

*Translation for Reference Only*

**Measures for the Management of Passenger Complaints about Public Air  
Transport Services**

**Chapter 1 General Provisions**

**Article 1** In order to adopt a standardized approach to the management of passenger complaints about public air transport services and safeguard the legitimate rights and interests of consumers, measures contained herein are formulated in accordance with laws, rules and regulations such as the *Civil Aviation Law of the People's Republic of China*, the *Law of the People's Republic of China on the Protection of Consumer Rights and Interests*, and *Regulations on the Management of Public Air Transport Services for Passengers*.

**Article 2** The term “complaint” as mentioned herein refers to the act of the complainant and the respondent requesting the settlement of a civil claim in relation to a dispute between them with respect to the public air transport services for passengers.

A complainant may file a complaint either with the respondent or with the civil aviation administrative authorities; the Measures shall apply to the complaints made by complainants to the civil aviation administrative authorities.

Complaints herein do not include matters involving such aspects as personnel, discipline inspection, civil aviation operation safety, security and customs.

**Article 3** A complainant refers to a natural person who is involved in a dispute with the respondent associated with the public air transport services for passengers, including passengers and ticket buyers.

The respondent includes carriers, airport authorities, ground handling agents, ticket sales agents and online travel platform operators established in accordance with the laws of the People's Republic of China and engaging in serving passengers using public air transport.

**Article 4** The Civil Aviation Administration of China (CAAC) established the Consumer Affairs Center to accept all of the complainants' complaints to civil aviation administrative authorities, which are filed through the civil aviation service quality supervision hotline 12326 and the civil aviation service quality supervision platform (including web page [www.12326.cn](http://www.12326.cn) and its APP).

The civil aviation service quality supervision platform is a comprehensive management system for the Consumer Affairs Center and respondents to accept and

process complaints.

**Article 5** CAAC shall be responsible for the overall supervision and management of passengers' complaints about public air transport services.

The Consumer Affairs Center is responsible for receiving, forwarding, supervising the processing of and conducting mediation for complaints, as well as operating and maintaining the civil aviation service quality supervision hotline and the civil aviation service quality supervision platform.

## **Chapter 2 Acceptance of Complaints**

**Article 6** A complaint shall meet the following conditions:

- (1) it shall be the ones as provided for in Article 2 herein;
- (2) the complainant shall provide his/her real name, identity document information and valid contact information; if another person is entrusted to file the complaint on the complainant's behalf, the trustee shall provide the power of attorney and the identity document information of the two;
- (3) it shall include specific complaint requests and corresponding facts of the dispute;
- (4) it shall be filed within 6 months from the date of its occurrence.

**Article 7** The Consumer Affairs Center will not accept a complaint if:

- (1) the complaint fails to meet the conditions stipulated in Article 6 herein;
- (2) a court or arbitration institution is conducting a hearing or arbitration on the complaint, or a judgment or arbitration has become legally effective;
- (3) the complaint has been closed based on the provisions herein;
- (4) the complaint does not fall within the scope of civil aviation services.

**Article 8** If a complaint contains a claim necessitating an investigation into administrative offences in the field of public air transport services for passengers, the Consumer Affairs Center shall inform the complainant to report as per relevant reporting rules, but the civil claims in the complaint, however, shall be processed in accordance with the Measures.

**Article 9** The Consumer Affairs Center shall, within 7 working days from the date of receipt of a complaint, judge whether the complaint meet the acceptance conditions, and provide the complainant with feedback on the acceptance or not of the complaint through the civil aviation service quality supervision platform:

(1) if the complaint meets the acceptance conditions, the complainant shall be informed of the acceptance and the processing time limit.

(2) if the complaint does not meet the acceptance conditions, the complainant shall be informed of the decision on the rejection of the complaint and the justification for such a decision.

### **Chapter 3 Handling of Complaints**

**Article 10** The Consumer Affairs Center shall, through the civil aviation service quality supervision platform, forward a complaint fulfilling the acceptance conditions, to a respondent for processing.

If more than one respondent is involved in the same complaint, the Consumer Affairs Center shall forward the complaint respectively to relevant respondents for processing.

**Article 11** If the respondent finds that the complaint does not meet the conditions of acceptance, or if the complaint is incorrectly forwarded to a respondent, the respondent shall report such occurrence to the Consumer Affairs Center through the civil aviation service quality supervision platform within 3 working days from the date of receipt of the complaint.

