

《外国公共航空运输承运人运行规则》

(第一次修订征求意见稿)

OPERATION APPROVAL REQUIREMENTS: FOREIGN AIR CARRIERS ENGAGED IN COMMON CARRIAGE OPERATIONS WITHIN CHINA

(DRAFT FOR FIRST REVISION)

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A 章 总 则

Subpart A - General

129.1 [目的和依据]

CCAR-129.1 Purpose and Statutory Basis

为了对在中华人民共和国境内实施运行的外国公共航空运输承运人进行运行批准和监督检查，保证其在中国境内的运行安全，根据《国务院对确需保留的行政审批项目设定行政许可的决定》，制定本规则。

This Part is promulgated, pursuant to the *Decision of the State Council on Establishing Administrative Licenses for the Administrative Examination and Approval Items Really Necessary to Be Retained*, to conduct Operations approvals and oversight and surveillance of foreign air carriers engaged in common carriage operations within the People's Republic of China, and ensure that foreign air operator achieve and maintain an acceptable level of operational safety.

129.3 [适用范围]

CCAR-129.3 Applicability

本规则适用于符合下列条件的公共航空运输承运人：

This Part shall apply to the foreign air carrier who:

(a)持有外国民用航空管理当局颁发的批准其实施公共航空运输飞行的航空运营人合格证或其他等效证件；

(a) Holds an Air Operator Certificate or equivalent document, issued by the Civil Aviation Authority of the State of the Operator, authorizing it to conduct common carriage operations; and

(b)使用或计划使用飞机或直升机在中国境内进行起降，实施定期或不定期公共航空运输飞行。

(b) Operates or intends to operate airplanes or helicopters to conduct scheduled air services or nonscheduled air transportation operations to or from China.

129.5 [定义]

CCAR-129.5 Definitions

(a)公共航空运输：是指以营利为目的，使用民用航空器为他人提供旅客、行李、邮件或者货物运送服务的行为。

(a) “Common carriage operations” refer to air operations using civil aircraft to provide public transportation of passengers, baggage, mail, or freight for the purpose of profit.

(b)定期公共航空运输：按照承运人预先公布的起飞时间、起始地点和终止地点实施的公共航空运输。包括公布航班时刻表的定期航班运输，以及在定期航班运输的航线上临时增加的、预先确定起飞时间

并告知旅客的加班运输。不包括承运人与客户协商确定上述时间和地点的公共航空运输包机飞行。

(b) “Scheduled Air Services” refers to air transportation operations conducted by any air carrier in accordance with the published departure time, departure location, and arrival location. It includes scheduled flight operations with a published timetable, and extra flights operated on scheduled routes, for which the departure time is predetermined and passengers are notified. But it does not include any public charter operation in which the departure time, departure location, and arrival location are specifically negotiated between the carrier and the customer.

(c)不定期公共航空运输：除定期公共航空运输以外的公共航空运输。

(c) “Nonscheduled Air Services”, or nonscheduled air transportation operations, refers to any air transportation operations other than scheduled air services.

(d)第三国：是指该外国公共航空运输承运人所在国和中国以外的国家。

(d) “Third State” refers to any state other than the State of the foreign air operator and China.

(e)受控副本:是指符合航空运营人制定的文件管理制度,可以确定其相对于原件的符合性、有效性和受控状态的文件副本。受控副本可是电子文件形式。

(e) “Controlled copy” refers to the certified copy of the original document, the management of which is in accordance with the relevant documents control policies established by the air operator. The uniformity, validity and control status of each controlled copy can be identified or verified against its original master copy.

129.7 [运行批准和监督检查的基本要求]

CCAR-129.7 General Requirements for Operations Approvals and Oversight and Surveillance

(a) 本规则 129.3 条规定的民用航空器承运人应当通过中国民用航空局指定管辖权的民航地区管理局按照本规则实施的运行批准，取得民航地区管理局签发的《外国公共航空运输承运人运行规范》，方可在中国境内实施公共航空运输飞行。

(a) As required by paragraph 129.3 of this Part, no operator of a civil aircraft may conduct any common carriage operations in China unless the operator has been approved according to this regulation by the jurisdictional Regional Administration designated by the CAAC, and been issued Operations Specifications for a Foreign Air Transportation Carrier.

(b) 《外国公共航空运输承运人运行规范》的持有人(以下简称“运行规范持有人”)在中国境内实施公共航空运输飞行必须遵守下列文

件中的相应规定:

(b) When conducting common carriage operations within China, the holder of Operations Specifications for a Foreign Air Transportation Carrier (hereinafter referred to as “the holder of CCAR-129 Operations Specifications”) shall comply with relative provisions of but not limited to the following:

(1) 本规则以及按本规则颁发的运行规范;

(1) This Part and Operations specifications issued under this Part;

(2) 《国际民用航空公约》附件六《航空器运行》的标准条款;

(2) Standards contained in International Civil Aviation Convention Annex 6 *Operation of Aircraft*;

(3) 《中华人民共和国飞行基本规则》和中国民用航空规章中对外国民用航空器进行运行管理、安全管理和空中交通管制的相关规定;

(3) *General Flight Rules of the People’s Republic of China*, and other applicable provisions in China Civil Aviation Regulations governing the operation management, safety oversight and air traffic control of foreign civil aircraft;

(4) 从事危险品运输时, 中国民用航空规章《中国民用航空危险品运输管理规定》(CCAR-276 部);

(4) Rules on Management of Dangerous Goods Transportation by Air (CCAR-276), in case the transportation of dangerous goods is involved;

(5)其他相关法律、法规和规章。

(5) Other applicable laws, rules and regulations.

