

**Rules of Operations Certifications
for Foreign Air Carriers Engaged in
Public Air Transportation**

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Chapter A General Provisions

Article 129.1 Purpose and Statutory Basis.

Pursuant to *Civil Aviation Law of the People's Republic of China* and *Decision of the State Council on Establishing Administrative Licenses for the Administrative Examination and Approval Items Really Necessary to Be Retained*, this Part is promulgated to govern Operations Certifications and continuing oversight and surveillance of foreign air carriers engaged in public air transportation within the People's Republic of China (hereinafter referred to as "China"), and to ensure that foreign air carriers meet the applicable operational requirements prescribed by China.

Article 129.3 Applicability.

This Part applies to any foreign air carrier who:

- (a) holds an Air Operator Certificate and appropriate Operations Specifications, approved and issued by the Civil Aviation Authority of the State of the Operator (hereinafter referred to as "its CAA") authorizing it to conduct public air transportation; and
- (b) operates airplanes or helicopters into and out of China to provide scheduled public air transportation or nonscheduled public air transportation.

Article 129.5 Definitions.

The following definitions apply in this Part:

- (a) "public air transportation", refers to aircraft operations involving the transport of passengers, baggage, mail or freight for the purpose of making profit.
- (b) "scheduled public air transportation", refers to public air transportation conducted by the air carrier for which the public is provided in advance a schedule containing the departure time, departure location, and arrival location. It includes scheduled flight operations with a published timetable, and extra flights operated on fixed routes for which the departure time is predetermined and passengers are notified. But it does not include any charter air transportation for which the departure time, departure location, and arrival location are specifically negotiated with the customer.
- (c) "nonscheduled public air transportation", refers to any public air transportation other than

scheduled public air transportations.

(d) “wet lease”, means any leasing arrangement whereby the lessor agrees to provide an entire aircraft and at least one crewmember.

(e) “principle inspector”, refers to the person designated by the CAAC Regional Administration to sign the Operations Specifications under this Part.

Article 129.7 General Requirements for Operations Certifications and Oversight and Surveillance.

(a) Before conducting public air transportation in China, any foreign air carrier prescribed in Article 129.3 shall apply to the designated CAAC Regional Administration for Operations Certifications and obtain Operations Specifications for Foreign Air Carriers (hereinafter referred to as “Operations Specifications under this Part”). Each CAAC Regional Administration is responsible for the certifications of foreign air carriers under its jurisdiction and the issuance of Operations Specifications under this Part.

(b) The holder of Operations Specifications under this Part engaged in public air transportation within China shall comply with the applicable provisions of the following:

- (1) this Part and Operations Specifications issued under this Part;
- (2) the Convention on International Civil Aviation and the Standards contained in Annexes 1, 6 and 8;
- (3) *General Flight Rules of the People’s Republic of China* and other civil aviation rules and regulations concerning the operations, safety, security and air traffic control of foreign civil aircraft;
- (4) other relevant laws, rules and regulations.

(c) When operating within China, the holder of Operations Specifications under this Part shall also comply with the conditions and limitations prescribed in its Air Operator Certificate and appropriate operations specifications issued by its CAA. The CAAC-issued Operations Specifications under this Part does not convey any additional authorization to the foreign air carrier beyond the type and scope of operations granted by its CAA.

When there is any changes to the contents of the holder’s Air Operator Certificate and Operations Specifications issued by its CAA, which calls for an amendment to its Operations Specifications under this Part, the holder shall immediately notify the responsible Regional Administration and apply for an amendment to its Operations Specifications under this Part in

accordance with Article 129.35 within 5 working days thereafter.

(d) When the foreign air carrier intends to apply for an authorization to conduct any kind of operations, which is not clearly prescribed in its Air Operator Certificate and appropriate operations specifications issued by its CAA and shall be conducted under CAAC prescribed special requirements (for instance, operations at high elevation airports), such operations may not be conducted until the responsible Regional Administration determines the carrier is able to ensure operational safety.

(e) When operating within China, the foreign air carrier shall make its aircraft and personnel subject to the oversight and surveillance by CAAC Headquarter, or, Regional Administrations and their Safety Oversight Bureaus.

(f) In the case where its CAA has notified the International Civil Aviation Organization (ICAO) of the differences between the state's national regulations and practices and any corresponding Standards and Recommended Practices contained in ICAO Annex 6, the holder of Operations Specifications under this Part may submit for an appropriate deviation approval to the responsible Regional Administration.

Article 129.9 Exemptions.

