



สำนักงานการบินพลเรือนแห่งประเทศไทย
The Civil Aviation Authority of Thailand

Manual for ICAO SARPs Management and Development of Legal Framework for Regulatory Oversight

CAAT-LEG-SAM

Issue: 02

Revision: 00

Date: 29 December 2020

Approval by

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0. ADMINISTRATION

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0.3 Records of Revision

This version of the Manual for ICAO SARPs Management and Development of Legal Framework for Regulatory Oversight is issue no. 02 revision no. 00.

The valid pages are listed in the List of Effective Pages distributed with every revision.

Issue	Revision	Effective Date	Revised By
01	00	15-May-2019	Saralnuch S.
02	00	29-Dec-2020	Chatchai P.

0.4 Revision Highlights

Area of Changed	Amendment Summary
Entire Manual	New Issue

0.5 Distribution List

Type of Document	Distributed To
Original Hard Copy	LEG Manager
Electronic Document	All CAAT Staff

0.6 Administration

0.6.1 Control of Manual

Document and Records Management System (DRMS) is developed to ensure full alignment all records and amendments to it. The respective Department Manager shall ensure that this manual contains legible and accurate information. Whereas, QAD shall ensure that this manual is presented in a format the meets corporate standards and is available in DRMS.

0.6.2 Amendment and Revision

Whenever there is a significant change, a new manual issuance is required. Minor amendments shall be issued in the form of revision with effective pages being reviewed not later than the effective date. A vertical black line is required on the left-hand side of the page identifying the change of this revision.

Significant changes are extensive revisions necessitating a complete re-issuance when involving significant changes in organization, responsibility, guidelines, policy or procedures including substantial format change.

Minor changes are affected some contents in provision, the revision can be made to the corresponding page.

Manual custodian shall record the details of revision and indicate their name with initial last name in the Records of Revision.

0.6.3 Users' Feedback

All concerned personnel shall be familiar with the contents of this manual, at least as these pertain to their duties, and to adhere at all times to the policies, processes and procedures laid down in this manual. Any deviations or feedback should be reported to QAD.

0.7 List of Associated Documents

There are some associated documents in the provision of this manual, as listed below.

Document Reference No.	Name of Document	Applicable to
	The Civil Aviation Authority of Thailand Emergency Decree B. E 2558 (2015)	All CAAT staff
	Chicago Convention	All CAAT staff

0.8 Definitions and Acronyms

0.8.1 Definitions

<i>Term</i>	<i>Definition</i>
<i>EFOD</i>	Electronic Filing of Differences
<i>ICAO Focal Point (Quality Assurance Department, QAD)</i>	Officer nominated by the Director General responsible for receipt, distribution of State Letters via the ICAO electronic distribution system including sending Thailand's response to ICAO.
<i>Legal Staff (LEG Department)</i>	The staff nominated/ assigned by LEG Manager to deal with ICAO matters.
<i>National Continuous Monitoring Coordinator (NCMC)</i>	Person nominated and approved by the Director General to act as primary point of contact for all USOAP CMA processes and activities.
<i>Project Officer</i>	<p>Manager of Concerned Department, Person nominated by the Director General with the responsibility of an Annex/ Annexes. The Project Officer would be responsible for initiating regulation amendment process in coordination with concerned directorates including organise the meeting of RDG, maintenance of Annex Compliance Checklist up-to-date in accordance with the procedures outlined in this manual.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. Manager of concerned department can assign his/her officer to be project officer. 2. In respect of Annex 13 (Aircraft Accident and Incident Investigation), the nominated Project Officer would be an officer of the Aircraft Accident Investigation Bureau (AAIB).
<i>Regulation Development Group (RDG)</i>	A group consist of Project Officer, NCMC, Legal Staff and the concerned technical officer(s) for review and finalization of Civil Aviation Requirements/ changes required to regulations.
<i>SARPs</i>	Standards and Recommended Practices to the ICAO Annexes

0.8.2 Acronyms and Abbreviations

<i>Acronyms / Abbreviations</i>	<i>Meaning</i>
AGA	Aerodrome Standards Department
AIG	Aircraft Accident and Incident Group
AIP	Aeronautical Information Publication
AIR	Airworthiness and Aircraft Engineering Department
AIS	Aeronautical Information Services Department
ANS	Air Navigation Services Standards Department
CC	Compliance Checklist
CMA	Continuous Monitoring Approach
DG	Director General
EFOD	Electronic Filing of Differences
GENs	Generals
ICAO	International Civil Aviation Organisation
LEG	Legal Department
NCMC	National Continuous Monitoring Coordinator
OPS	Flight Operations Standards Department
PANS	Procedures for Air Navigation Services
PEL	Personal Licensing Department
QAD	Quality Assurance Department
RDG	Regulation Development Group
SARPs	Standards and Recommended Practices
SFD	Aviation Security and Facilitation Standards Department
SMD	Aviation Safety Management Department
SUPPs	Regional Supplementary Procedures
USOAP	Universal Safety Oversight Audit Programme

1. INTRODUCTION

1.1 International Civil Aviation Organisation (ICAO)

1.1.1 Purpose

This section 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.

1.1.2 Thailand– Signatory to the Chicago Convention

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.

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.

1.1.3 Legislation of ICAO Standards and Recommended Practices (SARPs)

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.

As CAAT has no authority on the investigation of the accident and serious incident of aircraft, the Aircraft Accident and Incident Investigation Commission (AAIIC) and the Office of AAIIC is responsible for the management of Thailand's compliance with Annex 13.

1.2 Objective

The purpose of this manual is to be a guidance for the Civil Aviation Authority of Thailand (CAAT) officers in managing International Civil Aviation Organisation (ICAO) Standards and Recommended Practices (SARPs) amendments.

1.3 Applicability

The processes outlined in the manual include coordination of input to ICAO State Letters for SARPs amendments, the identification of differences, notification of differences to SARPs and maintenance of the Compliance Checklists (CC).

