

Order of Civil Aviation Administration of China

No. 216

Regulation on the Transport of Dangerous Goods by Air (CCAR-276-R1), adopted at the Administration Meeting of the Civil Aviation Administration of China on 24 December 2012, is hereby promulgated and shall enter into force as of 1 March 2014.

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Administrator of the Civil Aviation Administration of China (CAAC)

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(Note: The English text is the translated version which is only for reference. In case of any discrepancy between the English translation and the original Chinese text, the original Chinese text shall prevail.)

REGULATION ON THE TRANSPORT OF DANGEROUS GOODS BY AIR

CHAPTER 1

GENERAL PROVISIONS

Article 1

This Regulation is made in accordance with the Civil Aviation Law of the People's Republic of China and other relevant laws and administrative regulations in order to strengthen the governance of the transport of dangerous goods by air, promote the development of the transport of dangerous goods by air and ensure the safety of the air transport.

Article 2

This Regulation is applicable to the domestic public air transport operator (hereinafter referred to as the domestic operator) and the foreign public air transport operator (hereinafter referred to as the foreign operator) which conducts scheduled or non-scheduled route operation between a point in foreign country and a point in China as well as any organization and individual in relation to the activity of the transport of dangerous goods by air.

Article 3

Civil Aviation Administration of China (hereinafter referred to as CAAC) shall enforce the supervision and administration over the activity of the nation-wide transport of dangerous goods by air according to its responsibility. The Regional Administration of Civil Aviation of China (hereinafter referred to as CAAC Regional Administration) shall, according to its responsibility, enforce the supervision and administration over the activity of the transport of dangerous goods by air within the region under its jurisdiction.

Article 4

The following terms as used in this Regulation contain the following meaning except as otherwise provided in specific articles:

- (1) Dangerous goods. Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to these Instructions.
- (2) Technical Instructions. The Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council.
- (3) Operator. The public air transport enterprise engaged in transport of passenger,

- baggage, cargo and mail by civil aircraft for profits, including domestic operator and foreign operator.
- (4) Shipper. The person whose name appears on the Air Waybill or Shipment Record, as the party contracting with carrier for the carriage of cargo.
 - (5) Cargo sales agent. An enterprise authorized by operator to represent such operator to engage in the sales activity of air cargo transportation.
 - (6) Ground handling agent. An enterprise authorized by operator to represent such operator to engage in the ground service for the air transport.
 - (7) Consignment. One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address.
 - (8) Pilot-in-command. The pilot designated by the operator, as being in command and charged with the safe conduct of a flight.
 - (9) Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage.
 - (10) Dangerous goods incident. An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to be a dangerous goods incident.
 - (11) Exception. A provision in this Regulation which excludes a specific item of dangerous goods from the requirements normally applicable to that item.
 - (12) Package. The complete product of the packing operation, consisting of the packaging and its contents prepared for transport.
 - (13) Overpack. An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage.
 - (14) Unit load device. Any type of freight container, aircraft container, aircraft pallet with a net or aircraft pallet with a net over an igloo, an overpack is not included in this definition.
 - (15) Packaging. One or more receptacles and any other components or materials necessary for the receptacles to perform their containment and other safety functions.
 - (16) State of Origin. The State in the territory of which the consignment is first to be loaded on an aircraft.
 - (17) UN number. The four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances.

Article 5

Operator and the other organization as well as individual, engaging in the activity of

the transport of dangerous goods by air, shall comply with the current and effective Technical Instructions and its supplementary documents as well as any appendix, except as otherwise provided for in the laws, administrative regulations and rules of the People's Republic of China and other standardized documents of CAAC.

Article 6

Relevant Organization, engaging in the activity of the transport of dangerous goods by air, shall set up self-inspect system to carry out self-inspection of the manuals, management procedures, training programmes and staff qualification, which directly relate to the safety of air transport, for the transport of dangerous goods by air in order to keep them up-to-date and effective and make sure that the relevant regulations are strictly executed.

CHAPTER 2

LIMITATION AND EXEMPTIONS ON THE TRANSPORT OF DANGEROUS GOODS BY AIR

Article 7

This Regulation and the detailed specifications and procedures provided in the Technical Instructions shall be complied with in the transport of dangerous goods by air.

Article 8

The following dangerous goods shall be forbidden on aircraft unless exempted under the article 12 and 13 or unless they may be transported under the approval by the State of Origin in accordance with the provisions of the Technical Instructions:

- (1) Dangerous goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances;
- (2) Infected live animals.

Article 9

Dangerous goods to be sent by air mail or to be carried in air mail are forbidden, unless otherwise provided for in the Technical Instructions.

Dangerous goods hidden or falsely reported of the general goods are forbidden for sending by post as air mail.

Postal services enterprise, express service enterprise will be punished for accepting and sending dangerous goods in accordance with the provisions of the Postal Law of the Peoples' Republic of China.

Article 10

Articles and Substances that are identified in the Technical Instructions as being forbidden for transport by air under any circumstances shall not be carried on any aircraft.

Article 11

Articles and Substances which conform to the following situations are exempted from the limitations of this Regulation:

(1)Articles and substances which have been classified as dangerous goods but which are required to be aboard the aircraft in accordance with the pertinent airworthiness requirements and operating regulations or for other special reasons identified in the Technical Instructions.

The replacements of the above articles and substances, or the articles and substances removed for replacement, which are carried on an aircraft, shall be transported in accordance with this Regulation except as permitted in the Technical Instructions.

(2)Specified articles and substances carried by passengers or crew members within the extent specified in the Technical Instructions.

Article 12

In case of the following instances, CAAC may approve such transport according to the provisions of the Technical Instructions:

(1)Dangerous goods forbidden to be transported on passenger and/or cargo aircraft may be transported under the approval as specified in the Technical Instructions;

(2)Those with other purposes, which conform to the provisions of the Technical Instructions.

In the above instances, an overall level of safety in transport, which is equivalent to the level of safety as provided for in the Technical Instructions must be achieved. If permission to grant an approval is not expressly referred in the Technical Instructions, an exemption may be sought.

Article 13

In instances of extreme urgency, or when other modes of transport are inappropriate, or when full compliance with the prescribed requirements is contrary to public interest, CAAC may grant an exemption from the provisions of the Technical Instructions provided that in such instances every effort is made to achieve an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions.

CHAPTER 3

PROCEDURES FOR PERMIT TO TRANSPORT OF DANGEROUS GOODS BY AIR

Section 1 Basic Principles

Article 14

Operator, engaging in the transport of dangerous goods by air, shall obtain the Dangerous Goods Air Transport Permit and the implementation is carried out in accordance with the contents of the Permit.

Article 15

CAAC Regional Administration shall notify the applicant of the policies and regulations concerning the transport of dangerous goods by air, provided the consultancy and the standard form of application letter to the applicant who applies for the Dangerous Goods Air Transport Permit.

Article 16

When encountering significant, urgent and special instances such as calamity etc, in the event of transporting the rescue personnel and materials, CAAC Regional Administration shall handle the application for the Dangerous Goods Air Transport Permit according to the relevant requirements of CAAC.

Article 17

Dangerous Goods Air Transport Permit granted by CAAC Regional Administration shall contain the following contents:

- (1) Stating the operator shall conduct operation within the permitted business scope in accordance with the requirements of this Regulations and the Technical Instructions;
- (2) Classification of dangerous goods permitted to be transport;
- (3) Term of validity of the Permit;
- (4) Conditions of necessary restrictions.

