

NOTIFICATION OF THE CIVIL AVIATION AUTHORITY OF THAILAND
RE: CRITERIA FOR ALLOCATING ROUTES TO LICENSEES FOR AIR OPERATION BUSINESS
B.E. 2560 (2017)

By virtue of Clause 32 and Clause 40 of the Notification of the Ministry of Transport Re: Criteria and Conditions for Granting Permission to Air Operation Business B.E. 2559 given on the 9th of November B.E. 2559, the Director General of the Civil Aviation Authority of Thailand upon the approval of the Minister of Transport hereby issues the Notification prescribing the criteria for allocating route to the licensees for air operation business as follows:

Clause 1. This Notification is called the “ Notification of the Civil Aviation Authority of Thailand re: Criteria for Allocating Routes to Licensees for Air Operation Business B.E. 2560 (2017)”.

Clause 2. This Notification shall come into force as from the 17th of July B.E. 2560 (2017).

Clause 3. Notification of the Department of Civil Aviation Re: Criteria on consideration for allocating international routes to Thai licensees for air operation business given on the 17th of August B.E. 2548 shall be repealed.

Clause 4. In this Notification:

“ Licensee ” means a person granted with a license to operate air operation business;

“ Director General ” means the Director General of the Civil Aviation Authority of Thailand;

“ Authority ” means the Civil Aviation Authority of Thailand.

Clause 5. Allocation of domestic and international routes to the licensees including applying for adding or discharging the route shall be in accordance with the route allocation as prescribed under this Notification.

Clause 6. Allocation of domestic routes shall be in accordance with the criteria as follows:

(1) domestic routes shall be divided into three categories as follows:

(a) main route, namely route with one million passengers and over per year;

(b) secondary route, namely route with one hundred thousand passengers and over but less than one million passengers per year;

(c) subsidiary route, namely route with less than one hundred thousand passengers per year.

In the case of new route on which no licensee has ever provided the services or services were provided by a licensee but the licensee terminated such services for more than one year until this Notification has come into force shall be deemed to be a subsidiary route and a route to or from Suvarnabhumi Airport and the route to or from Don Mueang Airport shall be deemed to be the same route, namely, the route to or from Bangkok.

(2) each category of domestic route under (1) shall be in accordance with the list annexed to this Notification. The Authority shall amend the list annexed every three year by using the number of passengers using the service on the route in the previous calendar year prior to the year amending the list as the criteria for calculation. In this regard, if it appears that there are increasing numbers of passengers on any routes, making such route to be in accordance with the criteria to be adjusted to the secondary or main route before three years, the Authority will promptly amend the annexed list;

(3) for the purpose of protecting a licensee who operate flights on a subsidiary route, the Authority may provide protection by granting permission to no more than three licensees to operate in each subsidiary route;

(4) any person wishing to request for allocation of main route or secondary route shall propose to provide service on a subsidiary route with the frequency of no less than three flights per week (round trip is calculated as one time). In this regard, service provision in such subsidiary route may be provided by itself or by code sharing with other licensees under the interline agreement of block seat for no less than twenty percent of the seats per flight. The applicant shall furnish documents relating to contract or document illustrating the minimum guarantee under the interline agreement of block seat;

(5) subject to Clause 48 of the Notification of the Ministry of Transport Re: Criteria and Conditions for Granting Permission to Air Operation Business B.E. 2559, a licensee who has been allocated with route under (4) shall operate services on a subsidiary route which has been permitted for at least one route together with services in the main and secondary route allocated. In the case where the licensee fails to operate the services in the allocated subsidiary route or terminates services on the subsidiary route altogether for more than six

consecutive months, the Director General may consider revoking, wholly or partly, the main or secondary route allocated;

(6) a person obtaining the allocation of route under (4) who has provided services on the subsidiary route and, in every six-month period, has cancelled the flight no more than thirty percent of all subsidiary flights shall have the right to apply for allocation of additional main or secondary routes or both.

Clause 7. The allocation of international route shall be in accordance with the criteria as follows:

(1) allocation of international route between Thailand and any country shall be in accordance with the Bilateral Air Services Agreement between Thailand and that country by considering the right under the Agreement as follows:

(a) agreement in which Thailand has unlimited right in prescribing the number of designated airlines, capacity and frequency or;

(b) agreement in which Thailand has limited right in prescribing the number of designated airlines, capacity and frequency;

(2) in considering the allocation of international route, the Director General shall consider according to the following criteria:

(a) readiness and suitability of aircraft to be used, for instance, the numbers of aircrafts owned, aircraft utilization plan;

(b) record of operational performance of an applicant for allocation, for instance, the use of right on the allocated route, regularity of service provision, flight cancelation;