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. The provisions in this manual shall be followed by all CAAT personnel and applies to all concerned departments.

Since CAAT has no authority on the investigation of the accident and serious incident of aircraft, the Aircraft Accident and Incident Investigation Commission (AAIIC) and the Office of AAIIC is responsible for the management of Thailand's compliance with Annex 13.

1.4 Reference Document

Manual on Notification and Publication of Differences (Doc 10055)

Safety Oversight Manual Part A – The Establishment and Management of a State Safety Oversight System (Doc 9734)

Aeronautical Information Services Manual (Doc 8126)

1.5 Responsibilities

15.1. Focal Point

- (1) To coordinate with ICAO and receive ICAO State Letters on the matter of SARPs amendment.
- (2) To liaise with concerned department(s) and external agencies (if any) to formulate response on SARPs amendment.
- (3) To communicate response on SARPs amendment to ICAO on behalf of CAAT.

Note:

1. Quality Assurance Department (QAD) is CAAT's focal point responsible for coordinating Thailand's response to the ICAO State letter.
2. ICAO State letters are received via the ICAO electronic distribution system and will be regularly checked in ICAO portal by the Focal Point.

1.5.2 Project Officer

- (1) To review the content of the State Letter and prepare response or consolidated response to the amendment, and identify regulatory changes (if any).

Note: The consolidated response is prepared based on the inputs received from within CAAT and external agencies (if any).

- (2) To prepare a draft amendment to a regulation, department manual and related guidance material.
- (3) To communicate with Regulation Development Group.
- (4) To identify and file difference (s) or any disapprovals to SARPs amendment.

Note:

1. In order to keep up-to-date status of compliance and notification of differences, Member States must be properly organised and staffed with qualified personnel capable of accomplishing these tasks (Manual on Notification and Publication of Differences (Doc 10055)).
2. To perform this task, the Project Officer is required to have a good knowledge and understanding of:
 - a) The ICAO obligations, expectations, templates and tools regarding notification of differences, and
 - b) The national regulatory context and the corresponding ICAO Annex material.

1.5.3 Regulation Development Group (RDG)

- (1) To review the proposed SARPs amendment and national regulation based on ICAO Annex amendment.
- (2) To provide comment on and approval to amended national regulations proposed by Project Officer(s).

1.5.4 Legal Department (LEG)

- (1) To initiate comments on the legal implication of SARPs amendment.
- (2) To advise other departments (Project Officer) on legal matter 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.

1.5.5 National Continuous Monitoring Coordinator (NCCM)

- (1) To act as primary point of contact for all USOAP CMA processes and activities.
- (2) To ensure that the status of compliance and notification of differences are updated in CC/EFOD.

1.5.6 Director General (DG)

- (1) To ensure that new or amended regulations is consistent with ICAO SARPs amendment.
- (2) To consider and verify whether significant differences are required to be published in AIP.

1.5.7 Aeronautical Information Services Department (AIS)

- (1) To receive information on significant differences from the Focal Point.
- (2) To publish significant differences in AIP.

2. MANAGEMENT OF ICAO STATE LETTER

2.1 ICAO State Letter and Notification of Amendment

2.1.1 ICAO communicates to the Member States through the State Letters, via an electronic distribution system. Proposals to amend an ICAO SARPs are notified by an ICAO State letter. Therefore, the scope of ICAO State letter in this manual comprises of letters on proposal for amendment, adoption of amendment and approval of ICAO Documents (Doc) distributed via ICAO's electronic distribution system. These letters invite comments from States on proposed amendments to SARPs. It is CAAT's responsibility to formulate 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.

2.2 Management of ICAO State Letter: Receipt, Distribution and Response of State Letter

2.2.1 In practice, ICAO may not send all State Letter to the Member States by mail, therefore, 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.

2.2.2. The Focal Point will receive ICAO State Letter, which will be generated by ICAO electronic distribution system, via E-mail and the Focal Point will monitor ICAO State Letter by rechecking with ICAO Postal every week.

2.2.3 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.

2.2.4 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.

2.2.5 Upon the approval of the Director General, the Focal point will send the response to the State Letters to ICAO.

2.3 Procedure for Management of ICAO State Letter

2.3.1 Procedure for Response to the Proposals for Amendment to SARPs or PANS

(1) The Focal Point receives ICAO State Letter on Proposals for Amendment to SARPs or PANS from ICAO.

(2) The Focal Point reviews the content of the State Letter and distributes it to the Concerned Department(s) and external agencies (if any).

Note: Distribution to the responsible Project Officer(s) and external agencies shall be as per Appendix 'A'.

(3) The Project Officer in that Concerned Department(s), in consultation with RDG and the agreement from LEG, will evaluate the proposed amendment to SARPs or PANS in terms of its differences from the existing laws/regulations and prepares consolidated response to the Proposal for Amendment to SARPs or PANS by completing the information in CAAT SARPs and PANS Management System. Moreover, the Project Officer shall prepare the work plan including timelines for amending of the existing regulation(s) or developing new regulation(s).

Note:

1. According to ICAO State Letter on Proposal for Amendment to SARPs and PANS, a consolidated response can be divided into 5 option as follows;

- Agreement without comments.

- Agreement with comments. (*“Agreement with comments” indicates that the State or organization agrees with the intent and overall thrust of the amendment proposal; the comments themselves may include, as necessary, State’s reservations concerning certain parts of the proposal and/or offer an alternative proposal in this regard.)

- Disagreement without comments.

- Disagreement with comments.

- No position.

2. After the Project Officer evaluates the proposed amendment and found that the existing law/regulation do not complied with ICAO SARPs and PANS, it is recommended that the Project Officer should start the process of developing a new regulation or revising the existing one in order to prepare for the incoming Adoption.