(c)运行规范持有人所在国民用航空管理当局为其颁发的航空运营人合格证或等效文件中所规定的运行条件和限制，同样适用于运行规范持有人在中国境内的运行。民航地区管理局颁发的运行规范所批准的运行范围不得超出这些合格证或等效文件中批准的范围。运行规范持有人所在国民用航空管理当局颁发的航空运营人合格证或等效文件的内容发生变化，需要对运行规范作相应修改时，运行规范持有人应当立即通知相应的民航地区管理局，并在5个工作日内按照本规则129.33条的要求申请运行规范的修改。

(c) When operating within China, foreign air operators shall not exceed the conditions and limitations prescribed in its Air Operator Certificate and Operations Specifications issued by the State of the Operator. The CCAR-129 Operations Specifications issued by the Regional Administration in Charge should not convey any additional or further authorization to the foreign air operator beyond the conditions and limitations prescribed in its Air Operator Certificate and Operations Specifications issued by the State of the Operator. In the case of an amendment to the contents of the foreign air operator's Air Operator Certificate and/or Operations Specifications or equivalent documents has been made by the State of the Operator, which necessitates an amendment to its CCAR-129 Operations Specifications, the holder of CCAR-129

Operations Specifications shall immediately notify the Regional Administration in Charge and apply for amendments within 5 working days in accordance with the requirements of paragraph 129.33 of this Part.

(d) 对于运行规范持有人所在国民航主管部门颁发的合格证及其运行规范中没有明确或具体规定的特殊运行批准及中国境内的特殊运行要求，民航地区管理局可根据国际民航组织或中国规章相关要求对运行规范持有人进行评估，确定其具备安全运行能力后方可批准其实施该种运行。

(d) For certain special operations which are not clearly prescribed and authorized in its Air Operator Certificate and Operations Specifications issued by the State of the Operator, the CAAC Regional Administration in Charge may, as required by the applicable provisions concerning that kind of special operations, grant approvals for the requested operations, upon the completion of a review and evaluation in accordance with the applicable requirements contained in ICAO rules and China Civil Aviation Regulations, and verifying that the holder of CCAR-129 Operations Specifications is capable of conducting the operations safely.

(e) 运行规范持有人在中国境内运行时，应当接受中国民用航空局、民航地区管理局对其航空器和人员实施的监督检查。

(e) When operating within China, the holder of CCAR-129

Operations Specifications shall make their aircraft and personnel subject to the oversight and surveillance by the CAAC and/or the Regional Administrations in Charge.

(f)对于《国际民用航空公约》附件六《航空器运行》和附件十八《空运危险品的安全运输》规定的标准和建议措施,如果运行规范持有人所在国的民用航空管理当局已经向国际民航组织通知了差异,运行规范持有人可以向民航地区管理局提交相应的豁免或偏离申请。民航地区管理局经评估认为其能够达到同等安全水平后,可以批准其豁免或偏离申请。

(f) For the Standards and Recommended Practices in International Civil Aviation Convention Annex 6 *Operation of Aircraft* and Annex 18 *The Safe Transport of Dangerous Goods by Air*, if the State of the Operator has notified the International Civil Aviation Organization (ICAO) of the differences, the holder of CCAR-129 Operations Specifications shall make application for the appropriate deviation/exemption approval to the Regional Administration in Charge. If the Regional Administration finds an equivalent level of safety is achieved upon completion of an assessment, a deviation/exemption approval may be granted to the holder of CCAR-129 Operations Specifications.

129.9 [使用等效标准情况下的偏离]

CCAR-129.9 Deviations in the case of equivalent standards

(a)对于符合下列要求的从事不定期公共航空运输的外国公共航空运输承运人，经中国民用航空局批准，可以不取得运行规范即在中国境内实施运行：

(a) After obtaining approval from the CAAC, the following foreign air carriers conducting non-scheduled air transportation may conduct the operations within China without being issued CCAR-129 Operations Specifications, provided the operator:

(1)连续 12 个日历月内的飞行次数不超过 10 次，或者在特定时期内从事某项特定的运输任务；特定的运输任务是指紧急医疗救护、救灾、特殊人员物资转移等具有特殊性质，对社会公众具有特殊意义，且时间紧迫的民航运输任务。

(1) Operates or intends to operate no more than 10 flight cycles during any 12 consecutive months, or engages in a special transportation service during certain period of time. Special Transportation Services refer to those operations of particular interest to the public, being emergent in nature, such as emergency medical services, disaster relief operations and transportation of specific personnel or substances.

(2)向中国民用航空局提供承运人所在国民用航空管理当局颁发的批准其飞入中国境内并证明其具有安全运行能力的航空运营人合格证或等效文件。

(2) Presents to the CAAC the approval for flying into China issued by the Civil Aviation Authority of the State of the Operators, and the Air Operator Certificate or equivalent documents showing it is capable of conducting operations safely.

