



**Civil Aviation Authority of Thailand**

# **ICAO ANNEX MANAGEMENT MANUAL**

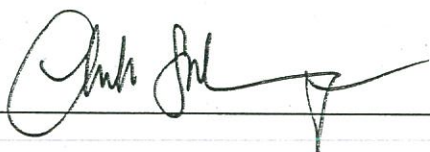
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2<sup>nd</sup> Amendment, 6 December 2018

## PREFACE

This ICAO Annex Management Manual has been prepared for use and guidance of officers of Civil Aviation Authority of Thailand (CAAT) for dealing with International Civil Aviation Organization (ICAO) amendments to Annexes to the Chicago Convention. The processes outlined in the manual include coordination of input to ICAO technical State Letters for Annex amendments, notification of differences to Standards and Recommended Practices (SARPs) and maintenance of the Compliance Checklists.

The manual has been developed using some existing ICAO material. In particular, text has been derived from the ICAO Draft Manual on Notification and Publication of Differences from ICAO State Letter 16/72 dated 15th July 2016. The manual will be updated from time to time based on suggestions received or to incorporate any changes in the procedures that may be carried out”



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Director General  
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30 JUNE 2017



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**DEFINITIONS**

**Concerned Department:** The Department of the CAAT that is principally concerned with, or affected by, the proposed amendment; or which has primary responsibility for regulation of the particular aviation activity.

**The Focal Point:** Officer nominated by the Director General responsible for receipt and distribution of State Letters via the ICAO electronic distribution system including sending Thailand's response to ICAO.

**National Continuous Monitoring Coordinator (NCMC):** Person nominated and approved by the CAAT to act as primary point of contact for all USOAP CMA processes and activities.

**SARP:** Standards and Recommended Practices to the ICAO Annexes



## Civil Aviation Authority of Thailand

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### CHAPTER 1 INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

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#### 1.1 Purpose

This Chapter provides an overview of CAAT's regulatory development activities directly associated with ICAO. These processes include coordination of input to ICAO technical State Letters for Annex amendments, notification of differences to SARPs, maintenance of the Compliance Checklists, development and amendment of regulations and interaction with nominated ICAO Panel members.

#### 1.2 Thailand– Signatory to the Chicago Convention

1.2.1 The Kingdom of Thailand is a signatory to the Convention on International Civil Aviation (known as the Chicago Convention) and, therefore, is obliged to comply with international standards and procedures established through the International Civil Aviation Organization (ICAO). Furthermore, Section 7 of the Civil Aviation Authority of Thailand Emergency Decree B.E 2558 (2015) empowers CAAT to “regulate, oversee, control, promote and develop civil aviation activities in the aspects of safety, environmental protection, security, air transport facilitation, air transport economy, and other aspects related to civil aviation activities to comply with law and International Standards” as well as in regulating and controlling civil aviation activities. Section 37 prescribes that CAAT shall have the powers and duties to “issue regulations, requirements, notifications, rules and orders to stipulate qualifications, rules, procedures, conditions, standards and practical guidance for the following matters to ensure conformity with current and timely International Standards”. The section then lists the subject matters addressed by the 19 Annexes to the Chicago Convention.

1.2.2 The Chicago Convention requires that when a State finds it impracticable to comply in all respects with international standards or procedures, or if a State otherwise takes a decision to differ from international standards, the State is required to notify that difference to ICAO. Differences are published by ICAO in Supplements to the Annexes to the Chicago Convention, and significant differences are published by Thailand through the AIP.

#### 1.3 Legislation of ICAO Standards and Recommended Practices (SARPs)

1.3.1 Director General of CAAT is generally required to ensure that new or changed legislation drafted is consistent with the relevant ICAO Standards and Recommended Practices (SARPs) contained in the Annexes to the Chicago Convention. If Thailand is not fully compliant, a difference is required to be notified to ICAO. Further, Significant differences are required to be published in the AIP.



## Civil Aviation Authority of Thailand

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### CHAPTER 2 MANAGEMENT OF ICAO STATE LETTERS (ANNEX/DOCS AMENDMENTS)

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#### 2.1 Management of ICAO SARPs

2.1.1 States are required to adopt ICAO SARPs into national regulations. However, where it is impracticable to adopt some SARPs, a State must file a difference with ICAO in accordance with Article 38 of the Convention. In this regard adoption of SARPs and filing of differences is an important task of CAAT.

2.1.2 ICAO communicates to the Member States through the State Letters, via an electronic distribution system. Most of these letters invite comments from States on proposed amendments to SARPs in the Annexes. CAAT is responsible for formulating responses to the State Letters.

#### 2.2 Notification of amendment to an ICAO Annex.

2.2.1 Proposals to amend an ICAO Annex/Docs are notified by an ICAO technical State Letter. Amendments to regulations (including standards, rules, requirements, etc.) should be made on the basis of the amendments to ICAO SARPs. Detailed processes in this regard are laid down in this Chapter.

*Note: The adoption process of amendments to the PANS will be same as that for the SARPS.*

#### 2.3 Duties and Responsibilities of the Focal Point

2.3.1 To perform tasks relating to the management of ICAO State letters on behalf of CAAT.

2.3.2 To make inter/intra-departmental coordination to respond to ICAO on the matters of SARPs amendment/adoption.

2.3.3 To co-ordinate activities with other international agencies on behalf of CAAT as deemed necessary.

#### 2.4 Duties and Responsibilities of Legal Department

2.4.1 To make inter/intra-departmental coordination to respond to ICAO on the matters of SARPs amendment/adoption.

2.4.2 To initiate comments on the legal implication of SARPs amendment/adoption

2.4.3 To formulate recommendations regarding ratification/ accession of the International Instruments of civil aviation.

2.4.4 To advise other Directorates, Departments and units on legal matters with particular reference to aviation law and International Legal Instruments.

## **2.5 Duties and Responsibilities of Concerned Department**

2.5.1 To review the State letter and identify the regulatory changes required (if any) and prepare response or consolidated response to the amendment.

*Note: The consolidated response is prepared based on the input received from Directorates/ External Agencies, if any.*

2.5.2 To prepare the work plan including timelines for amendment of the existing regulation.

*Note: The work plan includes the directorates who would be involved in affecting the change/ amendment to the regulation.*

2.5.3 To submit the response or consolidated response and work plan including timelines to the Director General

## **2.6 Procedures for Coordination of ICAO State Letters (Amendments to ICAO Annex SARPs)**

2.6.1 Foreign Affairs Department, Legal Department, and Concerned Department in CAAT are responsible for the coordination to provide response to ICAO State Letters.

## **2.7 Management of ICAO State Letters**

2.7.1 For the effective and timely management of ICAO state letters regarding SARPs amendment, the Foreign Affairs Department will act as the 'Focal Point' of CAAT.

2.7.2 State Letters are received in Foreign Affairs Department (Focal Point) via the ICAO electronic distribution system.

*Note: The primary function of the Focal Point in this process is to liaise with the Legal Department, the Concerned Department, and any external agencies on the final response to the letter on behalf of Director General.*

2.7.3 Focal Point disseminates the State Letter and distributes to Legal Department, and concerned external agencies for their information, comments (as to the perceived impact) and necessary action.

2.7.4 Legal Department reviews the State Letter, gives initial comments and distributes to Concerned Department.



2.7.5 In case of receipt of responses, comments or information from Concerned Department (via Legal Department) or external agencies, responses, comments or information will be forwarded to the Director General for approval before being sent to ICAO.