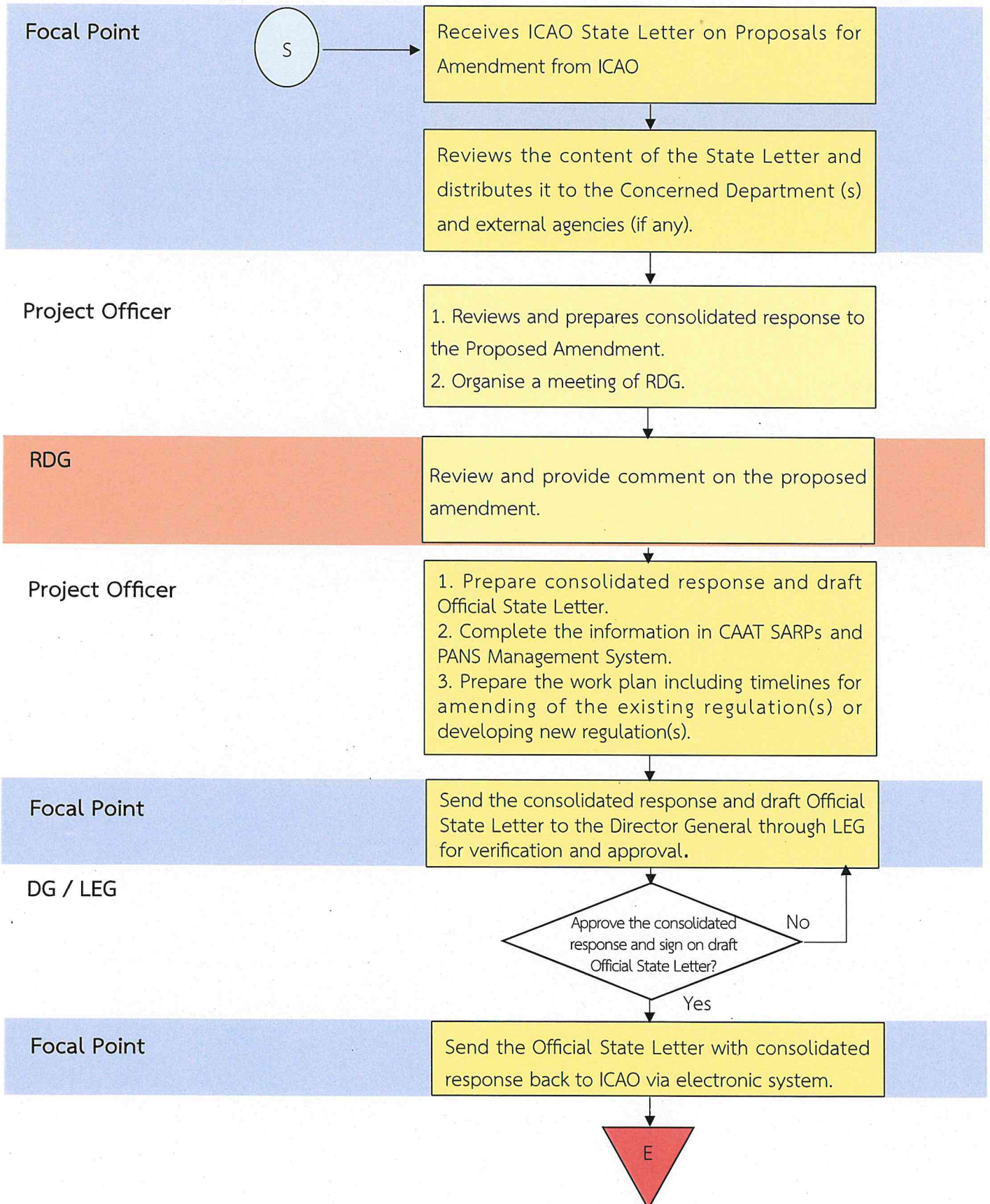
(4) After receiving the consolidated response and work plan from the Project Officer, the Focal Point sends the information to the Director General through LEG for verification and approval for 14 days.

(5) The Focal Point send the Official State Letter with consolidated response back to ICAO via electronic system within ICAO’s specified deadline.

Note:

1. Distribution to the responsible Project Officer(s) and external agencies shall be as per Appendix 'A'.

Figure 2.3.1 Procedure for Response to the Proposals for Amendment to SARPs or PANS



2.3.2 Procedure for Adoption of Amendment to SARPs or PANS

(1) The Focal Point receives ICAO State Letter on Adoption of Amendment to SARPs or PANS from ICAO.

(2) The Focal Point reviews the content of the State Letter and distributes it to the Concerned Department (s) through Project Officer(s) and external agencies (if any) for response.

Note: Distribution to the responsible Project Officer(s) and external agencies shall be as per Appendix 'A'.

(3) The Project Officer will evaluate the content in the Adoption of Amendment to SARPs or PANS in terms of its differences from/compliance with the existing laws and regulations and identifies all the regulatory changes required.

(4) The amendment, if it pertains to the other areas, shall be communicated to the Manager of the Concerned Department(s) and response from the respective Manager shall be coordinated and included in the proposed regulatory amendments.

(5) The Project Officer considers whether there is any disapproval to the amendment. The Project Officer shall send the result of the deliberation (approval or disapproval) to the Focal Point for recordkeeping 1 month before ICAO's specified deadline. If there is any disapproval, the Project Officer shall prepare a consolidate response. The Focal Point, within 7 days after receiving the consolidated response from the Project Officer, shall prepare the Official State Letter to notify disapproval to ICAO and send to LEG for consideration for 7 days. LEG then send the Official State Letter to the Director General for approval and signing for 7 days. After the Director General's approval, the Focal Point will send the letter to ICAO within ICAO's specified deadline.

(6) In case that there is no disapproval to the amendment, the Project Officer prepares a draft amendment to a regulation, department manual, and related Guidance Materials (if any) in consultation with Concerned Department(s) within 60 days after receiving the State Letter from the Focal Point. The Project Officer then prepares a Brief including a workplan and timeframes to address the ICAO Amendment.

