



The Civil Aviation Authority of Thailand

ICAO ANNEX MANAGEMENT MANUAL


Revision 1, 5 April 2019

Effective Date: 05 April 2019
The previous Circular on
ICAO Annex Management Manual
2nd Amendment Version,
dated 6 Dec 2018 is hereby repealed.

PREFACE

This ICAO Annex Management Manual has been prepared for use and guidance of officers of the 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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DEFINITIONS

Concerned Department: The Department of the CAAT that is principally concerned with, or affected by, the proposed amendment of an Annex/Annexes; or which has primary responsibility for regulation of the particular aviation activity. The concerned Department would be responsible for initiating law and regulations amendment process in coordination with Legal Department including maintenance of Annex Compliance Checklist up-to-date in accordance with the procedures outlined in this manual.

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

Note: In respect of Annex 13 (Aircraft Accident and Incident Investigation), the Focal Point would be an officer from Aircraft Accident and Incident Investigation Committee (AIG), Ministry of Transport.

National Continuous Monitoring Coordinator (NCMC): The person(s) nominated by the Director General to act as primary point of contact for all USOAP CMA processes and activities.

SARPs: Standards and Recommended Practices to the ICAO Annexes

EFOD: Electronic Filing of Differences



Civil Aviation Authority of Thailand

CHAPTER 1 INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

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 in Thailand's 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 SARPs contained in the Annexes to the Chicago Convention. If Thailand is not fully compliant, a difference is required to be filed to ICAO. Further, Significant differences are required to be published in the AIP



Civil Aviation Authority of Thailand

CHAPTER 2 MANAGEMENT OF ICAO STATE LETTER

2.1 Management of ICAO SARPs

2.1.1 ICAO communicates to the Member States through the State Letters, via an electronic distribution system. Proposals to amend an ICAO Annex are notified by an ICAO State Letter. 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.

2.1.2 States are required to adopt ICAO SARPs into national regulations. However, where it is impracticable to adopt 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.

2.1.3 Duties and Responsibilities of the Focal Point

- 1) To perform tasks relating to the management of ICAO State letters on behalf of CAAT.
- 2) To make inter/intra-departmental coordination to respond to ICAO on the matters of SARPs amendment.
- 3) To co-ordinate activities with other international agencies on behalf of CAAT as deemed necessary.

2.1.4 Duties and Responsibilities of Legal Department

- 1) To initiate comments on the legal implication of SARPs amendment
- 2) To advise other CAAT Departments and Divisions on legal matters with particular reference to the amendment and the existing laws and regulations.
- 3) To formulate recommendations regarding the adoption or filing differences of SARPs amendment.

2.1.5 Duties and Responsibilities of Concerned Department

- 1) To review the State letter and prepare response or consolidated response to the amendment, and identify the regulatory changes if required.

Note: The consolidated response is prepared based on the input received from within CAAT and external agencies.

- 2) To prepare the work plan including timelines for amendment of the existing regulation.
- Note: The work plan includes the agencies who would be involved in effecting the amendment.*

- 3) To submit the response or consolidated response and work plan including timelines to the Director General.

2.2 Procedures for Coordination of ICAO State Letter (Amendment to ICAO Annex SARPs)

2.2.1 The Focal Point, Legal Department, and Concerned Department are responsible for the coordination to provide response to ICAO State Letters.

2.2.2 Detailed process is contained in the flow chart shown in Figure 2.1.

2.3 Management of ICAO State Letter: Receipt and Distribution of State Letter

2.3.1 For the effective and timely management of ICAO State Letters regarding SARPs amendment, the Focal Point will monitor the ICAO State Letter via the ICAO electronic distribution system.

2.3.2 The Focal Point will review the content of the State Letters and distribute them to the Concerned Department for their information, comments (as to the perceived impact) and necessary action.

2.3.3 Legal Department will verify the responses from the Concerned Department and recommend the Director General on the adoption or filing of differences of the amendment.

2.3.4 Upon the approval of the Director General, the Focal point will send the response to the State Letters 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***

2.4 Response to ICAO State Letter: Adoption of ICAO SARPs

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

2.4.2 For the Department which having no Standards Development Division, the manager of that Department will assign the appropriate Divisions for such responsibility.

1) Upon the receipt of the State Letter from the Focal Points, Standards Development Division of each Department will coordinate within its department as well as seek stakeholders for comments and actions.

2) Standards Development Division of each Department will evaluate the proposed amendment of SARPs in terms of its differences from the existing laws and regulations.

3) If the Manager of the Concerned Department agrees with the evaluation, he will submit the response to the Director General via Legal Department.

4) Together with the response in 3), if there is no difference between the SARP amendment and the existing law and regulation, the manager will recommend the adoption of the SARP amendment.

5) Legal Department will verify the response with the recommendation of adoption and propose to the Director General for approval.

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

2.5 Response to ICAO State Letters: Filing of Differences to the SARPs

2.5.1 The primary purpose of filing of differences is to ensure that those concerned are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO SARPs. It is not the purpose of filing of differences to avoid or ease the compliance of SARPs.

2.5.2 For the Department which having no Standards Development Division, the manager of that Department will assign the appropriate Divisions for such responsibility.

1) Upon the receipt of the State Letter from the Focal Points, Standards Development Division of each Department will coordinate within its department as well as seek stakeholders for comments and actions.

2) Standards Development Division of each Concerned Department will evaluate the proposed amendment of SARPs in terms of its differences from the existing laws and regulations. While determining the differences, the Concerned Department will assess the SARPs and evaluate the related safety risk of non-compliance and recommend required safety measures to mitigate the risk.

3) If the Manager of the Concerned Department agrees with the evaluation, he will submit the response to the Director General via Legal Department.

4) Together with the response in 3), if there is any difference between the SARP amendment and the existing law and regulation, the manager will recommend the filing of difference to the SARP amendment. The Manager will also be required to identify the regulatory changes and propose a work plan including timelines for preparing the amendment to the existing law and regulation.

