

CCAR-276

Civil Aviation of China
Transport of Dangerous Goods by Air

CCAR-276

Order of General Administration of Civil Aviation of China

No. 121

CIVIL AVIATION of CHINA TRANSPORT OF DANGEROUS GOODS BY AIR (CCAR-276) was approved by CAAC council on May 24th, 2004 and shall be effective from Sep 1st, 2004.

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CIVIL AVIATION of CHINA
TRANSPORT OF DANGEROUS GOODS by AIR

CHAPTER A GENERAL

276.1 Purpose

As the requirements of *CIVIL AVIATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA* and “*THE DECISION OF THE STATE COUNCIL ABOUT SETTING ADMINISTRATIVE PERMISSION TO CERTAIN ITEMS THAT Must be Reserved*” (Order NO.412 of STATE COUNCIL), This regulation prescribes requirements for dangerous goods transportation by air,.

276.3 Application

This regulation applies to the operations of the following aircraft:

- (a) China ~~registry—civil~~registry civil aircraft;
- (b) Foreign civil aircraft operated in China.

276.5 Definition

The definitions of the terms used in this Regulation are in appendix A.

276.7 General Requirements

- (a) No operators may transport dangerous goods by civil aircraft (Hereafter called “aircraft”) unless they hold the permission of dangerous goods

transportation from the CAAC;

(b) No person may conduct dangerous goods transportation unless this transportation complies with all applicable requirements of the following:

(1) The valid and latest version of ***Technical Instructions for the Safe Transport of Dangerous Goods by Air*** (Doc 9284-AN/905) issued by ICAO, including all amendments and appendix approved by the Council of ICAO (Hereafter called “Technical Instructions”);

(2) Any additional limitations of the CAAC permission for dangerous goods transportation.

276.9 Exceptions

(a) Articles and substances which would otherwise be 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 those specialized purposes identified in the Technical Instructions, shall be excepted from the provisions of this regulation;

(b) Where articles and substances intended as replacements for those described in (a) or which have been removed for replacement are carried on an aircraft, they shall be transported in accordance with the provisions of this regulation except as permitted in the Technical Instructions.

(c) Articles and substances carried by passengers or crew as provided in the Technical Instructions shall be excepted from the provisions of this regulation.

276.11 Competent Authority

(a) General Administration of Civil Aviation of China (Hereafter called “CAAC”) is the authority responsible for the dangerous goods transportation in general as the scope described in article 276.3 of this Regulation; The CAAC regional offices are responsible for their regional activities of dangerous goods transportation as authorized.

(b) The authority shall conduct continuous surveillance of dangerous goods transportation according to its responsibilities.

(c)The authority should not interrupt the normal operations, not ask or obtain the probe and not seek other interests from the operators in surveillance.

276.13 Surveillance

(a) Any operators and any person involved in air transportation shall accept the supervision and inspection concerning dangerous goods transport by CAAC to ensure that the requirement of this regulation are met.

(b) According to inspection result of item (a) above and other relevant evidence, CAAC have the right to make the decision whether the company or individual can continue involved in air transport.. Legal liability shall be borne according to chapter N for any violation of this regulation.

CHAPTER B

LIMITATION OF DANGEROUS GOODS ON AIRCRAFT

276.23 General

The transport of dangerous goods by air shall be forbidden except as established in this Regulation and the detailed specification and procedures provided in the Technical Instructions.

273.25 Dangerous Goods forbidden for transport by air unless exempted

The dangerous goods described hereunder shall be forbidden on aircraft unless exempted by the CAAC or unless the Technical Instructions indicates they may be transported under an approval issued by the state of origin:

(a) articles and substances that are identified in the Technical Instructions as being forbidden for transport in normal circumstances; and

(b) infected live animals.

276.27 Dangerous Goods forbidden for transport by air under any circumstances

Articles and substances that are specifically identified by name or by generic description in the Technical Instructions as being forbidden for transport by air under any circumstances shall not be carried on any aircraft.

276.29 Exemptions

The CAAC may grant exemptions from the provisions of 276.25, under the following cases:

- (a) in case of extreme urgency; or
- (b) when other forms of transport are unavailable; or
- (c) for the requirements of public interest.

276.31 Air Mail

- (a) Transport of dangerous goods by air mail shall be forbidden except as established in the Technical Instructions.
- (b) It shall be forbidden to declare dangerous goods as general cargo (to conceal or give false information) in air mail.