Note:

1. The Project Officer shall ensure that the associated ICAO Circular and Document referred in the amendment are reviewed while proposing the amendment to regulation.
2. The template of the Brief is given in Appendix 'C'.
3. For Annex 13, the Project Officer in AAIC shall put forward the proposal for amendment to regulations (if required) to Ministry of Transport directly.

(7) The Project Officer shall organise a meeting of RDG within 15 days after the completion of (6).

Note: The invitation for the RDG meeting shall include all concerned department personnel, LEG staff and concerned stakeholders whose presence are required in the meeting.

(8) In the meeting, RDG will review and provide comment on the amendment to the regulation.

(9) After receiving the comments from RDG, the Project Officer shall prepare a revised draft amendment to a regulation for stakeholder engagement. Then, stakeholder engagement will be organised within the period of 30 days.

Note: Stakeholder engagement can be organised by holding a face-to-face meeting, a focus group meeting or posting draft regulation in CAAT website etc.

(10) The Project Officer shall prepare the final draft regulation as well as Department Manual and Guidance Materials considering comments received from the public. Then, the Project Officer will organise a final RDG meeting to review and give approval to the draft regulation within 15 days after receiving the comments.

(11) The Project Officer shall send the final draft regulation to the Focal Point and the Focal Point then send to LEG Department for scrutiny within 20 days after RDG approved the final draft regulation. LEG department will then send it to Director General for approval within 15 days after the final draft regulation is reviewed by RDG.

Note:

1. Any amendment to the Civil Aviation Board (CAB) regulation or Ministry regulation shall be forwarded to CAB or Ministry of Transport by LEG Department for processing and finalization of regulation.
2. Department Manual/Guidance Material shall be prepared and issued once the final regulation is effective.

(12) The Project Officer shall send the final regulation, prepare consolidated response, notify any difference (if any) and identifies significant difference by filling the Compliance Checklists (CC) in the Electronic Filing of Difference (EFOD) in ICAO Online Framework (OLF) within 20 days after the approval from RDG. The Project Officer then send the information to LEG Department for scrutiny. LEG department will then send it to Director General for approval within 15 days after receiving the information from the Project Officer. The final regulation shall be approved by Director General within 7 days.

(13) After Director General approved the final regulation and CC, the Project Officer shall close the task in CAAT SARPs and PANS Management System within 3 days after receiving the approval from Director General.

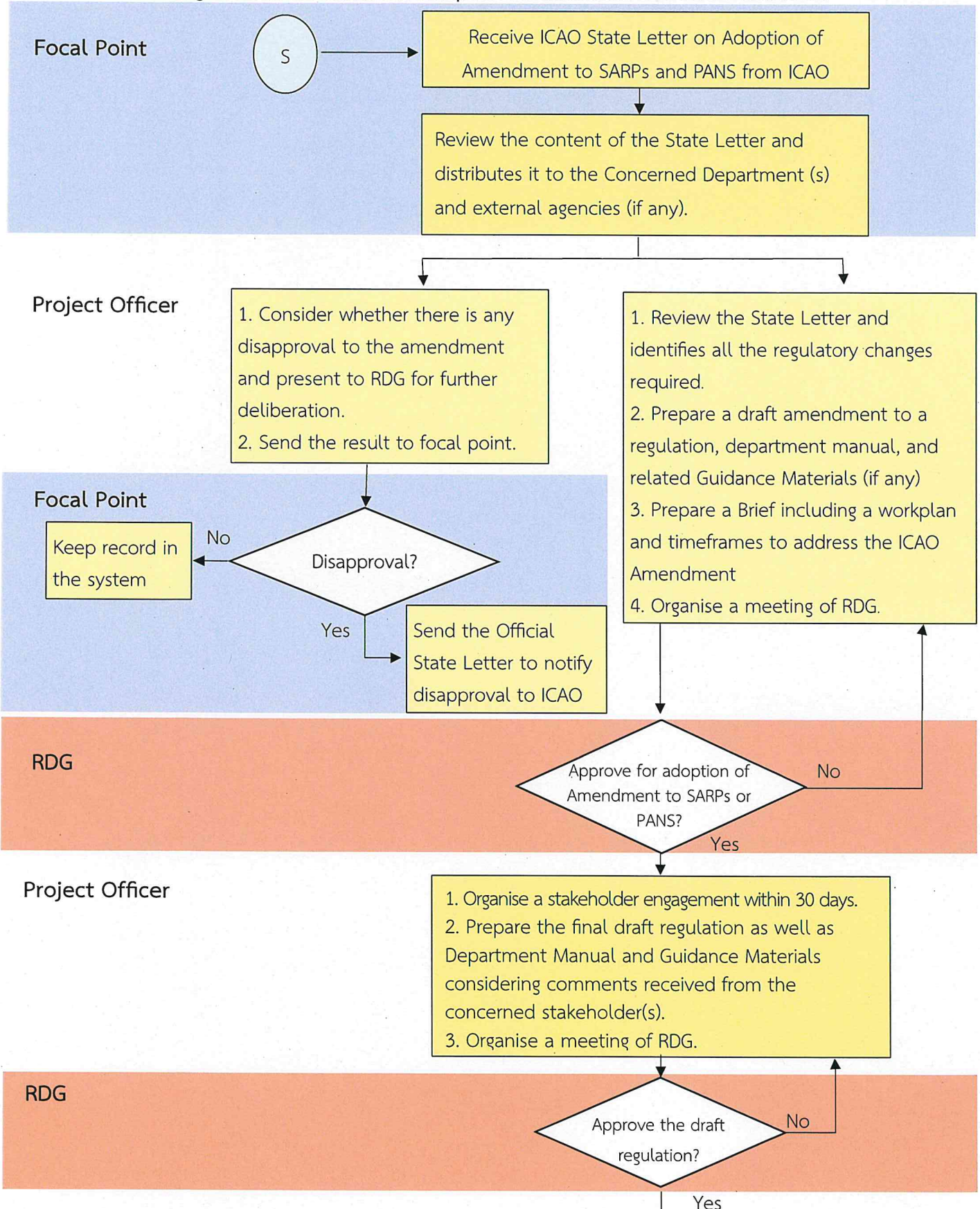
Note: For Annex 13, the Project Officer in AAIC shall send the response and notify any differences to CAAT.