(b)前款所述的承运人在中国境内运行时，应当接受中国民用航空局、民航地区管理局对其航空器和人员实施的监督检查。

(b) When operating within China, the foreign air carriers as referred to in subparagraph (a) of this paragraph shall make their aircraft and personnel subject to the surveillance and inspections by the CAAC and the Regional Administration in Charge.

129.11 [湿租的限制]

CCAR-129.11 Limitations of Wet Lease Operations

除经局方批准外，运行规范持有人不得湿租除本规则运行规范持有人、CCAR-121 部运行规范持有人或 CCAR-135 部运行规范持有人以外运营人的飞机实施本规则运行。

Unless otherwise authorized by the CAAC, the holder of CCAR-129 Operations Specifications may not conduct operations under this part by wet leasing airplanes from another air operator other than a holder of CCAR-129 Operations Specifications, CCAR-121 Operations Specifications or CCAR-135 Operations Specifications.

129.13 [使用在第三国注册航空器的限制]

CCAR-129.13 Limitations of Operations Using Aircraft Registered in a Third State

(a) 除非经民航局批准，运行规范持有人不得使用在第三国注册的航空器在中国境内实施本规则的运行，包括干租或湿租。

(a) Unless otherwise authorized by the CAAC, the holder of CCAR-129 Operations Specifications may not conduct operations (neither wet lease nor dry lease operations) under this Part within China by using an aircraft registered in a third state.

(b) 对于已经获得批准在中国境内使用在第三国注册的航空器运行的，运行规范持有人可以继续实施相关运行，但是，除非经民航局批准，于2015年1月1日起，不得再使用在第三国注册的航空器在中国境内运行。

(b) Foreign air operators who have been approved to conduct common carriage operations within China by wet-leasing aircraft from a third state operator may continue to operate as so. However, from January 1, 2015, no foreign air operator may wet-lease aircraft from a third state operator to conduct common carriage operations within China unless otherwise authorized by the CAAC.

B 章 运行批准的条件和程序

Subpart - B Application Conditions and Procedures for Operation Approvals

129.21 [运行规范的申请]

CCAR-129.21 Application for Foreign Air Transportation Carrier Operations Specifications

(a) 运行规范的申请人应当向中国民用航空局指定管辖权的民航地区管理局提交按中国民用航空局规定格式填写的申请书。

(a) Applicants for the issuance of Foreign Air Transportation Carrier Operations Specifications shall submit a Letter of Application in a form and manner prescribed by the CAAC to the designated CAAC Regional Administration.

(b) 在提交申请书的同时，申请人应当提交下列文件：

(b) Together with the Letter of Application, the applicant shall also submit the supporting documents as follows:

(1) 申请人所在国民用航空管理当局为其颁发的航空运营人合格证和运行规范或等效文件，在这些文件中应当载明批准其实施的运行范围和运行种类等事项；

(1) The Air Operator Certificate and Operations Specifications, or equivalent documents, issued by the State of the Operator, in which such permitted items as the areas and kinds of operations shall be listed;

(2)计划飞入中国境内的航空器的清单，清单中应当载明航空器的型号、国籍和登记标志；

(2) List of aircraft the applicant intends to use in China, in which type of aircraft, nationality and registration marks of each aircraft shall be stated;

(3)证明其得到飞入中国境内的经济批准的文件或相应的申请文件，该文件应当载明其计划飞行的机场、航路和区域，以及相应的飞行频次；

(3) The document showing that the economic authority to conduct operations within China has been obtained, or the appropriate application materials, listing the airports, routes and areas of operations to be used, and the frequency of flights;

(4) 局方要求提供的其他文件。

(4) Other documents the Regional Administration in Charge deems necessary.

(c)申请书应当按照中国民用航空局规定的内容如实填写。申请人应当如实提交有关材料和反映真实情况，并对申请材料实质内容的真实性负责。

(c) The application shall be completed according to the provisions prescribed by the CAAC. An applicant must ensure the accuracy and completeness of information furnished to the Administrator. And the applicant shall be held responsible for the truthfulness of the application

materials.

(d) 申请人提交的上述文件应使用中文或英文版本。申请书应当是由法人代表或其授权人签署的原件,其他资料提供电子文件是可以接受的。

(d) The above required documents submitted by applicants shall be either in Chinese or in English. The original copy of the Letter of Application, signed by the applicant's legal representative or other person authorized by the legal representative, shall be enclosed in the application materials, while all other documents may be in electronic version.

129.23 [申请的受理]

CCAR-129.23 Acceptance of the Applications for Foreign Air Transportation Carrier Operations Specifications

(a) 对于材料不齐全或者不符合格式要求的申请,民航地区管理局应当在收到申请之后的 5 个工作日内书面通知申请人需要补正的全部内容。逾期不通知即视为在收到申请之日受理。申请人按照民航地区管理局的通知提交全部补正材料的,民航地区管理局应当受理申请。

(a) If the application documents are incomplete, or improperly prepared, the Regional Administration in Charge should inform the applicant within 5 working days after receiving the application, in a

Letter of Notification outlining the improperly prepared items, and when applicable the corrective action(s) required before the approval process may continue. If the Regional Administration fails to notify the applicant within the time limit, the application shall be regarded as having been accepted as of the date when the application documents are received. The Regional Administration in Charge shall accept the application once the document preparation is corrected in accordance with the Letter of Notification.

