



# **Administrative Procedure**

**Flight Standards Department,  
Civil Aviation Administration of China**

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## **Administrative Procedure for Operation Assessment of Foreign Air Carriers Engaged in Common Carriage**

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# **Administrative Procedure for Operation Assessment of Foreign Air Carriers Engaged in Common Carriage**

## **1. Purpose and Statutory Basis**

This Administrative Procedure (AP) is promulgated, pursuant to Operations Requirements: Foreign Air Carriers Engaged in Common Carriage (CCAR-129), to enhance the safety oversight and surveillance of the operations conducted by foreign air carriers engaged in common carriage (hereinafter referred to as “foreign operators”) within the territory of the People’s Republic of China (PRC), to establish the assessment mechanism for operations safety, and to provide guidance for the Administrator to conduct operation assessment on foreign operators.

## **2. Applicability**

This Administrative Procedure applies to all holders of CCAR-129 Operations Specifications and foreign operators initially applying for CCAR-129 Operations Specifications issuance.

## **3. Background**

In recent years, the number of foreign operators conducting operations in the PRC with CCAR-129 Operations Specifications has experienced

continuous growth. However, the safety performance of their operations vary, with safety occurrences happening frequently for some of the foreign operators. The safety performance of some foreign operators has become a major concern for the CAAC.

It is noted in Article 75 of the Work Safety Law of the People's Republic of China that *“a department with work safety regulatory functions shall establish a database of violations of law in work safety, honestly record information on the violations of law in work safety by business entities, and, for business entities with serious violations of law, disclose such violations to the public, and notify the competent authorities for the industry of such violations”*.

It is also noted by International Civil Aviation Organization (ICAO) in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (ICAO Doc 8335) that *“where major safety hazards are identified during the inspections on foreign operators, actions consisting of operational restrictions, corrective actions before flight or at maintenance base, grounding and/or withdrawal of approval to operate in the territory of the State will depend on national regulations”*.

In compliance with the relative law, regulations of the CAAC and ICAO guidance, the operation assessment procedures and system as described in this Administrative Procedure are developed to enhance the safety performance of the operations conducted by foreign operators within

the PRC.

## **4. References**

- a. Convention on International Civil Aviation and its Annexes
- b. Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (ICAO Doc8335)
- c. Provisions on the Civil Aviation Safety Information Management (CCAR-396)
- d. Safety Occurrence Reporting Procedures for Foreign Air Operators (AC-396-AS-2010-04)
- e. Standard Format of CCAR-129 Operations Specifications (AC-129-001)
- f. Maintenance and Repair of Aircraft Operated by Foreign Operators within the PRC (AC-129-002)
- g. Manual of Procedures for Certification and Surveillance of Foreign Air Carriers Engaged in Common Carriage
- h. Industrial Standards for Civil Aircraft Incident

## **5. General Rules**

A Demerit Points Scheme has been adopted for this Administrative Procedure for the risk-based safety assessment. When the safety level of a foreign operator has degraded, and a predetermined number of demerit

points assigned to it have been accumulated, the Administrator will impose operational restrictions against the foreign operator as a warning to its operations within the PRC, to urge the foreign operator to take measures to improve the safety performance of its operations. The assessment is performed in compliance with the Convention on International Civil Aviation and its Annexes, and relevant Civil Aviation laws, rules and regulations of the PRC.

## **6. Organizations and Their Responsibility**

a. The Regional Administrations of CAAC (hereinafter referred to as “RAs”) and Safety Oversight Administrations (hereinafter referred to as “SOAs”) shall collect data, in accordance with this Administrative Procedure, concerning the operations of foreign operators, and submit the data to the appropriate Operations Specifications Administrations (hereinafter referred to as “OSAs”).

b. The OSAs shall establish archives on the operation assessment of the foreign operators under its jurisdiction, analyze and evaluate the data collected by the RAs and SOAs, assign demerit points based on the findings, impose operational restrictions against foreign air operators according to the demerit points accumulated, and notify the foreign operators, and the competent Civil Aviation Authority (CAA) of the state of the operator, of the current demerit point information in a timely manner.

The assessment archives shall be maintained on a long-term basis, even if the CCAR-129 Operations Specifications for the foreign operator has been terminated.

## 7. Assessment Items and Points

The following table illustrates the categories and/or items to be assessed and the point rating standards. The OSAs shall make the assessment and assign demerit points according to the standards listed below:

Categories	No	Items	Points	Notes
a. safety occurrences	1	accident	-10	This category covers safety occurrences occurring within the PRC for which foreign operators are held responsible. Foreign operators shall report the safety occurrences according to the requirements specified in CCAR-396 and Safety Occurrence Reporting Procedures for Foreign Air Operators. Where Item 3 and Item 4 are involved simultaneously, 4 demerit points shall be assigned.
	2	serious incident	-4	
	3	4 or more incidents recorded during any 12 consecutive calendar months	-4	
	4	2 or more similar incidents recorded during any 12 consecutive calendar months	-2	
b. findings in ramp inspection	5	refusing to receive ramp inspection	-4	The RAs and SOAs shall enter, analyze and evaluate, and close the findings in accordance with the requirements of Flight Standards Oversight Program
	6	being uncooperative during ramp inspection	-2	

	7	major safety hazards identified	-2	(FSOP) after the completion of ramp inspection.
	8	finding of similar safety hazards identified during any 6 consecutive calendar months after taking corrective actions	-1	
	9	providing false information concerning certificates, manuals and other documents	-4	
c. findings in station inspection	10	refusing to receive station inspection	-4	The RAs and SOAs shall enter, analyze and evaluate, and close the findings in accordance with the requirements of Flight Standards Oversight Program (FSOP) after the completion of station inspection.
	11	being uncooperative in the station inspection	-2	
	12	major safety hazards identified	-2	
	13	finding of similar safety hazards identified during any 6 consecutive calendar months after taking corrective actions	-1	
	14	providing false information concerning certificates, manuals and other documents	-4	
d. feedback of foreign operators to the Administration	15	failing to inform the Administration of the investigative progress and to take corrective actions within the timeframe specified by the Administration upon receiving a notification of safety occurrence	-3	