5) Legal Department will verify the response with the recommendation of filing of difference and propose to the Director General for approval.

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

2.5.3 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 the AIP.

2.5.4 The AIS Department will publish the difference as outlined in 2.5.3 above before the applicability date.

2.6 Action after submitting the response to a State Letter

1) Standards Development Division of each Department or the Division assigned by the Manager of the Department which having no Standards Development Division will updates Compliance Checklists (CCs) electronically through EFOD, and provides the description of differences to AIS for AIP Gen 1.7 or AIP Supplement (SUP) publication, if any;

2) NCMC confirms EFOD data is updated;

3) Standard Development Division of each Department will prepare draft amendment of law or regulation in order to be in compliance with the new SARPs and submit to the Director General, via Legal department, for approval of the new amendment to the law and regulation.

2.7 Timelines for Activities

2.7.1 The timelines for the activities listed above have been detailed at **Appendix-3**

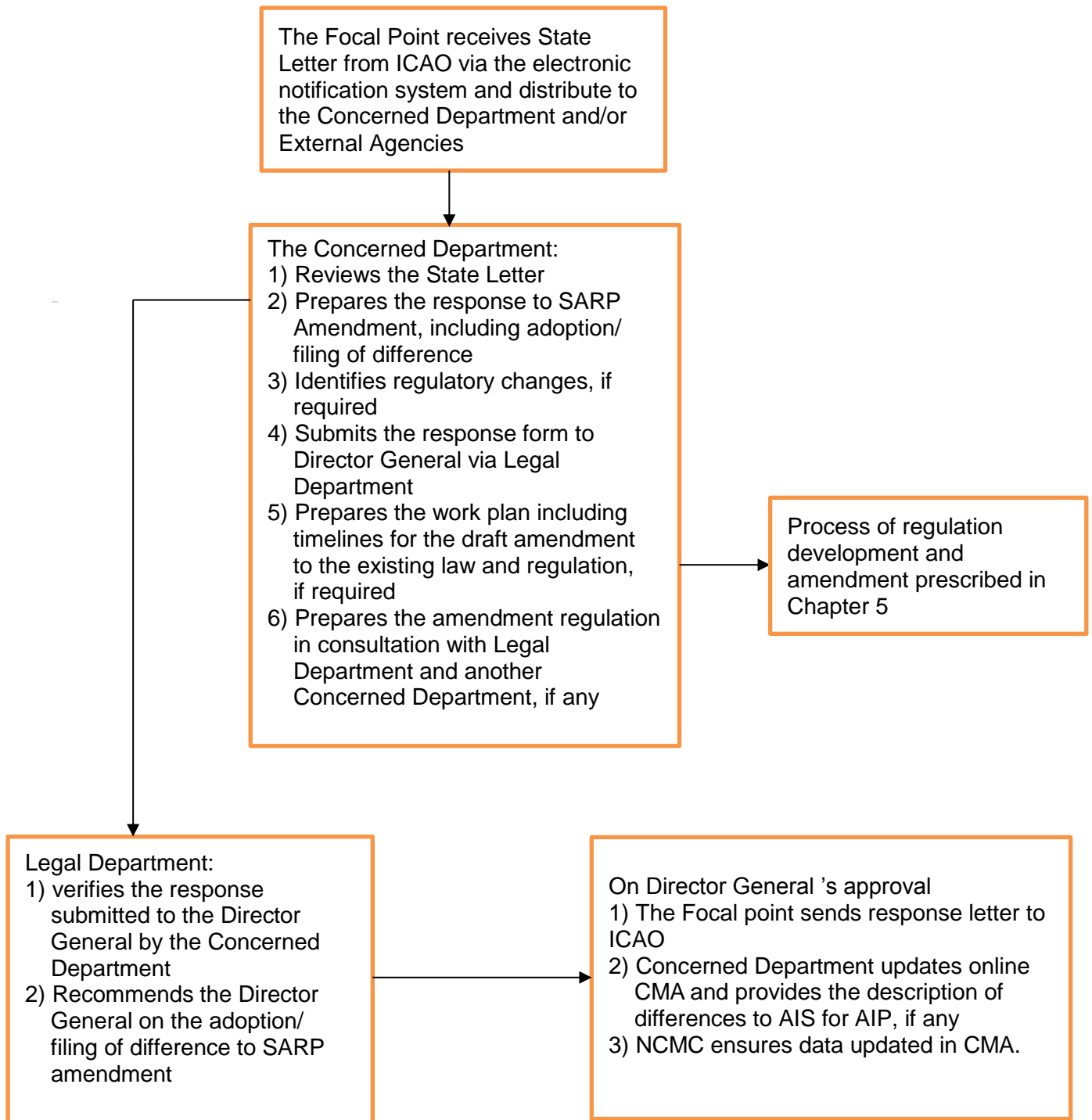


Figure 2.1 - Procedures for Management of ICAO State Letters



CHAPTER 3 FILING OF DIFFERENCES

3.1 Process and Procedures for Management of Difference

3.1.1 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, DOC 9734*).

3.1.2 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 Annex material.

3.1.3 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.

3.1.4 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...).

3.1.5 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...).

3.1.6 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.

3.2 Categories and Descriptions of Differences

3.2.1 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 SARPs, or impose an obligation within the scope of the Annex which is not covered by the SARPs. 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 SARPs, or when the national regulation and practices differ in principle, type or system from the corresponding SARPs, 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:

Annex reference	Provision	Text of the difference to be notified to ICAO	Comments, including the reason for the difference
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:

Annex reference	Provision	Text of the difference to be notified to ICAO	Comments, including the reason for the difference
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.

3.2.2 Description of differences

3.2.2.1 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.

3.2.2.2 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.

3.2.3 Use of languages

3.2.1.1. Differences will be filed in English language.

3.3 General Guidelines Regarding the Determination of Differences

3.3.1 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.

3.3.2 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. ...”