CHAPTER C

APPLICATION AND PERMISSION OF DANGEROUS GOODS TRANSPORTATION

276.41 Application

- (a) The applicant of dangerous goods transportation should submit application letter according to stated format and method. The application letter must

include all contents required by CAAC.

- (b) The regional administration of civil aviation bears the following responsibilities to the applicant: offer consulting information; answer relevant question to requirements on dangerous goods transportation; offer the standardized format of regulations, rules and other relevant standard documents.
- (c) The domestic operator applying to dangerous goods transportation must submit the following document together with the application letter:
 - (1) The classification of dangerous goods being transported and operating airport description;
 - (2) Dangerous goods manual;
 - (3) Dangerous goods training program;
 - (4) Training program description for personnel who are involved in dangerous goods transportation;
 - (5) Emergency Response Guide for dangerous goods accident;
 - (6) Statement of the complacence
 - (7) Other relevant documents required by the CAAC.
- (d) The foreign operator applying for dangerous goods transportation must offer the following document together with the application letter:
 - (1) The permission documents on dangerous goods transportation issued by the state of operator;
 - (2) The classification of dangerous goods being transported and operating airport description;
 - (3) Dangerous goods manual or other valid equivalent approved by the state of operator;
 - (4) Dangerous goods training program or other valid equivalent approved by the state of operator;
 - (5) Description fulfilling the training requirements of Article 276.159 (b) of this regulation;
 - (6) Other relevant documents required by the CAAC;
- (e) The required permit, approval and exemption Documents mentioned in item (d) must be attached in Chinese or in English translation if other language is used.

276.43 Acceptance

The applicant prepares application documents according to the requirement of article 276.41 and applies to the regional administration of civil aviation. The

regional administration of civil aviation shall decide to accept the application or not in five working days. If application is accepted, the following inspection should be arranged; if not accepted, shall notify applicant in written form and explain the reason.

276.45 Inspection

(a) Document inspection

The regional administration of civil aviation, inspects carefully the dangerous goods training program, manual and other relevant documents and make initial approved to the dangerous goods training program and approve the dangerous goods manual.

(b) Verification

The applicant shall train according to the initial approved training program and make relevant management and operational procedure according to the approved dangerous goods manual; the regional administration of civil aviation shall verify the training quality and relevant procedures to ensure it fulfills the requirements of this regulation and Technical Instructions.

276.47 Decision

(a) After checkup, CAAC can issue permission to the applicant on dangerous goods air transportation if the applicant meets all the following:

- (1) Dangerous goods training program approved by the CAAC; dangerous goods manual and other relevant documents obtained permission of the CAAC;
- (2) The proper personnel are employed and trained sufficiently in number according to the dangerous goods training program;
- (3) Management and operating procedure and emergency response procedure on dangerous goods transport being made according to the dangerous goods manual;
- (4) Capable operating according to this regulation, Technical Instruction and dangerous goods manual;

(b) If applicant does not qualify with CAAC inspection, before make denial decision, the CAAC will notify the applicant and allow the applicant apply testimonial session in five work days; After the denial decision is made, the CAAC will notify the applicant in written form and explain the reason and notify applicant of the right of reconsideration and legal action..

276.49 Time limit

After receiving application on dangerous goods transport, CAAC verifies the application documents and make decision within twenty working days. If expert evaluation is needed, the 20 days exclude evaluation time. CAAC shall notify the applicant the evaluation time in written form.

277.51 Format and content of permission

CAAC shall approve the operating standard or issue an approval letter to grant permission on dangerous goods transport, which includes the following:

- (a) Stating that the operator must operate under the approved scope of operations according to this regulation and Technical Instructions;
- (b) The classification of the dangerous goods approved to be transported;
- (c) Approved operating airports
- (d) Valid date and limitations of the permission
- (e) Other items which the CAAC considered necessary.

276.53 Valid Period of the Permission

Valid period of dangerous goods permission is not more than two years. And the permission will be invalid under the following:

- (a) The operator abandons permission in written form;
- (b) CAAC cancel the permission or suspend validity of dangerous goods transport of the operator.
- (c) The certificate of approval was suspended, temporarily, revoke or became invalid due to other reasons;
- (d) For the foreign operator, when the permission on dangerous goods transport approved by their own country becomes invalid.