(b) 民航地区管理局受理或不予受理申请，应当向申请人出具加盖管理局印章并注明日期的书面凭证。

(b) The Regional Administration in Charge shall notify the applicant of whether the application is accepted or rejected in a Letter of Acceptance/Rejection, which shall bear the seal of the responsible authority.

129.25 [审查和批准]

CCAR-129.25 Review and Approval

(a) 民航地区管理局应当自受理申请之日起 20 个工作日内对申请人的申请材料进行审查并做出是否批准的决定。民航地区管理局组织实施检验、检测和专家评审的时间不计入前述 20 个工作日的期限。

(a) After receiving an application, the Regional Administration in

Charge shall, within 20 working days, finish the document review and make the determination on whether to grant approval or not. The time spent on verification check, other necessary tests and/or panel review organized by the Regional Administration should not be counted in the above mentioned 20 working days.

(b)民航地区管理局完成实质内容的审查核实，包括对航空公司相应机构的实地检查后，认为申请人符合下列全部条件，则为该申请人颁发运行规范，批准其实施所申请的运行：

(b) The Regional Administration in Charge shall issue Foreign Air Transportation Carrier Operations Specifications to authorize the requested operations, upon finding that the applicant meets the following requirements based on document review and verification check of the applicant's facilities:

(1)申请人所在国民用航空管理当局为其颁发的航空运营人合格证或等效文件中，允许申请人实施所申请的运行；

(1) The requested operations has been authorized in the applicant's Air Operator Certificate and Operations Specifications or equivalent documents issued by the Civil Aviation Authority of the State of the Operator ;

(2)申请人了解本规则 129.7(b)款规定的所有文件的要求，并能按照这些要求安全实施运行；

(2) The applicant has knowledge of the requirements of all

documents as provided in subparagraph 129.7(b), and shows the ability to conduct safe operations in accordance with those requirements;

(c) 民航地区管理局经审查认为申请人不符合本条(b)款所列条件，可以拒绝为其颁发运行规范，也可以根据实际的审查情况，为申请人颁发批准其部分申请的运行规范。民航地区管理局在作出前述决定之前，应当告知申请人享有依法申请行政复议或提起行政诉讼的权利。

(c) The Regional Administration in Charge may, at its discretion, reject the application or grant part of the requested operations, upon finding that the applicant does not meet the requirements as provided in subparagraph (b) of this paragraph. In making this decision, the Regional Administration in Charge shall notify the applicant of the right to request for administrative reviews or administrative appeals.

129.27 [运行规范的内容]

CCAR-129.27 Contents of Foreign Air Transportation Carrier Operations Specifications

运行规范至少包含下列内容:

The Foreign Air Transportation Carrier Operations Specifications shall include but not limited to the following items:

(a) 运行规范持有人的名称和地址;

(a) The name and address of the holder of CCAR-129 Operations Specifications;

(b) 运行规范持有人与民航地区管理局进行业务联系的机构的名称和通信地址;

(b) The name and mailing address of the operations specifications holder's agent who serves as the primary point of contact between the Regional Administration in Charge and the holder of CCAR-129 Operations Specifications;

(c) 运行规范的编号和生效日期;

(c) The number and effective date of the Foreign Air Transportation Carrier Operations Specifications;

(d) 管辖该运行规范持有人的民航地区管理局内设机构的名称;

(d) The name of the Regional Administration of CAAC who has jurisdiction over the holder of CCAR-129 Operations Specifications;

(e) 被批准的运行种类, 在本规则中分为定期载客运行、不定期载客运行和全货机运行;

(e) Types of operations authorized (i.e., one or more of the prescribed operations under this Part: scheduled passenger-carrying operations, non-scheduled passenger-carrying operations, and all-cargo operations);

(f) 说明经审定, 该运行规范持有人符合本规则的相应要求, 批准其按所颁发的运行规范实施运行;

(f) A statement that certifies that the holder of CCAR-129 Operations Specifications meets the appropriate requirements of this Part and is authorized to conduct its operations according to the Foreign Air Transportation Carrier Operations Specifications;

(g)对每种运行的实施规定的权利、限制和主要程序;

(g) The authorizations, limitations and certain procedures under which each kind of operation, if applicable, is to be conducted;

(h)每个级别和型别的航空器在运行中所需要遵守的其他程序;

(h) Any other special procedures under which each category and type of aircraft is to be operated;

(i)批准使用的每架航空器的型号、系列编号、国籍标志和登记标志,运行中需要使用的每个正常使用机场、备降机场和加油机场。除发生需要备降的紧急情况外,运行规范持有人不得使用未列在运行规范中的任何航空器或机场;

(i) Type of aircraft, serial numbers, and nationality and registration marks of each aircraft authorized for use, and each regular, alternate, provisional and refueling airport to be used in its operations. The holder of CCAR-129 Operations Specifications may not conduct any operation using any aircraft or airport not listed in the Operations Specifications unless the use of that aircraft or airport is justified by emergency situation(s);

(j)批准运行的航线和区域及其限制;

- (j) Authorization and limitations for routes and areas of operations;
- (k) 机场的限制;
- (k) Airport limitations;
- (l) 民航局颁发的豁免和民航地区管理局批准的偏离;
- (l) Any authorized exemption granted by the CAAC and deviation approved by the Regional Administration in Charge; and
- (m) 民航地区管理局认为必需的其他内容。
- (m) Any other item the Regional Administration in Charge deems necessary.