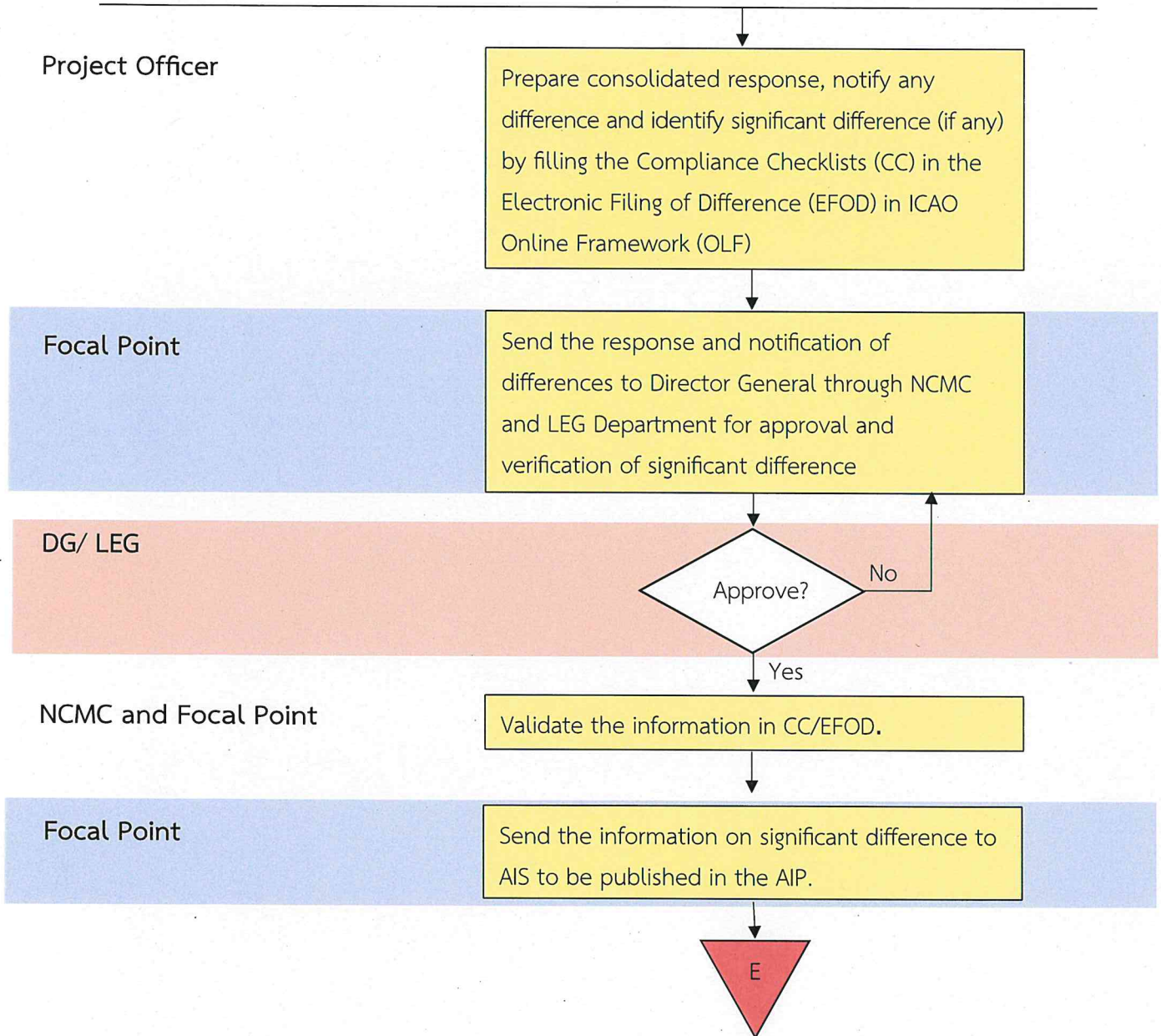
(14) NCMC and the Focal Point shall validate the information in CC/EFOD.

(15) The Focal Point, within 7 days after validation the information in CC/EFOD, shall send the information on significant difference (if any) to AIS to be published in the AIP.

(16) AIS shall publish the information on significant difference in AIP within 7 days after receiving the information from the Focal Point.

Figure 2.2.2 Procedure for Adoption of Amendment to SARPs and PANS





2.4 Timelines for Activities

The timelines for the activities listed above have been detailed at Appendix 'B'

3. NOTIFICATION AND PUBLICATION OF DIFFERENCES

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

Note: More guidance on Notification and Publication of Differences can be found in Doc 10055.

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 organised 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 Description 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 difference in the context of Article 38 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 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:

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 SARP;

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.

Note:

1. No Difference: No existing difference between national regulation and ICAO SARPs in all respect.
2. Not Applicable: SARPs that do not apply to a particular state.
3. The example of each category can be found in ICAO Doc10055

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

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.

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.

When to Notify Difference

3.3.7 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.

3.3.8 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.

3.3.9 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.

3.3.10 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.

3.3.11 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.

3.3.12 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.

Means of Notification

3.3.13 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.

3.3.14 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.

3.4 Procedure for Identification of Differences

3.4.1 Project Officers are required to ensure that an existing law/regulation or new/amended law/regulation is consistent with the relevant ICAO SARPs contained in the Annexes to the Chicago Convention. If Thailand is not fully compliant, a difference must be notified to ICAO through the Focal Point. Furthermore, all significant differences to SARPs shall be published in the AIP Part 1 – General (GEN 1.7) or AIP Supplement.