*Note: 1. The flow chart for Management of ICAO State Letters is presented in **Appendix-1**.*

*2. The List of Annex Concerned Departments and ICAO State Letter Distribution is presented in **Appendix-2***

## **2.8 Response to ICAO State Letters: Adoption of ICAO SARPs**

2.8.1 Standards Development Division under each Concerned Department responsible for coordinating with Legal Department and the Focal Point on behalf of their respective Department

2.8.2 The procedures for submitting Thailand's response to the State Letters are as follows:

1) Focal Point will disseminate the ICAO State Letter regarding SARPs to Legal Department.

2) Legal Department will review the content of ICAO state letter regarding SARPs, gives initial comments and distributes to Concerned Department for response.

3) Standards Development Division of each Department responsible for the subject matter of the State Letter will coordinate the subject matter within its department as well as seek stake holders' view and suggestions if required.

4) Standards Development Division of each Department will evaluate the proposed amendment of SARPs in terms of existing differences if any, necessity of new regulation to be developed or no action required in case of existing regulation being enough to comply then will submit its formal comments to the Director General within the specified time frame.

5) After approval from the Director General, 'Focal Point' will send the agreement or disagreement (with or without comments) as received to ICAO.

6) After getting approval of Director General the 'Focal Point' will forward the response to the ICAO.

7) Concerned Department will initiate necessary action for issuance or amendment of regulations, if required

8) For the comments/response from the external agencies other than CAAT, AIG and SAR (Ministry of Transport), it would be incorporated in the State's response. However, Director General may consult with the concerned department before incorporating their relevant comments/response in the State's response.

*Note: The flow chart for the response to ICAO State Letters is presented in **Appendix-3**.*

## **2.9 Response to ICAO State Letters: Filing of Differences to the SARPs**

2.9.1 The primary purpose of reporting of differences is to promote safety and efficiency in civil aviation by ensuring that those concerned are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards. It is not the purpose of filing of differences to avoid or ease the compliance of SARPs.

2.9.2 Standards Development Division of each Department, after receive ICAO state letter from Legal Department, will evaluate the corresponding regulation to identify the differences, if any, to the SARPs.

2.9.3 Existing differences to the SARPs of an Annex will be evaluated for its possibility to comply.

2.9.4 While determining the new differences, Concerned Department will assess the SARPs and evaluate the related safety risk of non-compliance and recommend required safety measures to mitigate the risk.

2.9.5 If the difference is filed, the Concerned Department will assess whether the difference is significant and, if so, will forward the differences so filed to the AIS Department for its publication in AIP.

2.9.6 The AIS Department will publish the difference as outlined in 2.9.5 above before the applicability date.

*Note: The flow chart relating to the management of ICAO SARPs and its timeline is presented in **Appendix-1 and Appendix-4** respectively*

2.9.7 General Guidelines Regarding the Determination of Differences is presented is explained in 2.12

2.9.8 Categories and Descriptions of Differences is presented is explained in 2.13

## **2.10 Approval of Responses and Notification of Differences**

2.10.1 Standards Development Division of each Department dealing with ICAO matters puts up the response to ICAO and notification of differences or advice to revoke current differences (if applicable) to Director General for approval.

2.10.2 Post actions: Based on Director General's approval:

- 1) Focal Point sends letter to ICAO containing response to the ICAO State letter and difference, if any;
- 2) Standards Development Division of each Department updates Compliance Checklists (CCs) electronically through EFOD;
- 3) NCMC confirms EFOD data is updated;
- 4) Focal Point closes action on amendment as completed.
- 5) Standard Development Division of each Department prepare for the amendment of law or regulation of the compliance of the new SARPs and submit to Director General, via Legal department, for approval.

## **2.11 Timelines for activities**

2.11.1 The timelines for the activities listed above have been detailed at **Appendix-4**.

## **2.12 GENERAL GUIDELINES REGARDING THE DETERMINATION OF DIFFERENCES**

2.12.1 When determining whether a difference against a SARP exists, the Standards Development Division of each Department should assess to what extent the conditions in Articles 38 are met. To this end, the following should be considered.

2.12.2 As explained in WP/15 (part II paragraph 2) of the 12th Session of the ICAO Assembly in 1959: “implementation of/compliance with SARPs may be regarded, in general, as having two main characteristics. The first comprises the administrative arrangements necessary to bring the ICAO requirements into force nationally; the second consists of the practical arrangements necessary, such as the provision of facilities, personnel, equipment, guidance, enforcement mechanisms etc. ...”

2.12.3. Therefore, Standard implementation, in general, can only be considered satisfactory when suitable administrative and practical arrangements exist and perform satisfactorily. For instance, when an administrative arrangement, bringing the regulation into force, is in place but not applied in practice, or when no suitable administrative arrangement exists even though some practical implementing activities take place, the State should notify a difference to the corresponding Standard until compliance is achieved.

2.12.4 It is considered that the implementation of recommended practices as being desirable. If a State chooses to implement a particular recommended practice, it should turn into a national requirement being given sufficient administrative force. For instance, Annex 10, Volume I, recommended practice 2.1.4.2 states: « Recommendation. — A State that approves GNSS-based operations should ensure that GNSS data relevant to those operations are recorded ». If State X decides to implement this recommended practice, it should issue a national obligation in order to ensure that GNSS-based operations data are recorded.

2.12.5 In Article 38, the terms “comply in all respects”, “bring its own regulations or practices into full accord with”, appropriately refer, holistically, to the various dimensions of implementation. The State “regulations or practices”, “its own practice” and “practice of the State” in Article 38 interchangeably refer to the State administrative and practical arrangements, and their satisfactory functioning.

2.12.6 Therefore, if the Standards Development Division of each Department has determined that it has implemented the SARP through sufficiently robust administrative arrangements (such as regulations, or other documents carrying sufficient administrative force), and that it is “fair to say” that those arrangements are enforced and implemented “in the field” (for instance, while the possibility of offenders occasionally breaking the rule cannot be ruled out, it remains limited through effective enforcement), the State does not need to notify ICAO of any differences since it “complies in all respects” with the ICAO requirement and has brought its “regulations and practices” into full accord with it.

*Note 1: The ICAO Council, on 13 April 1948 adopted a resolution inviting the attention of Contracting States to the desirability of using in their own national regulations, as far as practicable, the precise language of those Standards that are of a regulatory character. In this*

*regard, it should be noted that close adherence of a national regulation to the wording of SARPs be supported by effective enforcement mechanisms and rigorous implementation monitoring. It should be not being confused with a “copy and paste” exercise, which may require States to notify difference because SARP material are simply copied into national regulations, without effective linkage to actual implementation. Notwithstanding the resolution of the ICAO Council above, there may be a case that a State finds it necessary to use the text different from a SARP, which will not lead to States notifying differences because the purpose may be.*

- a) further clarify the requirement, without introducing any difference in content; and/or  
 b) be more prescriptive than the SARP, while meeting the performance requirement.

Note 2: The determination of differences should be performed in good faith, and in keeping with the State commitment, as an ICAO member State, to comply with the Convention.