129.29 [运行规范的有效期限]

CCAR-129.29 Effectiveness and Duration of Foreign Air Transportation Carrier Operations Specifications

(a) 除非申请人书面声明拒绝接受相关条款，运行规范在主任监察员签字后立即生效;

(a) The Foreign air transportation carrier Operations Specifications shall become effective immediately upon signing by the principal inspector, unless the applicant refuses to accept the relevant Operations Specifications in writing;

(b) 除发生下列情况失效或效力中止外，运行规范长期有效:

(b) Foreign Air Transportation Carrier Operations Specifications

issued under this Part are effective until:

(1)运行规范持有人自愿放弃;

(1) The holder of CCAR-129 Operations Specifications voluntarily surrenders it to the authority;

(2)局方暂扣、吊销该运行规范;

(2) The CCAR-129 Operations Specifications are suspended or revoked by the Regional Administration in Charge;

(3)运行规范持有人所在国民用航空管理当局为其颁发的航空运营人合格证或等效文件失效;

(3) The carrier's Air Operator Certificate and Operations Specifications or equivalent documents issued by Civil Aviation Authority of the State of the Operator becomes ineffective;

(4)运行规范持有人连续 12 个日历月没有在中国境内的运行。

(4) The holder of CCAR-129 Operations Specifications has not conducted any operation within China for any 12 consecutive calendar months;

(c)运行规范被暂扣、吊销或因其他原因而失效时,运行规范持有人应当在 5 个工作日将运行规范交还局方。

(c) If the CCAR-129 Operations Specifications are suspended, revoked or become ineffective for any other reason, the holder of CCAR-129 Operations Specifications shall surrender it to the Regional Administration in Charge within 5 working days.

(d)发生下列情况时，则运行规范部分条款失效：

(d) The Foreign Air Transportation Carrier Operations Specifications shall partially become ineffective, if:

(1)运行规范持有人连续 12 个日历月没有在中国境内实施某特定运行；

(1) The holder of CCAR-129 Operations Specifications has not conducted certain operations within China for any 12 consecutive calendar months;

(2)运行规范特定条款规定的期限到期。

(2) Any specific validity requirement contained in the Foreign Air Transportation Carrier Operations Specifications expires.

129.31 [运行规范的保存和检查]

CCAR-129.31 Preservation and Accessibility of Foreign Air Transportation Carrier Operations Specifications

(a)运行规范持有人设在中国境内与航空器运行相关的分支机构和代理人应当保存一份现行有效的运行规范的受控副本，并且应当接受中国民用航空局和民航地区管理局的检查。

(a) The holder of CCAR-129 Operations Specifications shall keep a controlled copy of its current Foreign Air Transportation Carrier Operations Specifications in its branch office and by its agent that are set

up in China and related to their aircraft operations, and make them available for inspection by the CAAC and the CAAC Regional Administrations.

(b) 对于在中国境内的运行航站没有设立分支机构的本规则运行规范持有人,应当在其运行服务提供商中指定负责其航空器运行的代理人,并由代理人维护运行规范的受控副本。

(b) For any holder of CCAR-129 Operations Specifications who has not set up a branch or had any employee at certain outstation in China, a representative in that station shall be designated among its operations service providers to be held responsible for the maintenance of the controlled copies of its current Foreign Air Transportation Carrier Operations Specifications.

129.33 [运行规范的修改]

CCAR-129.33 Amendments of Foreign Air Transportation Carrier Operations Specifications

(a) 下列情形下,颁发运行规范的民航地区管理局可以修改按本规则颁发的运行规范:

(a) The Regional Administration in Charge may amend the Foreign Air Transportation Carrier Operations Specifications issued under this Part, when:

(1)民航地区管理局认为为了安全和公众利益需要修改;

(1) the Regional Administration in Charge determines that an amendment is necessary for the sake of aviation safety and public interests;

(2)运行规范持有人申请修改,民航地区管理局认为其申请满足本规则的要求;

(2) The holder of CCAR-129 Operations Specifications applies for an amendment, and the Regional Administration in Charge determines that the request meets the requirements under this Part;

(3)运行规范持有人所在国民用航空管理当局为其颁发的航空运营人合格证或等效文件的内容发生变化,按照本规则 129.7(c)款的要求应当修改运行规范的。

(3) An amendment to the contents of the foreign air operator's Air Operator Certificate or equivalent documents has been made by the Civil Aviation Authority of the State of the Operator, which requires its Operations Specifications to be amended according to the requirements as provided in subparagraph 129.7 (c).