3.4.2 What is A Significant Difference

- 1) Significant Difference is a difference from:
 - a) any of the Standards in the Annexes;
 - b) Recommended Practices that are important for the safety of air navigation or, in the case of facilitation, for the speedy handling and clearance through customs, immigration, etc. of aircraft and the loads they carry;
 - c) Procedures for Air Navigation Services (PANS) that are important for the safety of air navigation; and
 - d) Regional Supplementary Procedures (SUPPS) that are important for the safety of air navigation.

2) It therefore follows that all the provisions in ICAO Annexes that are Standards are significant, and that any differences between the national regulations or practices of a State and the related ICAO Standards are differences which must be notified. This is an obligation which originates from Article 38 of the Convention. In the matter of Recommended Practices, PANS and SUPPS, only those differences that are important for the safety of air navigation or, in the case of facilitation, to the speedy handling and clearance through customs, immigration, etc. of aircraft and their loads are significant. Because of their nature, most of the Recommended Practices in ICAO Annexes contribute to the safety of air navigation.

3) Differences from the PANS-ABC (Doc 8400) would not constitute “significant” differences.

Note: More guidance on significant differences can be found in para 5.8 of Aeronautical Information Services Manual (Doc 8126).

3.4.3 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.

3.4.4 The Project Officer must assess whether the outcome of the new or changed draft regulation creates new differences, removes existing differences or changes the status of existing differences.

3.4.5 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 Project Officer to the Focal Point then proposed to the Director General for his approval via Legal Department and then ICAO, after the regulatory amendments are made and on approval of the Director General.

3.4.6 In addition, where any foreign regulation may become an integral part of the national regulation by transforming or applying or incorporating by reference of any code, standard, rule, regulation, requirement, specification or other document, an annual review would be undertaken

to determine any differences between foreign standards and the ICAO SARPs. The Project Officer may require to file new differences, amendments to existing differences or remove differences previously filed.

3.4.7 The Project Officer needs to refer to the ICAO-Net Secured Site (portal.icao.int/ICAO-NET/) for the most recent version of the ICAO SARPs. The AIP (GEN 1.7 Differences from ICAO Standards, Recommended Practices and Procedures) publication for the most recent differences filed by Thailand is available on CAAT website (AIS.CAAT.or.th).

3.5 Procedure for Notification of Differences

3.5.1 In the event of any difference to the SARPs, a difference justification and description is to be developed and filed in the EFOD by the Project Officer within the Deadline determined by the Focal Point.

3.5.2 The Focal Point shall send the response and notification of differences to Director General through LEG Department for approval and verification of significant difference.

3.5.3 After the Approval from Director General, NCMC and the Focal Point files differences with ICAO by using the validation function in the EFOD.

Note: All departments shall ensure that any amended regulations initiated by department and were not a result of ICAO Amendment that might have any difference to ICAO SARPs will be notified or updated in the CC/EFOD.

3.5.4 Notification of Differences of Annex 13 will be in accordance with the related manual of the Office of the Aircraft Accident and Incident Investigation Commission (AAIIC), Ministry of Transport.

3.6 Procedure for Publication of Differences

3.6.1 ICAO Annex 15 – Aeronautical Information Services requires publication in Part 1 — General (GEN 1.7) of Aeronautical Information Publications (AIP) of a list of significant differences between the national regulations and practices of the State and the related ICAO Standards, Recommended Practices and Procedures, given in a form that would enable a user to differentiate readily between the requirements of the State and the related ICAO provisions.

3.6.2 The purpose of the publication of significant differences in the AIP is, primarily, to provide flight crews, and other stakeholders, with information which is essential to international operations, and which is not readily available. This is to ensure that an AIP will provide up-to-date information on the status of implementation of Standards, Recommended Practices and Procedures (SARPs), particularly those concerned with aircraft operations and the provision of

facilities and services. Any deviation from SARPs that needs to be taken into account in aircraft operations, as indicated in 3.4.2, constitutes a “significant difference”

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

3.6.4 The Concerned Department prepares 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.

3.6.5 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 Aeronautical Information Services Manual (Doc 8126) may be referred.