## 2.13 CATEGORIES AND DESCRIPTIONS OF DIFFERENCES

### 2.13.1 Categories of differences

As notifications of differences may correspond to different scenarios, the following categories of differences are provided as a guide in determining whether a notifiable difference exists:

**a) A Contracting State's requirement is more exacting or exceeds SARP.** This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by a the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

Example:

Annex reference	Provision	Text of the difference to be notified to ICAO	Comments, including the reason for the difference
Annex 2, 3.3.1.3	A flight plan shall be submitted before departure to an air traffic services reporting office or, during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of repetitive flight plans.	For flights crossing international borders, the flight plan should be submitted at least 30 minutes prior to departure	This additional requirement is considered to be necessary.

**b) A Contracting State's requirement is different in character or other means of compliance.**

This category applies when national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation. The expression "different in character or other means of compliance" in b) would be applied to a national regulation and practice which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under a) or c);

Example:

<b>Annex reference</b>	<b>Provision</b>	<b>Text of the difference to be notified to ICAO</b>	<b>Comments, including the reason for the difference</b>
Annex 3, 6.5.3	Area forecasts for low-level flights prepared in support of the issuance of AIRMET information shall be issued every 6 hours for a period of validity of 6 hours and transmitted to meteorological watch offices and/or aerodrome meteorological offices concerned not later than one hour prior to the beginning of their validity period.	The area forecasts are issued every 3 hours instead of 6 hours, but only from 7:00 to 22:00 local time.	The frequency and issuance periods are considered to offer a better benefit/cost ratio.

***c) A Contracting State's requirement is less protective or partially implemented/not implemented.***

This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has failed to bring its practices into full accord with the corresponding SARPs

Example:

<b>Annex reference</b>	<b>Provision</b>	<b>Text of the difference to be notified to ICAO</b>	<b>Comments, including the reason for the difference</b>
Annex 11, 2.31.1	Each prohibited area, restricted area, or danger area established by a State shall, upon initial establishment, be given an identification and full details shall be promulgated.	Even though this standard is implemented in practice, it has not been incorporated into national regulations	Incorporation is planned for the 2016 air traffic services code of regulations update.

## 2.13.2 Description of differences

2.13.2.1 Differences in substance should be described clearly and concisely, and should allow the reader to easily grasp the scope of the differences. In general, the description should not be a copy of the national requirement, leaving it up to the reader to identify the differences against the ICAO requirement, but rather a description of the gaps. Consequently, it is to be assumed that no differences exist against the elements of the SARP which are not described in the difference.

2.13.2.2 When the State has not adopted any administrative obligations in order to implement a SARP, the difference may be notified as: **“provision not incorporated into regulations”**, rather than by a rewrite in the negative of the ICAO provision, even though both options are acceptable.

## 2.14.1 Use of languages

2.14.1.1 Differences should be filed in English language.



## Civil Aviation Authority of Thailand

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### CHAPTER 3 FILING OF DIFFERENCES

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#### 3.1 Purpose

3.1.1 This Chapter provides the process for identification and filing of differences to ICAO SARPs.

#### 3.2 Identification of differences

3.2.1 Standards Development Division of each Department are required to ensure that new or changed legislation drafted is consistent with the relevant ICAO Standards and Recommended Practices (SARPs) contained in the Annexes to the Chicago Convention. If Thailand is not fully compliant, a difference must be notified to ICAO through Director General. Further, all differences to SARPs (where there is a significant safety impact) are published in the AIP Supplement.

3.2.2 A decision for Director General to introduce a standard that is inconsistent with ICAO SARPs requires adequate justification and needs to be addressed as part of the regulatory work plan.

3.2.3 Standards Development Division of each Department must assess whether the outcomes of their project create new differences, removes existing differences or varies the status of existing differences.

3.2.4 The process for the identification and notification of differences can be found in diagram 3.1 and will be notified as per guidelines provided by ICAO in the respective State Letter.

3.2.5 Standards Development Division of each Department needs to refer to the ICAO-Net website (<https://portallogin.icao.int/>) for the most recent version of the ICAO SARPs. The AIP Supplement (SUP 'Differences from ICAO Standards, Recommended Practices and Procedures' publication for the most recent differences filed by Thailand is available on CAAT website. A master list of ICAO differences is also held by the Aeronautical Information Service Department (AIS).

3.2.6 In the event of any difference to the SARPs, a difference justification and description is to be developed by the Focal point/Legal Department. The difference is forwarded by the Standards Development Division of each Department to Legal Department for forwarding to Focal Point and ICAO, after the regulatory amendments are made and on approval of Director General.

#### 3.3 Notification of differences

3.3.1 Focal Point is responsible for notifying differences to ICAO and will notify the differences as per guidelines provided by ICAO in the respective State Letter.

3.3.2 Focal Point will submit the differences to ICAO Annexes that are identified by the Standards Development Division of each Department and Legal Department to the Director General for approval.

3.3.3 On approval, approved difference will be notified to ICAO and also published in the AIP.

3.3.4 Standards Development Division of each Department will update the online Compliance Checklist including approved differences.

3.3.5 General process to be followed for the consideration and filing of ICAO differences is presented in Figure 3.1 as follows;