Section 2 Application by Domestic Operator for the Dangerous Goods Air Transport Permit

Article 18

Application by domestic operator for the Dangerous Goods Air Transport Permit shall conform the following conditions:

- (1) Holding a Public Air Transport Operator's Certificate;
- (2) Dangerous Goods Air Transport Manual shall conformity with the requirements of the transport of dangerous goods;

- (3) Dangerous goods training program shall be in keeping with the requirements of transport of dangerous goods;
- (4) Management, operating procedure and emergency plan for the transport of dangerous goods by air is established in accordance with the Dangerous Goods Air Transport Manual;
- (5) Suitable and enough personnel is allocated, training in accordance with the dangerous goods training programmes is completed and qualification is achieved;
- (6) Capable of conducting the transport of dangerous goods by air in accordance with this Regulation, the Technical Instructions and the Dangerous Goods Air Transport Manual.

Article 19

Domestic operator, applying for the Dangerous Goods Air Transport Permit for the first time, shall submit the following materials:

- (1) Application letter;
- (2) A duplicate copy of the Public Air Transport Operator's Certificate;
- (3) The business scope of intending to engage in the transport of dangerous goods by air and the classification of dangerous goods;
- (4) Dangerous Goods Air Transport Manual;
- (5) Dangerous goods training programmes;
- (6) Descriptions of conforming to the training requirements of this Regulation and Technical Instructions;
- (7) Emergency response plan for dangerous goods;
- (8) Statement of compliance;
- (9) Other materials required by CAAC.

Article 20

Domestic operator shall ensure that the materials submitted are authentic and effective. If the application materials are complete and in conformity with the statutory forms, CAAC Regional Administration shall accept the application by the domestic operator. If the application materials are incomplete or not in conformity with statutory forms, CAAC Regional Administration shall inform the applicant on the spot or give the applicant one-time notice within 5 days to complement all materials required. The application is considered as accepted as of the day when the application materials are received if such notice is not given within the time limit.

Article 21

CAAC Regional Administration shall exam the Dangerous Goods Air Transport Manual and dangerous goods training programmes as well as the relevant documents submitted by the domestic operator. Domestic operator shall establish the relevant management and operating procedures pursuant to Dangerous Goods Air Transport Manual and training shall be carried out on the basis of training programmes. CAAC Regional Administration shall verify the relevant producers and training qualities to ensure they conform to the requirements of this Regulation and Technical

Instructions.

If the domestic operator is confirmed through examination to conform to the requirements of Article 18 of this Regulation, CAAC Regional Administration shall issue the Dangerous Goods Air Transport Permit to the domestic operator. If the domestic operator is not qualified through examination, CAAC Regional Administration, who has made the decision not to grant the permit in accordance with the laws, shall give written notification to the applicant and explain reasons.

Article 22

CAAC Regional Administration shall complete the examination within 20 days from the day when the application for the Dangerous Goods Air Transport Permit is accepted, and shall make decision on whether the permit is granted or not. Where appraisal and evaluation by experts are necessary, CAAC Regional Administration shall notify in written form to the applicant of the appraisal and evaluation time required, the appraisal and evaluation time is not counted in the time limit within which the permit decision is made.

Section 3 Application by Foreign Operator for the Dangerous Goods Air Transport Permit

Article 23

Foreign operator, applying for the transport of dangerous goods on scheduled route between a point in foreign country and a point in China shall conform to the following conditions:

- (1) Holding the foreign Air Transport Enterprises Route Operating Permit issued by CAAC;
- (2) Having obtained the permission for the transport of dangerous goods by air or the equivalent document issued by the civil aviation competent authority of the State of the foreign operator;
- (3) Holding the dangerous goods training programmes or the equivalent document approved by the civil aviation competent authority of the State of the foreign operator, allocating the suitable and enough personnel and their training is completed and their qualification is achieved;
- (4) Holding the Dangerous Goods Air Transport Manual or the equivalent document approved by civil aviation competent authority of the State of the foreign operator and the management, operating procedures and emergence response plan for the transport of dangerous goods by air are established in accordance with the Dangerous Goods Air Transport Manual.

Article 24

Foreign operator, applying for the transport of dangerous goods on scheduled routes between a point in the foreign country and a point in China, shall submit the following materials to CAAC Regional Administration:

- (1) Written Application;
- (2) The permission for the transport of dangerous goods by air issued by the civil aviation competent authority of the State of the foreign operator or the equivalent document;
- (3) The business scope of intending to conduct the transport of dangerous goods by air and the classification of the dangerous goods;
- (4) Dangerous Goods Air Transport Manual and its equivalent document approved by the civil aviation competent authority of the State of the foreign operator;
- (5) Dangerous goods training programmes or its equivalent document approved by the civil aviation competent authority of the State of the foreign operator;
- (6) Duplicate copy of the route operating permit issued to the foreign operator by CAAC;
- (7) Explanations of conforming to the relevant training requirements stipulated in this Regulations and Technical Instructions;
- (8) Other materials required by CAAC.

Article 25

Foreign Operator, applying for the transport of dangerous goods on scheduled route between a point in the foreign country and a point in China, shall submit formal application in accordance with the requirements of Article 24 of this Regulation to CAAC Regional Administration 60 days prior to the day when the transport of dangerous goods is scheduled to be commenced and shall ensure the authenticity and effectiveness of the materials submitted.

If the application materials are complete and in conformity with the statutory forms, CAAC Regional Administration shall accept the application by the foreign operator. If the application materials are incomplete or not in conformity with the statutory forms, CAAC Regional Administration shall inform on the spot or give the applicant one-time notice within 5 days to complement all materials required. The application is considered as accepted as of the day when the application documents are received if such notice is not given within the time limit.

Article 26

CAAC Regional Administration shall examine the application submitted by foreign operator. If the foreign operator is confirmed through examination to the requirements of Article 23 of this Regulation, CAAC Regional Administration shall issue the Dangerous Goods Air Transport Permit on scheduled route to the foreign operator. If the foreign operator is not qualified through examination, CAAC Regional Administration, who has made the decision not to grant the permit in accordance with the laws, shall give written notification to the foreign operator and explain reasons.

Article 27

CAAC Regional Administration shall make the decision on whether to grant permission or not within 20 days from the day when the application by foreign

operator for transporting dangerous goods on the scheduled route between a point in the foreign country and a point in China is accepted.

Article 28

Application by foreign operator for transporting dangerous goods on non-scheduled operation between a point in the foreign country and a point in China, shall conform to the following conditions:

(1) Holding the Dangerous Goods Air Transport Permit or the equivalent document issued by the civil aviation competent authority of the State of the foreign operator;

(2) Holding Dangerous Goods Air Transport Permit or equivalent document issued by the civil aviation competent authority of the State of Origin if the dangerous goods originated from foreign State;

(3) Relevant personnel performing non-scheduled operation must complete the training in accordance with the dangerous goods training programmes and qualification is achieved;

(4) The management and operating procedures as well as emergency response plan for the transport of dangerous goods by air is established in accordance with Dangerous Goods Air Transport Manual;

(5) Airport ground handling agency agreement including the contents of the transport of dangerous goods by air must be signed with the ground handling agent within the boundary of China who conforms to the requirements of this Regulation and has been placed on file;

(6) Capable of conducting the transport of dangerous goods by air in accordance with this Regulation, the Technical Instructions and the Dangerous Goods Air Transport Manual.