3.3.3. 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.

3.3.4 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.

3.3.5 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.

3.3.6 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.

3.4 When to Notify Difference

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) or through the Electronic Filing of Differences (EFOD) system at 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 Procedure for Identification of Differences

3.6.1 Standards Development Division of each Department are required to ensure that the existing law and regulation is consistent with the amendment to SARPs. If the law or regulation is not fully compliant, a difference must be notified to ICAO. Further, all differences to SARPs (where there is a significant safety impact) are published in the AIP Gen 1.7 or AIP Supplement.

3.6.2 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.

3.6.3 Standards Development Division of each Department must always assess whether the outcomes of their activities will create new differences, removes existing differences or varies the status of existing differences.

3.6.4 The process for the identification and notification of differences can be found in Figure 3.1.

3.6.5 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 Gen 1.7 or 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) through AIP Thailand website.

3.6.6 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 the Director General.

3.7 Procedure for Notification of Differences

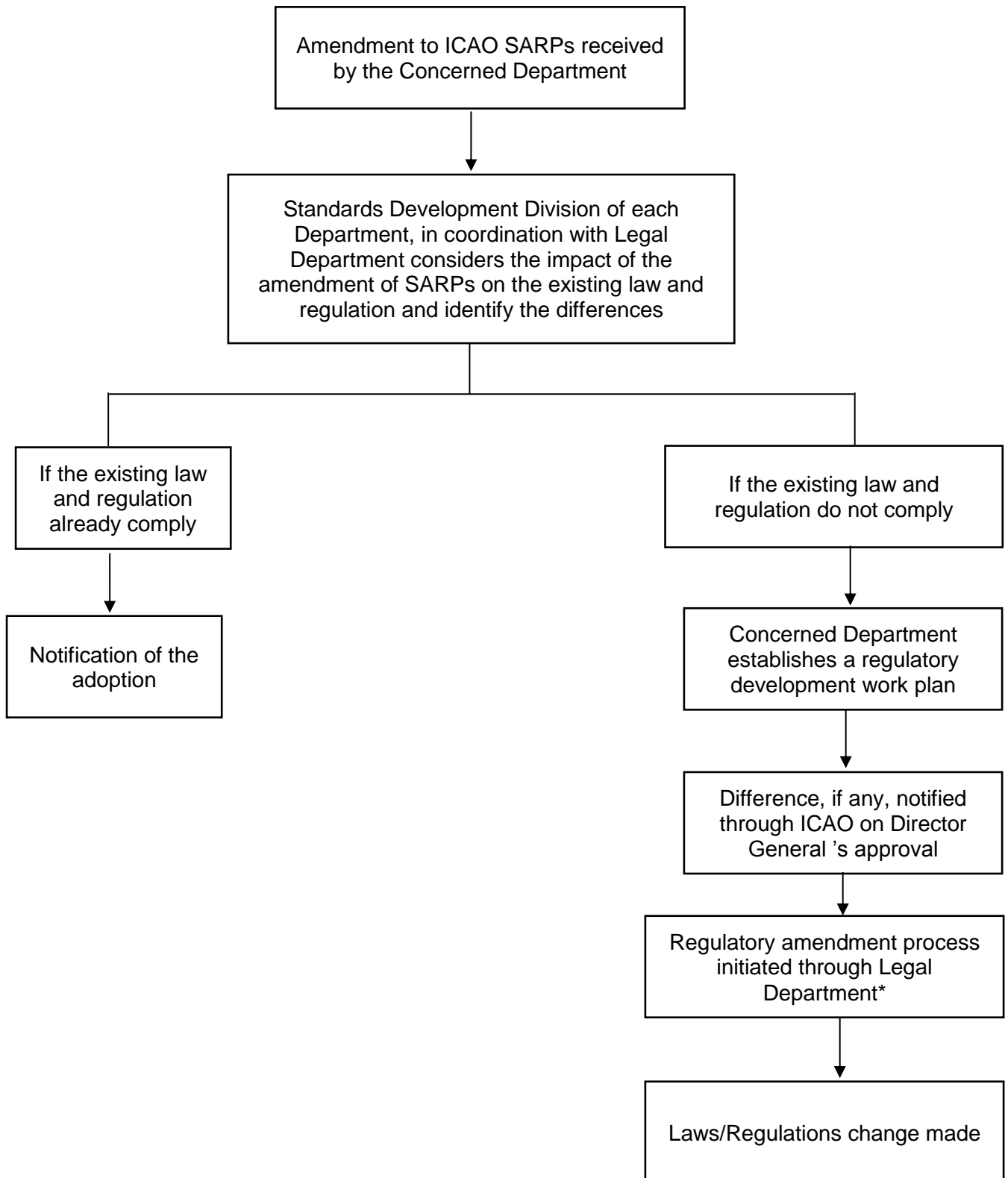
3.7.1 The Focal Point is responsible for notifying differences to ICAO and will notify the differences as per guidelines provided by ICAO in the respective State Letter.

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

3.7.3 Upon the notification of difference to ICAO, significant difference will also be published in the AIP.

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

Note: Completion of online Compliance Checklist on EFOD would constitute filing of differences to ICAO.



**Note: Process of regulation development and amendment prescribed in Chapter 4*

Figure 3.1: General process for the identification and notification of differences

3.8 Publication of Differences in Aeronautical Information Publications (AIP)

3.8.1 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).

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

3.8.3 The Concerned Department prepare the description of differences which mentioned in 3.2.2 and provide to Aviation Information Services Department (AIS) in order to publish in AIP Part 1 — General (GEN 1.7) or any part such as AIP Supplement (SUP) when AIS considering that there are many differences and not suitable to be published in AIP GEN 1.7.

3.8.4 The description of differences may be reviewed by Flight Operation Standard Department (OPS) and Air Navigation Standard Department (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.

3.8.5 AIS include the final description of differences and publish in AIP GEN 1.7 or AIP Supplement (SUP), as the case may me, as per the AIRAC Cycle.