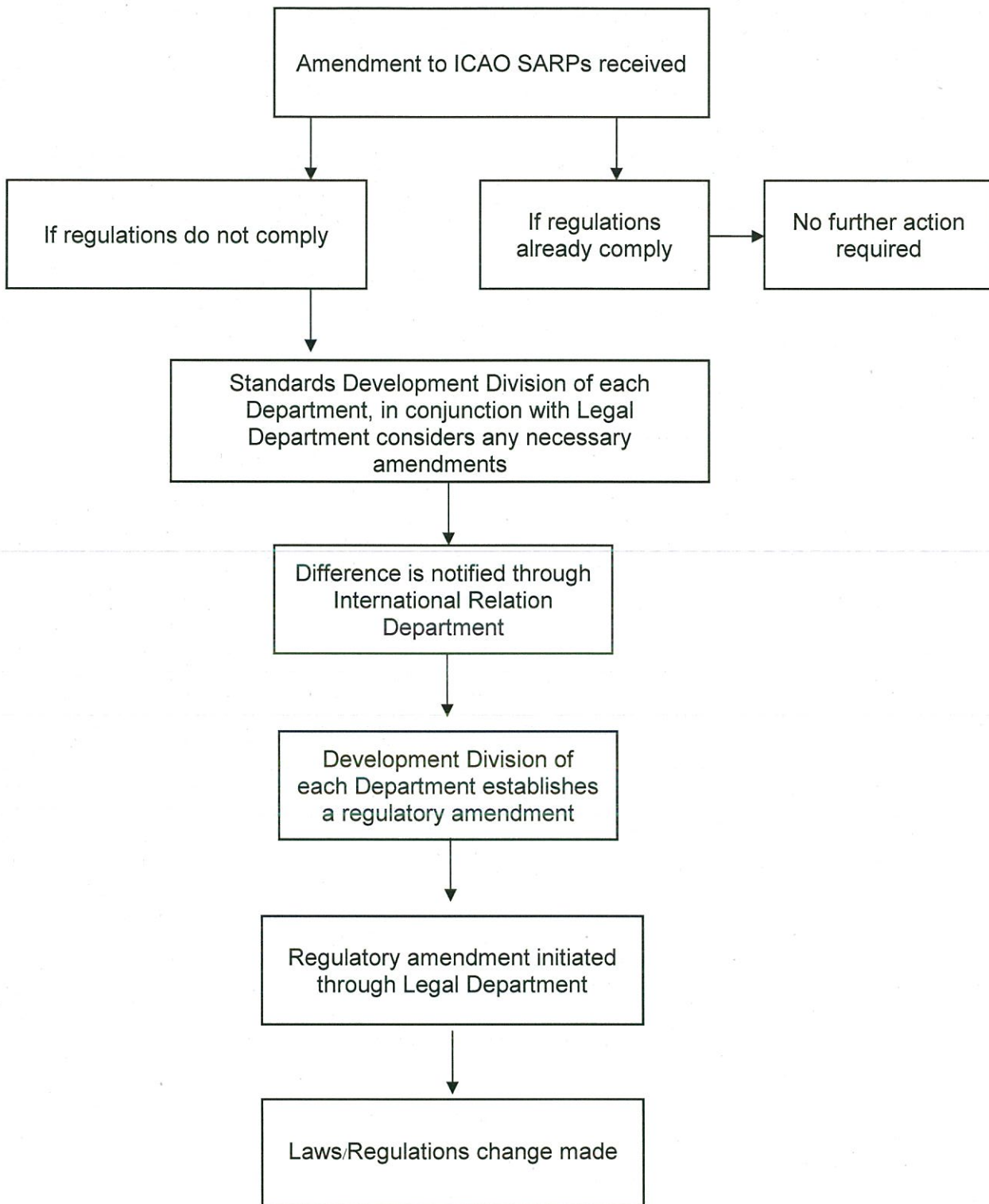


Figure 3.1: General process to be followed for the consideration and filling of ICAO differences

### 3.4 WHEN TO NOTIFY DIFFERENCES

3.4.1 ICAO informs Contracting States and international organizations, by State letter, of the adoption of the amendment and requests for notification, before given dates, respectively of any disapproval as well as of compliance and differences.

3.4.2 The amendment will become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before the given date, which is the effective date of the amendment. That mechanism implements article 90 of the Convention, which gives all Contracting States the possibility, for three months, to disapprove of any part of an amendment adopted by the ICAO Council. This mechanism is distinct from the consultation of States on proposals for amendments, and the notification of differences.

3.4.3 Amendments, or such parts thereof as have become effective, will become applicable on a given date set by ICAO Council by which a State is expected to comply with and implement the amendment, when applicable to the State.

3.4.4 States are advised, typically by ICAO electronic bulletin, as soon as amendments have become effective (i.e. not a majority of Contracting States have registered disapproval of them, or part thereof). As it should be exceptional that a majority of Contracting States notify disapproval of Annexes amendments adopted by the ICAO Council, States may wish to take advantage of the whole period, from the adoption of the amendment by the ICAO Council to the applicability date of the amendment, to prepare for implementation of the amendment, and notification of differences. Appendix 1 contains a flow chart for a suggested procedure for the establishment of national provisions implementing ICAO Annex material.

3.4.5 Contracting States are requested to notify, at the latest a month before the applicability date, the differences that will exist on the applicability date between their national regulations and practices and the provisions of the whole Annex, as amended by all its amendments.

3.4.6 Contracting States also have an obligation, outside the amendment process, to give immediate notification to ICAO of the new differences which might exist, and, implicitly, to give immediate notification to ICAO of any differences which have been removed, and therefore are no longer current.

### 3.5 MEANS OF NOTIFICATION

3.5.1 Differences can be notified by sending to ICAO a *Form on Notification of Compliance with or Differences* (paper-based process), provided in Appendix X; or through the Electronic Filing of Differences (EFOD) system at [www.icao.int/usoap](http://www.icao.int/usoap). The EFOD is a web-based tool that allows Member States to provide Compliance/Differences Information and facilitates the sharing of information by ICAO.

3.5.2 While the paper-based process employing the *Form on Notification of Compliance with or Differences* is still the primary means, Member States have been encouraged to transition to using the EFOD system in order to address issues associated with the timeliness of the notification and/or dissemination of differences, as provided in Article 38 of the Chicago Convention.

*Note. More details on the EFOD can be found in the ICAO Procedures and Principles on the Use of the EFOD System.*

### 3.6 Publication of differences in Aeronautical Information Publications (AIP)

3.6.1 ICAO Annex 15 – Aeronautical Information Services requires publication of a list of significant differences in Part 1 — General (GEN 1.7) of Aeronautical Information Publications (AIP).

3.6.2 After the Director General approve difference, the Focal point shall notify Concerned Department. (cc. Legal Department)

3.6.3 Concerned Department prepare the description of differences which mentioned in 2.13.2 and provide to AIS in order to publish in AIP.

3.6.4 The description of differences may be reviewed by OPS and ANS to identify differences particularly those concerned with aircraft operations and the provision of facilities and services for publication in the AIP.

Note: While reviewing the description, the guidelines provided in para 5.8 of ICAO Doc 8126 may be referred.

3.6.5 AIS include the final description of differences and publish in AIP GEN 1.7 as per the AIRAC Cycle.

The list would include the following:

- 1) provision affected (Annex and edition number, paragraph); and
- 2) difference in full text.

*All Annexes shall be listed in numerical order even if there is no difference to an Annex, in which case a NIL notification shall be provided.*




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## CHAPTER 4 PROCESS AND PROCEDURES FOR MANAGEMENT OF DIFFERENCES

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### 4.1 Process and Procedures for Management of Difference

4.1.1 In order to keep up-to-date the status of compliance and notification of differences, Member States must be properly organized and staffed with qualified personnel capable of accomplishing these tasks (*Safety Oversight Manual, Part A – The Establishment and Management of a State's Safety Oversight System, DOC9734*).

4.1.2 Determination, clear and concise expression and notification of differences requires a good knowledge and understanding of:

- a) The ICAO obligations, expectations, templates and tools regarding notification of differences. The present manual is intended to provide States, in a single document, with guidance in that respect; and
- b) The national regulatory context and the corresponding ICAO Annexmaterial.

4.1.3 Ideally, when national regulations are drafted, rule makers should keep in mind that differences will have to be determined and notified at some point, if applicable, and reviewed periodically. Rule makers might even find it advantageous to already identify and formulate differences when the national rules are being drafted, since the level of compliance with or departure from ICAO provisions should be especially easy to identify at that time. Such an approach has proven to speed-up and facilitate notification of differences.

4.1.4 As previously stated, the degree or alignment, or non-alignment, of the national rules with ICAO SARPs may influence significantly the level of complexity of the determination and formulation of differences. While notification of differences may be perceived as a tedious task, it represents only a fraction of the work and time needed for implementing SARPs (drafting of national rules and associated material, information of regulated entities, enforcement of rules etc...).

4.1.5 ICAO has developed the EFOD database, launched on 1 April 2011, which provides States with the opportunity to enter data into an online data base, prefilled with current Annex provisions. Once completed, the data base gives States personnel convenient access to a repository of compliance and difference information, as well as to additional information (e.g. latest ICAO provisions for which a refiling of differences is required, remarks which can also constitute helpful records to State staff in managing compliance with individual SARPs and in passing on knowledge to incoming staff, statistical data which provides a "big picture" overview of the situation in the State, differences information from other States, etc...).

4.1.6 Alternatively, States may file their differences through a « paper-based » process, since the intention is to leverage technology and transition to the EFOD system, which currently contains all Annexes except Annex 17.




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## CHAPTER 5 Development and Amendment of Regulation

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### 5.1 Development and Amendment of Regulations

Under the power given by the Air Navigation Act (B.E.2497), the concerned authorities (Minister, CAB, and DG of CAAT) have promulgated different regulations to implement the provisions made under the Acts. These Regulations are the secondary regulations that empower Director General to promulgate various Requirements, Directives, Manuals, Circulars, Procedures etc. required for the regulation of civil aviation.