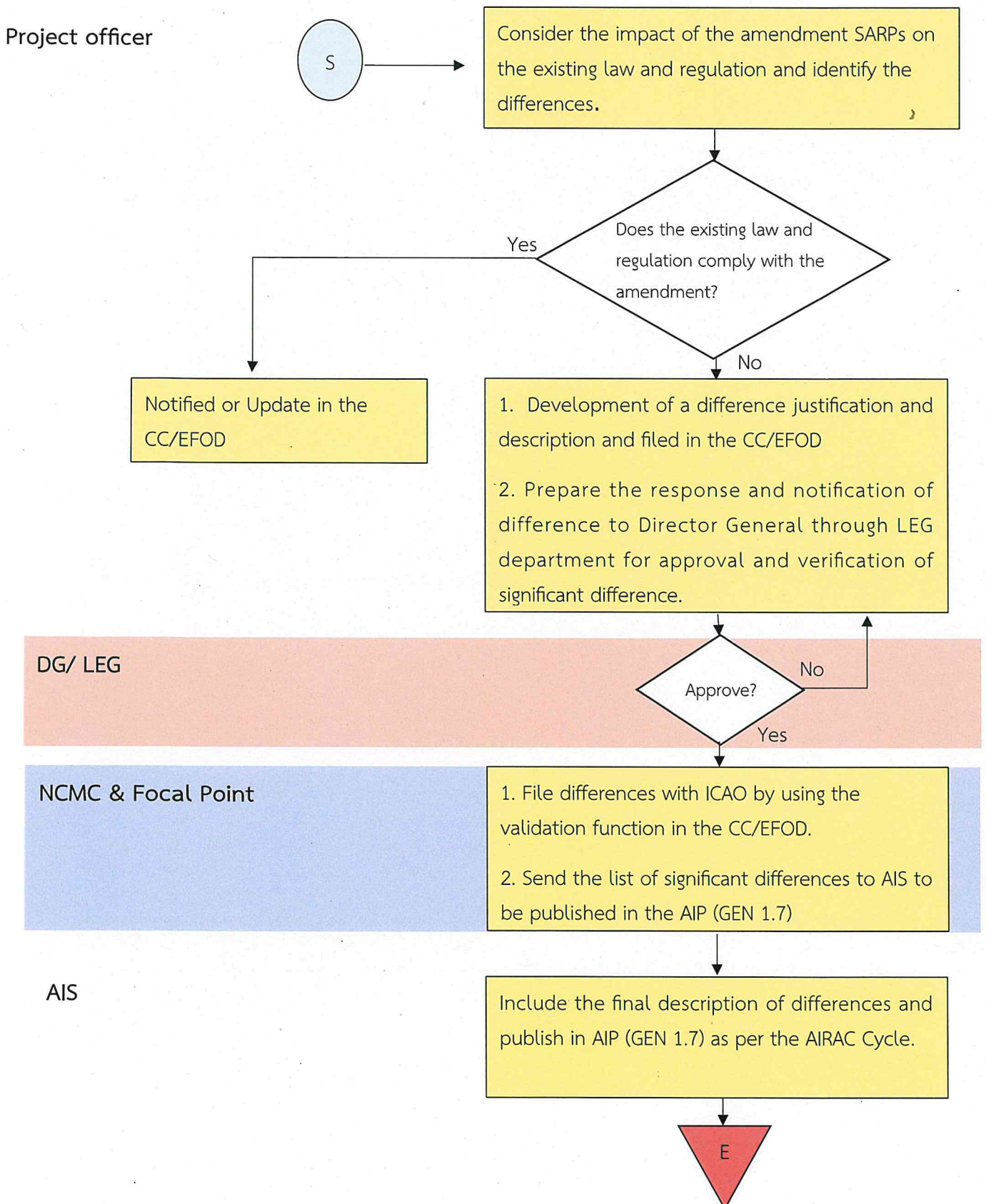
3.6.6 AIS include the final description of differences and publish in AIP GEN 1.7 or AIP Supplement (SUP), as the case may be, as per the AIRAC Cycle.

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.

Figure 3 Procedure for Identification, Notification and Publication of Differences



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4. DEVELOPMENT OF LEGAL FRAMEWORK FOR REGULATORY OVERSIGHT

4.1 Legislative System in Thailand

Constitution is the supreme law of Thailand. The Parliament acts as the Legislature and has the powers to promulgate primary legislation. According to the constitution, the Cabinet, members of the Parliament and eligible voters are empowered to lodge a bill to the consideration. In reality, more than 90 per cent of the bills are submitted by the Cabinet.

For the secondary legislation, its issuance will depend on the authority granted by the primary legislation. A Minister, Director General, State Agency or Committee or Board established by the legislation has power to issue and enforce secondary legislation, which can be in form of regulations, requirements, notifications, rules, orders including directives, manuals, practices, procedures or other documents.

