



Introduction on China's Family Assistance Work in Civil Aviation Accidents

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For the purpose of enhancing the response capabilities of civil aircraft flight accidents, alleviating damages caused by accidents, and providing the victims, survivors, missing persons and their families in such accidents with necessary assistance, the Civil Aviation Administration of China (CAAC) developed the Provisions on the Emergency Response and Family Assistance of Civil Aircraft Flight Accidents (CCAR-399) in accordance with the Civil Aviation Law of the People's Republic of China, the Work Safety Law of the People's Republic of China and the relevant provisions of the State Council, which has come into force since January 1, 2006.



I. Main Content

CCAR-399 specifies responsibilities and obligations of government departments, public air transport enterprises and airports regarding emergency response and family assistance.



I. Main Content

Responsibilities of CAAC:

- 1.CAAC shall include family assistance plan as one of the prerequisites for the approval of operation license of public air transport enterprises.
- 2.CAAC shall be responsible for the oversight and inspection of emergency responses and family assistance of civil aircraft flight accidents, urging the development and execution of assistance plans by public air transport enterprises, and discharging other functions in accordance with the National Emergency Plan for Handling Civil Aircraft Flight Accidents.
- 3.The regional administrations of CAAC and their dispatched entities shall assist, within their respective jurisdictions, the emergency response and family assistance of civil aircraft flight accidents.
- 4.After the activation of an emergency plan, an accident handling and coordinating team designated immediately by the National Command for Handling Flight Accidents shall be responsible for coordinating the emergency handling of the accident and liaison between the public air transport enterprise and the families.



I. Main Content

Responsibilities of transport enterprises:

1. Material and comfort assistance. After an occurrence of civil aircraft flight accident, the involved public air transport enterprise shall provide the victims, survivors, missing persons and their families with material and comfort help.
2. Emergency plan and exercise. A public air transport enterprise shall develop emergency plan for civil aircraft flight accidents, and shall organize emergency exercise at least once a year, so as to timely rectify problems that may exist in the emergency plan.
3. Family assistance plan. A public air transport enterprise shall submit its family assistance plan to CAAC.
4. Information report on foreign passengers. Where foreign passengers are involved in a civil aircraft flight accident, the public air transport enterprise shall timely report the necessary information of the foreign passengers to the accident coordinating team so as to enable the foreign affairs department to contact the relevant foreign embassies in a timely manner.



I. Main Content

Responsibilities of airports:

1. Emergency rescue plan. The administrative department of an airport shall develop an airport emergency rescue plan and shall be responsible for the overall coordination of the emergency rescue tasks for the civil aircraft flight accidents that occur within the airport and its adjacent area.
2. Support to family assistance. The administrative department of an airport shall support the public air transport enterprise involved in a civil aircraft flight accident to carry out the family assistance work, such as offering service regarding transportation and accommodation.



II. Major issues at present

1. Inconsistency between accident classification and Emergency Response Law;
2. Not applicable to foreign airlines;
3. Family assistance plans to be improved; and
4. Lack of provisions on legal liabilities.



III. Main content of next amendment

1. Alignment with domestic higher law

The currently effective CCAR-399 has come into force as of January 1, 2006, earlier than its upper-level law, Emergency Response Law of the People's Republic of China, which took effect on November 1, 2007 as the fundamental basis for emergency response and family assistance. Therefore some system design in CCAR-399 was not alignment with the provisions of the Emergency Response Law, which calls for an amendment in order to ensure consistence in the legal system.



III. Main content of next amendment

2. Borrowing international practices

The International Civil Aviation Organization (ICAO) published the ICAO Policy on Assistance to Aircraft Accident Victims and their Families (Doc 9998), offering policy guidance for family assistance in aircraft accidents. CCAR-399 should timely borrow the rules and procedures on family assistance that are widely adopted in the global community.



III. Main content of next amendment

3. Adjusting applicability

A. It is proposed that “The original coverage of “aircraft for commercial operations subject to CCAR-121 and CCAR-135” be adjusted into “public air transport” based on the objectives of the Provisions.

B. As the Level of Civil Aircraft Flight Accidents (National Standards GB14648-93) defining “major or extremely severe civil aircraft flight accidents” has been repealed in 2017, applicability of the Provisions should also be adjusted accordingly.

C. It is proposed to extend the Provisions to cover foreign airlines, i.e. family assistance relating to flight accidents by foreign civil aircraft engaged in public air transport which plan to take off, land or operate within the territory of the People’s Republic of China, will fall within the purview of the Provisions.



III. Main content of next amendment

4. Learning from international experience to improve family assistance plan

Learning from the experience of ICAO policies, Europe and America in regulations, it is proposed to improve the content of airlines' family assistance plans, meanwhile it is specified that foreign public air transport enterprises incapable of complying with relevant provisions, shall submit sufficient alternative measures with equivalent effects to CAAC.



III. Main content of next amendment

5. Adding detailed requirements on information release for airlines

Public air transport enterprises shall timely publish information on liaison progress with families via website or press conference in proper means, so as to further contact the families of victims, survivors and missing persons. Meanwhile public air transport enterprises are required to inform the families of victims, survivors and missing persons on relevant situation and information before the press conference.



III. Main content of next amendment

6. Adding requirements on training and exercise

The Provisions requires personnel at civil aviation administrative organs responsible for family assistance shall receive training on a regular basis. Public air transport enterprises shall organize emergency response and family assistance exercise not less than once a year, and professional management, commanding, fire-fighting, medical rescue and family assistance personnel should be subject to regular training.



III. Main content of next amendment

7. Adding a chapter on legal liabilities

By adding the content on legal liabilities, the Provisions will be more implementable to better promote the legal subjects to fulfill their responsibilities and obligations as specified by law.



Thank you !