	16	failing to provide feedback and take corrective actions within the timeframe specified by the Administration upon receiving a notification of the findings	-2	
	17	invalid contact information of the foreign operator	-2	
e. application of CCAR-129 Operations Specifications and compliance	18	providing false application information	-5	
	19	operating new routes in the PRC without the authorization of CCAR-129 Operations Specifications	-4	
	20	operating in the PRC using aircraft not authorized in its CCAR-129 Operations Specifications	-3	
	21	conducting other restricted operations which violate the authorization of CCAR-129 Operations Specifications	-2	
f. administrative actions	22	failing to attend the administrative appointment made by the RAs	-4	The RAs and SOAs shall communicate with the OSAs prior to taking administrative actions against foreign operators, and notify the OSAs of the administrative penalty afterward. The OSAs shall make assessment on the administrative actions, and assign demerit points accordingly.
	23	incurring an administrative penalty by the Administration due to operational safety issues	-2	



	24	being uncooperative with regard to the administrative penalty sanctioned by the Administration	-3	
	25	incurring administrative enforcement actions by the Administration	-3	
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g. complaints or reports concerning operation safety	26	complaints or reports submitted, which are verified, concerning the operation safety of foreign operators	-1	The OSAs shall make assessment on the complaints or reports and assign demerit points accordingly.
	27	failing to give timely response to the submitted complaints or reports concerning operation safety and eliminate the safety hazards	-2	
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h. references to international operation assessment	28	the state of the operator being assessed by ICAO as a State with a Significant Safety and Security Concerns	-8	Category “h” applies only to foreign operators initially applying for CCAR-129 Operations Specifications.
	29	the state of the operator falling into Category II of the FAA IASA program rating	-6	
	30	the foreign air operator being listed in Annex A of the EU Air Safety List	-6	
	31	the foreign air operator being listed in Annex B of the EU Air Safety List	-4	
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i. other items incurring demerit points	32	the total operation time being less than 1 year, or more than one year but the total number of flights engaged in common carriage being less than 1000	-6	Category “i” applies only to foreign operators initially applying for CCAR-129 Operations Specifications.
	33	operating international routes for the first time	-2	
	34	less than 3 aircraft being operated within the PRC	-6	
	35	at least 1 aircraft being operated within the PRC have been in service for over 14 years	-2	
	36	safety records showing flight accidents have occurred in the past 2 years.	-4	
	37	CCAR-129 Operations Specifications had been revoked in the past 2 years.	-6	

## 8. Scoring Rules

a. The starting point for a foreign operator is zero (0). Based on the basic situations of the foreign operator and its operations within the PRC, the OSAs shall assign demerit points against each individual occurrence accumulatively in accordance with the table in section 7 of this Administrative Procedure. Any 6 consecutive calendar months is a scoring

cycle. The start date of the scoring cycle is the date that the last individual occurrence is confirmed. In case of no demerit points for a foreign operator during any 6 consecutive calendar months, two positive points (+2) will be awarded automatically and one to two more positive points (+1 ~ +2) may be awarded if an assessment is conducted by the OSAs until the point returns to zero (0).

b. For items in Category **a** to Category **g**, where two or more items in same or different categories are involved against one single occurrence, the highest demerit point among those items will be assigned to such occurrence as the final demerit point.

c. For the foreign operator initially applying for CCAR-129 Operations Specifications, the final demerit point will be the sum of the demerit points for Category **h** and **i** in accordance with the rules below respectively:

(1) For the items in Category **h**, the highest demerit point among those items will be assigned as the demerit point for this category.

(2) For the items in Category **i**, the sum of the demerit points assigned for each item will be the demerit point for this category.

## **9. Operational Restrictions**

a. -12 points or below: For a holder of CCAR-129 Operations Specifications, the OSA may revoke its CCAR-129 Operations

Specifications; for a foreign operator initially applying for CCAR-129 Operations Specifications issuance, the OSA may deny its CCAR-129 Operations Specifications application. Foreign operators with their CCAR-129 Operations Specifications revoked after accumulating 12 demerit points or more may not re-apply for CCAR-129 Operations Specifications within 1 year following the date of its termination.

b. -8 points or below: For a holder of CCAR-129 Operations Specifications, the OSA may reduce the aircraft and destinations specified in its CCAR-129 Operations Specifications; for a foreign operator initially applying for CCAR-129 Operations Specifications issuance, the OSA may restrict the aircraft and destinations in its CCAR-129 Operations Specifications.

c. -6 points or below: The OSA may perform a safety audit on the main operations base of the foreign operator to make a re-assessment and assign demerit point based on the audit.

d. -4 points or below: For a holder of CCAR-129 Operations Specifications, the OSA may deny its application for the addition of aircraft and destinations in its CCAR-129 Operations Specifications; for a foreign operator initially applying for CCAR-129 Operations Specifications issuance, the OSA may restrict the aircraft and destinations in its CCAR-129 Operations Specifications.

## **10. Operators of Hong Kong and Macao Special Administrative Region**

For operator who holds the air operator certificate or equivalent document issued by Hong Kong and Macao Special Administrative Region, the Administrator should conduct operation assessment on the operators referring to this Administrative Procedure.

## **11. Effective Date**

This Administrative Procedure comes into effect on the date of its release, and cancels the previous Administrative Procedure AP-129-FS-2015-01 dated 4/22/2015.