The list would at least include the following:

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

Note: 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.



Civil Aviation Authority of Thailand

CHAPTER 4 Development and Amendment of Regulation

4.1 Development and Amendment of Regulations

Under the power given by the Air Navigation Act (B.E.2497), the concerned authorities (Minister, the Civil Aviation Board (CAB) and the Director General) may promulgate regulations, among other things, to implement SARPs. Those Regulations are the secondary legislation that can be issued in form of Regulations, Rules, Requirements, Announcements, or Orders.

The Concerned Department will be responsible for preparing new draft or amendment to regulation based on the State Letter in consultation with Legal Department and other concerned department, if any as per the approved work plan and timelines and puts up to Director General for approval.

While preparing the new draft or amendment to a regulation, the Standards Development Division of each Department shall ensure that the proposed regulations once approved/ finalized would repeal the previous regulations, if required.

Note: In case of amendment in Annex 13, the AIG Committee Secretary will put up the proposal for amendment to regulations (if required) to the Chairman of AIG Committee directly.

The procedures for development of new regulation or amendment to the existing one will be as follows:

4.1.1 The Concerned Department will keep ICAO SARPs up to date through the ICAO State Letter Management Procedure specified in Chapter 2, therefore the amendment to SARPs may justify the need to develop a new regulation or amend an existing one.

4.1.2 The Standards Development Division of each Department or the Division assigned by the Manager of the Department which having no Standards Development Division will be responsible for initiating the draft regulation because it is the best position to understand the structure of the amendment to the SARP and the impact of the existing one, and to plan on “what to be in the draft” The Concerned Department may request an assistance from the Legal Department in “how to draft”. 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.

4.1.3 A draft team may be formed consisting of legal officers, Standards Development Division officers of the Concerned Department, and the subject matter experts from within or outside CAAT.

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

4.1.5 Feedback and suggestion from Concerned Departments will be collected on the draft Regulation once prepared.

4.1.6 Stakeholder Engagement Meeting will be convened for further comments on the draft Regulation. If found appropriate, the comments will be incorporated in the final draft.

4.1.7 The Final draft will be prepared by the draft team and submitted to the Director General through the concerned Deputy Director General, manager of the Concerned Departments, and the Legal Department.

4.1.8 In connection with 4.1.7, the Legal Department will review the draft to ensure that it has addressed all the issues and submit to the Director General for approval.

4.1.9 After the concurrence of the Director General the final draft will be signed by the Director General or submitted to or the Civil Aviation Board or Minister, as the case may be, for approval and signed by competent person for such type of regulation.

4.1.10 The regulation, when signed, will enter into force on the date as specified in the Regulation.

4.1.11 The amendment will repeal, replace or modify the existing regulation to the extent indicated in the amendment regulation.

*Note: The flow chart for the Development/Amendment of regulations is presented in **Appendix-4A** and the Process Flow of Regulation (CE-2) Making: Introduction of Amendment to Annex in National Regulation with the effective and timely management is also presented in **Appendix4B***

4.2 Development and Amendment of Guidance Materials and Manuals

4.2.1 Guidance Materials and Manuals relating to the regulatory functions will be developed and amended by the respective departments. The draft of these documents is submitted through the Deputy Director General (DDG) in charge of such department to the Director General for his approval. After the approval from the Director General, those documents will be applicable from the date as specified in the documents. The amendment will repeal, replace or modify the existing provisions to the extent indicated.

*Note: The flow chart for the response to Development/ Amendment of Guidance Materials, Manuals, Procedures and Relating Documents is presented in **Appendix-4A**.*

4.2.2 Upon the amendment to the regulations, Manuals and Procedures of the operators and service provider organizations may need to be amended too. In case of the amendment of the Manuals and Procedures are required, the respective operators or service providers will submit the amended or newly developed Manuals and Procedures 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 General shall approve such Manuals and Procedure.

4.3 Application, Transformation or Incorporation of Regulation from Another State

4.3.1 Application, transformation or incorporation 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 applied or incorporated by many States.

4.3.2 Subject to the Air Navigation Act B.E. 2497 (as amended), any foreign regulation may become an integral part of the national regulation framework by applying, transforming or incorporating by reference, with or without modification, any matter contained in any code, standard, rule, regulation, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the aviation subsidiary legislation deal, even if the code, standard, rule, requirement, specification or other document does not yet exist when the aviation regulation is made, including but not limited to —

(a) any code, standard, rule, regulation, requirement, specification or other document prescribed under law by any other Contracting State of the ICAO;

(b) any standards, regulation, requirements or recommended practices issued or adopted by international aviation organizations; or

(c) any code, standard, rule, regulation, requirement, specification or other document issued or adopted by the Authority or any Government department or any other public authority constituted by any written law.

4.3.3 Material referred to in 4.3.2 may be applied, transformed or incorporated by reference in any aviation regulation —

(a) in whole or in part; or

(b) with modifications, additions, or variations specified in the regulation.

4.3.4 Any material applied or incorporated in any aviation regulation by reference is to be treated for all purposes as forming part of the regulation; and, unless otherwise provided in the aviation regulation, every amendment to any material applied or incorporated by reference that is made by the person or organization originating the material is to be treated as being a part of that aviation regulation.

4.3.5 Where any material referred to in 4.3.2 is applied or incorporated by reference in any aviation regulation, CAAT must make known to public through CAAT website, attaching such material to the aviation regulation or other means.

4.3.6 These procedures will be followed for applied or incorporated any material referred to in 4.3.2 in aviation regulation:

1) Before applying or incorporating any material referred to in 4.3.2 of another State, it will be verified that the applied or incorporated material fully aligns with the corresponding SARPs by referring to the list of differences filed by that State.

2) If it is found that the concerned State has filed the differences for material referred to in 4.3.2 to be applied or incorporated, that material will not qualify for application or incorporation except that material requires a higher standard from SARPs.