(a) For foreign air carriers intending to provide nonscheduled public air transportation within China, an exemption from the requirement of holding Operations Specifications under this Part may be granted by CAAC Headquarter under simplified procedures, when the carrier:

- (1) intends to operate not more than 10 total flights during any 12 consecutive months, or provide special transportation during a specific period of time. Special transportation refer to any time critical and mission orientated air operations, which is of particular interest to the public, such as emergency medical operations, disaster relief operations, and transportation of special people and materials.
- (2) provides CAAC with its Air Operator Certificate and appropriate operations specifications issued by its CAA authorizing its operations into China and speaking about its ability to conduct operations in a safe manner.

(b) Foreign air carriers mentioned in Paragraph (a) of this Article shall make its aircraft and personnel subject to the oversight and surveillance by CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus.

(c) For any other requirements of this Part in which deviation authority is not specifically provided, the holder of CCAR-129 Operations may request to CAAC Headquarter for an exemption approval when sufficient reasons and appropriate safety practices can be provided and an equivalent level of safety can be proved. With CAAC approval, the holder may conduct operations in accordance with the provisions, conditions or limitations associated with the issued exemption instead of complying with the related provisions of this Part. An equivalent means of compliance with this Part is to comply with the CAAC-issued exemptions as well as the associated conditions and limitations.

Article 129.11 Limitations of Wet Lease Operations.

To conduct operations under this Part, the holder of Operations Specifications under this Part shall not wet lease any civil aircraft from a party other than a holder of Operations Specifications under this Part, CCAR-121 Certificate holder or CCAR-135 Certificate holder.

Chapter B Prerequisites and Procedures for Operations Certifications

Article 129.21 Prerequisites for the Application for Operations Specifications under this Part.

The applicant applying for the issuance of Operations Specifications under this Part (hereinafter referred as “the applicant”) shall:

- (a) have the requested type of operations clearly specified in its Air Operator Certificate and operations specifications issued by its CAA;
- (b) have sufficient qualified personnel, equipment and facility required by the relevant civil aviation rules and regulation to ensure the safety of its operations within China;
- (c) meet or exceed the safety level required to operate into China under CAAC’s scheme of operations assessment;
- (d) in the case of wet lease, meet the requirements of Article 129.11.

Article 129.23 Application for Operations Specifications under this Part.

(a) The applicant shall submit the following documentation to the relevant Regional Administration:

- (1) a Letter of Application prepared in accordance with the prescribed format;
- (2) its Air Operator Certificate and appropriate Operations Specifications issued by its CAA, listing the type of operations, the scope of operations and other approved items;
- (3) a list of the aircraft intended to be operated into China, listing the type, nationality and registration marks of each aircraft;
- (4) in the case of initial application for scheduled public air transportations into China, the economic permit authorizing such operations;
- (5) any other documents CAAC Headquarter or the relevant Regional Administration determines are necessary.

(b) The Letter of Application shall be prepared in accordance with the contents required by CAAC and without any falsified information. And the applicant shall faithfully submit relevant materials to the Regional Administration and report the actual information, and shall be liable for the authenticity of the substantial contents of its application materials.

(c) Any document submitted shall be in Chinese or English, and in paper or electronic form. And the Application Letter shall be the original or a scanned copy containing the signature of the applicant's legal representative or his authorized representative.

Article 129.25 Acceptance of the Application.

(a) If the application is not completed properly, or not prepared in conformance with the proper format requirements, the Regional Administration shall, on the spot or within 5 working days, notify the applicant of all areas of deficiency at one time. If the Regional Administration fails to notify the applicant of the aforesaid contents within the prescribed time limit, the application shall be deemed to have been accepted from the date of receipt of the application materials. Where the application materials are complete and meet the statutory requirements, or the applicant has submitted all required supplementation and correction, the Regional Administration shall accept the application for review.

(b) The Regional Administration shall notify the applicant in writing of whether the application is accepted or not. Where the application is rejected, the Regional Administration shall note the reasons.

Article 129.27 Review and Approval.

(a) The Regional Administration shall review the application package and make a licensing decision within 20 working days following the acceptance date. If the decision cannot be made within the timeframe, the Regional Administration may grant an extension of up to 10 working days, and the reasons for any such extension shall be notified to the applicant. However, if the reviewing process involves inspection, testing and expert evaluation, the time required shall not be included in the 20- working-day time limit.

(b) When the decision not to issue Operations Specifications under this Part is made, the Regional Administration shall notify the applicant in writing of the reason(s) for denial and the applicant's right to apply for administrative reconsideration or bring an administrative lawsuit in accordance with the applicable law.