Article 29

Foreign operators, applying for the Dangerous Goods Air Transport Permit on non-scheduled operation between a point in the foreign country and a point in China, shall submit the following materials:

(1) Application letter;

(2) The permission for the transport of dangerous goods by air issued by the civil aviation competent authority of the State of the foreign operator or the equivalent document;

(3) The permission or equivalent document for the transport of dangerous goods by air issued by the civil aviation competent authority of the State of the Origin if the dangerous goods originated from foreign State;

(4) The business scope of intending to conduct the transport of dangerous goods by air and the classification of the dangerous goods;

(5) Airport ground handling agency agreement with the ground handling agent within the boundary of China;

(6) Explanations confirming to the relevant training requirements of the relevant personnel performing none-schedule operation stipulated in Technical Instructions;

(7) Other materials required by CAAC or CAAC Regional Administration.

Article 30

Foreign Operator, applying for non-scheduled operation to transport dangerous goods between a point in the foreign country and a point in China shall submit the application to CAAC Regional Administration 7days prior to the scheduled commencing operation day. CAAC Regional Administration will not accept if the application does not meet the time requirement.

Article 31

Foreign Operator, applying for the transport of dangerous goods on non-scheduled operation between a point in the foreign country and a point in China, shall submit the application in accordance with the requirements of Article 29 of this Regulation to CAAC Regional Administration and ensure the authenticity and effectiveness of the materials submitted. If the application materials are complete and in conformity with the statutory forms, CAAC Regional Administration shall accept the application by the foreign operator; If the application materials are incomplete or not in conformity with the statutory forms, CAAC Regional Administration shall inform on the spot or give the applicant one-time notice within 3 days to complement all materials required. The application is considered as accepted as of the day when the application materials are received if such notice is not given within the time limit.

Article 32

CAAC Regional Administration shall examine the application submitted by foreign operator. If the foreign operator is confirmed through examination to conform to the conditions of Article 28 of this Regulation, CAAC Regional Administration shall issue the Dangerous Goods Air Transport Permit for non-scheduled operation to the foreign operator.

If the foreign operator is not qualified through examination, CAAC Regional Administration, who has made the decision not to give the permit in accordance with the laws, shall give written notification to the foreign operator and explain reasons.

CAAC Regional Administration shall make examination within 4 days from the day when the application is accepted and shall make written decision on whether to issue the permit or not CAAC Regional Administration, who has made the decision not to issue the permit, shall also give explanations and reasons to the foreign operator.

Article 33

If other languages other than Chinese or English are used in the application materials submitted in accordance with the requirements of this Section, accurate Chinese or English translation shall be attached.

**Section 4 Time Limit Change and Extension of Dangerous Goods
Air Transport Permit**

Article 34

The longest period of validity of the Dangerous Goods Air Transport Permit is not more than 2 years. Dangerous Goods Air Transport Permit ceases to be effective if one of the following circumstances arise:

- (1) Renouncement by the written statement of the operator;
- (2) Permit is withdrawn or revoked according to laws;
- (3) Failure to apply for extension after the period of validity of the permit is expired.

Article 35

Holder of the Dangerous Goods Air Transport Permit, requesting changes to the items of the Permit, shall submit application to CAAC Regional Administration; Materials submitted shall include application letter and materials referred to in the Article 19 and Article 24 of this Regulation, which have changes taken place. In conformity with the requirements of this Regulation, CAAC Regional Administration shall go through the formality for such changes.

Article 36

When the materials submitted by the operator in accordance with the provisions of Article 19 and Article 24 of this Regulation applying for Dangerous Goods Air Transport Permit have changes taken place within the valid period of the Permit, the operator shall submit the updated materials to CAAC Regional Administration for ratification or approval.

Article 37

Holder of Dangerous Goods Air Transport Permit, applying for the extension of the period of validity of the Permit, shall submit application to CAAC Regional Administration 30 days before the period of validity of the Permit expires; Materials submitted shall include application letter, the materials referred to in the Article 19 and Article 24 of this Regulation, which have changes taken place. CAAC Regional Administration shall make the decision on whether to grant the extension or not before the period of validity of the Permit expires; If no decision is made exceeding the time limit, extension is considered as being granted.

CHAPTER 4

DANGEROUS GOODS AIR TRANSPORT MANUAL

Article 38

Domestic operator, when applying for the Public Air Transport Enterprises Operating Certificate in accordance with Regulation on the Operating Certificate for the Public Air Transport Enterprise, shall submit the Dangerous Goods Air Transport Manual, which conforms to the requirements of this Regulation, together with other materials

applying for the Operating Certificate for the Public Air Transport Enterprise to CAAC Regional Administration of the seat for making examination.

The contents of the Dangerous Goods Air Transport Manual may be incorporated, according to the specialized classification and the responsibility it undertakes, into the operator's other manuals such as operating manual, grounding handling manual and passenger, cargo transportation manual.

Article 39

Operator shall, at the easily accessible reading and seeing area of working place, provide the relevant personnel of Dangerous Goods Air Transport Manual which are compiled with the language they are familiar with so that flight crew and other personnel could carry out their duties for the transport of the dangerous goods by air.

Article 40

Dangerous Goods Air Transport Manual of the domestic operator shall at least include the following contents:

- (1) General policy for conducting the transport of dangerous goods by air;
- (2) Organization and responsibility relating to the management and supervision of the transport of dangerous goods by air;
- (3) Limitations of the dangerous goods to be carried with passenger and crew member;
- (4) The reporting procedures for dangerous goods accident and dangerous goods incident;
- (5) Identification of the hidden dangerous goods in cargo and passenger baggage;
- (6) Requirements for using own aircraft to transport the dangerous goods of this operator;
- (7) Personnel training;
- (8) Emergency response plan for the transport of dangerous goods by air;
- (9) Advanced plan for transport of dangerous goods under emergent circumstances;
- (10) Other materials or explanation relating to safety.

Dangerous Goods Air Transport Manual of the operator engaging in the transport of dangerous goods shall also include the following contents:

- (1) Technical requirements and its operation procedure for the transport of dangerous goods by air;
- (2) Information to pilot-in-command;

Domestic operator shall take measures to keep the practicality and effectiveness of all contents of Dangerous Goods Air Transport Manual.

Article 41

Operator shall take necessary measures to make its staff and the personnel of its cargo sales agents and ground handling agent, when carrying out their duties, fully understand the contents relating to their duties as outlines in the Dangerous Goods Air Transport Manual and ensure that the operation and transport of dangerous goods is

conducted in accordance with the procedures and requirements stipulated in its Dangerous Goods Air Transport Manual.

Article 42

CAAC Regional Administration may request domestic operator in written form to make the adjustment to the relevant contents and distribution or revisions of the Dangerous Goods Air Transport Manual.

CHAPTER 5

PREPARATION FOR THE TANSPORT OF

DANGEROUS GOODS BY AIR

Article 43

Shippers shall ensure that the dangerous goods by air are properly classified, identified, packed, marked, labeled and shall submit a correctly filled-in dangerous goods transport document in accordance with Technical Instructions.

Article 44

Packagings used for the transport of dangerous goods by air shall conform to the following requirements:

- (1) Packagings shall be constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport by changes in temperature, humidity, or pressure, or by vibration;
- (2) Packagings shall be suitable for the contents; packagings in direct contact with dangerous goods shall be resistant to any chemical or other reaction with such dangerous goods;
- (3) Packagings shall meet the material and construction specifications in the Technical Instructions;
- (4) Packagings shall be tested in accordance with the provisions of the Technical Instructions;
- (5) Packagings for which retention of a liquid is a function, shall be capable of withstanding, without leaking the pressure stated in the Technical Instructions;
- (6) Inner packagings shall be packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging(s) during normal conditions of air transport. Cushioning and absorbent materials shall not react dangerously with the contents of the packagings;
- (7) No packaging shall be reused until it has been inspected and found free from corrosion or damage. Where a packaging is reused, all necessary measures shall be taken to prevent contamination of subsequent contents;
- (8) If, because of the nature of their former contents, unclean empty packagings may

present a hazard, they shall be tightly closed and treated according to the hazard they constitute;

(9) No harmful quantity of a dangerous substance shall adhere to the outside of packagings.