3) If no difference exists or that material requires a higher standard from SARPs, the material referred to in 4.3.2 will be applied or incorporated and customized in the aviation regulation in the operational context of Thailand.

4) The Concerned Department will check the amendments to the applied or incorporated aviation regulation and corresponding SARPs to ensure the continued compliance with parent material as well as SARPs.

5) If the parent material referred to in 4.3.2 no longer aligns with the SARPs of Annexes the application or incorporation will be discontinued and own set of regulation will be promulgated. In addition, if harmonization on regulation is no longer useful to Thailand, the application or incorporation of such regulations will be discontinued.

4.3.7 In this part,

(a) “aviation regulation” means all rules and regulations issued in accordance with the provisions of the Air Navigation Act, the Civil Aviation Authority of Thailand Emergency Degree, and any aviation-related Act.

(b) “modification” includes omissions, additions and substitutions.

4.4 Dissemination of Regulations and relating Documents

For every new or amended laws and regulations including relating documents, they must 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 is very important for regulating civil aviation. Following processes will be carried out by CAAT:

4.4.1 Legal Department will disseminate a passed law or signed regulation by posting on CAAT's website (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.

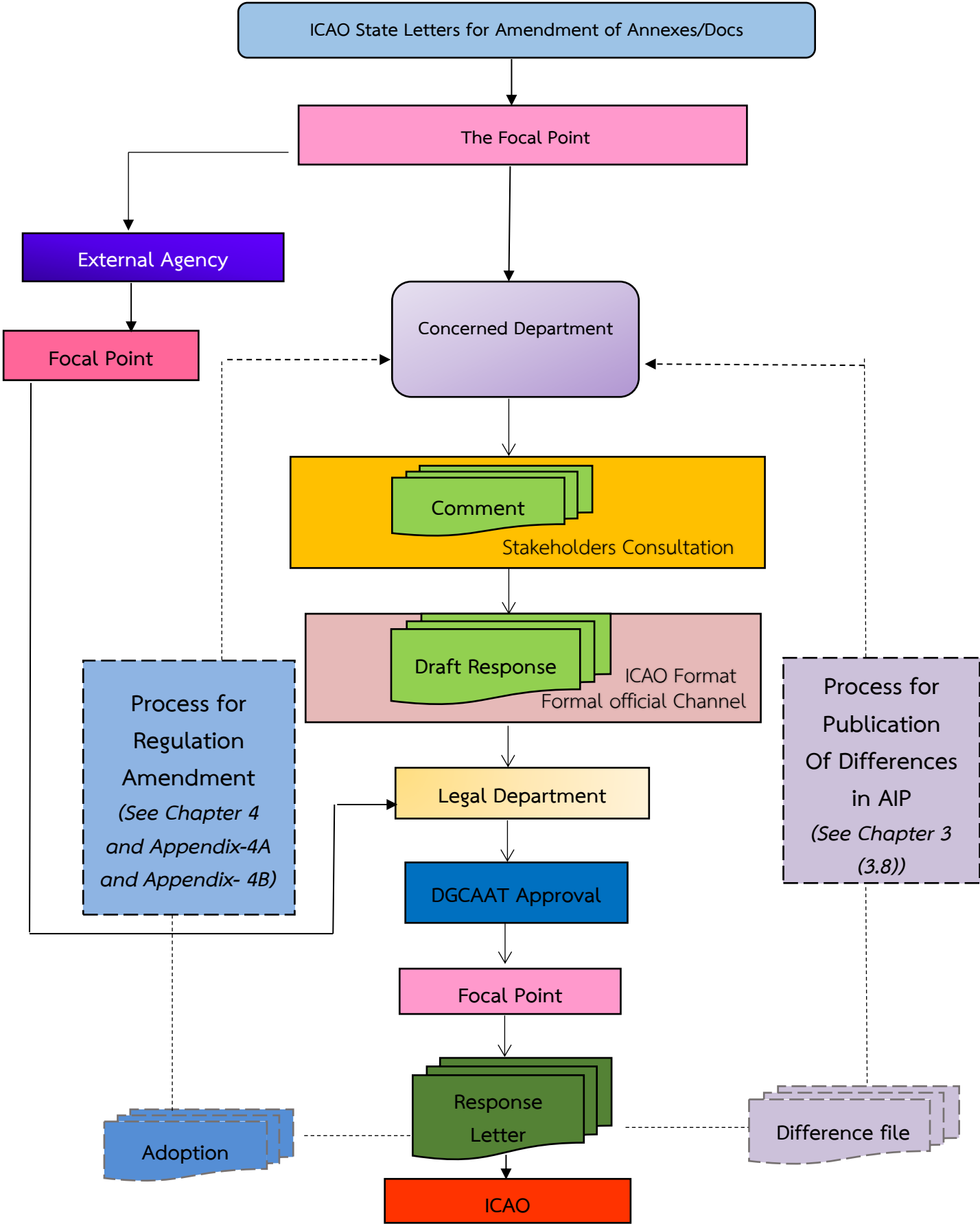
4.4.2 A passed/signed law or regulation will also be disseminated to all concerned departments across CAAT through internal circulars and e-mail. In some cases, copies of law or regulation will be sent directly to the external agency as well as the relevant stakeholders by mail from the Legal Department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

4.4.3 In case of Guidance Materials, Procedures and relating documents, the concerned department will post them on CAAT's website (www.caat.or.th) or send them to the relevant stakeholders through a specific channel or method in order to ensure their awareness.