276.55 Alteration and continuation of the permission

- (a) The operator on dangerous goods transport applies to the regional civil aviation administration for any alteration. If the alteration does not violate this regulation, CAAC will grant the alteration.
- (b) If the operator on dangerous goods transport want to extend the valid period, it should apply to the regional aviation administration 30 days before the permission expire. CAAC should make decision whether the

extension allowed or not before the permission expire. Extension is granted if CAAC make no decision by until the permission expires.

CHAPTER D

REQUIREMENTS OF DANGEROUS GOODS MANUAL

276.57 General Requirements

- (a) An operator shall develop a dangerous goods manual and obtain the permission from the CAAC;
- (b) The dangerous goods manual may be a part of the operation manual or the relevant transport manual of the operator;
- (c) An operator shall develop and maintain a proper reviewing system to keep the dangerous goods manual current and valid;

An operator shall place the dangerous goods manual so that relevant transport personnel have direct access to it.

(d) 276.59 Contents of the Dangerous Goods Manual

The dangerous goods manual should include the following:

- (a) The operator's general policy of dangerous goods transport;
- (b) Framework and responsibility of management and supervision of dangerous goods transport;
- (c) Technical requirements and operational procedure for dangerous goods transport;
- (d) Limitations of dangerous goods carried by passengers or crew;
- (e) Reporting procedure for a dangerous goods incident or accident ;
- (f) Procedures to be taken to prevent hidden or undeclared dangerous goods in cargo and passenger baggage;
- (g) Management procedures for COMAT transportation via the operator's own aircraft;
- (h) Personnel training;
- (i) Information to the pilot-in-command;
- (j) Emergency Response procedures;

(k) Other information and explanations on safety not already listed above.

276.61 Execution

The operator shall take all necessary measures to ensure that the operator and the operator's agent fully realize their relevant responsibilities as outlined in the dangerous goods manual when fulfilling their obligations as well as to ensure that the operation and transportation of dangerous goods will be in accordance with the procedure and guidelines of the dangerous goods manual.

276.63 Notification of the CAAC

The CAAC reserve the right to notify the operator in writing to have the operator make proper adjustment to the relevant content, distribution and revisions of the dangerous goods manual.

CHAPTER E

TRANSPORT PREPARATION OF DANGEROUS GOODS

276.73 GENERAL REQUIREMENTS

Dangerous goods shall be classified and packed in accordance with the Technical Instructions and accompanied by a properly executed dangerous goods transport document.

276.75 Packaging

- (a) Packaging used for the transport of dangerous goods by air shall be of good quality and 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.
- (b) Packaging shall be suitable for the contents. Packaging in direct contact with dangerous goods shall be resistant to any chemical or other action of

such goods.

- (c) Packaging shall meet the material and construction specifications in the Technical Instructions.
- (d) Packaging shall be tested in accordance with the provisions of the Technical Instructions.
- (e) Packaging for which retention of a liquid is required, shall be capable of withstanding leaking from the pressure conditions stated in the Technical Instructions.
- (f) Inner packaging shall be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the out packaging(s) during normal conditions of Air transport. Cushioning and absorbent materials shall not react dangerously with the contents of the packaging.
- (g) No packaging shall be re-used until it has been inspected and found free from corrosion or other damage. Where a packaging is re-used, all necessary measures shall be taken to prevent contamination of subsequent contents.
- (h) If, because of the nature of their former contents, uncleaned empty packaging may present a hazard, they shall be tightly closed and treated according to the hazard they constitute.
- (i) No harmful quantity of a dangerous substance shall adhere to the outside of packages.

276.77 Labels

Unless other provided for in the Technical Instructions, each package of dangerous goods shall be labeled with the appropriate labels and in accordance with the provisions set forth in those Instructions.

276.79 Markings

- (a) 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.
- (b) Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in those Instructions shall be so marked in accordance with the appropriate provisions of those Instructions and no packaging shall be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in those Instructions.

276.81 Languages to be Used for Markings

For international transport, In addition to the languages required by the State of Origin, English shall be used for the markings related to dangerous goods.

CHAPTER F

SHIPPER'S RESPONSIBILITIES

276.91 Requirements of the shipper's qualification

A shipper must ensure that the staff who offer a consignment of dangerous goods or sign dangerous goods transport documents must have received training of related dangerous goods according to the requirements of this Regulation and the Technical Instructions.