(b)除本条(d)款规定的情形外,民航地区管理局提出修改运行规范时,应当使用下列程序:

(b) Except for circumstances as provided in subparagraph (d) of this paragraph, when the Regional Administration in Charge initiates an amendment to the Foreign Air Transportation Carrier Operations

Specifications, the following procedure should apply:

(1) 民航地区管理局以书面形式提出修改内容, 通知运行规范持有人;

(1) The Regional Administration in Charge notifies the holder of the CCAR-129 Operations Specifications in writing of the proposed amendment;

(2) 运行规范持有人可以在收到通知后的 7 个工作日内对修改内容提出书面意见;

(2) The holder of CCAR-129 Operations Specifications shall submit written comments on the amendment to the Regional Administration in Charge within 7 working days after the notification is received;

(3) 民航地区管理局在考虑运行规范持有人的意见后, 作出修改决定并通知运行规范持有人, 运行规范持有人可以在接到通知后 5 个工作日内提出申诉意见。

(3) After considering the comments presented by the holder of the Operations Specifications, the Regional Administration in Charge makes the decision(s) and notifies the holder of CCAR-129 Operations Specifications of the decision(s) in written form. And the holder of CCAR-129 Operations Specifications may petition for the reconsideration of the decision(s) within 5 working days of the date that the holder receives the notification;

(4) 民航地区管理局考虑运行规范持有人的申诉意见后, 作出决定

并颁发运行规范的修改项。

(4) Having considered that petition filed by the holder of the Operations Specifications, the Regional Administration in Charge makes a decision and issues the amendments to the Operations Specifications.

(c) 运行规范持有人申请修改其运行规范，应当参照本规则 129.21、129.23 和 129.25 条的规定进行，民航地区管理局应当在受理申请之后的 20 个工作日内作出许可决定。

(c) When the holder of CCAR-129 Operations Specifications applies for an amendment to its Operations Specifications, it shall follow the provisions in paragraphs 129.23 and 129.25. The Regional Administration in Charge shall make a decision on whether to grant approval or not within 20 working days after accepting the application.

(d) 如果民航地区管理局发现存在危及安全、需要立即行动的紧急情况，不能按照本条(b)、(c)款规定的程序修改运行规范，则可采取下列措施：

(d) If the Regional Administration in Charge finds that an emergency exists requiring immediate action with respect to safety that makes the procedures set out in subparagraphs (b) and (c) of this paragraph impracticable, the following procedure shall apply:

(1) 民航地区管理局可以单方面决定修改运行规范，修改项在运行规范持有人收到该修改通知之日起生效。

(1) The Regional Administration in Charge may make its own

decision to amend the Foreign Air Transportation Carrier Operations Specifications and makes the amendment effective upon the day the holder of CCAR-129 Operations Specifications receives the Notice of Imminent Amendments;

(2)在发给运行规范持有人的通知中，应当说明原因，指出存在危及安全、需要立即行动的紧急情况，或者指出修改推迟生效将违背公众利益的情况。

(2) In the Notice of Imminent Amendments to the holder of CCAR-129 Operations Specifications, the Regional Administration in Charge shall articulate the reasons necessitating the imminent amendments, and indicate that an emergency exists requiring immediate action with respect to safety, or that it is impracticable or contrary to the public interest to stay the effectiveness of the amendment.

C 章 监督检查和运行的一般要求

Subpart C - General Requirements for Oversight and Surveillance and Operations

129.41 [监督检查的实施]

CCAR-129.41 Conducting Checks and Inspections

(a)中国民用航空局和民航地区管理局及其派出机构可以对运行规范持有人设在中国境内的与航空器运行相关的分支机构和代理人

进行检查；运行规范持有人的航空器在中国境内停留时，中国民用航空局和民航地区管理局及其派出机构可以在不事先通知的情况下登机检查。如果按照前述方法无法确认运行规范持有人的安全运行能力，中国民用航空局和地区管理局可以在必要时对运行规范持有人设在其本国境内的基地实施检查，以及进入运行规范持有人的航空器驾驶舱实施航路检查。运行规范持有人应当配合检查。

(a) The CAAC, the CAAC Regional Administrations and their agencies are responsible for inspecting the foreign air operator's branch and its agent in relation with aircraft operations set up within China. During the stay of the foreign aircraft within the territory of China, the CAAC and the CAAC Regional Administrations and their agencies are authorized to, at any time, conduct inspections onboard without any advance notification. If the foreign air operator's capability for safe operations cannot be confirmed through these inspections, the CAAC and the CAAC Regional Administrations and their agencies are authorized to perform base inspections at its main operations base in the State of the Operator, or to conduct enroute inspections in the cockpit of the operator's aircraft, if deemed necessary. The holder of CCAR-129 Operations Specifications shall be cooperative during such inspections.

(b) 中国民用航空局和民航地区管理局及其派出机构应当对运行规范持有人的运行情况进行全面检查，包括对各种手册和文件的检查；登机检查时，可以对航空器的适航状态、航空器携带的文件资料

以及航空人员的证件进行检查。

(b) The CAAC and the CAAC Regional Administrations and their agencies may conduct comprehensive inspections on the operations of the holder of CCAR-129 Operations Specifications, including the review to the manuals and documents. When conducting an onboard inspection, the CAAC and the CAAC Regional Administrations and their agencies are authorized to inspect the airworthiness status of the aircraft, documents carried onboard, and all airman certificates.

(c) 中国民用航空局和民航地区管理局及其派出机构实施检查, 按照本规则 129.7(b) 款所述文件中的规定进行。

(c) The CAAC and the CAAC Regional Administrations and their agencies shall conduct the inspections according to the requirements as provided in subparagraph 129.7(b).