4.4.4 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 – 5***

Appendix-1 MANAGEMENT OF ICAO STATE LETTERS



Appendix-2 ICAO STATE LETTERS DISTRIBUTION

Annex	Subject	Distribution
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	ANS
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	SMD



Civil Aviation Administration of Thailand

Appendix-3 STATE LETTER MANAGEMENT – TIMELINES

No.	Focal Point	Concerned Department	Legal Department	DG Approval	AIS	Timelines
1.ACTION ON STATE LETTER						
1.1	Distribution of State Letter to the Concerned Department					Within 7 days of receipt of the letter
1.2		1) Review the State Letter and prepare response or consolidate response 2) Identify the regulation change, if required, and the workplan including timeline for the amendment of the existing regulation 3) Submit 1) and 2) to the Director General through the Legal Department				Within 30 days of the receipt of the State letter from the Focal Point
1.3			1) Verify the response to State Letter 2) Recommend the Director General on the adoption of the amendment or the filing of difference.			Within 7 days of receipt of State letter from the Concerned Department

No.	Focal Point	Concerned Department	Legal Department	DG Approval	AIS	Timelines
1.4				Approval		Within 5 days after the receipt of recommendation from the Legal Department
1.5	State Response made to ICAO					Within 3 days after approval from DG
1.6	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
2. REGULATION DEVELOPMENT/AMENDMENT						
2.1	Focal Point notifies Concerned Department the decision of DG. (cc. Legal Department)					Within 3 days from the approval of DG as specified in 1.5
2.2		1) Form draft team (Legal Staff + Standards Development Division of each concerned Department Staffs) 2) Stakeholder Engagement Meeting, if required 3) Forward draft regulation to the Director General through the Legal Department for the approval process				Within 30-90 days after receiving the notification from Focal Point

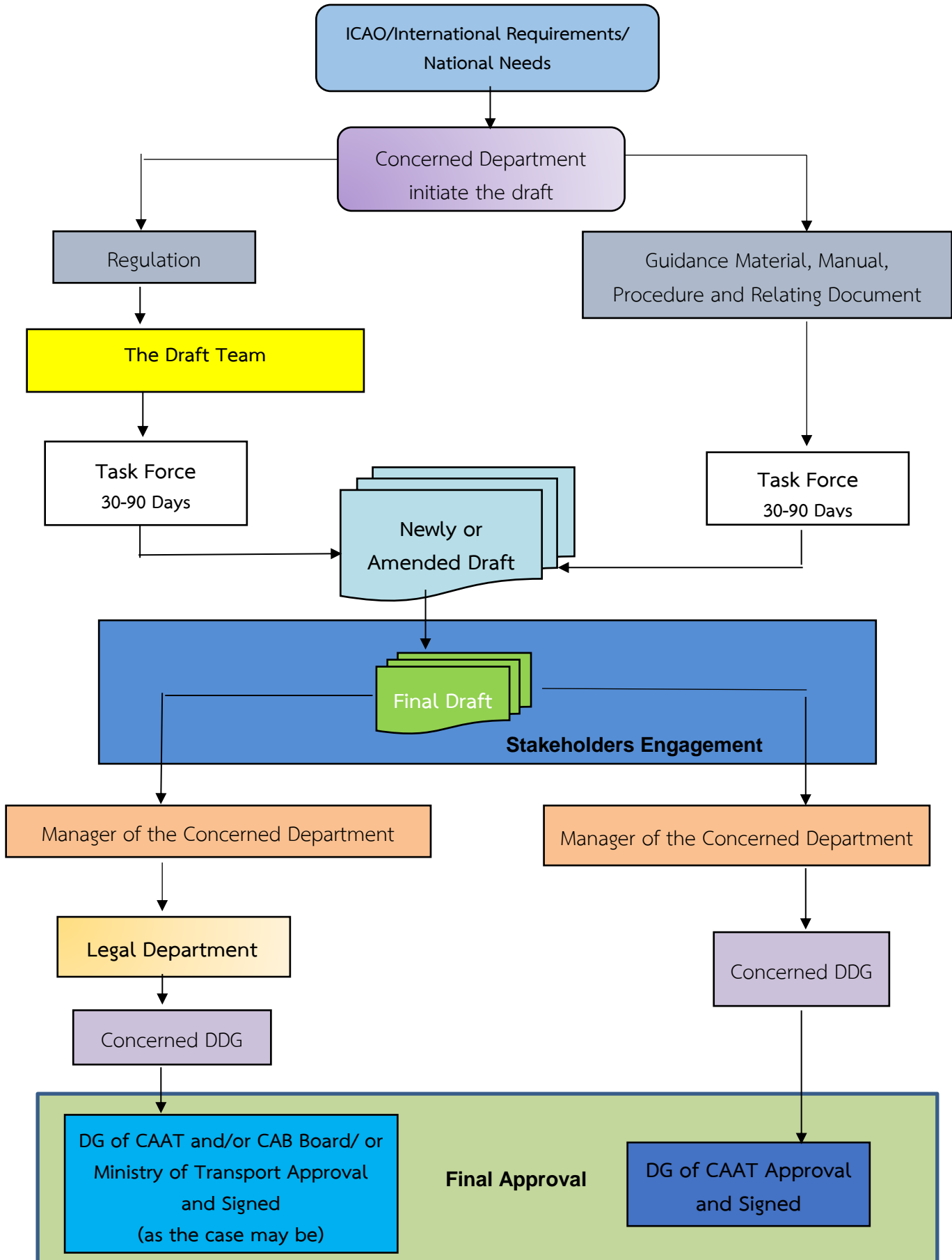
No.	Focal Point	Concerned Department	Legal Department	DG Approval	AIS	Timelines
2.3			1) Evaluates the draft regulation, and review of a) Amendment to Regulation ensuring all Annex provisions are addressed b) Final response to Annex amendment and identified Differences Approval of: c) Response to ICAO and Notification of Differences 2) Submit to DG through the concerned DDG for approval.			Within 15 days after receiving of draft regulation
2.4				Approval		Within 5 days after submitted
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
3. FILING OF DIFFERENCES						
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

No.	Focal Point	Concerned Department	Legal Department	DG Approval	AIS	Timelines
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