276.93 General requirements

- (a) Before a person offers any package or overpack of dangerous goods for transport by air, that person shall ensure that the dangerous goods are not forbidden for transport by air and are properly classified, packed, marked, labeled and accompanied by a properly executed dangerous goods transport document, as specified in this Regulation and the Technical Instructions.
- (b) A valid certificate issued by the competent authority is required for the dangerous goods transportation limited by a national law or regulations of the state of origin.

276.95 Dangerous goods transport document

- (a) Unless otherwise provided for in the Technical Instructions, the person who offers dangerous goods for transport by air shall complete, sign and provide to the operator a dangerous goods transport document, which shall contain the information required by those Instructions.

- (b) The transport document shall bear a declaration signed by the person who offers dangerous goods for transport indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labeled, and in proper condition for transport by air in accordance with the relevant regulations.

276.97 Languages to be used

In addition to the languages which may be required by the state of origin, English shall be used for the dangerous goods transport document.

CHAPTER G

OPERATOR'S RESPONSIBILITIES

276.107 Acceptance for transport

- (a) An operator should take inspection measures to avoid dangerous goods conceal in general cargo.
- (b) An operator shall not accept dangerous goods for transport by air if following requirements not being met:
- (1) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where the Technical Instruction indicate that such a document is not required;
 - (2) until the package, overpack or specialized freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in the Technical Instructions; and
 - (3) until the dangerous goods transport document signed by the shipper and the signatory has been proper trained in accordance with this Regulation.

276.109 Acceptance Checklist

An operator shall develop and use an acceptance checklist as an aid to compliance with the article of 276.107.

276.111 Loading

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

276.113 Inspection for Damage or Leakage

- (a) 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 shall not be loaded on an aircraft.
- (b) 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.
- (c) 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 authority or 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.
- (d) Packages or overpacks containing dangerous goods and freight containers 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.

276.115 Loading Restrictions in Passenger Cabin or on Flight Deck

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

276.117 Removal of Contamination

- (a) Any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods shall be removed without delay.
- (b) An aircraft which has been contaminated by radioactive materials shall

immediately be taken out of service and not returned to service until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

276.119 Separation and Segregation

- (a) 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.
- (b) Packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the provisions of the Technical Instructions.
- (c) 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.

276.121 Securing of Dangerous goods cargo loads

When dangerous goods subject to the provisions contained herein 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 article 276.119 (c) are met at all times.

276.123 Loading on Cargo Aircraft

Except as otherwise provided in the Technical Instructions, packages of dangerous goods bearing the “ Cargo aircraft only” label shall be loaded in such a manner that a crew member or other authorized person can see, handle and, where size and weight permit, separate such packages from other cargo in flight.

276.125 Storage

An operator must ensure that following requirements shall be met when storing dangerous goods:

- (a) Storage requirements to dangerous goods of national law and regulations;
- (b) Storage, separation and segregation requirements to dangerous goods of the Technical Instructions.

276.127 Retention of Documents

An operator must ensure that at least one copy of the documents, appropriate to the transport by air of a consignment of dangerous goods, is retained for a minimum period of twelve months after the flight on which the dangerous goods were transported. As a minimum, the documents which must be retained are the Shipper's Declaration for Dangerous Goods, Dangerous goods checklist, Air Waybill and Notification to Captain.

CHAPTER H

PROVISION OF INFORMATION

276.133 Information to the pilot-in-command

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

276.135 Information and Instructions to Flight Crew Members

An operator shall provide such information in the Operations Manual as will enable the flight crew 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.

276.137 Information to Passengers

The operator and aerodrome authorities shall ensure that information is promulgated in such a manner that passengers are warned as to the types of dangerous goods which are forbidden from transport aboard an aircraft as provided for in the Technical Instructions.

276.139 Information to Shipper

At cargo acceptance areas, the operator and aircraft authority shall ensure that information is promulgated in such a manner that shippers are warned of the relevant requirements and legal liability of dangerous goods transportation.

276.141 Information to Other Persons

Operators, shippers, aerodrome authorities or other organizations involved in the transport of dangerous goods by air shall provide such information to their personnel as will enable them to carry out their 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.

276.143 Information from Pilot-in-command to Aerodrome authorities

If an in-flight emergency occurs, the pilot-in-command shall, as soon as the situation permits, inform the appropriate air traffic services unit so it can inform, the aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in the Technical Instructions.

