

Order of the Ministry of Transport of People's Republic of China

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The Provisions on the Administration of Flight Regularity has been approved at the 6th executive meeting of the Ministry of Transport on March 24, 2016. It is hereby issued and shall come into force on January 1, 2017.

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*This is a translation of the Chinese version.
In case of divergence of interpretation, the Chinese version shall prevail.*

Provisions on the Administration of Flight Regularity

Charter 1 General Provisions

Article 1 These Provisions are developed in accordance with Civil Aviation Law of the People's Republic of China, the Law of People's Republic of China on the Protection of the Rights and Interests of Consumers, Regulations on the Administration of Civil Airports, and other relevant laws, and administrative regulations in order to improve flight regularity rate, effectively address flight delays, improve the quality of civil aviation services, protect the legitimate rights of consumers and maintain air transport order.

Article 2 These Provisions shall be applicable to the activities of air carrier (hereinafter referred to as domestic carrier) established in accordance with the law of the People's Republic of China, airport management authorities, ground service agents, aviation sales agents, air traffic management entities (hereinafter referred to as ATM entities), airport public security department, aviation fuel enterprises, aviation supplies enterprises, aviation information technology enterprises, as well as any other supporting service entities in an effort to ensure the regularity of flights, delay handling, and handling of passenger complaints.

These Provisions shall also apply to activities of carrier from Hong Kong, Macao, and Taiwan as well as foreign carrier with regard to the ensuring of flight regularity, and handling of delays and passenger complaints when carriers' flights originate from or have a stopover within Chinese territories (excluding Hong Kong, Macao and Taiwan).

These Provisions are not applicable for cargo and mail flights.

Article 3 The following terms used in these Provisions have the following meanings:

1. *Carrier* refers to any public air transport enterprise providing passenger, baggage, or cargo transport with civil aircraft. This includes domestic, Hong Kong, Macao, and Taiwan carriers as well as foreign carriers.
2. *Flight delay* refers to the situation where a flight's actual choke-on time is 15 minutes later than its scheduled arrival time.
3. *Flight departure delay* refers to the situation where a flight's actual choke-off time is 15 minutes later than its scheduled departure time.
4. *Flight cancellation* refers to the situation where a flight plan has been ceased to execute due to estimated flight delay or as a result of flight delay.
5. *Tarmac delay* refers to the situation when, either after closing the cabin door before departure or before opening the cabin door after arrival, passengers are waiting on-board for longer time than aircraft taxiing time limits as regulated by the airport.

6. *Civil aviation administrative authorities* refers to the Civil Aviation Administration of China (hereinafter referred to as CAAC) and the Regional Administrations of Civil Aviation Administration of China (hereinafter referred to as CAAC Regional Administrations).

7. *Large-scale flight delay* refers to a situation where a certain amount of arrival and departure flights were delayed or cancelled that cause a large number of passengers to be held up in the airport within a certain period of time. The airport is responsible authority for ascertaining large-scale flight delays according to flight traffic and airport supporting capabilities among other factors.

Article 4 CAAC is responsible for the overall oversight and administration of flight regularity, delay handling, and passenger complaints throughout the country.

CAAC Regional Administrations are responsible for the oversight and administration of flight regularity, delay handling, and passenger complaints within their respective jurisdictions.

Charter 2 Flight Regularity Support

Article 5 Carrier, airport management bodies, ATM, ground handling agents, and other supporting service units shall each establish its own system to guarantee flight operations as well as flight regularity.

The system should include a leading department, implementation measures, and an assessment mechanism.

Article 6 Carrier shall operate in accordance with allocated slots.

Article 7 Carrier shall improve the operational capabilities of aircraft and personnel to make full use of the instrument landing system or the equivalent precise approach and landing system. They shall also actively adopt new technologies to ensure flight safety and flight operation.

Article 8 Carrier shall reasonably arrange their capabilities and crew deployment so as to reduce flight delays due to carrier's own reasons.

Article 9 Airport shall strengthen equipment inspection and maintenance efforts to ensure the terminal and airfield area equipment is operating normally, and to reduce flight delays caused by equipment failure.

Article 10 Airport and ATM shall strengthen collaboration to optimize airport apron operations, improve the efficiency of ground operations, as well as provide effective monitoring of all inbound and outbound flights.

Article 11 Airport management bodies shall, according to the relevant regulations, install and use the instrument landing system or equivalent precise approach and

landing system. They shall also actively adopt new technologies to ensure flight safety and flight operation.

Article 12 Ground handling agents, carrier-operated ground handling services, and airport-managed ground handling services shall supply sufficient numbers of equipment and personnel according to the actual needs of supporting operation.

Article 13 ATM shall be responsible for the strict implementation of air traffic control procedures and standards to expedite air traffic flow and ensure flight regularity.