**The procedures to develop new regulation or amendment of existing one will be as follows:**

5.1.1 The Concerned Department will keep up to date the amendments of ICAO SARPs through the ICAO State Letter Management Procedures in Chapter 2 and justify regarding the need to develop a new regulation or amendment of an existing one.

5.1.2 If there is a request from the Concerned Department, the Legal Department will examine the request on the basis of legal principles, existing regulatory measures and prospective implications.

5.1.3 A draft team may be formed consisting of legal officers, Standards Development Division officers of Concerned Department, and concerned experts from within or outside CAAT to draft the required document.

5.1.4 The draft team will prepare the draft document within a period of 30-90 days based on the nature of task.

5.1.5 Feedback and suggestion from Concerned Departments and stakeholders will be collected on the subject matter and a draft Regulation is prepared.

5.1.6 An interaction programme will be conducted for the comments on the draft Regulation from the concerned stakeholders. If found appropriate, the comments will be incorporated in the final draft.

5.1.7 Final draft will be prepared and submitted to the Director General through the Deputy Director General, and manager of Concerned Departments.

5.1.8 After the concurrence of the Director General the final draft is submitted to the Director General or the Civil Aviation Board or Minister, as the case may be, for approval.

5.1.9 The regulation, thus approved, will be applicable on the date as specified in the Regulation.

5.1.10. The amendment will repeal, replace or modify the existing Regulations to the extent indicated in the amendment.

*Note: The flow chart for the response to Development/Amendment of Regulations is presented in **Appendix-5**.*

## **5.2 Formulation and amendment of Requirements/Directives**

Provisions made in SARPs to the Annexes to the Convention are enforced through the various Requirements issued by the Director General in most of the cases. The draft work of CAAT Requirements and Directives will be initiated in such a way that it will be congruent with the date as specified in the ICAO State letter.

**The procedure to formulate new CAAT requirements or amendment of the existing one will be as follows:**

5.2.1 The Concerned Department will initiate the development of new requirements or directives or amendment to existing one.

5.2.2 A draft team may be formed within the respective department to draft the required document.

5.2.3 The draft team will prepare the draft document within the period of 30-90 days based on the nature of task.

5.2.4 Feedback and suggestion from concerned stakeholders will be collected on the subject matter.

5.2.5 If found necessary, comments from the stakeholders will be incorporated in the final draft.

5.2.6. Final draft will be prepared and submitted to the Director General through the DDG, and manager of Concerned Departments/units.

5.2.7 After the approval of Director General the requirements/directives will be applicable on the date as specified in these documents.

5.2.8. The amendment will repeal, replace or modify the existing provisions of Requirements/Directives to the extent indicated in the amendment.

*Note: The flow chart for the response to Development/Amendment of Requirements/Directives is presented in **Appendix-5**.*

## **5.3 Development and amendment of Manuals/Procedures**

5.3.1 Manuals, Guidance Material and Procedures relating to the regulatory functions will be developed and amended by the respective departments. The draft of these documents is

submitted to the DDG for the approval process. The DDG, will pass the draft documents to the Director General for his approval. After the approval from the Director General, these documents will be applicable from the date as specified in the decision. The amendment will repeal, replace or modify the existing provisions of Manuals, Procedures and Documents to the extent indicated in the amendment.

5.3.2 Manuals and Procedures relating to the operators and service provider organizations will be developed and amended by the respective operators and service providers and submitted to the Concerned Department. The Concerned Department will evaluate the Manuals and Procedures whether they are in line with prevailing regulations. If they are found appropriate, the Director of the Concerned Department shall approve such Manuals and Procedures.

*Note: The flow chart for the response to Development/Amendment of Manuals/Procedures is presented in Appendix-5.*

#### **5.4 Adoption of Regulation from another State**

Adoption of a regulation from another State may sometimes become necessary due to the lack of experience or for the benefits of harmonization of regulations. FAA and EASA regulations are the most common foreign regulations adopted by many States. Following procedures will be followed for adopted regulations:

5.4.1. Before adopting regulation of another State, it will be verified that the adopted regulation fully aligns with the corresponding SARPs by referring to the list of differences filed by that State.

5.4.2 If it is found that the concerned State has filed the differences for the regulation to be adopted, the regulation will not qualify for adoption except that regulation requires a higher standard from SARPs.

5.4.3 If no difference exists, the regulation will be adopted and customized in the operational context of Thailand.

5.4.4 The Concerned Department will check the amendments to the adopted regulation and corresponding SARPs to ensure the continued compliance with parent regulation as well as SARPs.

5.4.5 If the parent regulation no longer aligns with the SARPs of Annexes the adoption will be discontinued and own set of regulation will be promulgated. In addition, if harmonization on regulation is no longer useful to Thailand, the adoption of such regulations will be discontinued.

#### **5.5 Process and Procedure for Disseminating Regulations, Requirements, Directives, Manuals, and Procedures**

For every new or amended laws, regulations, including requirements, directives, manuals, and procedures, must be created and be disseminated to the concerned department and relevant stakeholders. This is important to ensure that regulations are not only developed or amended pursuant to ICAO SARPs, but are efficiently communicated to the relevant stakeholders.

With the rapid pace of new and updated regulations that relevant stakeholders must address, the task of ensuring that regulations are up-to-date, available, and effectively communicated throughout the industry can be very important for regulating civil aviation of CAAT. Following processes will be followed for disseminating regulations, requirements, directives, manuals, and procedures:

5.5.1 Legal Department will disseminate a passed/signed law or regulation by posting on CAAT's website ([www.caat.or.th](http://www.caat.or.th)) except some regulations which have extensive impacts on people will be sent to the Government Gazette office in order to publish in the Government Gazette before posting on CAAT's website.

5.5.2 A passed/signed law or regulation will also be disseminated to all concerned departments across the organization through internal circulars and e-mail. In some cases, copies of law or regulation will be sent directly to the external agency as well as the relevant stakeholders by mail from the Legal Department or be distributed through a specific channel or method created by the concerned department in order to ensure the stakeholder's awareness.