(c) result of feasibility study of service provision on the route applied for allocation;

(d) record of violation of laws, regulations, or complaints;

(3) application for an increase of capacity or frequency in the allocated route;

(a) in the case of international route on which Thailand has unlimited right to prescribe the numbers of airlines, capacity and frequency under Bilateral Air Services Agreement, after the allocation of route and after the person obtaining the allocation has begun to operate on the route as being allocated continuously and regularly, such person may apply for an increase of capacity or frequency on such route in accordance with the competency and potential without applying for additional capacity and frequency allocation;

(b) in the case of international route on which Thailand has limited right to prescribe the number of airlines, capacity and frequency under Bilateral Air Services Agreement, after the allocation of route and after the person obtaining the allocation has begun to operate the route as being allocated continuously and regularly, such person may apply for an increase of capacity or frequency in such route in accordance with the competency and potential by submitting an application to the Director General each time;

(4) in the case where a route is outside an agreement or route allocated has consumed the whole right under an agreement, if a person obtaining the allocation has been granted permission directly from such country, the person obtaining the allocation shall notify the Authority and shall apply for flight permission under the relevant law, criteria and procedure;

(5) subject to Clause 48 of the Notification of Ministry of Transport Re: Criteria and Conditions for Granting Permission to Air Operation Business B.E. 2559, in the case where a person obtaining the allocation of international route under an agreement in which Thailand has limited right in prescribing the numbers of airlines, capacity or frequency fails to operate flight under the right granted within six months as from the date of being granted with permission and the Director General considers that Thailand will not be able to exercise the right under such agreement effectively, the Director General may revoke such right on the allocated route against the person obtaining the allocation and consider the allocation of such route to other licensee who has submitted an application for allocation if such licensee has such qualifications as in accordance with the criteria and is ready to operate flight services within the time period as prescribed by the Authority;

(6) if any person obtaining the allocation of international route does not operate the service on every route as allocated in any season, the Director General shall not allocate additional route until such person obtaining the route operate every route as allocated or cancel the remaining route which has not been operated;

(7) in undertaking before notifying the designation of airline to relevant country, when a licensee has been allocated international route from the Authority before being appointed as a Thailand designated airline to relevant countries, the licensee shall submit documentary evidence of one or more details to illustrate that such person is willing to operate the services so that the Authority is ensured in business operation as a licensee on the long term basis under the followings:

(a) documentary evidence for the establishment of office of a licensee and employment of personnel in a country wished to operate flight services;

(b) documentary evidence in contacting to designate a General Sales Agent (GSA);

(c) documentary evidence in contacting relevant agency of the country wished to operate flight services relating to ground handling service, for instance, fueling service, food catering, delivery of passengers and/or goods;

(d) contact evidence for permission of flight operation from the Civil Aviation Authority responsible for flight operation of a country intended to provide flight operation or contacting document to request information;

(e) other documentary evidence which is related to flight operation on such route;

(8) right reservation:

(a) when the right in the allocated route of any licensee has been revoked under (5) or such route has not been operated in accordance with the right as allocated under (6), the Director General shall reserve the right to proceed to notify the termination of the licensee's appointment as Thailand designated airline and/ or to notify a new Thailand designated airline to the relevant country;

(b) the Director General shall reserve the right to confer the allocation of right in any international route to other licensees other than the licensee who has obtained the allocation right in such international route or has obtained the allocation right in such international route.

Clause 8. A licensee for scheduled air service shall submit an application for allocation of route in accordance with the right of service provision licensed by the Director General within sixty days as from the date of obtaining the license, including the following documentary evidence for consideration:

(1) flight schedule plan illustrating the route and frequency of route submitted for allocation; number; and type of aircraft used and the beginning date of flight operation;

(2) aircraft utilization plan including the route being granted with the right and route submitted for additional right allocation to illustrate that there are sufficient aircraft for providing services;

(3) result of the feasibility study of the route applied for allocation which shall include analysis of the route's potentiality, strategy in marketing or customer relations, estimation of passengers, estimation of income, expenses and profits from the operation for the

next five years including the evidence illustrating financial status audited by an auditor in the previous 1 accounting year;

(4) contingency plan in the case of flight cancellation, delay and in the case where an aircraft cannot be operated regardless of reason;

(5) statistic for cancellation of flight and delays in the past six months;

(6) other documents as prescribed by the Director General.

In the case where any licensee of scheduled air services wishes to apply for allocation of other additional route or additional capacity or frequency in the route as being allocated, such licensee shall submit an application including the document under paragraph one to the Director General in advance for no less than sixty days as from the date wishing to operate the flight in accordance with the plan. If the application is submitted less than sixty days, the Authority shall not accept such application regardless of any reason.