Article 45

Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be labeled with the appropriate labels and in conformity with the provisions of the Technical Instructions.

Article 46

Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be marked with the proper shipping name of its contents and, when assigned, the UN number and such other markings as may be specified in those instructions.

Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in the Technical Instructions shall be so marked in accordance with the appropriate provisions of the Technical Instructions; and packaging which is not in conformity with the relevant packaging specification shall not be marked on the packaging with a packaging specification marking.

Article 47

For international air transport, in addition to the languages required by the State of Origin, English shall be additionally used for the marking.

CHAPTER 6

SHIPPER'S RESPONSIBILITIES

Article 48

The shipper shall ensure that all persons who handle the consigning formalities and sign the dangerous goods transport document have accepted the training of the knowledge of the relevant dangerous goods in accordance with the requirements of this Regulation and the Technical Instructions, and qualification is achieved.

Article 49

Before the shipper offers any package or overpack of dangerous goods for transport by air, that shipper shall ensure that the dangerous goods are not those are forbidden for transport by air and are properly classified, packed, marked, labeled and accompanied by a true and accurate dangerous goods transport document, as specified in this Regulation and the Technical Instructions.

Consigning the dangerous goods which are restricted for transport by the national laws and regulations shall conform to the requirements of the relevant laws and regulations.

Article 50

It is forbidden to include dangerous goods in general cargo or it is also forbidden to conceal and falsely report dangerous goods as general cargo when shipping.

Article 51

Unless otherwise provided for in the Technical Instructions, the shipper who offers dangerous goods for transport by air shall correctly complete, sign and provide to the operator a dangerous goods transport document, which shall contain the contents and information required by the Technical Instructions.

The dangerous goods transport document shall bear a declaration signed by the shipper who offers dangerous goods for transport indicating that the dangerous goods are fully and accurately described by their proper shipping names and that these dangerous goods are classified, packed, marked, labeled and in proper condition for transport by air in accordance with the provisions of the Technical Instructions.

If necessary, the shipper shall provide the Material Safety Data Sheet or the Appraisal Certificate meeting the proper condition for transport by air, which is issued by the appraisal organization authorized by the operator. The shipper shall ensure that goods listed in the dangerous goods transport document, Material Safety Data Sheet or the Appraisal Certificate are in keeping with the goods which were practically shipped.

Article 52

For international air transport, in addition to the languages which may be required by the State of Origin, English shall be used for the dangerous goods transport document.

Article 53

The shipper must retain a copy of the relevant dangerous goods transport document for at least 24 months. The above document shall include the dangerous goods transport document, air waybills and the supplementary data and documents required by this Regulation and the Technical Instructions.

Article 54

The staff of the shipper's agent shall receive the training of the knowledge of the relevant dangerous goods and qualification is achieved, as required by this Regulation and the Technical Instructions.

Article 55

When the shipper's agent engages in the activity of the transport of dangerous goods

by air on the shipper's behalf, the provisions of this Regulation in connection with the shipper's responsibilities are applied.

CHAPTER 7

RESPONSIBILITIES OF THE OPERATOR AND ITS AGENT

Section 1 Operator's Responsibilities

Article 56

The operator shall conduct the activity of the transport of dangerous goods by air within the purview and the period of validity as clearly stated in the Dangerous Goods Air Transport Permit issued by CAAC Regional Administration.

Article 57

The operator shall take measures to prevent dangerous goods from being hidden or concealed in baggage, cargo, mail and stores.

Article 58

Dangerous goods to be accepted by the operator for the transport by air shall at least meet the following requirements:

- (1)The dangerous goods are accompanied by the complete dangerous goods transport document, except otherwise required in the Technical Instructions;
- (2)The package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in the Technical Instructions;
- (3)The person who signed the dangerous goods transport document is confirmed to have been trained in accordance with the requirements of this Regulation and the Technical Instructions and qualification has been achieved.

Article 59

The operator shall develop and use an acceptance checklist so as to comply with the provisions of Article 57 and 58 of this Regulation.

Article 60

Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be loaded and stowed on an aircraft in accordance with the provisions of the Technical Instructions.

Article 61

Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for evidence of leakage or damage

before loading on an aircraft or into a unit load device. Leaking or damaged packages, overpacks or freight containers containing the dangerous goods shall not be loaded on an aircraft.

Article 62

A unit load device shall not be loaded aboard an aircraft unless the device has been inspected and found free from any evidence of leakage from, or damage to, any dangerous goods contained therein.

Article 63

Where any package of dangerous goods loaded on an aircraft appears to be damaged or leaking, the operator shall remove such package from the aircraft, or arrange for its removal by an appropriate organization, and thereafter shall ensure that the remainder of the consignment is in a proper condition for transport by air and that no other package has been contaminated.

Article 64

Packages or overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for signs of damage or leakage upon unloading from the aircraft or unit load device. If evidence of damage or leakage is found, the area where the dangerous goods or unit load device were stowed on the aircraft shall be inspected for damage or contamination.

Article 65

Dangerous goods shall not be loaded and carried on the flight deck of an aircraft or in an aircraft cabin occupied by passengers, except in circumstances permitted by the provisions of the Technical Instructions.

Article 66

Any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods shall be removed without delay.

An aircraft which has been contaminated by radioactive materials shall immediately be taken out of service and not return to service until the radiation level at any accessible surface and the non-fixed contamination are not more than the volumes specified in the Technical Instructions.

Article 67

Packages containing dangerous goods which might react dangerously one with another shall not be stowed on an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

Packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the provisions of the Technical Instructions.

Packages of radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, in accordance with the provisions in the Technical Instructions.

Article 68

When dangerous goods subject to the provisions of this Regulation are loaded in an aircraft, the operator shall protect the dangerous goods from being damaged, and shall secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages. For packages containing radioactive materials, the securing shall be adequate to ensure that the separation requirements of the provisions in paragraph 3 of Article 67 of this Regulation are met at all times.

Article 69

Packages of dangerous goods bearing the “cargo aircraft only” label shall be loaded and only in the cargo aircraft in accordance with the provisions in the Technical Instructions.

Article 70

The operator shall ensure that the storage of dangerous goods shall meet the requirements of storage, separation and segregation in relation to the dangerous goods as contained in the Technical Instructions.

Article 71

When the shipper is requested by the operator to provide the Appraisal Certificate of the goods which meet the conditions of the transport by air, in accordance with the Article 51 of this Regulation that operator shall notify the shipper of the appraisal organization authorized by the operator and ensure that its authorized appraisal organization satisfies the relevant regulations of CAAC concerning the appraisal organization responsible for the conditions of the transport of goods by air, as well as at the same time submit the authorized appraisal organization to CAAC for placing on record.

CAAC shall place the appraisal organization on record and make external announcement within 20 days from the day when the application for placing on record is received.

Article 72

The operator shall ensure that the relevant documents for the transport of dangerous goods by air are retained for minimum period of 24 months after the flight on which dangerous goods are transported was terminated. The above documents shall include at least the acceptance checklist, dangerous goods transport document, air waybills and the written notification to pilot-in-command.