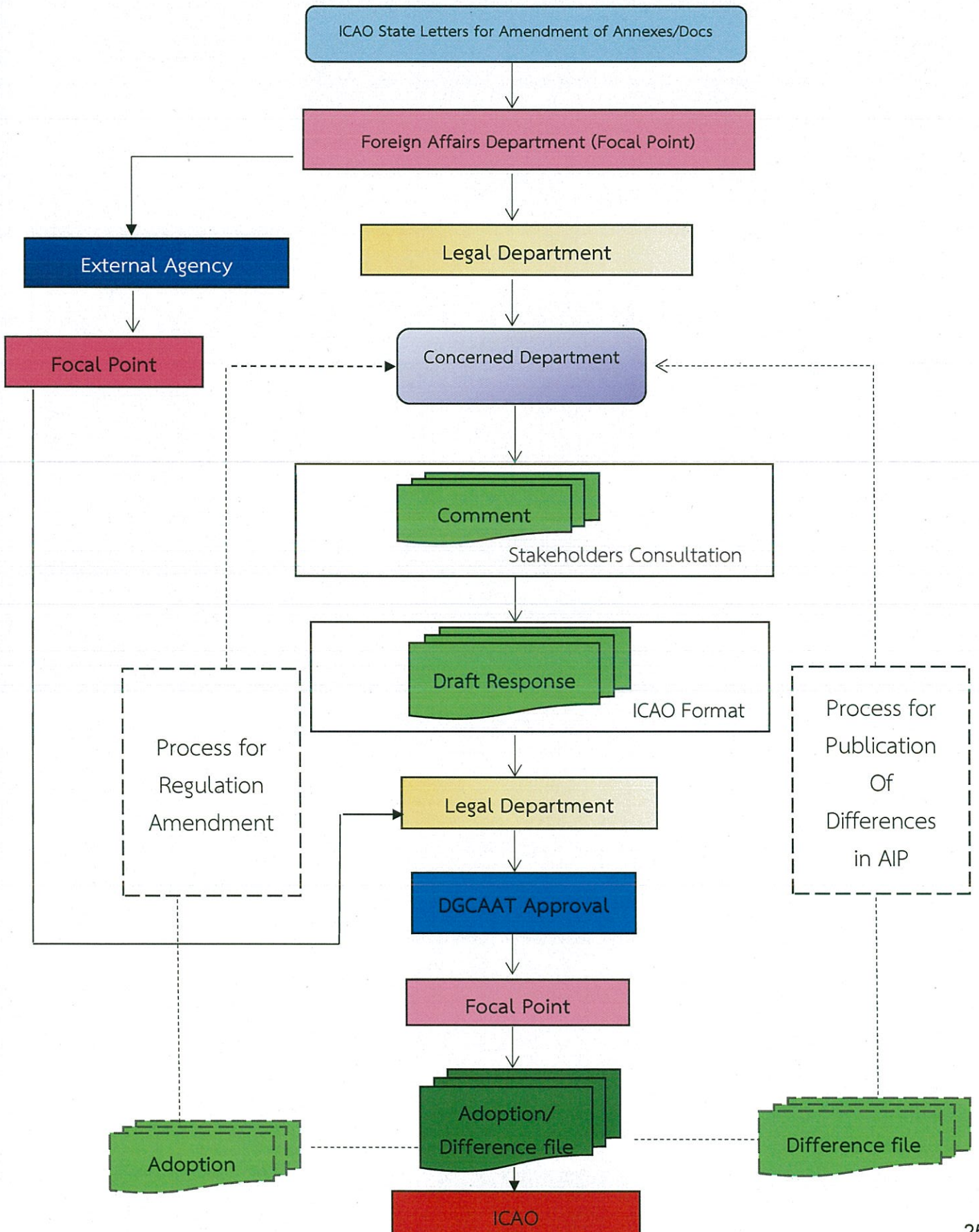
5.2.3 In case of Requirements, Directives, Manuals, Guidance Materials, and Procedures, the concerned department will post them on CAAT's website ([www.caat.or.th](http://www.caat.or.th)) or send them to the relevant stakeholders through a specific channel or method in order to ensure their awareness.

5.5.4 The example of a specific channel or method created by the concerned department; the Aviation Security and Facilitation Standards Department will use electronic channel to disseminate the information to specific group (AVSEC Portal) and circulate the documents using the platform of the National Civil Aviation Security Committee (NCASC), or disseminate the documents by hand and with a signature of the person who received or by acceptance of registered mail.

*Note: The flow chart for Dissemination of Regulation process is presented in **Appendix – 6**.*



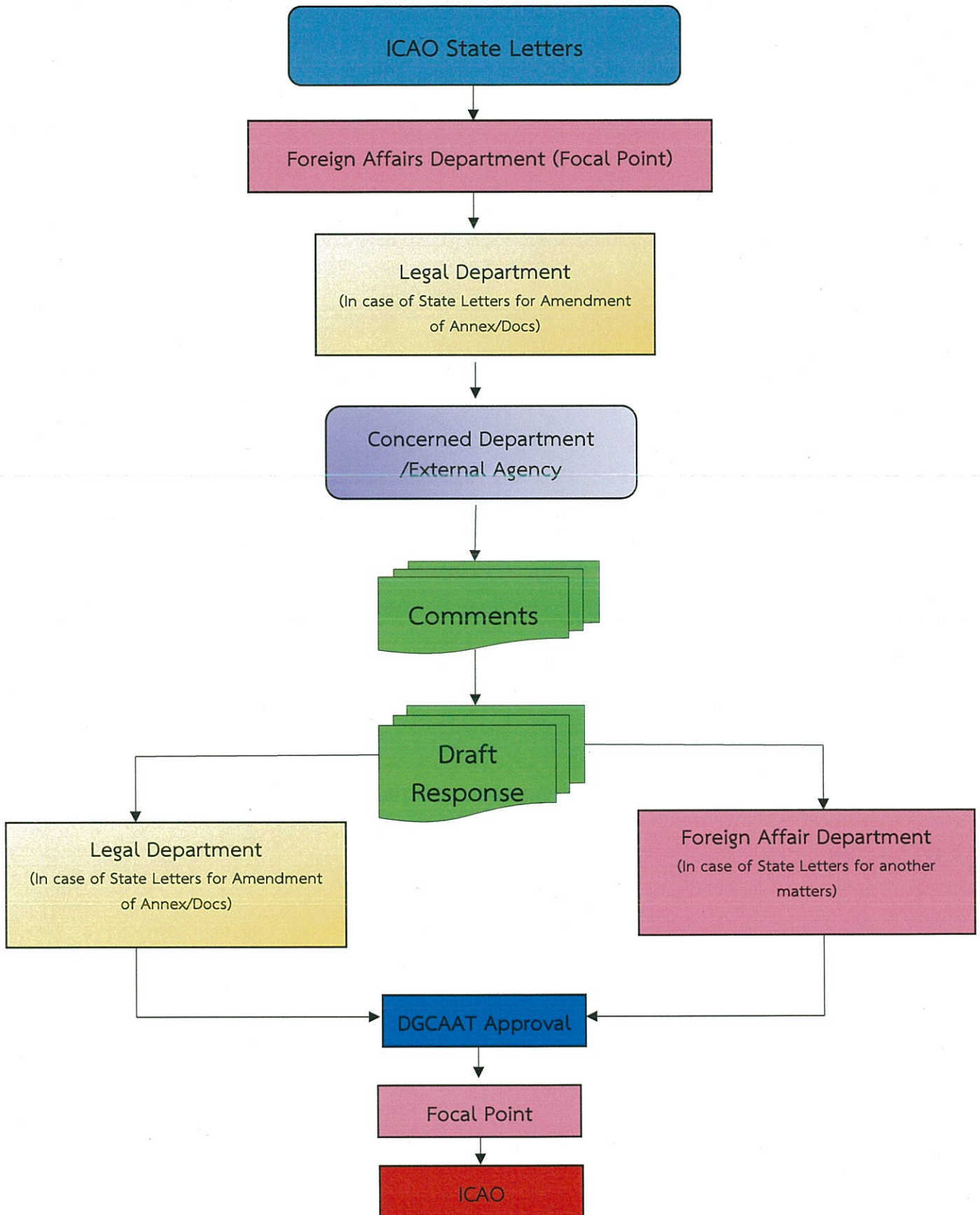
**Appendix-1 MANAGEMENT OF ICAO STATE LETTERS**