276.145 Information in the Event of an Aircraft Accident or Incident

- (a) In the event of an aircraft accident, the operator of an aircraft carrying dangerous goods as cargo shall provide information, without delay, to emergency personnel responding to the accident about the dangerous goods on board, as shown on the written information to the pilot-in-command.
- (b) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo shall, upon request, provide information without delay, to emergency personnel responding to the incident about the dangerous goods on board, as shown on the written information to the pilot-in-command.

276.147 Dangerous Goods Accident and Incident Reporting

- (a) An operator must report dangerous goods accidents and incidents to CAAC and the State in which the accident or incident occurred.
- (b) The initial reporting format has not been specified, however, a written report shall be done a.s.a.p. under any circumstances.
- (c) If applicable, the written report shall cover the following:
 - (1) Date of occurrence of the accident or incident;

- (2) Location of occurrence, flight number and date of the accident or incident;
- (3) Description of the cargo and air waybill number, postage, baggage label and plane ticket number;
- (4) Proper shipping name (including the technical name) and the UN number when known;
- (5) Class/Division and subsidiary risk;
- (6) Type of packaging and specification marking;
- (7) Quantity of packages;
- (8) Name and address of shipper or passenger;
- (9) Other relevant detailed information of the accident or incident;
- (10) Suspected cause of the accident or incident;
- (11) Measures had taken;
- (12) Relevant information reported before the written Report;
- (13) Name, title, address and telephone number of the reporter;
- (14) Copy of the relevant files and pictures shall be attached on the written report.

CHAPTER I

TRAINING

276.155 GENERAL REQUIREMENTS

- (a) Whether or not the operator owns the Permission on dangerous goods transport by air, which is issued in accordance with this regulation, personnel that are listed in Article 276.159 must be properly trained. The operator must:
- (1) develop the training program and train according to the program; the training program must meet the requirements of Technical Instruction and should:
 - (i) for the domestic operator, fulfill the requirement of Article 276.157 and obtain initial and final approval via CAAC;
 - (ii) for the foreign operator, obtain the approval of CAAC.
 - (2) must submit annually updated and valid teaching materials, and examination questions for training in accordance with the requirement of the training program, and ;
 - (3) Provide sufficient number of instructors for training;
- (b) Shippers and shippers' agents, including packers who deal with dangerous goods shall ensure that staff are properly trained according to the requirements of Technical Instruction.
- (c) The following agencies shall ensure their staff are properly trained according to the training program approved by CAAC:
- (1) Agencies which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transfer or other processing of cargo;
 - (2) Agencies located at an airport which perform, on behalf of the operator, the act of processing passengers;
 - (3) Agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;
 - (4) Agency other than operators involved in processing cargo;
 - (5) Agency of airport authority engaged in the security screening of cargo, mail, passengers and their luggage.
- (d) Recurrent training must take place within 24 calendar months of previous training to ensure the trained persons' knowledge is current. A trained person who satisfactorily completes training in the calendar month before or the calendar month after the month in which the recurrent training becomes due, is considered to have taken that training during the month it became due..
- (e) A certificate must be issued to trained personnel confirming the level of knowledge received from an instructor or chief pilot who has the responsibility for the training. The certificate shall be part of the training

record of trained personnel.

276.157 Requirement of developing the Training Program

- (a) The training program shall be developed and personnel shall be trained according to all of the appropriate requirements of the ICAO TI.
- (b) Every training program shall include initial and recurrent training as well as training curricula and test requirements. Training curricula shall list training content, planned teaching hours, and test requirements.
- (c) Training program shall include the following:
 - (1) Qualification of attending training and quality requirements to be achieved after training;
 - (2) List of place(s), facility and equipment for training;
 - (3) Requirement(s) of instructor's qualification;
 - (4) If applicable, usage of operator's dangerous goods manual;
 - (5) Requirements of State relevant law and regulations.