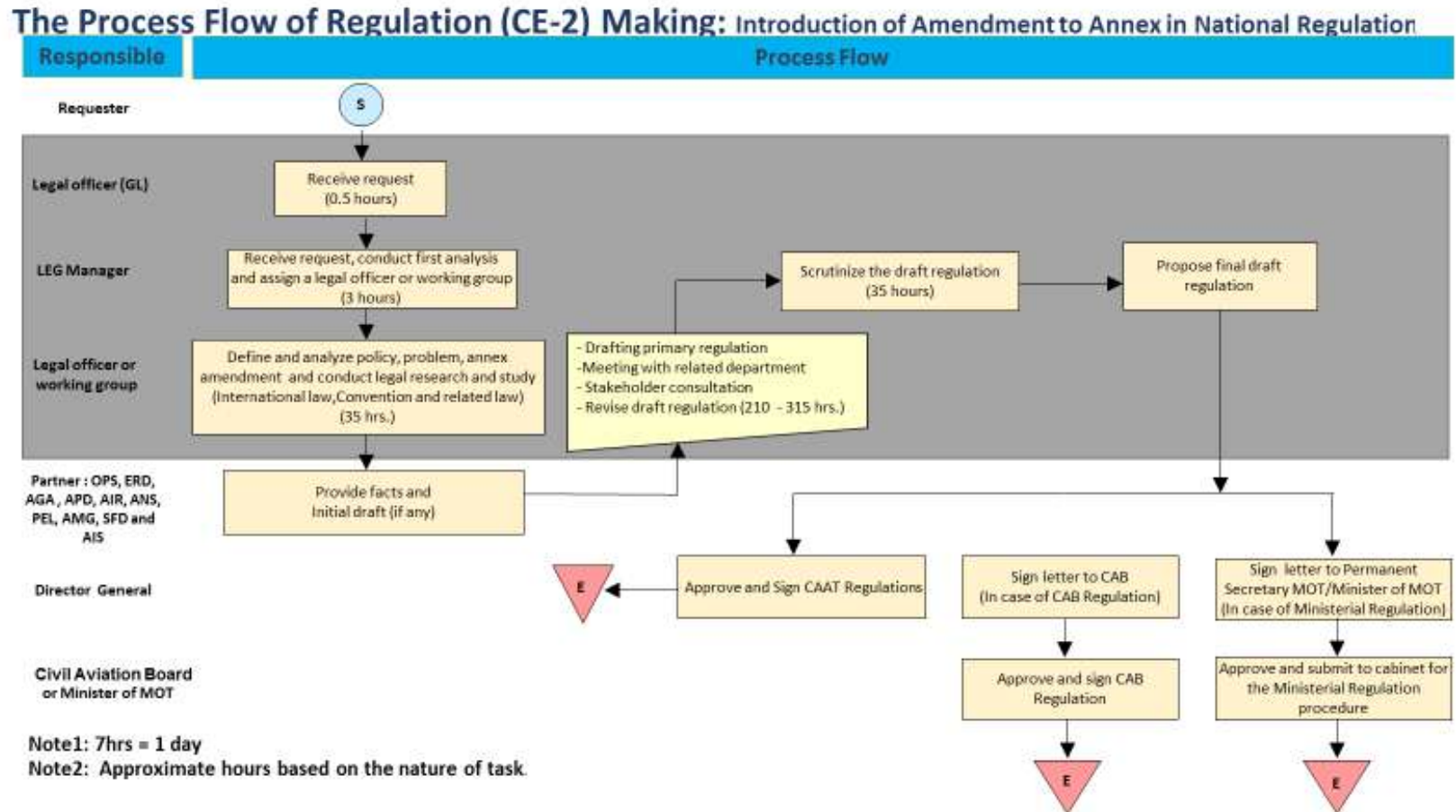
**Department responsible for Annexes to the Convention, as outlined in Appendix-2.*