Article 14 ATM shall actively promote the application of new technologies to improve operational capability and ensure flight regularity.

Article 15 ATM shall, in accordance with regulations, strengthen weather forecasting and monitoring abilities to provide accurate aviation meteorological services to carrier.

Article 16 Aviation fuel, supplies, and information corporations as well as other supporting service units shall provide fuel, equipment, and information services to the best of their ability, in order to reduce delays caused by their own reasons.

Charter 3: Management of Flight Delays

Section 1 General Provisions

Article 17 Carrier shall formulate and publicize their General Conditions of Carriage as well as clearly state passenger services in case of departure delay and cancellation, and inform the passengers at the time of purchase.

General Conditions of Carriage of domestic carrier shall include whether compensation is provided in the event of delays. If compensation is provided, domestic carrier shall outline the conditions, standards, and method of compensation.

Article 18 Carrier shall actively explore other means for compensation relief such as a delay insurance program, and systems for making delay insurance claims.

Article 19 Carrier who have signed an agreement for an agency to handle their ground services or sales shall outline in the agreement standards and procedures applicable in the event of a departure delay.

Article 20 Carrier and sales agents shall accurately record passenger information entries and are responsible for informing passengers of their flight status in a timely manner.

Article 21 Carrier, airport management bodies, and ground handling agents shall each formulate ground handling procedures and emergency response plan for

alternative flights.

Airport management bodies and ground handling agents who have reached alternative flight agreements with carrier shall provide services according to the agreement.

If the contracted alternative airport is unable to accommodate a flight and the flight requests to land at another alternative airport, that airport must, under the premise of safety, provide the services to the best of its ability, without excuse.

Article 22 When a flight departure is delayed or cancelled, carrier, airport management bodies, ATM, ground handling agents, and sales agents shall increase communications and information sharing.

Carrier shall report information about their flight departure delays or the reasons of cancellations and flight status to airport management bodies, ATM, ground handling agents, and sales agents every 30 minutes.

ATM shall, according to regulations, report weather conditions, air traffic flow control, and flight departure delay and dispatch information to carrier and airport.

Airport management bodies shall, according to regulations, report flight gate information and apron information to carrier, ground handling agents, and ATM.

Article 23 Airport shall formulate an overall emergency response plan and organize drills for all concerning parties in the airport to prepare for the event of a large area flight delay.

Carrier, ground handling agents, ATM, and other supporting service units shall each formulate emergency response plan to prepare for the event of a large area flight delay.

All related units in the airport shall obey the organization and coordination of the airport management bodies to participate in drills and implement all supporting services.

Article 24 Passengers shall be well-behaved when boarding, and protect their interests in a legal manner. They shall not break into airport restricted areas, block security check areas or boarding gates, trespass apron, taxiways, or runways, block and forcibly board or seize aircraft, damage facilities or equipment, or carry out activities that would disturb aviation operations.

Article 25 If a passenger exhibits any of the actions in article 24 that disturb civil aviation operations, carrier, ground handling agents, airport, and any other relevant parties shall call the police.

Airport public security department, upon receiving such notice, shall handle the situation lawfully and in a timely manner in order to maintain civil aviation operations.

Section 2 Passenger Service of Flight departure Delays

Article 26 Once a departure delay or cancellation is noticed, all relevant parties shall, according to their duties and responsibilities, make the following announcements:

1. Carrier shall announce the departure delay or cancellation through public information platform, official websites, call centers, short messages, telephone calls, or broadcast within 30 minutes of receiving confirmation in order to provide passengers with timely and accurate information including delay or cancellation reasons and flight status.

2. Airport shall use public platforms in the terminal to inform passengers of departure delay or cancellation information.

3. Sales agents shall promptly inform passengers of departure delay or cancellation information in accordance with the information provided by the carrier.

All parties shall reinforce coordination and communication to guarantee the accuracy and consistency of public announcements.

Passengers who disagree with the accuracy of announcements provided by carrier, airport management bodies, or sales agent may report the situation to CAAC for verification after their trip.

Article 27 In the event of a departure delay or cancellation, carrier shall, according to the general conditions of transport and ticket use conditions, provide refund or endorsement services.

Carrier shall promptly provide written proof of a flight delay or cancellation if requested by a passenger.

Article 28 In the event of a departure delay or cancellation, carrier shall, according to the general conditions of transport, provide passenger services.

Article 29 In the event of a departure delay or cancellation, carrier and ground handling agents shall, according to the following policies, provide food and accommodation:

1. Carrier shall provide food and accommodation for passengers in the event of departure delays or cancellations at the origin due to aircraft maintenance, flight deployment/adjustments, crew or any other reasons caused by the carrier.