Article 73

The operator, entrusting the ground handling agent to represent the operator to engage in the ground handling service to the transport of dangerous goods by air, shall sign with the ground handling agent the ground handling agency agreement involved in the transport of dangerous goods by air. The entrusted ground handling agent within the territory of China shall meet the requirements of this Regulation relating to the ground handling agent, the entrusted ground handling agent outside the territory of China shall conform to the relevant laws and regulations of the State of the seat. The operator shall submit the signed agreement to CAAC Regional Administration for putting on record within 7 days from the day when the ground handling agency agreement on the transport of dangerous goods by air was signed.

Article 74

The operator, entrusting the cargo sales agent to represent the operator to engage in the sales activity of cargo air transport, shall sign with the cargo sales agent the sales agency agreement on the cargo transport by air which include the contents of the safe transport of dangerous goods by air, and ensure that the entrusted cargo sales agent meet the following requirements:

- (1) Holding the business license of the legal person of the enterprise;
- (2) Staff who engage in the job of accepting the dangerous goods, cargo, or mail (other than dangerous goods) and who engage in the job of moving, storage and loading of cargo or mail shall be trained by the training organization meeting the requirements of this Regulation, in accordance with the dangerous goods training programmes which are authorized by the operator which acted for by the agent and qualification is achieved;
- (3) Sufficient number of and striking notices giving information about the transport of dangerous goods are prominently displayed and provided at visible locations at the cargo and mail acceptance points to remind shipper and agents to pay attention to any dangerous goods that maybe contained in their cargo consignments and the relevant regulations and legal responsibilities in violation of regulations on the transport of dangerous goods. These notices must include visual example of dangerous goods;
- (4) Not act as shipper or represent shipper to ship dangerous goods;
- (5) Appropriate measures shall be taken to prevent dangerous goods from being stolen or improperly used, causing damage to persons and properties;
- (6) In the event of aircraft accident, serious incident and incident, report the information about the dangerous goods loaded and carried on board the aircraft to the investigation department;
- (7) Other activities of the transport of dangerous goods by air on behalf of the operator to engage in within the terms of the operator's authority meet the requirements of this Regulation and the Technical Instructions.

Article 75

The operator, entrusting cargo sales agent and ground handling agent to engage in the relevant job on the cargo transport by air, shall request in the agency agreement the

agent to make examination of the cargo accepted or take effective measures to prevent dangerous goods from being hidden or concealed in the cargo. The operator shall authorize the cargo examination and relevant measures taken by the agent as well as conduct inspection at regular intervals.

Section 2 Responsibilities of the Operator's Agent

Article 76

The operator's agent referred in this Regulation means the enterprise engaging in the activity of the transport of dangerous goods by air on behalf of the operator, which is situated within the territory of China, including the cargo sales agent and the ground handling agent as well as other enterprises engaging in the activity of the transport of dangerous goods by air on behalf of the operator.

Article 77

The cargo sales agent engaging in the sales agency activity of cargo transport by air, shall sign with the operator the sales agency agreement of cargo transport by air, in which the contents of the safe transport of dangerous goods by air is included.

Article 78

The cargo sales agent shall not act as the shipper or represent the shipper to ship dangerous goods.

Article 79

No matter whether the ground handling agent engages in the activity of the transport of dangerous goods by air, it shall equally meet the following requirements:

- (1)Holding business license of the legal person of the enterprise;
- (2)Establishing dangerous goods training programmes and approval by CAAC Regional Administration is obtained;
- (3)Ensuring that its personnel have accepted the training of the relevant dangerous goods knowledge in accordance with the requirements of this Regulation and the Technical Instructions, and qualification is achieved;
- (4)Signing with the operator the ground handling agency agreement in which the transport of dangerous goods by air is included;
- (5)Establishing the controlling procedures for the transport of dangerous goods by air in which the ground emergency responding procedures and measures shall be included;
- (6)Holding the Dangerous Goods Air Transport Manual provided or authorized by the operator;
- (7)Other conditions stipulated by CAAC.

Article 80

In addition to the provisions of Article 79 of this Regulation, the ground handling agent engaging in the activity of the transport of dangerous goods by air shall also

meet the following requirements:

- (1) Establishing dangerous goods security measures conforming to the requirements of the Technical Instructions;
- (2) Storage control of dangerous goods meets the requirements of the storage, separation, segregation with regard to the dangerous goods as specified in the Technical Instructions;
- (3) Ensuring that when fulfilling the relevant duties, its personnel shall fully understand the contents in the Dangerous Goods Air Transport Manual which is connection with their responsibilities, and ensuring that the operation and transport of dangerous goods are executed in accordance with the procedures and requirements as provided for in the Dangerous Goods Air Transport Manual.

Article 81

The ground handling agent shall be submitted to CAAC Regional Administration of the seat for placing on the record. CAAC Regional Administration shall place the ground handling agent on the record and make the external announcement within 20 days from the day when the application for placing on the record is received.

Article 82

The provisions of this Regulation concerning the operator's responsibilities are applicable to the ground handling agent to engage in the activity of the transport of dangerous goods by air on behalf of the operator.

CHAPTER 8

INFORMATION ABOUT THE TRANSPORT OF DANGEROUS GOODS BY AIR

Article 83

The operator of an aircraft on which dangerous goods are to be carried shall provide the pilot-in-command, before departure of the aircraft, with written information as specified in the Technical Instructions.

Article 84

The operator shall provide such information in the Operation Manual as will enable the crew member to carry out its responsibilities with regard to the transport of dangerous goods and shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

Article 85

The operator shall ensure that information on the dangerous goods which are

forbidden for transport by air is provided to a passenger when the passenger purchases the ticket. Information provided via internet may be in text or pictorial form but shall ensure that ticket purchase can not be completed only until the passenger has indicated that they have understood the restrictions on dangerous goods in baggage.

Article 86

Prior to the check in formalities for passenger to go through, the operator shall provide to the passenger on their website or other sources of information the restriction requirements of the dangerous goods which may be carried by passengers as specified in the Technical Instructions. When the check in formalities are gone through via internet, the operator shall ensure that information on the types of dangerous goods which a passenger is forbidden to transport by air is provided to passengers. Information maybe in text or pictorial form but shall ensure that the check in formalities can not be completed only until the passenger has indicated that they have understood the restrictions on dangerous goods in baggage.

When the passenger's check in formalities are gone through via self service automated facility, the operator shall ensure that information on the types of dangerous goods which a passenger is forbidden to transport by air is provided to passengers. Information shall be in pictorial form and shall ensure that the check in formalities can not be completed only until the passenger has indicated they have understood the restrictions on dangerous goods in baggage.

Article 87

The operator and the airport administrative organization shall ensure that notices notifying passengers of the types of dangerous goods which they are forbidden to transport by air are prominently and striking displayed in sufficient number at each of the places at an airport where tickets are issued, passengers are checked in and aircraft boarding areas are maintained, and at any other location where passengers may be checked in. These notices shall include visual examples of dangerous goods forbidden from transport aboard an aircraft.

Article 88

The operator, cargo sales agent and ground handling agent shall display and provide sufficient number of striking and prominent notices giving information about the transport of dangerous goods at visible locations at the cargo and mail acceptance points to alert the shipper and its agent to take notice of any dangerous goods that may be contained in their cargo consignments and the relevant regulations and legal responsibilities for the dangerous goods which are transported in violation of regulations. These notices shall include visual examples of dangerous goods.