Clause 9. In allocating such route, the Director General shall issue the permission of route to a person allocated in accordance with the form as annexed to this Notification.

Clause 10. All persons who have obtained the allocation of domestic and international routes prior to the date that this Notification comes into force shall have the right to operate route as allocated and shall comply with the criteria as prescribed in this Notification.

Clause 11. All applications submitted prior to the date that this Notification comes into force and are still pending shall be deemed the applications under this Notification and shall be proceeded following this Notification.

Given on the 24th of July B.E. 2560

Chula Sukmanop
Director General of the Civil Aviation Authority of Thailand

ANNEX TO NOTIFICATION OF THE CIVIL AVIATION AUTHORITY OF THAILAND
RE: CRITERIA FOR ALLOCATING ROUTES TO LICENSEES FOR AIR OPERATION BUSINESS

B.E. 2560 (2017)

GIVEN ON THE 24TH OF JULY B.E. 2560

Type of route	Route	Numbers of passengers
Main route	1. Bangkok- Krabi	2,183,943
	2. Bangkok- Khon Kaen	1,283,935
	3. Bangkok- Chiang Rai	1,712,092
	4. Bangkok –Chiang Mai	5,246,604
	5. Bangkok- Nakhon Si Thammarat	1,100,546
	6. Bangkok- Phuket	5,141,305
	7. Bangkok –Samui	1,484, 008
	8. Bangkok- Surat Thani	1,593,156
	9. Bangkok- Hat Yai	3,128,927
	10. Bangkok- Udon Thani	1,935,491
	11. Bangkok- Ubon Ratchathani	1,433,513
Secondary route	1. Bangkok-Trang	612,091
	2. Bangkok- Nakhon Phanom	299,717
	3. Bangkok- Nan	347,199
	4. Bangkok- Narathiwat	153,849
	5. Bangkok- Phitsanulok	514,097
	6. Bangkok-Mae Sot	141,543
	7. Bangkok- Buri RAM	117,518
	8. Bangkok- Roi Et	286,138
	9. Bangkok- Lampang	258,485
	10. Bangkok – Loei	235,077
	11. Bangkok- Sakon Nakhon	425,596
	12. Phuket-Udon Thani	105,155
	13. Chiangmai- Krabi	199,691
	14. Chiangmai-Phuket	613,359
	15. Chiangmai- Surat Thani	104,378
	16. Chiangmai- Hat Yai	121,446
	17. Chiangmai- Udon Thani	127,264
	18. Samui- Phuket	159,380
Subsidiary route	Other routes which is not specified in the main and secondary route	

(Emblem)

PERMISSION FOR ALLOCATION OF ROUTE

By virtue of Clause 32 and Clause 40 of the Notification of the Ministry of Transport Re: Criteria and Conditions for Granting Permission to Air Operation Business B.E. 2559 and the Notification of the of the Civil Aviation Authority of Thailand Re: criteria for allocating route to licensees for air operation business B.E. 2560, the Director General of the Civil Aviation Authority of Thailand hereby grants permission to who is a licensee for operating air operation business No. Dated..... to be allocated the route for schedule air services as follows:

Domestic routes

1. Main route
 - 1.1
 - 1.2
 - 1.3
2. Secondary route
 - 2.1
 - 2.2
 - 2.3
3. Subsidiary route
 - 3.1
 - 3.2
 - 3.3

International route

- 1.....
- 2.....

CONDITIONS ANNEXED TO THE PERMISSION FOR ALLOCATION OF ROUTE

(1) the Director General of the Civil Aviation Authority of Thailand shall revoke the allocated route if it appears that:

1) the licensee obtaining the allocation of route does not conduct actual flight operations within six months as from the date of being granted with permission;

2) the licensee obtaining the allocation of route does not regularly conduct the flight operations under the schedule as announced or fails to continuously conduct flight operations in every season;

(2) the Director General of the Civil Aviation Authority of Thailand shall consider revoking the main or secondary route allocated to the licensee wholly or partly if it appears that the licensee obtaining the allocation of route in the main or secondary route under Clause 6 (4) of the Notification of the Civil Aviation Authority of Thailand re: criteria for allocating routes to licensees for air operation business B.E. 2560 does not operate air services in the subsidiary route allocated or cease to operate in all subsidiary routes continuously for more than six consecutive months;

(3) the licensee wishing to return to operate flight in the previous route revoked shall apply for permission after the time of one season has lapsed.

This shall come into force from now on

Given on the month.....B.E.....

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Director General of the Civil Aviation Authority of Thailand