129.43 [航空器和机组应携带的文件资料]

CCAR-129.43 Documents and Certificates to Be Carried Onboard

(a) 运行规范持有人飞入中国境内的航空器上至少应当携带下列文件:

(a) The holder of CCAR-129 Operations Specifications shall ensure at least the following documents are carried on each flight to China:

(1) 所在国民航主管部门颁发的运行合格证和运行规范的受控

副本;

(1) The controlled copies of the foreign air operator's Air Operator Certificate and Operations Specifications issued by the Civil Aviation Authority of the State of the Operator;

(2) 航空器的国籍登记证、适航证和无线电电台执照;

(2) The current aircraft registration certificate, airworthiness certificate, and radio station license issued;

(3) 运行手册中与机组人员所履行的职责相关的部分。其中与飞行的实施直接相关的部分，应当放置在机组成员值勤时易于取用的位置;

(3) The current parts of the Operations Manual relevant to the duties of the crew. Those parts of the Operations Manual which are directly related to the conduct of a flight shall be kept in a place readily accessible to the flight crew on duty;

(4) 航空器飞行手册或等效资料;

(4) The current approved Aircraft Flight Manual or the equivalent document, and

(5) 包含航空器维修信息的飞机飞行记录本。

(5) The aircraft technical logbook containing information on the maintenance status of the aircraft.

(b) 除本条(a)款所述文件外，还应当根据运行的实际情况，在航空器上携带与运行的类型和区域相适应的下列文件:

(b) In addition to the documents prescribed in subparagraph (a) of this paragraph, every foreign air operator, when operating within China, shall also carry onboard the following documents relevant to the type and area of operations:

(1)重量与平衡单，以及旅客和货物装载舱单；

(1) The weight and balance sheet, and the loading manifest of passengers and cargoes;

(2) 签派或飞行放行单，以及满足国际民航组织要求的飞行计划；

(2) The dispatch or flight release form and filed flight plan in ICAO format;

(3)航行通告、航空信息服务文件和相应的气象资料；

(3) The appropriate NOTAMs, AIS briefing documentation and meteorological information appropriate for the area of intended operations;

(4)装运特殊货物(包括危险品)的通知单；

(4) The notification of special loads including any dangerous goods;
and

(5)适用于运行区域的航图；

(5) The aeronautical charts appropriate for the area of intended operations;

(c)飞行机组成员应当携带适用于该次运行的航空人员执照和体检合格证。

(c) The flight crew shall carry the current airman licenses and medical certificates appropriate to their duties.

129.45 [飞行记录器和驾驶舱话音记录器数据的保留]

CCAR-129.45 Preservation of Data Recorded on Flight Data Recorders and Cockpit Voice Recorders

运行规范持有人的航空器发生由中国民用航空局负责调查的事故或事故征候后,应当按照中国民用航空局的要求保留飞行记录器和驾驶舱话音记录器所记载的数据。

In the event of an aircraft incident or accident under the investigation of the CAAC, the holder of CCAR-129 Operations Specifications shall preserve the original recorded data on the Flight Data Recorders (FDRs) and the Cockpit Voice Recorders (CVRs) in accordance with the applicable CAAC requirements.

129.47 [应急频率的监听]

CCAR-129.47 Monitoring of Emergency Frequencies

在中国境内实施商业运输运行期间,外国民用航空运营人的航空器在空中时,机长应当在条件允许的情况下始终监听 VHF121.50Mhz 应急频率,并且该频率上的监听音量应当处于机组可以明确辨识语音通信内容的位置上。

When operating within China, the pilot-in-command of the foreign air operator's aircraft shall keep monitoring the emergency frequency (VHF121.50Mhz) whenever practical while airborne, and keep the volume of the monitored frequency at such a level that voice signals should be clearly intelligible to the crewmembers.

129.49 [空中防撞系统的配置和运行要求]

CCAR-129.49 Requirements for the Installation and Operations of ACAS

在中国境内实施商业运输运行期间，外国民用航空运营人使用的航空器应当配置 ACAS II 或以上版本的空中防撞系统。该设备在签派或飞行放行时应当是正常工作的。

No foreign air operator may operate commercial air transportation with a civil aircraft within China unless the aircraft is equipped with an approved ACAS II, or a later version. And no person may dispatch or release an aircraft for operations under this Part unless the ACAS installed is operative at the time of flight dispatch or flight release.

129.51 [航空器与机场的使用]

CCAR-129.51 Using aircraft and airport

在制定飞行计划时,运行规范持有人不得在中国境内使用未列在

其经批准的本规则运行规范中的任何航空器或机场。

In the draw up of the flight plan, the holder of CCAR-129 Operations Specifications shall not use any aircraft or airport not listed in the approved the CCAR-129 Operations Specifications within China.

D 章 法律责任

Subpart D-Legal Liability and Penalties

129.61 [概则]

CCAR-129.61 General

(a)除本条(b)款规定的情形外，本章适用于已通过运行批准的运行规范持有人和按照本规则 129.9 条得到偏离批准的外国公共航空运输承运人。

(a) This subpart is applicable to those operations specification holders who have been issued the Foreign Air Transportation Carrier Operations Specifications and those foreign air transportation carriers who have obtained the deviation according to paragraph 129.9, except for conditions as prescribed in subparagraph (b) of this paragraph.