Article 89

The operator, shipper, airport administrative organization and other organizations involving in the transport of dangerous goods by air shall provide to its staff such

information as will enable them to carry out their responsibilities with regard to the transport of dangerous goods by air, and shall at the same time provide instructions as to the action to be taken in the event of emergencies involving dangerous goods.

Article 90

If an in-flight emergency occurs, the pilot-in-command shall, in case the situation permits, immediately inform the air traffic controlling department of the information about the dangerous goods carried on board the aircraft as provided for in the Technical Instructions, so as to notify aerodrome authorities.

Article 91

In the event of aircraft accident or serious incident where dangerous goods carried as cargo may be involved, the operator shall provide information about the dangerous goods on board, without delay, to emergency services agencies responding to the accident or serious incident and the appropriate authorities of the State of the Operator and the State in which the accident or serious incident occurred.

In the event that the incident of an aircraft carrying dangerous goods as cargo occurs, the operator shall provide information about the dangerous goods on board, without delay, to the emergency services agencies responding to the incident and the appropriate authorities of the State in which the incident occurred.

The information provided shall be consistent with the written information provided to the pilot-in-command.

Article 92

In the event that the dangerous goods accident or incident occurs, the operator shall report to the appropriate authorities of the State of the Operator and the State in which the accident or incident occurred.

Initial report may be in various forms, but a written report shall be completed as soon as possible.

Where applicable, the written report shall include the following contents, and the duplicate of the relevant document and the photograph shall be attached to the written report:

- (1) Date when the accident or incident occurred;
- (2) Place where the accident or incident occurred, flight number, and flight date;
- (3) Descriptions of the goods concerned and the number of air waybill, mail bags, baggage tags and tickets;
- (4) Known proper shipping name (including the technical name) and UN number;
- (5) Class or division and the subsidiary risk;
- (6) Packaging type and packaging specification marking;
- (7) Quantity involved;

- (8) Name and address of the shipper or passenger;
- (9) Other detailed information about the accident or incident;
- (10) The suspicious cause of the accident or incident;
- (11) Measures to be taken;
- (12) Other information reported before the written report;
- (13) The name, title, address and telephone number of the person who reports.

Article 93

The operator shall report to the appropriate authorities of the State of the Operator and the State in which this occurred any occasion when undeclared or misdeclared dangerous goods are discovered in cargo or mail. The operator shall also report to the appropriate authority of the State in which this occurred any occasion when dangerous goods not permitted under the requirements of the Technical Instructions are discovered in the baggage of passengers.

CHAPTER 9

TRAINING

Section 1 Basic Rules

Article 94

Personnel engaging in the activity of the transport of dangerous goods by air shall be trained in accordance with the requirements of this Regulation and the Technical Instructions, and qualification is achieved.

Article 95

Dangerous goods training to the personnel engaging in the activity of the transport of dangerous goods by air shall be implemented by the dangerous goods training organization that conforms to the requirements of this Regulation. Whether or not the operator holds Dangerous Goods Air Transport Permit, the operator shall ensure its relevant personnel be trained in accordance with the requirements of this Regulation and the Technical Instructions, and qualification is achieved.

Section 2 Dangerous Goods Training Programmes

Article 96

Pursuant to the requirements of the Technical Instructions, the following enterprises or organizations shall hold the dangerous goods training programmes in conducting the training activity:

- (1) Enterprise or other organizations acting as the shipper to transport dangerous goods by air or shipper's agent;

- (2) Domestic operator;
- (3) Cargo sales agent;
- (4) Ground handling agents;
- (5) Enterprise engaging in the civil aviation security check.

The dangerous goods training organization may establish the dangerous goods training programmes on behalf of the above enterprises or organizations, but such programmes shall be authorized by the principal before implementation.

Article 97

The dangerous goods training programmes shall be established in accordance with the responsibility of various personnel, each kind of training programmes shall include two categories namely initial training and recurrent training and shall meet the requirements of the Technical Instructions.

Article 98

The dangerous goods training programmes shall include the following contents at least:

- (1) Statement of conforming to the provisions of this Regulation and the Technical Instructions;
- (2) Training course offered and requirements for exam;
- (3) Conditions for the trainee to meet and quality requirements shall be attained after the training;
- (4) Detailed list of the facilities and equipments to be used;
- (5) Qualification requirements for instructor;
- (6) Teaching materials for training;
- (7) The relevant requirements specified in national laws and regulations.

The dangerous goods training programmes of the operator, cargo sales agent and ground handling agent shall also include the usage requirements of the Dangerous Goods Air Transport Manual or the Dangerous Goods Air Transport Manual of the operator acted for.

Article 99

The dangerous goods training programmes established by the enterprise or organizations stipulated in item (1) of Article 96 of this Regulation shall be reported to CAAC Regional Administration for putting on the record before implementation.

The dangerous goods training programmes established by the enterprises or organizations stipulated in items (2), (4), (5) of Article 96 of this Regulation shall be submitted to CAAC Regional Administration for approval before implementation.

The dangerous goods training programmes established by the enterprises or organizations stipulated in item (3) of Article 96 of this Regulation shall be authorized

by the operator acted for before implementation.

Article 100

The dangerous goods training programmes shall be revised and updated in time, and shall be report for putting on the record and approval or authorization by the operator in accordance with the provisions of Article 99 of this Regulation.

Section 3 Training Courses

Article 101

The enterprise or organization establishing and maintaining the dangerous goods training programmes shall set up the training courses in accordance with its training programmes. The training courses shall include:

- (1) General familiarization training, which must be aimed at providing familiarity with the general provisions;
- (2) Function-specific training, which must provide detailed training in the requirements applicable to the function for which that person is responsible; and
- (3) Safety training, which must cover the hazards presented by dangerous goods, safe handling and emergency response procedures.

Article 102

The specific contents and the planned hours of the training as well as the relevant requirements of the exam shall be listed in details in the training courses.

Article 103

The teaching materials and data required by the training courses shall conform to the provisions of the national laws and regulations and meet the requirements of the current and effective Technical Instructions.

Section 4 Training Requirements

Article 104

The personnel of the ground handling agent who has been trained by the training organization meeting the requirements of this Regulation in accordance with the approved training programmes and has been qualified after training, or the personnel of the cargo sales agent who has been trained by the training organization meeting the requirements of this Regulation in accordance with the training programmes authorized by the operator acted for and has been qualified after training, may do the job of the personnel of the same category on behalf of the different operator, but the operator shall ensure that the following conditions are met:

- (1) Within the limits of equal responsibilities, its training level is sufficient for the designated jobs;
- (2) Compliance with the requirements as specified in the Dangerous Goods Air Transport Manual of the operator.

Article 105

Foreign operator shall ensure that the personnel engaging in the activity of the transport of dangerous goods by air within the boundary of the People's Republic of China are trained pursuant to one of the following requirements and qualification is achieved:

- (1) Training programmes approved or authorized by the competent authority of the State of the foreign operator or other equivalent document as well as the relevant Chinese laws and regulations in connection with the transport of dangerous goods by air;
- (2) Training programmes approved by CAAC Region Administration and the variations policy of the foreign operator.

Article 106

To ensure knowledge is current, recurrent training shall be provided within 24 months of the previous training.

If recurrent training is completed within the final three months of validity of previous training, the period of validity extends from the day on which the recurrent training was completed until 24 months from the expiry day of that previous training.