(c) The Operations Specifications under this Part shall be signed by the Principal Inspector designated by the responsible Regional Administration.

(d) When the holder of Operations Specifications under this Part is found not to meet the needs of safety and the Chinese public interest, the Regional Administration shall initiate to amend the foreign air carrier's Operations Specifications under this Part in accordance with the following procedures:

- (1) The Regional Administration notifies the holder of the Operations Specifications under this Part in writing of the proposed amendment;
- (2) The holder shall submit a written opinion within 7 working days upon receipt of the proposed amendment;
- (3) After considering the written opinion, the Regional Administration may issue an initial decision;
- (4) The holder may petition for reconsideration within 5 working days of receipt of the decision. After evaluating the petition, the Regional Administration shall make a final decision and issue an amendment to the foreign air carrier's Operations Specifications under this Part.

(e) If the Regional Administration finds that an emergency exists requiring immediate action with respect to safety in air transportation that makes the procedures set out in Paragraph (d) of this

Article impracticable, the following procedures apply:

- (1) The Regional Administration initiates an amendment of the Operations Specifications under this Part and makes the amendment effective on the day the holder of the Operations Specifications under this Part receives notice of it;
- (2) In the notice to the holder of Operations Specifications under this Part, the Regional Administration articulates the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation that makes it impracticable or contrary to the public interest to stay the effectiveness of the finding.

Article 129.29 Contents of Operations Specifications under this Part.

Operations Specifications under this Part shall include but not limited to the following items:

- (a) the full name and address of the holder of Operations Specifications under this Part;
- (b) the name and address of the designated agency that serves as the primary point of contact for correspondence between the Regional Administration and the holder of Operations Specifications under this Part;
- (c) the number and effective date of the Operations Specifications under this Part;
- (d) the name of the responsible department within the Regional Administration having jurisdiction over the holder of Operations Specifications under this Part;
- (e) kinds of operations authorized (i.e., one or more of the prescribed operations under this Part: scheduled passenger-carrying operations, non-scheduled passenger-carrying operations, or all-cargo operations);
- (f) a statement showing that through certification, the holder of Operations Specifications under this Part meets the appropriate requirements of this Part and is authorized to conduct that kind of operations as specified in its Operations Specifications under this Part;
- (g) the authorizations, limitations and certain procedures under which each kind of operation, if applicable, is to be conducted;
- (h) certain other procedures under which each class and size of aircraft is to be operated;
- (i) type of aircraft, serial numbers, and nationality and registration marks of each aircraft

authorized for use, and each regular, alternate and refueling airport to be used in its operations;

- (j) airport limitations;
- (k) any authorized deviation or exemption granted from any requirement of this Part;
- (l) a statement showing that the Regional Administration may initiate to amend any Operations Specifications under this Part when required by safety and the Chinese public interest; and
- (m) any other item the Regional Administration determines is necessary.

Article 129.31 Duration of Operations Specifications under this Part.

Operations Specifications under this Part are effective until the following situations develop:

- (a) Where the foreign air carrier voluntarily surrenders its Operations Specifications under this Part, all of the operations specifications become invalid;
- (b) Where the Regional Administration revokes the foreign air carrier's Operations Specifications under this Part in accordance with the applicable law, all of its operations specifications become invalid;
- (c) Where the foreign air carrier's Air Operator Certificate and appropriate Operations Specifications issued by its CAA become invalid, all of its Operations Specifications under this Part become invalid;
- (d) Where the foreign air carrier has not been operating within China within the past 12 calendar months, all of its Operations Specifications under this Part become invalid;
- (e) Where the Regional Administration revokes the provisions of part or all of the foreign air carrier's Operations Specifications under this Part, the appropriate part or all of its operations specifications become invalid.

Article 129.33 Preservation and Availability of Operations Specifications under this Part.

The holder of Operations Specifications under this Part shall ensure that a photocopy of its current Operations Specifications under this Part is maintained at its branch(es) and agent(s)

involved in the operations of its aircraft in China, and can be made available for inspection upon request by CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus.

Article 129.35 Application for Amendment to Operations Specifications under this Part.

(a) The holder of Operations Specifications under this Part may apply for an amendment of its Operations Specifications under this Part.

(b) In the case of changes to the contents of the holder's Air Operator Certificate and Operations Specifications issued by its CAA, the holder shall apply for an amendment to its Operations Specifications under this Part in accordance with the requirements of Paragraph (c) of Article 129.7.

(c) When the foreign air carrier applies for an amendment to its Operations Specifications under this Part, the requirements of Article 129.25 and Article 129.27 apply.