**Appendix-2 ICAO STATE LETTERS DISTRIBUTION**

<b>Annex</b>	<b>Subject</b>	<b>Distribution</b>
1	Personnel Licensing	PEL/AMG
2	Rules of the Air	OPS/ANS
3	Meteorological Service for International Navigation	ANS
4	Aeronautical Charts	ANS/AIS
5	Units of Measurement to be used in Air and Ground Operations	ANS
6	Operations of Aircraft	OPS/AIR
7	Aircraft Nationality and Registration Marks	AIR
8	Airworthiness of Aircraft	AIR
9	Facilitation	SFD
10	Aeronautical Telecommunications	ANS
11	Air Traffic Services	ANS
12	Search and Rescue	SAR (MOT)
13	Aircraft Accident and Incident Investigation	AIG (MOT)
14	Aerodromes	AGA
15	Aeronautical Information Services	ANS/AIS
16	Environment Protection	AIR/AGA
17	Security	SFD
18	Safe Transportation of Dangerous Goods by Air	OPS
19	Safety Management	SMG

**Appendix-3 RESPONSE TO ICAO STATE LETTERS**



Appendix 4 ICAO SARPs MANAGEMENT – TIMELINES

No.	Focal Point	Legal Department	Concerned Department	DG Approval	AIS	Timelines
<b>1. ACTION ON STATE LETTER</b>						
1.1	Distribution of State Letter to Legal Department and/or external agencies.					Within 7 days of receipt of the letter
1.2		Review of State Letter and Distribute to Concerned Department.				Within 7 days of receipt of the State letter from Focal Point
1.3			1) Review the State Letter and evaluate the a) proposed amendment of SARPs for any points of agreement or disagreement b) notified adoption of SARPs for: -any point of disapproval -any difference or compliance 2) Forward its formal response to Legal Department			Within 30 days of the State letter from Legal Department

No.	Focal Point	Legal Department	Concerned Department	DG Approval	AIS	Timelines
1.4	Collect response of the external agency if any and send to Legal Department					Within 3 days of receipt of response from External Agency
1.5		Evaluate response of the Concerned Department and the external agencies (if any) and submit final response to Director General via concerned Deputy Director General (DDG) for approval process.				Within 7 days of receipt of response from Concerned Department and Focal Point
1.6				Approval		Within 5 days after submitted
1.7	State Response made to ICAO					Within 3 days after approval from DG

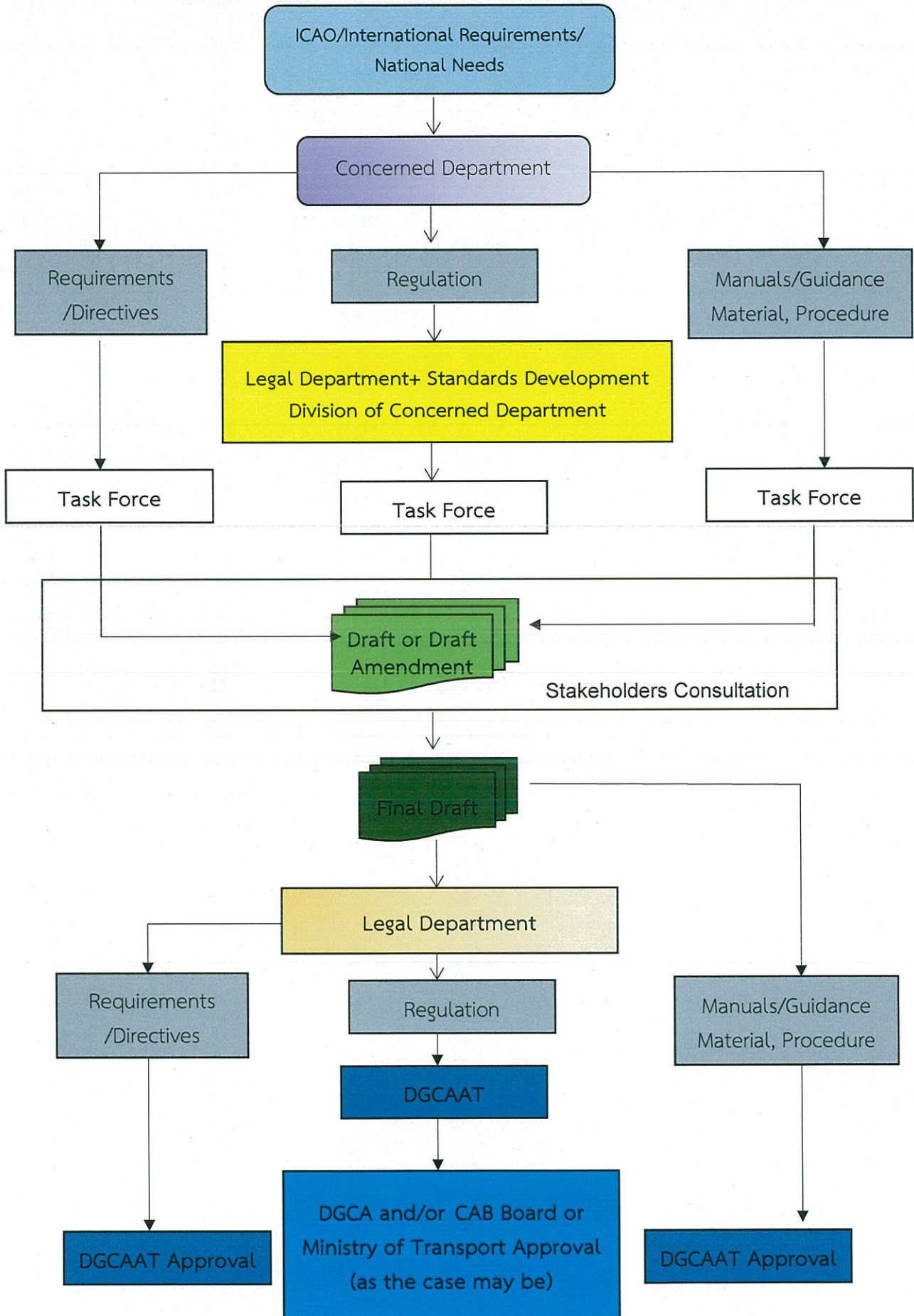
No.	Focal Point	Legal Department	Concerned Department	DG Approval	AIS	Timelines
<b>2. REGULATION DEVELOPMENT/AMENDMENT</b>						
2.1	Focal Point notifies Concerned Department the decision of DG (cc. Legal Department)					<b>Within 3 days</b> from the approval of DG as specified in 1.7
2.2			a) Form draft team (Legal staff + Standards Development Division of each concerned Department Staffs) b) Stakeholder consultation, if required c) Forward draft regulation to Legal Department for approval process			<b>Within 30-90 days</b> after receiving the notification from Focal Point
2.3		1. Evaluates the draft regulation, and Review of 1) Amendment to Regulation ensuring all Annex provisions are addressed 2) Final response to Annex amendment and identified Differences Approval of: 3) Response to ICAO and Notification of Differences 2. Submit to DDG for approval of DG.				<b>Within 15 days</b> after receiving of draft regulation
2.4				Approval		<b>Within 5 days</b> after submitted

No.	Focal Point	Legal Department	Concerned Department	DG Approval	AIS	Timelines
2.5	1) NCMC ensures data updated in CMA. 2) Focal Point closes action on amendment as completed.		Update online CMA.			Within 7 days after approval from DG
<b>3. FILING OF DIFFERENCES</b>						
3.1	Focal Point notifies Concerned Department the decision of DG (cc. Legal Department)					Within 3 days from the approval of DG as specified in 1.7
3.2			Notify to AIS Department to publishes the differences in AIP.			Within 21 days from the date of notification
3.3					Publishes the differences	As per the AIRAC * Cycle *Aeronautical Information Regulation and Control
3.4	1) NCMC ensures data updated in CMA. 2) Focal Point closes action on amendment as completed.		Update online CMA.			Within 7 days after Published in AIP

\*Department responsible for Annexes to the Convention, as outlined in Appendix-2.