Article 107

Training records shall be retained for over 3 years and shall be made available upon request to CAAC or CAAC Regional Administration for inspection. The following contents shall be clearly stated in the record of training:

- (1) Name of the person who has been trained;
- (2) The most recent training completion date;
- (3) The description to training materials used;
- (4) The name and address of the organization providing the training;
- (5) Name of the training instructor;
- (6) Scores of the exam;
- (7) Evidence which shows that a test has been completed satisfactorily.

Section 5 Dangerous Goods Training Organization**Article 108**

Enterprise or organization that establishes and implements the dangerous goods training programmes may set up the dangerous goods training organization.

Enterprise or organization that has no favorable factors to set up the dangerous goods training organization may entrust the established dangerous goods training organization according to this Regulation to conduct training to their personnel in accordance with the training programmes which are established by the principal party, approved and placed on record or authorized.

Article 109

The dangerous goods training organization conducting dangerous goods training shall meet the following conditions and shall report to CAAC for putting on record:

- (1) Having the corporate qualification;
- (2) Having the initial and recurrent training programmes which are provided by the principal party and have been approved, placed on record or authorized and the training courses and teaching materials which are designed for the principal party;
- (3) Having over 3 dangerous goods training instructors who meet the requirements of this Regulation;
- (4) Having the teaching facilities and equipments which meet the teaching needs.

CCAC will place the dangerous goods training organization on records and make external announcement within 20 days from the day when the application for putting on records is received.

Article 110

The conditions as provided for in items (1), (2) of the Article 109 of this Regulation are not applicable to the dangerous goods training organization established for the personnel of its own enterprise.

Article 111

The instructor of the dangerous goods training organization shall meet the following conditions:

- (1) Familiarity with the laws, regulations, rules, stipulations and policy on civil aviation;
- (2) Having engaged in the civil aviation related operational work for over 5 years;
- (3) Having the record of schooling at junior college level or above;
- (4) Passing the training of category 6 staff in the approved dangerous goods training programmes and excellence is achieved in examination;
- (5) Having the relevant and adequate teaching skills;
- (6) Having the English knowledge proficient in correctly understanding the relevant rules for the transport of dangerous goods by air as approved and published by ICAO;
- (7) Other conditions provided for by CAAC.

The rules in previous section are not applicable to the instructor of the dangerous goods training organization established for providing training to the staff of its own enterprise.

Article 112

The instructor of the dangerous goods training organization established for providing training to the staff of its own enterprise shall meet the following conditions:

- (1) Familiarity with the laws, regulations, rules, stipulations and policy on civil aviation;
- (2) The instructor is the employee of the enterprise;

- (3) Having engaged in the civil aviation related operational work for over 3 years;
- (4) Passing the training of category 6 staff in the approved dangerous goods training programmes and excellence is achieved in examination;
- (5) Having the relevant and adequate teaching skills and passing the evaluation;
- (6) Other conditions provided for by CAAC.

Article 113

The instructor of the dangerous goods training organization must be registered only in one training organization, shall deliver the lectures or attend the recurrent training within 24 months.

Article 114

Dangerous goods training organization shall set up the training records for the students of training course in accordance with the provisions of Article 107 of this Regulation. The training records shall be retained for a minimum of 3 years above and shall be made available to CAAC and CAAC Regional Administration upon request for inspection.

CHAPTER 10

OTHER REQUIREMENTS

Article 115

Operator and its ground handling agent, cargo sales agent, shipper and its agent engaging in the transport of dangerous goods by air shall take appropriate measures to prevent dangerous goods from being stolen or improperly used, that may cause the damage to persons and property.

Article 116

The shipper and operator engaging in the transport of high consequence dangerous goods by air shall make security plan and timely revise their security plan so as to maintain the practicality and effectiveness of their security plan.

High consequence dangerous goods are those dangerous goods which have the potential for misuse in a terrorist event and which may, as a result, produce serious consequences such as mass casualties or mass destruction as provided for in the Technical Instructions.

Article 117

The operation specifications of the domestic operator shall include the relevant contents of the transport of dangerous goods by air.

Article 118

Aerodrome Administrative organization shall establish the aerodrome emergency response rescue preplanning for dangerous goods and shall incorporate it for administration in the emergency response rescue preplanning of the unexpected event in the civil transport aerodrome, and implement it according to the Administrative Rules for the Emergency Response Rescue Preplanning of the Unexpected Event in the Civil Transport Aerodrome.

Article 119

Aerodrome administrative organization shall timely revise the aerodrome emergency response rescue preplanning for the dangerous goods and shall ensure the practicality and effectiveness of the emergency response rescue preplanning.

Aerodrome administrative organization shall incorporate aerodrome administration of dangerous goods and the contents of the aerodrome emergency response rescue preplanning for dangerous goods into the Manual of Using Civil Aerodrome.

Article 120

Investigation rules and procedures for the aircraft accident, serious incident and incident shall include the contents involving dangerous goods.

Article 121

Operator, cargo sales agent, ground handling agent, shipper and its agent engaging in the transport of dangerous goods by air shall report the instances of dangerous goods aboard the aircraft to the function department responsible for the investigation on the aircraft accident, serious incident, and incident.

CHAPTER 11

SUPERVISION

Article 122

Civil aviation administration department conducts the supervisory inspection of the activity of the transport of dangerous goods by air in accordance with its responsibility.

CAAC Regional Administration shall regularly conduct inspection of the main body engaging in the activity of transport of dangerous goods by air under its jurisdiction, timely deal with the problems found from the supervisory inspection and report to CAAC.

Article 123

When the civil aviation administrative department carrying out the supervisory inspection of the units in connection with the activity of the transport of dangerous goods by air pursuant to laws, the following functions and powers are exercised:

- (1) Carrying out inspection by the access to the business place of the relevant unit or other relevant places; inquiring the operator, persons of common interests or other relevant unit or individual who are investigated, requesting them to explain the relevant situations; consulting and duplicating relevant documents and data;
- (2) Correcting on the spot or requesting to correct within the time limit the acts in violation of laws and regulations found during the inspection; for the acts which shall be given the administrative penalty in accordance with the laws, the decision on the administrative penalty is made in accordance with this Regulation and the provisions of other relevant laws and regulations;
- (3) For the articles such as cargo, mail and baggage etc which may involve in dangerous goods accident, dangerous goods incident and the transport in violation of regulations, requesting the relevant unit to keep them properly so as to make the follow-up investigation;
- (4) After the approval by the principal person in charge in this department, detaining the dangerous goods transported in violation of laws.

Article 124

The civil aviation administrative department shall set up exposure and report system according to its responsibility, making the exposure and report telephone, mailbox or email address known to public, accepting the exposure and report in relation to the transport of dangerous goods by air.

Article 125

Unit and individual engaging in the activity of the transport of dangerous goods by air shall accept the supervisory inspection and cooperate with the civil aviation administrative department in the supervisory inspection.

Article 126

The civil aviation administrative department in exercising the supervision over the activity of the transport of dangerous goods by air, shall not hinder the unit or individual being under inspection from normal business activities, shall not ask for and accept the property from the person who is permitted or the unit or individual being under inspection, and shall not seek other improper interests.

Article 127

The letter of approval to the Dangerous Goods Air Transport Permit shall not be altered, lent, sold or transferred.

Loss of, damage to or destruction of the letter of approval to the Dangerous Goods Air Transport Permit shall be timely reported to the CAAC Regional Administration that issued the Permit and after the loss announcement is made to declare it invalid,

written application for newly collection shall be forwarded to CAAC Regional Administration that issued the Permit.