Chapter C General Requirements for Operations

Article 129.41 Documents and Certificates Required on Board.

(a) The holder of Operations Specifications under this Part shall operate an aircraft into China when the aircraft carries documents including, but not limited to the following:

- (1) a duplicate copy of its Air Operator Certificate and Operations Specifications issued by its CAA;
- (2) the Certificate of Aircraft Registration, airworthiness certificate and radio station license;
- (3) appropriate portions of the Operations Manual related to the duties to be performed by the crew. And the part directly related to the operations of the aircraft shall be kept in a place readily accessible to the crewmembers;
- (4) aircraft flight manuals or appropriate equivalent documents;
- (5) the aircraft logbook containing the aircraft's maintenance record.

(b) In addition to the documents required in Paragraph (a) of this Article, the foreign air carrier

shall, based on the actual needs of its operations, also carry onboard the following documents applicable to the type of operation and area of operation:

- (1) weight and balance form, and passenger and cargo manifest;
- (2) dispatch or flight release, and flight plan in ICAO approved format;
- (3) NOTAMs, aeronautical information and appropriate weather information;
- (4) aeronautical charts.

(c) The flight crew shall have any required appropriate current airman and medical certificates in their possession while engaged in operations under this Part.

Article 129.43 Compliance with the Provisions of the Operations Manual.

The holder of Operations Specifications under this Part shall ensure that its airmen and other personnel directly involved in the aircraft operations comply with the provisions of its Operations Manual.

Article 129.45 Preservation of Flight Recorder and CVR Data.

In the event of an aircraft incident or accident falling under the jurisdiction of the CAAC, the holder of Operations Specifications under this Part shall retain and provide upon request the data recorded on the flight recorder and Cockpit Voice Recorder (CVR) in accordance with the applicable CAAC requirements.

Article 129.47 Emergency Frequency Monitoring.

When operating within China, the flight crew shall continuously keep monitoring the VHF emergency frequency 121.50MHz to prevent loss of communications.

Article 129.49 Installation of Terrain Awareness System and Collision Avoidance System.

The holder of Operations Specifications under this Part shall equip the aircraft with a Ground Proximity Warning System (GPWS), a Class A Terrain Awareness and Warning System (TAWS), and a collision avoidance system (ACAS II, equivalent to a TCAS Version 7.1).

Article 129.51 Use of Aircraft and Airports.

(a) The foreign air carrier shall not conduct any operations within China using any aircraft or airport not listed in its Operations Specifications under this Part, unless otherwise warranted by an emergency circumstance.

(b) The foreign air carrier shall not use an airport not listed in its Operations Specifications under this Part as a destination airport or a destination alternate airport in a flight plan for the operation into China, unless otherwise warranted by an emergency circumstance.

Chapter D General Requirements for Oversight and Surveillance

Article 129.61 Oversight and Surveillance.

(a) CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus may conduct inspections of the foreign carrier's branch(es) and agent(s) involved in the aircraft operations in China. When the foreign carrier's aircraft operate within China, inspectors from CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus may conduct onboard inspections with or without prior notice.

(b) If the foreign air carrier's ability to operate safely within China cannot be determined through these inspections, CAAC Headquarter and Regional Administrations may, as deemed necessary, conduct inspections of the carrier's base located within its own country and conduct enroute inspections in the cockpit of the carrier's aircraft.

(c) The holder of Operations Specifications under this Part shall make its aircraft and personnel subject to and be cooperative in the oversight and surveillance by CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus.

(d) CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus shall conduct thorough inspections and assessment upon the foreign air carrier's operating capabilities, including checks upon its relevant manuals and documents. When conducting an onboard inspection, inspectors from CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus may check the airworthiness status of the aircraft, documents carried onboard and the airmen's certificates.

Article 129.63 Revocation of the Operations Specifications under this Part.

Upon determination through inspections and operations assessment that the holder of the Operations Specifications under this Part is no longer capable of operating in a safe manner to the extent required by CAAC, the Regional Administration shall revoke the appropriate part or all of the Operations Specifications under this Part.

Chapter E Legal Responsibilities

Article 129.71 Operations Conducted without Holding Operations Specifications under this Part or Unauthorized Operation in Violation of Article 129.9 (a).

When the foreign air carrier is found to be involved in operations prescribed in Article 129.3 without holding Operations Specifications under this Part or an appropriate exemption required by Paragraph (a) of Article 129.9, the responsible CAAC Regional Administration shall order the carrier to stop such unauthorized operations and impose a fine of not more than ¥30,000. If the noncompliance is serious, an appropriate penalty shall be imposed in accordance with the applicable laws and regulations.