276.159 Training requirements of the operator and operator's agent

- (a) No Operator may use any personnel to perform and no personnel may perform, any assigned duties and responsibilities for the handling or carriage of dangerous goods regulated by the Technical Instruction that are not trained according to the training program approved by the CAAC. Included in the term personnel are:
 - (1) Dangerous goods acceptance staff of operators and agencies acting on behalf of operators;
 - (2) Staff of operators and agencies acting on behalf of operators engaged in the ground handling, storage and loading of cargo and baggage;
 - (3) Passenger handling staff and security staff who deal with screening of passengers and their baggage;
 - (4) Flight crew members and load planners;
 - (5) Crew members (other than flight crew);
 - (6) Cargo acceptance staff (other than item (1)) of operators and agencies acting on behalf of operators.
- (b) Foreign operator shall ensure that the above personnel involved in air transport in P.R.C. are trained and qualified according to the following requirements:
 - (1) Training program approved by the state of operator; or

- (2) Approved by CAAC.
- (c) Qualified training personnel according to the training program approved by CAAC, may deal with job of the same category in item (1) for different operator's agencies, but the operator should ensure the personnel in accord with the following condition:
 - (1) In the same scope of responsibility range, the training level is competent for the defined job;
 - (2) Obey the requirements of the dangerous goods manual.

276.161 Approval of the training program and amendment

- (a) Operator or relevant agency shall submit the training program developed or amended by item 276.157 of this regulation to the CAAC and relevant information required by CAAC when apply the initial and final approval of the training program and amendment.
- (b) If the training program or amendment in according with the requirement of this chapter, CAAC will grant initial approval in written form. The operator or relevant agency shall train according to the approved training program. In the process of training, CAAC may evaluate the training effect and if necessary indicate any deficiency which shall be corrected upon notification.
- (c) If the operator and relevant agency can train staff fully and make them complete the defined commission according to the training program of the initial approval, CAAC can approve the final approval to the training program or amendment.
- (d) The operator or relevant agency shall modify properly to the training program after receiving the notice of CAAC, if CAAC believe the training program which obtained the final approval shall keep good training effect and need some amendment. Within 30 days after receiving this kind of notice, the operator or relevant agency may advise CAAC consider again. During the considering period which no final decision made, the notice will not take effect temporarily.

276.163 Training record

A record of training must be maintained for not less than 3 years according to the requirements of this regulation and upon request, must be supplied to the CAAC.

CHAPTER J

SECURITY REQUIREMENT

276.175 SECURITY

Shipper of dangerous goods, operator and other personnel involving the dangerous goods transport shall obey the national security regulation of dangerous goods. Proper measures shall be taken to avoid a dangerous goods being stolen or dealing with dangerous goods in an inappropriate manner in order to ensure the safety of people and property.

CHAPTER N

LEGAL LIABILITY

276.301 Personnel of CAAC

Personnel of CAAC who violate regulation of handling approval project of administrative approval law; issue a dangerous goods transport approval to the improper applicant or do not give a dangerous goods transport approval to the proper applicant will be ordered to modify by the superior administrative authority or supervisory authority. The direct chief and relevant personnel who will be responsible for will be had administrative punishment.

In the process of handling dangerous goods transport approval or implementing supervising and checking, claim, accept belongings or figure for other benefits will be claimed criminal liability according to the law if commit a

crime; if not, the superior administrative authority or supervisory authority will put an administrative punishment.

276.303 Shipper

(a) If as a result any of the following violations of this regulation occur the shipper will be ordered to correct the violation by the CAAC and may be warned or fined RMB 1000 yuan to 10000yuan:

- (1) Not properly packing the dangerous goods according to the regulation;
- (2) Not properly classifying, marking or labeling or incorrectly classifying, marking or labeling dangerous goods;
- (3) Not issue, issue falsely or issue incorrect dangerous goods transport documents;

(b) Conceal dangerous goods in general cargo or make false declaration will be ordered to correct by the CAAC and may be warned or fined RMB 10000yuan to 30000yuan.

(c) If a shipper violate item (b) and commit a crime, it will be claimed criminal liability according to relevant regulation of criminal law.

276.305 Operator

(a) If operator violates this regulation and deal with dangerous goods transport without approval of dangerous goods transport from the authority, based on the article 194 of the “Civil Aviation Law of the People’s Republic of China”, the CAAC confiscate illegal income and may fine within the amount of the illegal income.

(b) If operator violates item (a) and result in a vital accident, illegal income will be confiscated and be fine. The chief and relevant personnel who responsible for will be claimed criminal liability according to the relevant regulation of criminal law.