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

Appendix-4A DEVELOPMENT/AMENDMENT OF REGULATION

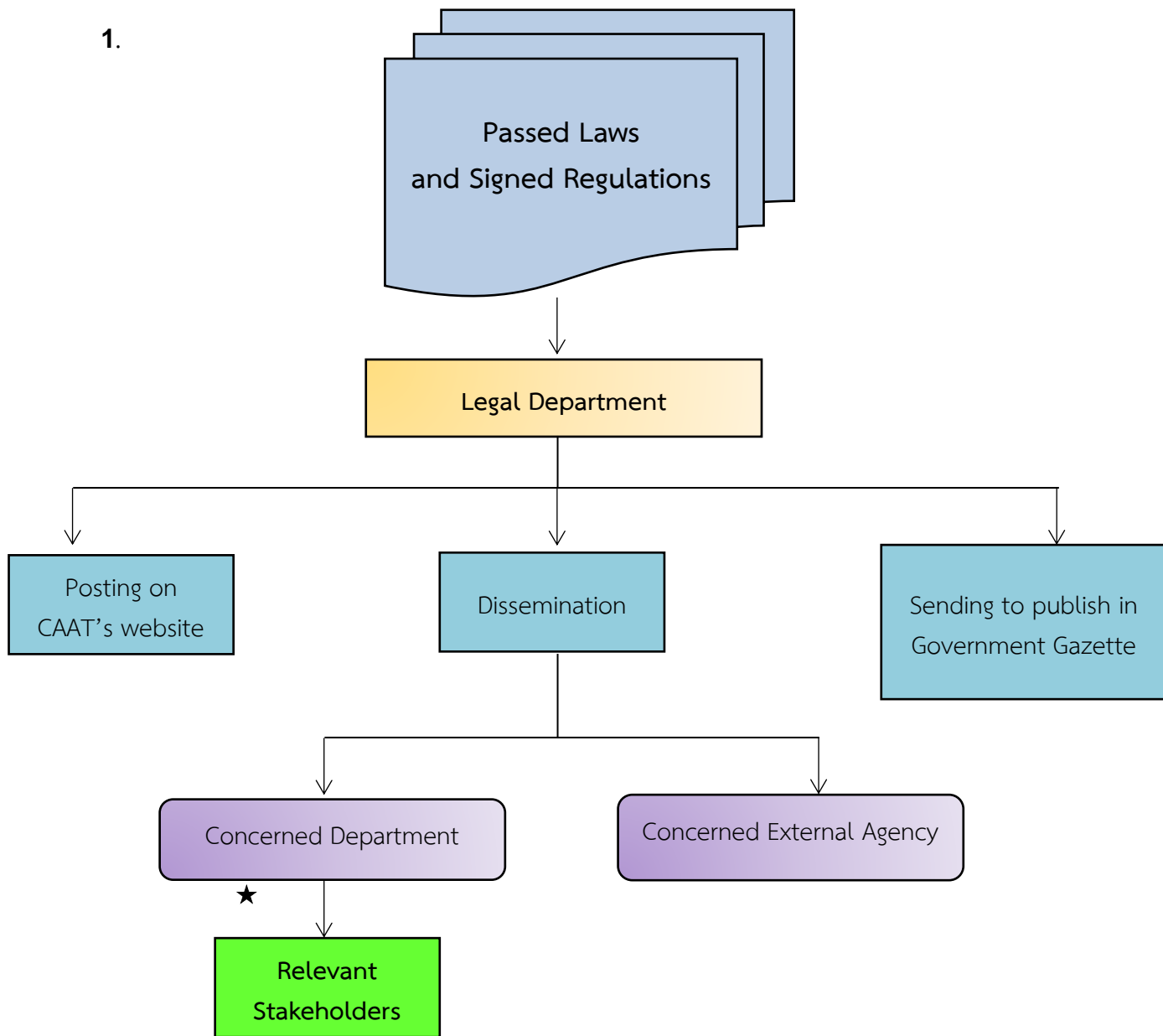


Appendix-4B THE PROCESS FLOW OF REGULATION (CE-2) MAKING: INTRODUCTION OF AMENDMENT TO ANNEX IN NATIONAL REGULATION



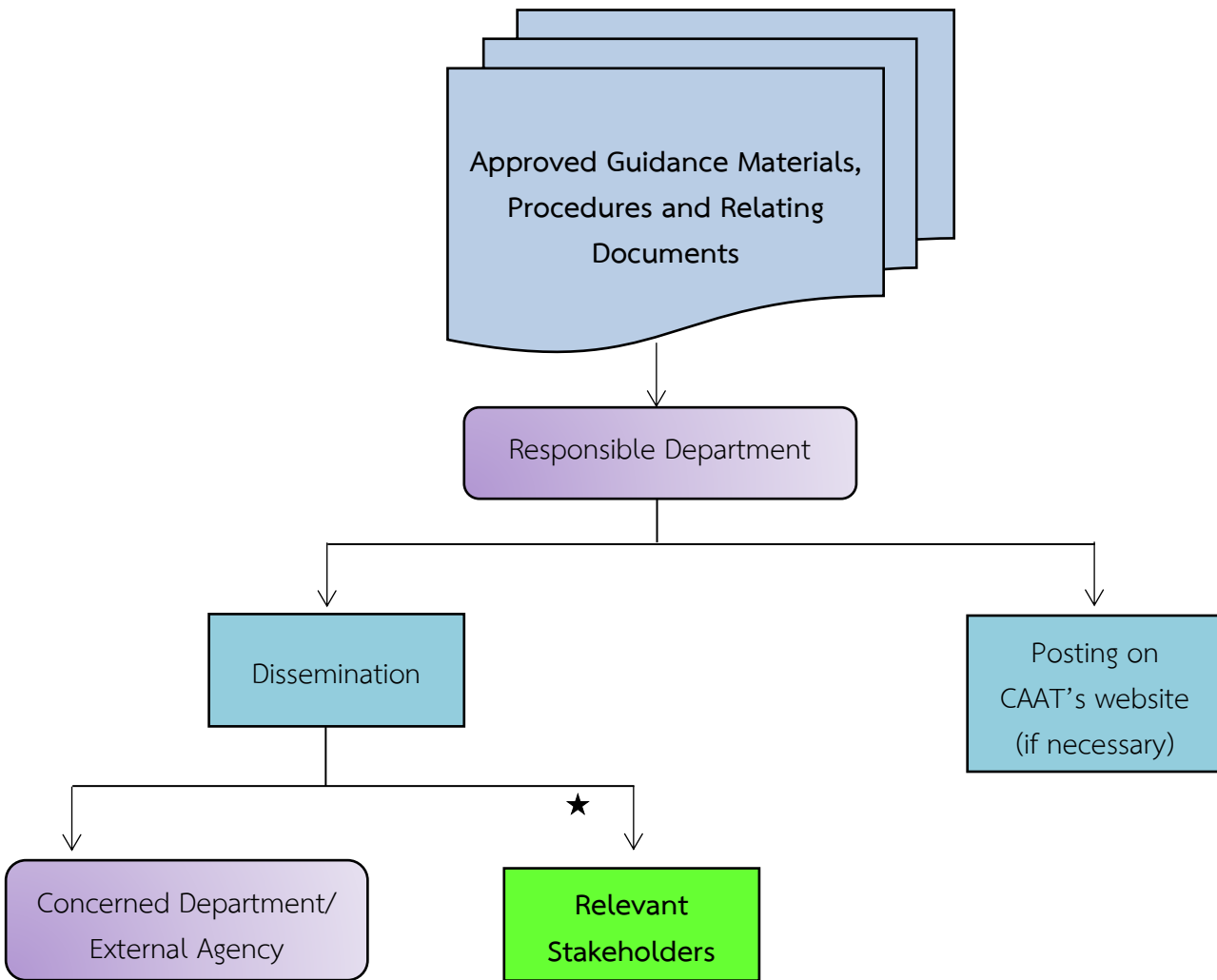
**Appendix-5 DISSEMINATION OF REGULATION/REQUIREMENT/
DIRECTIVE/MANUAL/GUIDANCE MATERIAL/PROCEDURE**

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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