

Regulation of Civil Aviation Board

Number 85

On the Air Operator Certificate

By virtue of Section 15 (6) and Section 21 of the Air Navigation Act B.E 2497, which amendment by the Air Navigation Act (Number 11) B.E 2551 which contains certain provisions concerning the restriction on personal rights and freedoms, which, under Section 29 and Section 43 of the Constitution of the Kingdom of Thailand, can be done by virtue of the provisions of law, the Civil Aviation Board, with the approval of the Minister of Transport, has issued the regulations in accordance with Annex 6 and amendment on the Convention on International Civil Aviation B.C. 1944, concerning the rules and procedures regarding the Air Operator Certificate which issue to the operator as follows:

Article 1. The Regulations of the Civil Aviation Board, Number 45 on the Air Operator Certificate dated the 22th day of May B.E. 2541 shall be repealed.

Article 2. An operator who has his principal place of business in the Kingdom wishes to use an aircraft for air transport shall obtain the AOC from the competent official unless in the following case:

(1) Using the aircraft to carry passengers for sight-seeing which fly up and down at the same place as the following:

(a) an airplane that have a MTOW as specified in the Flight Manual not exceeding 5,700 kg or that have a passenger's seat not exceeding 9 seats; and

(b) a helicopter that have a MTOW as specified in the Flight Manual not exceeding 3,192 kg or that have a passenger's seat not exceeding 4 seats;

(2) Using the aircraft for student pilot training and for a specific aircraft type training;

- (3) Using the aircraft for revenue flight for;
 - (a) spraying, scattering, and sowing seeds or carrying out the same mission for agriculture including to control animal and to expel animal intrusion into areas of livestock;
 - (b) Advertising such as Banner towing;
 - (c) Arial Photography or Survey;
 - (d) Fire Fighting;
 - (e) Power Line or Pipeline Patrol;
 - (f) Ferry Flight;
- (4) Using an aircraft for parachute dropping in the area of 25 miles of a taking-off aerodrome;
- (5) Using an aircraft for other mission as prescribe by the DCA.

Article 3. An Operator wishes to obtain an Air Operator Certificate shall submit an application in the form prescribed by the DCA including the documents and evidences containing the following information:

- (1) the name and address of the applicant;
- (2) the principal place of business and the main base of operations;
- (3) the business organization and corporate structure and name and address of those entities and individuals having a major financial interest;
- (4) the name and address of the applicant's legal representative who is authorized to submit an application and other relevant mission;
- (5) the copy of IDs or the copy of passports of the management personnel such as Chairman, Director of Flight Operations, Director of Maintenance Operation, Director of Training or Director of Ground Operation etc;
- (6) the nature of proposed operations such as passenger, cargo, mail, day or night, VFR or IFR, or dangerous goods (if any) etc;

(7) the information on aircraft under the following heading:

(a) type of aircraft;

(b) nationality and registration mark (if any);

(c) communication and navigation equipment installed in the aircraft;

(d) documents concerning a sale contract, leasing and a contract or a letter of intention to purchase or lease;

(8) the arrangements for maintenance of aircraft and associated equipment;

(9) the data on each flight crew member including license, ratings, medical certificate and currency in assigned aircraft;

(10) the arrangements for crew and ground personnel training and qualification and training records;

(11) the proposed routes, frequency and nature of operations;

(12) the details of operational control and supervision methods to be used;

(13) the specified financial data, such as funds and source of funding for starting operations, previous balance etc;

(14) the desired date for operation to commence which at least 90 days from the date of application;

(15) the following manuals and information;

(a) Operation Manual;

(b) Aircraft Flight Manual;

(c) General Maintenance Manual;

(d) Aircraft Maintenance Program;

(e) Minimum Equipment List;

(f) Training Manual (Flight crew, Cabin crew, Dispatcher and Ground staff);

(g) Dangerous Goods Manual (if applicable);

(h) Security Program Manual;

(i) Safety Management Manual;

- (j) Emergency Manual
- (k) Flight Operation Officer or Dispatcher Manual;
- (l) Cabin Crew Manual;
- (m) Quality Assurance Manual;
- (n) Other manual as required by the competent official.

Article 4. The competent official shall examine and process for granting of an AOC and Operation Specification attached to an AOC after having examined the related documents, assessed the readiness of organization, the method of control, the supervision of operations, a training program, the arrangement for maintenance, the flight demonstration and find that they are consistent with the nature and extent of proposed operations and the applicant has ability and competence both to conduct safe and efficient operations. The competent official and the applicant shall perform the required step completely as prescribed by the DCA under the following headings:

- (1) Pre Application Phase;
- (2) Formal Application Phase;
- (3) Document Evaluation Phase;
- (4) Demonstration and Inspection Phase
- (5) Certification Phase.

