Regulation on Family Assistance in Civil Aircraft Accident: Chinese Perspective

February 5, 2015
Outline

- Background Information
- Legislation and Regulation
- Basic Contents
- Key Provisions
- Future Considerations
1. Background Information

- Current Situation
- Overall Requirements of ICAO
- Sharing Successful Experience
- Stronger Need for Legislation
2. Legislation and Regulation

- **Civil Aviation Law of China**
  - Adopted by the Standing Committee of National People’s Congress
  - Issued on October 30, 1995 and entered into force on March 1, 1996
  - 16 chapters, 314 articles
2. Legislation and Regulation

- Regulation on Emergency Response and Family Assistance Relating to Civil Aircraft Accident (CCAR-399)
  
  ▶ Issued on August 31, 2005 and entered into force on January 1, 2006
  
  ▶ 6 chapters, 50 articles
3. Basic Contents

- General Requirements
- Requirements on Emergency Response
- Requirements on Family Assistance
- Roles and Responsibilities: Governments, air operators, airport operators, and other parties.

Article 23

The accidents handling and coordinating team shall, jointly with the public air transport enterprise, be empowered to inspect the logistic assistance work relating to the families of the victims, survivors and missing persons, including the safety, quality of the facilities and equipment in their lodging places, and the protection of the privacy of the families.

Article 29
After the occurrence of a civil aircraft flight accident, the public air transport enterprise shall provide the families of the victims, survivors and missing persons involved in an accident with material and mental assistance.

Article 30
A public air transport enterprise shall formulate an emergency plan for civil aircraft flight accident, and shall organize an emergency drill every year so as to correct the potential problems in the emergency plan.
Article 31

The public air transport enterprise shall submit a family assistance plan to the CAAC, which shall cover:

a) a telephone number which is rapidly available after the civil aircraft accident occurs, and a name list of the well trained persons who are capable of handling the phone calls of the families of the passengers;

b) the procedure for giving a timely notice to the families of the passengers;

c) the channel for offering to the competent authority the information about the persons aboard the aircraft as well as for updating such information;

d) the promise to negotiate with the family of each passenger about the disposition of the remains and personal effects of the victims;

e) the promise to train, where necessary, its personnel and agents to as to address the needs of the families of victims, survivors and missing persons involved in the accident;

f) a compensation plan and procedures, and the procedures and organization for handling the funeral services of the victims;

g) the promise to commit sufficient resources to carry out this plan.

For any change to the family assistance plan, the public air transport enterprise shall report it to the CAAC for archival purposes within 10 days after the change.

Article 36

A public air transport enterprise shall provide assistance to the families of the victims, survivors and missing persons, which includes:

a) providing logistical support to family members to travel to and from site of the accident;

b) providing necessary logistical support to other family members such as lodging, place of activities, etc.;

c) assigning trained personnel to provide family members with mental conciliating;

d) providing the victims, survivors and missing persons and their families with necessary medical health support;

e) providing necessary funds to carry out the family assistance tasks; and

f) providing other assistances relating to the civil aircraft accident.

Article 45
The administrative department of an airport shall help the public air transport enterprise in which a civil aircraft accident occurs to carry out the family assistance tasks, such as facilitating their transportation, lodging, etc.
5. Future Considerations

- Legislation Development
- Regulation Harmonization
- Definition Consistency
- Current Documentation Incorporation
- Best Practices Sharing
Thank you!