(c) If operator violates this regulation and handle dangerous goods as listed below, it will be order to correct by CAAC and may be warned or fined RMB 1000yuan to 30000yuan, and the approval of dangerous goods will be suspended for 1 to 6 month; if there is a gravity of the circumstances, the approval of dangerous goods will be revoked:

- (1) Not carefully inspect dangerous goods transport documents and relevant valid certification carefully and result in false acceptance and

- false transport;
- (2) Not obey the regulation, accepting, storing, loading, inspecting dangerous goods package, overpack and specialized pack;
 - (3) Not obey the regulation to offer relevant information and documents;
 - (4) Not obey the regulation to reporting accident or incident;
 - (5) Not obey the regulation to maintain the relevant document.

276.307 Air Mail

If mail dangerous goods by air or conceal it in general cargo or make false declaration as general cargo will be punished according to the related state regulations.

276.309 Training

- (a) Operator, shipper or relevant agency required in article 276.155 (c) does not have personnel who handle dangerous goods trained in accordance with the regulation or trained not complied with the regulation will be ordered to correct by CAAC and will be warned or fined RMB 1000yuan to 30000yuan.
- (b) Anyone who does not meet the training requirements of this regulation and handles the dangerous goods transport will be warned or fined under RMB 1000yuan.

CHAPTER P

SUPPLEMENTARTY PROVISIONS

276.329 Implementing

This regulation shall come into effect from Sep 1st, 2004. At the same time “Regulation of China Civil Aviation Dangerous Goods Transport” issued on February 27th 1996 will be abandoned.

APPENDIX A GLOSSARY

The following is a list of definitions of commonly used terms in the regulation:

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 TI or which are classified according to the TI.

Technical Instructions: The valid and latest version of *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284-AN/905) issued by ICAO, including all amendments and appendices approved by the Council of ICAO.

Operator: A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

CAAC: Civil Aviation Administration of China, the regional administration and their agency.

Domestic Operating: Domestic operating in this regulation means departure, landing or overflight of an aircraft in the P.R.C.

Cargo Aircraft: Any aircraft, other than a passenger aircraft, which is carrying goods or property.

Passenger Aircraft: An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.

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.

Pilot-in-command: The pilot designated by the operator, or in the case of

general aviation, the owner, as being in command and charged with the safe conduct of the flight.

Crew Member: A person assigned by an operator to duty on an aircraft during a flight duty period.

Flight Crew Member: A licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

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 damage.

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 damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the package had not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes an aircraft or its occupants is also deemed to be a dangerous goods incident.

Exception: A provision in these regulations which excludes a specific item of dangerous goods from the requirements normally applicable to that item.

Exemption: Authorization issued by CAAC providing relief from the provisions of this regulation.

Incompatible: Describing dangerous goods which, if mixed, would be liable to cause a dangerous evolution of heat or gas or produce a corrosive substance.

COMAT: Company materials, which operator own or use.

Package: The complete product of the packing operation consisting of the packaging and contents prepared for transport.

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. A unit load device is not included in this definition,

Unit load Device: Any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo.

Packaging: Receptacles and any other components or materials necessary

for the receptacle to perform its containment function and to ensure compliance with the minimum packing requirements of the regulations. Regarding as radioactive material, see item 7.2 of Chapter 2 of TI.

Serious Injury: An injury which is sustained by a person in an accident and which:

- (a) Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) Results in a fracture of any bone (except simple fractures of fingers, toes or nose) ; or
- (c) Involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage; or
- (d) Involves injury to any internal organ; or
- (e) Involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (f) Involves verified exposure to infectious substances or injurious radiation.

State of Origin: The country in the territory of which the cargo was first loaded on an aircraft.

State of the Operator: The country in which the operator has his principle place of business or, if he has no such place of business, his permanent residence.

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 substance.

Ground Handling Agent: Agent which perform, on behalf of operator, the act of accepting, handling, loading/unloading, transit, or dealing with cargo, passenger and baggage in other manner.

Load Planner: A person appointed by the operator and responsible for one or more of the following liabilities as they pertain to dangerous goods:

- (a) Notification of the exact loading position of the dangerous goods on the aircraft;
- (b) Ensuring the necessary separation distance between non compatible dangerous goods, dangerous goods and other cargo, dangerous goods and passengers on the aircraft;
- (c) Present Information prepared for the pilot-in-command;
- (d) Present Emergency response information of dangerous goods to the pilot-in-command.