2. Carrier shall assist passengers in arranging food and accommodation in the event of departure delays or cancellations at the origin due to weather, emergency situations, air traffic control, security issues, passengers, or other non-carrier related reasons. All costs are borne by passengers.

3. Carrier shall provide food and accommodation for passengers in the event of delays or cancellations at a stopover on domestic flights regardless of the reasons.

4. Domestic carrier shall provide food and accommodation for passengers on a diverted flight regardless of the reasons.

Article 30 In the event of a departure delay or cancellation, carrier, sales agents, and ground handling agents shall give priority to disabled persons, senior citizens, the pregnant, unaccompanied minors, and other passengers who require special care.

Article 31 Airport shall provide medical services for passengers in the terminal building.

Section 3 Tarmac Delays

Article 32 Carrier shall formulate and publicize an emergency response plan for tarmac delays. The plan should include delay notifications, catering services times, and the conditions for and restrictions on disembarkation.

The emergency response plan should be coordinated with airport management bodies, customs, immigration and security departments.

Article 33 In the event of a tarmac delay, carrier shall report to passengers every 30 minutes the reasons, estimated delay period, and other dynamic flight information.

If a tarmac delay is caused by either air flow control or military activities, ATM shall report to carrier every 30 minutes the dynamic flight information.

Article 34 In the event of a tarmac delay, carrier shall ensure the availability of lavatory facilities under the premise of safety.

If a tarmac delay exceeds 2 hours (including 2 hours), carrier shall provide food and water for passengers.

Article 35 If a tarmac flight delay exceeds 3 hours (including 3 hours) and there is no definite take-off time, carrier shall arrange for disembarkation as long as safety and security regulations are followed.

Article 36 In the event of a tarmac delay, airport management bodies and ground handling agents shall assist carrier in providing the related services.

Section 4 Large Area Flight Delays

Article 37 In the event of a large area flight delay, airport management bodies and all units operating at the airport shall together establish a coordination mechanism

including procedures for sharing information, coordinating flight release, and passenger services.

Article 38 Airport management bodies shall promptly initiate and implement the large area flight delay emergency response plan together with carrier, ground handling agents, airport police department, ATM, and other supporting service units.

Article 39 In the event of a large area flight delay, ATM shall, according to regulations, inform the related parties of the reason, estimated departure time, and any other related dynamic information.

Airport management bodies shall establish a promulgation procedure and a public platform to provide the public with real-time information about the delay and management of such a delay.

Article 40 In the event of a large area flight delay, ATM shall coordinate with carrier, airport management bodies, ground handling agents, to execute the flight release coordination system.

Article 41 In the event of a large area flight delay, airport management bodies shall execute the passenger services coordination system, coordinating with carrier, ground handling agents, airport public security department, and other related units to provide related services.

Airport management bodies shall assist customs, immigration, and quarantine according to in-bound and out-bound flight situations, to ensure passengers undergo inspection quickly.

If a large area flight delay occurs at night, airport management bodies shall coordinate with related parties to extend the operating hour of airport shuttle bus.

Article 42 In the event of a large area flight delay, the airport public security department shall increase the number of police on duty to maintain aviation operations and order.

Article 43 Airport management bodies shall establish a large area flight delay coordination mechanism plan with the local government. Airport management bodies may also request assistance from the local government if necessary.

Charter 4: Passenger Complaints Management

Article 44 In order to preserve one's legitimate rights, passengers may file a complaint with carriers, airport management bodies, airport ground handling agents, sales agents, or CAAC. Passengers can also chose to file for arbitration or civil lawsuit.

Article 45 Carrier, airport management bodies, ground handling agents, and sales agents shall establish a specialized institution or designate an individual responsible

for receiving complaints. They shall also make the institution or individual's contact information such as telephone number or email address publicly available. Contact information shall also be filed with the CAAC.

CAAC shall be informed in writing within 5 days of changing the contact information of the institute or individual responsible for receiving complaints.

Hong Kong, Macao, and Taiwan carrier as well as foreign carrier shall be capable of handling complaints in Chinese.

Article 46 Carrier, airport management bodies, ground handling agents, sales agents, and CAAC shall respond and indicate complaint status to a passenger including the acceptance and handling of a complaint within 7 days of receiving the complaint.

Domestic carrier, airport, ground handling agents, sales agents, and CAAC shall respond with substantial information within 10 days of receiving the complaint. Carrier from Hong Kong, Macao, and Taiwan and foreign carrier shall respond with substantial information within 20 days of receiving the complaint.

Carrier, airport management bodies, ground handling agents, and sales agents shall document the complaint and the resolution in writing and the record shall be kept for at least 2 years.

Article 47 If the carrier, airport management group, ground handling agents, or sales agents' complaints management fails to comply with regulations and CAAC requests them to make rectifications, they must follow the request.

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