Article 5. In assessing the process for granting an AOC in accordance with Article 4. The competent official shall approve the manuals and information in Article 3 (15), (a), (b), (c), (d), (e), (f), (g), (h) and accept the manuals and information in Article 3 (15) (i), (j), (k), (l), (m), (n), upon finding that those manuals and information are in accordance with the rules prescribe by the DCA.

Article 6. The form, period of validity of the AOC and Operations Specifications attached to the AOC shall be in accordance with the rules prescribed by the DCA. However, the AOC shall have the period of validity not exceeding 5 years from the date of issued.

Article 7. The AOC holder wishing to increase, decrease or amend the operations specifications such as increase or decrease the type of aircraft, the route, the airport, the nature of operations, the manuals or information which already approved or accepted by the competent official or change the location of the principal place of business or the main base of operations etc, shall submit an application together with the related documents as prescribed by the competent official in order to the DCA can inspect not less than 45 days. The AOC holder shall engage in operations only if furnished with new operations specifications from the competent official or get approved or accepted to use the revision of those manuals or information.

Article 8. In order for the AOC holder to perform the safe operations, the competent official shall have the power to increase or decrease or amend the operations specifications or to order the AOC holder to amend the manuals or information which are already approved or accepted by the competent official pursuant to the particulars and within timeframe.

Article 9. The AOC holder shall perform its operations in accordance with the operations specifications, the manuals and information which are already approved or accepted by the competent official, the rules and procedures for safe operations pursuant to the regulation prescribed by the DCA. The AOC holder shall allow the competent official to access into the facility, main base, line station and aircraft in

order to audit whether the AOC holder maintains the standard to conduct safe operations. The AOC holder has to explain the facts, show the relevant documents including facilitate the competent official as deemed appropriate.

Article 10. The AOC holder wishing to renew the AOC shall submit an application in the form prescribed by the DCA not less than 60 days before the expiry date of the AOC.

Article 11. The competent official shall renew of the AOC after having carried out the examination and found that the AOC holder maintains the standard to conduct safe operations.

Article 12. When it appears to the competent official that the AOC holder perform the following circumstance, the competent official shall have the power to order the AOC holder to inspect or amend the documents or correct the defect pursuant to the particulars and within timeframe:

- (1) Violating or not conforming to the operations specifications;
- (2) Violating or not conforming to the manuals and information which already approved or accepted by the competent official;
- (3) Violating or not conforming to the Air Navigation Act;
- (4) Violating or not conforming to the rules and procedures for safety set forth by the DCA;
- (5) Amending the manuals and information which already approved or accepted by the competent official without the consent of the competent official;

Article 13. The competent official shall have the power to suspend the AOC under the following circumstance:

- (1) When the violating or not conforming to Article 12 (1), (2), (3) and (4) or amending as per Article 12 (5) might cause a danger to air navigation;
- (2) When the AOC holder did not inspect or correct the documents or did not carry out the requirements pursuant to the particulars and period of time specified in Article 12 by the competent official;
- (3) Upon finding that the AOC holder is unable to perform safe operations;

Article 14. The competent official shall have the power to revoke the AOC under the following circumstance:

- (1) When the violating or not conforming to Article 12 (1), (2), (3) and (4) or amending as per Article 12 (5) that might cause a danger to air navigation;
- (2) Its AOC was suspended more than 2 times within 2 years;
- (3) When the AOC holder did not operate air navigation within 6 months from the date of obtaining the AOC;
- (4) When the AOC holder stopped the operations of air navigation continuously for more than 1 year without reasonable grounds

Article 15. The AOC holder which obtained an AOC before this regulation has come into force shall submit an application in the form prescribed by the DCA for issuance the AOC in accordance with this regulation within 45 days from the date of this regulation has come into force. The competent official shall issue the AOC in accordance with this regulation without delay.

The applicant who submit an application for the AOC before the date of this regulation come into force. The applicant and the competent official shall process the issuance of the AOC in accordance with this regulation.

Article 16. This regulation shall come into force from the date of its publication in the Government Gazette.

Given on this 23th day of December B.E. 2552
Sophon Sarum
Minister of Transport
Chairman of Civil Aviation Board