\*\* The time-frame specified here may vary depending upon the need and urgency of the subject matter.

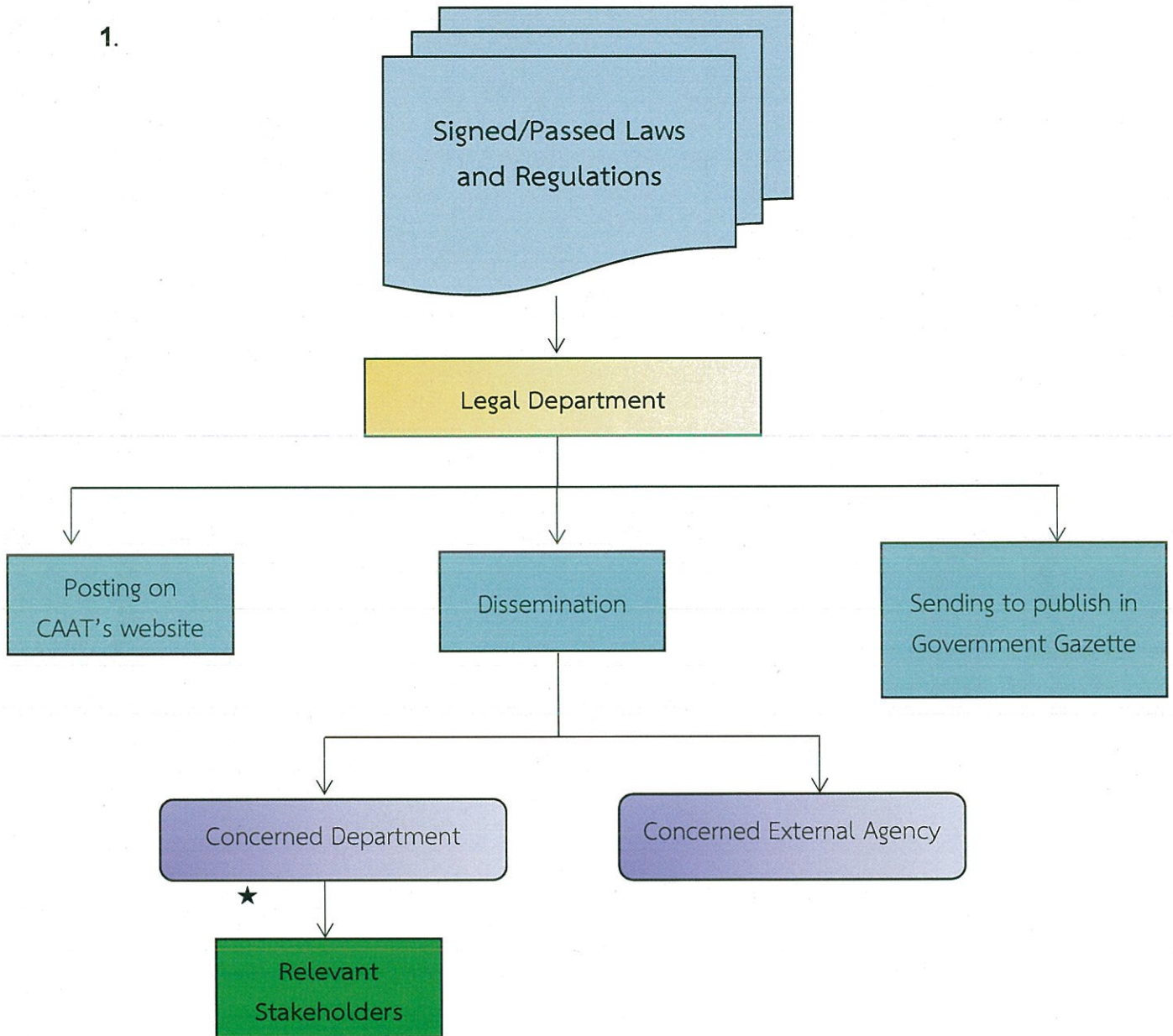
**Appendix-5 DEVELOPMENT/AMENDMENT OF REGULATION**





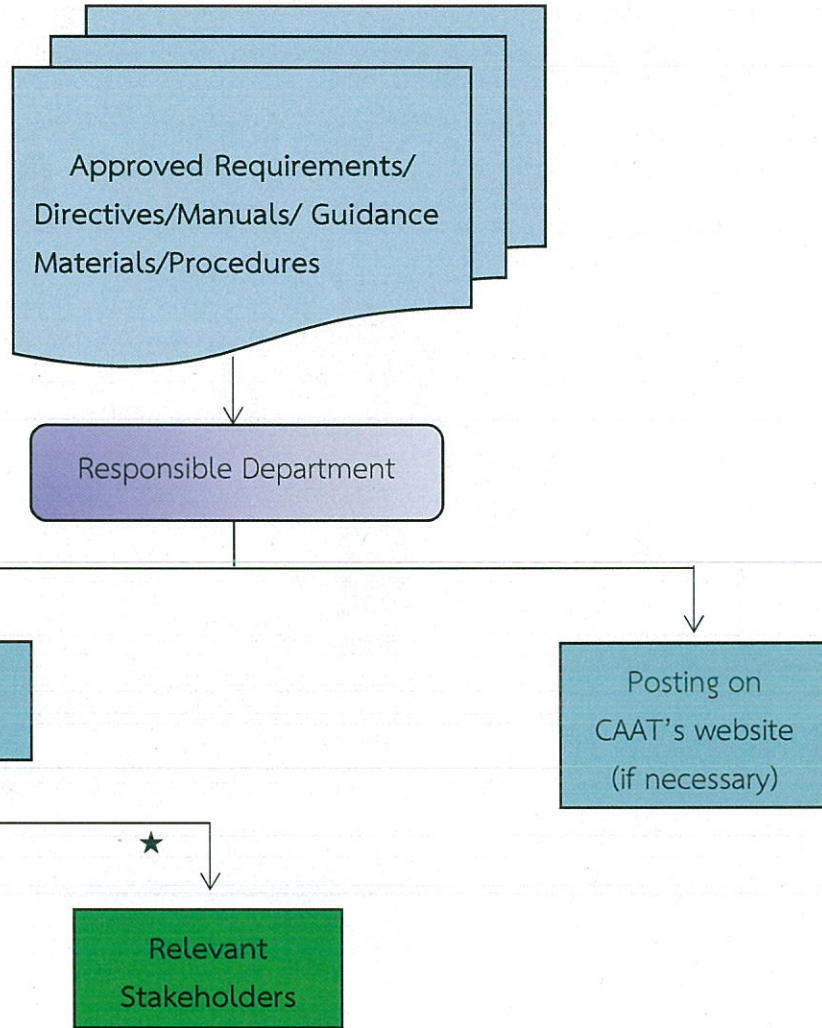
**Appendix-6 DISSEMINATION OF REGULATION/REQUIREMENT/  
DIRECTIVE/MANUAL/GUIDANCE MATERIAL/PROCEDURE**

1.



★ Through a normal or specific channel/method in order to ensure stakeholder's awareness.

2.



★Through a normal or specific channel/method in order to ensure stakeholder's awareness.

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