Article 129.73 False materials or Any Other Falsehoods.

(a) When the foreign air carrier is found to have failed to disclose any material fact or made any false, fictitious or fraudulent statements during the application for its Operations Specifications under this Part, the Regional Administration shall decline to accept or disapprove the application, and issue a warning. And the foreign air carrier shall not be allowed to reapply for a Operations Specifications under this Part within the next one year.

(b) When the foreign air carrier is found to have obtained its Operations Specifications under this Part through unlawful means, e.g., dishonesty, fraud and bribery, the Regional Administration shall issue a warning or impose a fine of not more than ¥30,000, and revoke the carrier's Operations Specifications under this Part. And the foreign air carrier shall not be allowed to reapply for Operations Specifications under this Part within the next 3 years.

Article 129.75 Operations Conducted in a Violation of this Part.

(a) When the foreign air carrier is found to be in violation of its Operations Specifications under this Part, the Regional Administration shall order the carrier to correct its safety defect or noncompliance, issue a warning or impose a fine of not more than ¥ 30,000.

(b) When the holder of Operations Specifications under this Part or an exemption issued under Paragraph (a) of Article 129.9 is found to be involved in the following situations, the Regional Administration shall order the carrier to correct its safety defect or noncompliance, issue a warning or impose a fine of not more than ¥ 30,000:

- (1) a violation of the requirements of Article 129.7(b)(2), failing to comply with the provisions contained in the Convention on International Civil Aviation and the Standards contained in Annexes 1, 6 and 8 unless an appropriate exemption or deviation has been granted;
- (2) a violation of the requirements of Article 129.7(C), failing to comply with the conditions and limitations prescribed in the Air Operator Certificate and Operations Specifications issued by its CAA;
- (3) a violation of the requirements of Article 129.9 (c), failing to comply with the provisions, conditions or limitations associated with the issued exemption;
- (4) a violation of the requirements of Article 129.41, failing to carry documents on board as required;
- (5) a violation of the requirements of Article 129.45, failing to retain and provide the data recorded on the flight recorder and Cockpit Voice Recorder (CVR) in accordance with the applicable CAAC requirements;
- (6) a violation of the requirements of Article 129.47, loss of communication resulted from failure to keep monitoring the emergency frequency;
- (7) a violation of the requirements of Article 129.49, failing to equip the aircraft with a GPWS, a Class A Terrain Awareness and Warning Systems (TAWS) and a collision avoidance system (ACAS II, equivalent to a TCAS Version 7.1).

(c) When the holder of Operations Specifications under this Part or an exemption issued under Paragraph (a) of Article 129.9 is found to refuse to accept or impede the oversight and surveillance

conducted by CAAC Headquarter, or, CAAC Regional Administrations and their Safety Oversight Bureaus, constituting a violation of the requirements of Article 129.9(b) or Article 129.61, the Regional Administration shall order it to correct its safety defect or noncompliance. If the air carrier refuses to take corrective actions, the Regional Administration shall impose a fine of not less than ¥ 10,000 but not more than ¥ 200,000.

(d) When the airmen or other personnel employed by the holder of Operations Specifications under this Part is found to fail to perform his or her duties in accordance with the provisions of the holder's Operations Manual, resulting in a violation of the requirements of this Part, the Regional Administration shall issue a warning or impose a fine of not more than ¥ 1,000.

Chapter F Supplementary Provisions

Article 129.81 Administration of Air Carriers from China Special Administrative Regions.

For air carriers holding an Air Operator Certificate and an appropriate Operations Specification issued by the Civil Aviation Authority of China Hongkong or Macao Special Administrative Regions (SAR), and intending to use airplanes or helicopters to provide public air transportation within China, this Part shall apply.

Article 129.83 Record of Regulatory Noncompliance.

A Record of Regulatory Noncompliance for sanctions against the holders of Operations Specifications under this Part (e.g, the revocation of Operations Specifications under this Part, administrative penalty and administrative enforcements) and related enforcement information shall be maintained and disclosed in accordance with the applicable requirements.

Article 129.85 Effective and Compliance Dates.

Compliance with the requirements of this Part is mandatory as of January 29th, 2018. The CAAC Order 127, *Rules of Operations Certifications for Foreign Air Carriers Engaged in Public air transportation*, issued on August 23rd, 2004 shall be abolished upon the effectiveness of this revision. The foreign air carrier which already held Operations Specifications under this Part shall be in full compliance with the requirements of this Part before July 29th, 2018.