Article 128

Operator shall assure that its operation conditions continuously meet the requirements for the Dangerous Goods Air Transport Permit which was issued.

Where the operator fails to measure up to the conditions for safety in operation due to the change of operating conditions, civil aviation administrative department may revoke its Dangerous Goods Air Transport Permit in accordance with the provisions of the law of safety in Production.

Article 129

Operator and its agent conducting the activity of the transport of dangerous goods by air, shall in accordance with the relevant regulations report and forward to the civil aviation administrative department the transport information about the activity of the transport of dangerous goods by air.

Article 130

The civil aviation administrative department should establish the law-violation records system for the transport of dangerous goods by air in accordance with the responsibility, circulating periodically the law-violation records of the transport of dangerous goods by air. Operator shall adopt stricter acceptance check procedure for the cooperative party who has law-violation records of the transport of dangerous goods by air so as to avoid the accident arising from the transport of dangerous goods by air.

Article 131

Any unit and individual has the right to report or expose and report to CAAC or CAAC Regional Administration acts of violations of laws and regulations in connection with the transport of dangerous goods by air. In case the written form is used in the report or exposure and report and the relevant facts and evidence are provided, CAAC or CAAC Regional Administration shall conduct necessary investigation according to the exposure and report situation.

CHAPTER 12

LEGAL LIABILITY

Article 132

Where the shipper or its agent commits one of the following acts, the civil aviation administrative department shall inflict warning punishment or impose a fine of not

more than 30000 yuan:

- (1) In violation of this Regulation, failure to classify the dangerous goods consigned as required;
- (2) In violation of this Regulation, failure to pack the dangerous goods consigned as required;
- (3) In violation of this Regulation, failure to mark the dangerous goods consigned as required;
- (4) In violation of this Regulation, failure to label the dangerous goods consigned as required;
- (5) In violation of this Regulation, failure to provide the relevant dangerous goods transport document for the dangerous goods assigned as required;
- (6) In violation of this Regulation, dangerous goods consigned belong to the dangerous goods forbidden for transport by air;
- (7) In violation of this Regulation, failure to meet the requirements of the relevant laws and regulations when consigning the dangerous goods which are limited for transport by national laws and regulations;
- (8) In violation of Article 53 of this Regulation, failure to retain the relevant documents;
- (9) In violation of Article 89 of this Regulation, failure to provide the relevant information or the relevant guide to the personnel.

Article 133

Where the operator commits one of the following acts, the civil aviation administrative department shall inflict warning punishment or impose a fine of less than 30000 yuan:

- (1) In violation of Article 7 of this Regulation, failure to abide by the provisions of the Technical Instructions in the transport of dangerous goods;
- (2) In violation of Article 8 or 14 of this Regulation, the dangerous goods were transported without having the approval, without getting the exemption, without obtaining the Dangerous Goods Air Transport Permit or without following the contents of the Dangerous Goods Air Transport Permit;
- (3) In violation of Article 20, 25, 31, 36 of this Regulation, failure to provide authentic materials when applying for the Dangerous Goods Air Transport Permit or failure to report to CAAC Regional Administration for approval as required when changes made in the materials took place;
- (4) In violation of Article 39 of this Regulation, failure to provide the Dangerous Goods Air Transport Manual as required;
- (5) In violation of Article 41 of this Regulation, failure to take necessary measure to make its personnel and cargo sales agent and ground handling agent understand the relevant contents of the Dangerous Goods Air Transport Manual;
- (6) In violation of Section 1 of Chapter 7 of this Regulation, failure to meet the relevant requirements of the operator's responsibility;
- (7) In violation of Chapter 8 of this Regulation, failure to provide the information about the transport of dangerous goods by air as required;

(8) In violation of Article 127 of this Regulation, altering, lending, selling or transferring the letter of approval to the Dangerous Goods Air Transport Permit or failure to make timely report after the letter of approval was lost, damaged, destroyed;
(9) In violation of Article 129 of this Regulation, failure to report and forward the transport information concerning the activity of the transport of dangerous goods by air as provided for.

Where the operator commits the acts in items (1) and (2) of paragraph 1 of this Article under aggravating circumstances, all the unlawful earnings shall be confiscated, a fine of not more than 100% of the unlawful earnings may also imposed.

Where the operator commits the acts in item 3 of paragraph 1 of this Article, failure to provide authentic material and obtaining the Dangerous Goods Air Transport Permit by means of deception, the civil aviation administrative department shall revoke its permit.

Article 134

Where the cargo sales agent commits one of the following acts, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan:

- (1) In violation of Article 77 of this Regulation, engaging in the activity of the transport of dangerous goods by air;
- (2) In violation of Article 78 of this Regulation, consigning dangerous goods as shipper or representing shipper.

Article 135

Where the ground handling agent commits one of the following acts, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan:

- (1) In violation of Article 79, 80, 81 of this Regulation, engaging in the activity of the transport of dangerous goods;
- (2) In violation of Article 88 of this Regulation, failure to provide the information about the transport of dangerous goods by air as required;
- (3) In violation of Article 129 of this Regulation, failure to report and forward the transport information with regard to the activity of the transport of dangerous goods by air as provided for.

Where the ground handling agent representing the operator to engage in the activity of the transport of dangerous goods by air violates this Regulation, the provisions in item (6) of Article 133 of this Regulation are applicable.

Article 136

Where the aerodrome administrative organization commits one of the following acts, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan:

- (1) In violation of Article 87, 89 of this Regulation, failure to provide the information about the transport of dangerous goods by air as required;
- (2) In violation of Article 118, 119 of this Regulation, failure to draw up or failure to revise in time the dangerous goods emergency response rescue preplanning for aerodromes.

Article 137

Where a shipper and its agent, operator, cargo sales agent, ground handling agent, enterprise engaging in the civil aviation security check as well as the training organization, in violation of Chapter 9 of this Regulation, failure to meet the relevant requirements of the dangerous training, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan.

Article 138

Where a shipper and its agent, an operator or ground handling agent, in violation of Article 115 of this Regulation, failure to take appropriate measures to prevent dangerous goods from being stolen or improper use, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan.

Article 139

Where a shipper or an operator engaging in the transport of high consequence dangerous goods by air, in violation of Article 116 of this Regulation, failure to establish or revise in time the security plan for the high consequence dangerous goods, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan.

Article 140

Where a shipper or its agent, an operator or ground handling agent, in violation of Article 121 of this Regulation, failure to report the dangerous goods aboard an aircraft, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan.

Article 141

Where the unit or an individual engaging the activity of the transport of dangerous goods by air, in violation of Article 125 of this Regulation, refused to accept the supervision and inspection or refused to cooperate with the civil aviation administrative department in conducting the supervision or inspection, the civil aviation administrative department shall inflict warning punishment or impose a fine of not more than 30000 yuan.

Article 142

Where the unit and individual engaging in the activity of the transport of dangerous by air, in violation of this Regulation, constitutes a crime, the criminal responsibility

shall be investigated according to law.

CHAPTER 13

SEPPLEMENTARY PROVISIONS

Article 143

The terms in this Regulation is calculated in working days, not including legal holidays.

Article 144

Where the aircraft operator of Hong Kong Special Administrative Region, Macao Special Administrative Region and Taiwan Region apply for the Dangerous Goods Air Transport Permit, the provisions of this Regulation with regard to the foreign operator shall be referred and implemented.

Article 145

This Regulation shall go into effect as of March 1, 2014. Regulations governing the transport of dangerous goods by air promulgated on July 12, 2004 by CAAC are abolished at the same time.

-END-