraft; the name and contact information of the persons who are responsible for notifying the families; and
- (3) 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.

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 includes:  
(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;  
(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 is involved in a civil aircraft  
flight accident, the public air transport enterprise shall timely  
report the  
necessary information about him 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 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 in 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 "in 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 rescue 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 emergent drills, for which the concrete requirements 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.  
If it is necessary to move the site of accident to rescue persons, preventing the accident from worsening or for any other reason, the site shall be photographed, videotaped or marked, a sketch of the site shall be drawn and transcripts shall be made.  
For any meters, operating parts, 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 January 1, 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.