(b)对于处于运行批准过程中的运行规范申请人，如存在弄虚作假行为，民航地区管理局可以终止其运行批准进程，并在证实其弄虚作假行为之日起至少 6 个日历月内，不再受理该申请人的申请；情节严重的，局方可以决定在一年以上三年以下的期限内不再受理该申请人

的相应申请。如果获得运行批准之后发现有明确证据表明运行规范持有人在申请获得运行批准期间弄虚作假，局方可以改变或撤销其已获得的相关批准，并且在至少 6 个日历月内不再受理该申请人的申请。

(b) If an applicant for Foreign Air Transportation Carrier Operations Specifications, during the period of operation approval process, resorts to any kind of deception, the Regional Administration in Charge may terminate that carrier's approval process, and reject similar applications by that applicant within at least 6 calendar months starting from the date when the deception is confirmed; if the case is serious, the Regional Administration in Charge may decide not to accept any relevant application of that applicant within the period of one year up to three years. If any clear evidence for deception during the application process is found after the operation approval is granted, the Regional Administration in Charge may suspend or revoke the relative approval immediately, and reject similar applications by that applicant within at least 6 calendar months starting from the date when the deception is confirmed.

129.63 [警告和罚款]

CCAR-129.63 Warning and Penalty

(a)运行规范持有人存在下列行为的，民航地区管理局可以责令其

停止违法行为，并处以警告或三万元以下罚款：

(a) The Regional Administration in Charge may issue a cease-and-desist order to prohibit any future unlawful operations, and issue a warning notice or impose a civil penalty of no more than 30,000 RMB, when it is found that the holder of CCAR-129 Operations Specifications commits any of the following acts:

(1) 在申请运行批准过程中存在弄虚作假行为，但已经取得运行规范的；

(1) Obtaining the Operator's Operations Specifications by deception during the operations approval process;

(2) 未经民航地区管理局批准，超越运行规范的批准范围实施运行的；

(2) Operating beyond the scope prescribed in its Operations Specifications without approval by the Regional Administration in Charge;

(3) 拒绝民航地区管理局及派出机构的监督检查，或者在监督检查过程中拒绝提供其人员证件、手册和其他相关文件的；

(3) Refusing to accept surveillance and inspection by the CAAC Regional Administrations and/or their agencies, or refusing to present its airman certificates, manuals or other relevant documents during the inspection;

(4) 违反本规则 129.7(b)款所述文件中的规定，被民航地区管理局

认定为影响运行安全或已造成严重后果的行为；

(4) Violating the regulations as specified in subparagraph 129.7(b) of this Part, determined by the Regional Administration in Charge, which adversely impact the safety of operations or have resulted in serious consequences;

(5) 违反本规则 C 章中一般运行的要求，对安全造成威胁的。

(5) Violating the general operations rules as provided in Subpart C of this Part and impacting the safety of operations;

(b) 对于运行规范持有人的航空人员和其他直接参与运行的人员，如不按运行规范持有人的运行手册实施运行，导致违反本规则规定，局方可以对其处以警告或 1000 元以下罚款。

(b) If any airman of the holder of CCAR-129 Operations Specifications and other individuals who directly join in operations do not conduct operations according to the operations manual of the certificate holder, which results in the violation of this Part, the Administrator may punish him by warning or by imposing a fine of not more than 1,000 RMB.

E 章 附 则

Subpart E - Supplementary Articles

129.71 [对于香港、澳门特别行政区公共航空运输承运人的管理]

129.71 Administration of Air Transportation Carriers of Hong Kong and Macao Special Administrative Region

对于持有香港、澳门特别行政区民用航空管理局颁发的航空运营人合格证或等效文件，使用或计划使用飞机或直升机在中国境内从事公共航空运输的公共航空运输承运人，中国民用航空局和民航地区管理局参照本规则对其进行运行批准和监督检查。

For the air carrier who holds the Air Operator Certificate or equivalent document issued by the Civil Aviation Authorities of Hong Kong or Macao Special Administrative Region and uses or intends to use airplane or helicopter to conduct air transportation within China, the CAAC and the CAAC Regional Administrations shall approve and inspect the carrier according to this Part.

129.73 [施行]

129.73 Implementation

(a)本次修订自 2014 年 7 月 1 日起施行。除另有规定外，在本规则修订版施行之前已经持有按本规则颁发运行规范的外国公共航空

运输承运人应当于 2014 年 12 月 31 日之前完全符合本次修订版的要求。

(a) This Revised Part shall become effective on July 1, 2014. Unless otherwise specified, every foreign air carrier who has been issued CCAR-129 Operations Specifications before July 1, 2014, shall make applications for Foreign Air Transportation Carrier Operations Specifications and make it ready to fully comply with this newly revised edition of CCAR-129 prior to December 31, 2014.

(b) 《外国公共航空运输承运人运行合格审定规则》（CCAR-129 部，民航局 127 号令）自从本次修订施行之日起废止。

(b) The *OPERATIONS CERTIFICATION: FOREIGN AIR TRANSPORTATION CARRIERS* (CCAR-129, CAAC Order 127) shall be abolished and lose effectiveness since the effective date of this Revised Part.