The Consumer Affairs Center shall verify such occurrence within 3 working days and take relevant actions through the civil aviation service quality supervision platform:

(1) if the complaint does not meet the conditions of acceptance, the Center shall inform the complainant of the decision on the rejection of the complaint and the justification for such a decision;

(2) if the complaint is incorrectly forwarded to a respondent, the Center shall forward it to the correct respondent and inform the complainant of the acceptance and the processing time limit.

**Article 12** If after having filed a complaint, the complainant files another claim against the same respondent based on the same matter within the processing time limit, the Consumer Affairs Center shall handle the two claims as a single complaint. The time limit shall be recalculated from the date on which the complainant files the new claim.

**Article 13** The respondent shall, within 10 working days from the date of receipt of the complaint forwarded by the Consumer Affairs Center, provide the outcome of the complaint to the complainant via the civil aviation service quality supervision platform, which shall include:

(1) the basic facts and relevant evidence identified based on what has been described

in the complaint;

(2) the solution to the complaint and relevant basis for such a solution.

**Article 14** If a complainant files more than one claim in the same complaint, the respondent shall provide the outcome and solution respectively for each claim.

**Article 15** If the complainant is not satisfied with the outcome of the complaint provided by the respondent, he/she may file an application to the Consumer Affairs Center for mediation in accordance with the provisions of Chapter 4.

**Article 16** If the complainant is satisfied with the outcome of the complaint, or if the complainant is not satisfied with the outcome but fails to apply for mediation within the prescribed time limit, the complaint shall be closed.

#### **Chapter 4 Mediation**

**Article 17** Where a complainant applies for mediation, he/she shall submit an application for mediation to the Consumer Affairs Center through the civil aviation service quality supervision platform within 10 working days after the outcome is provided by the respondent.

**Article 18** After receiving the application for mediation, the Consumer Affairs Center shall assign a designated person to preside over the mediation, in full consultation with both the complainant and the respondent on the mediation request and keep a record of the mediation.

Mediation can be conducted via online meeting, telephone call, audio and video conference, and other means.

**Article 19** The Consumer Affairs Center shall complete the mediation process within 20 working days from the date of receipt of the mediation request, and provide feedback on the outcome of mediation through the civil aviation service quality supervision platform:

(1) if an agreement is reached through mediation, the Consumer Affairs Center shall, after confirmation by both parties, form a final mediation agreement;

(2) if the mediation fails to lead to an agreement or fails to be conducted due to special circumstances, the Consumer Affairs Center shall state, among others, the facts of the dispute, the reasons for the failure of mediation, and the follow-up ways whereby the complainant can safeguard his/her rights.

After the Consumer Affairs Center provides feedback on the outcome of mediation, the complaint is closed.

**Article 20** If the complainant is still not satisfied following the closure of the complaint based on Articles 16 and 19, he/she may seek to safeguard his/her rights through other lawful means, including submitting an arbitration request or filing a lawsuit in court in accordance with the law.

## **Chapter 5 Supervision and Management**

**Article 21** The Consumer Affairs Center shall have the right to urge the respondent to process complaints as required by the Measures.

**Article 22** Where in the course of processing a complaint, the Consumer Affairs Center finds that the respondent committed illegal acts, including being suspected of seriously infringing upon the legitimate rights and interests of consumers, it shall promptly report to CAAC which shall designate the CAAC regional administration concerned to investigate and address such acts.

**Article 23** The respondent shall be responsible for the authenticity of the materials provided, including the state and associated evidence of the complaint.

**Article 24** The Consumer Affairs Center and the respondent shall maintain the complaint records which shall be kept for at least three years.

**Article 25** A complainant shall provide objective and truthful complaint facts and materials, and shall not deliberately fabricate facts to frame others, or blackmail by means of complaints, concoct false information to damage business reputation or maliciously collude to gain other interests by fraud.

## **Chapter 6 Supplementary Provisions**

**Article 26** The time limit calculated by using working days in the Measures does not include the day of complaint, it all shall be counted from the next day.

**Article 27** The Measures shall apply to the foreign carriers and the carriers from Hong Kong, Macao and Taiwan which engage in serving passengers using public air transport and whose flights originate from or transit in the territory of the People's Republic of China (excluding Hong Kong, Macao and Taiwan).

**Article 28** CAAC shall be responsible for the interpretation of the Measures.

**Article 29** The Measures shall come into force as of September 1, 2021. CAAC *Notice on the Issuance of Measures for the Management of Consumer Complaints about Public Air Transport Services* (CAAC Order No. 26 (2018)) shall be abolished on the same day.