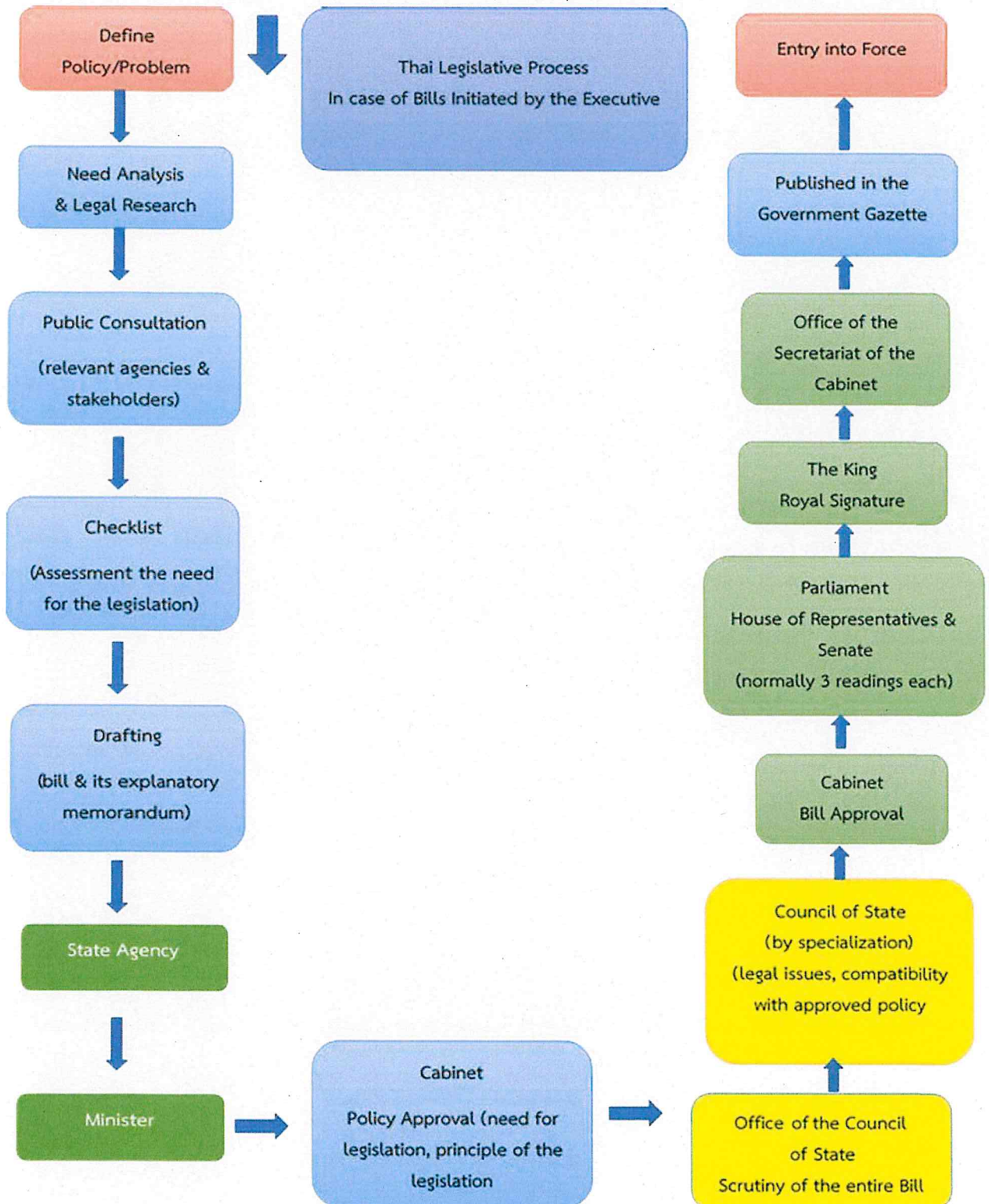
4.2 Types of Bills

The Cabinet represents the Executive, and has the power to propose a Bill or an Emergency Decree. Upon the approval of the Parliament, the Bill becomes enacted and thereafter propose for the Royal Signature and published in the Government Gazette before being promulgated. Under urgent circumstances where it is deemed necessary to establish a law to maintain national or public safety or national economic security, or to avert public calamity, the Cabinet is vested with the power to propose a draft Emergency Decree for the Royal Signature without obtaining prior approval from the Parliament. However, the Cabinet is required to present the Emergency Decree to the Parliament for consideration without delay. Where the Emergency Decree is approved, it will have the status as an Act of Parliament. If it is rejected, it shall consequently lapse.

4.3 Thai Legislative Process

In most case, the primary legislation is in the form of an Act of Parliament. Even though members of the Parliament and eligible voters may prepare a Bill, the Cabinet is the main sponsor. A state agency is entitled to propose a Bill to its Minister in charge and, upon the concurrence to Minister will propose it to the Cabinet for the approval. After the cabinet approves the principles of the Bill, it will be forwarded to the Council of State for scrutiny. The text of the Bill approved by the Council of State will then be re-submitted to the Cabinet and thereafter propose to the Parliament. After the Parliament has approved the Bill, it will be submitted for the Royal Signature, and then sent back to the Secretariat of the Cabinet which is responsible for the publication of the Act in the Government Gazette.

Figure 4.1 Thai Legislative Process in case of Bill initiated by the Executive (Government)



4.4 Development of Primary Aviation Legislation

The Air Navigation Act B.E.2497 (1954) (as amended) constitutes the primary legal framework for the regulation of civil aviation in Thailand.

The Civil Aviation Authority of Thailand Emergency Decree B.E 2558 (2015) was enacted to establish the Civil Aviation authority of Thailand and to reorganise the civil aviation regulatory bodies of Thailand in order to improve the structure, powers and duties, and source of fund to be in line with international standards and to satisfy the requirements and recommendations of the International Civil Aviation Organization.

The rationale for formulation or amendment of the existing legislation or establishing a new one is usually the implementation of the Chicago Convention, and its Annexes and SARPs. The need for amendment may be derived from the national policy or the intention to solve practical problem or enhance the civil aviation operation. However, the latter need must not be in conflict with the standard under the Chicago Convention.

Procedures for development of the primary legislation:

- (1) The proposal of the draft bill is prepared by the CAAT (with the concerned department, Legal Department and concerned stakeholders) and forwarded to the Ministry of Transport (MOT) for necessary review and approval of the Minister.
- (2) MOT submits the draft bill to the Cabinet.
- (3) After the approval of the draft bill in principle, the Cabinet then forwards the draft bill to the office of the Council of State to scrutinise and prepare final draft of bill.
- (4) After the specialised committee in the Council of State Committee completes the scrutiny, the office of the Council of State submits the final draft of bill to the Cabinet for its approval. Then, the Cabinet proposes the bill to the Parliament.
- (5) After the bill is enacted by the Parliament, it will be submitted for Royal Signature.
- (6) The Act is then sent to the Secretariat of the Cabinet for the publication of the bill in the Government Gazette.

Note: 1. The process for development of primary aviation legislation is the same process presented in Figure 4.1

2. The internal process flow for developing primary legislation is shown in Appendix-E

4.5 Development of Regulations

Under the power given by the primary legislation, the concerned authorities (Minister, the Civil Aviation Board (CAB) and the Director General) may issue the secondary legislation in various form such as Regulations, Rules, Requirements, Announcements or Orders, depend on the legal basis given by each Section of such legislation.

The rationale for formulation or amendment of the existing regulations or establishing a new one is usually the implementation of the Chicago Convention, and its Annexes and SARPs. The need for amendment may be derived from the national policy or the intention to solve practical problem or enhance the civil aviation operation. However, the latter need must not be in conflict with the standard under the Chicago Convention.

The Concerned Department will be responsible for preparing new draft or amendment to existing regulation in consultation with Legal Department and other concerned department (if any) as per the approved work plan and timelines and proposed to the Director General for approval.

While preparing the amendment, the Standards Development Division of each Department shall ensure that the proposed regulations once approved/ finalised would repeal the previous regulations, if required.

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

- (1) In general, the amendment of SARPs is the justification for the need to develop a new regulation or amend an existing one, the Concerned Department will need to be updated with the current status of SARPs and understand their implication or the existing laws and regulations. However, national needs may also justify the preparation of a new regulation or amendment of the existing ones.
- (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.

- (3) A RDG team shall be formed consisting of legal officers, Standards Development Division officers of the Concerned Department, and subject matter experts from within or outside CAAT.
- (4) The RDG team will prepare the draft document within 60 days.
- (5) Feedback and suggestion from Concerned Departments will be collected on the draft Regulation once prepared.
- (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.
- (7) The Final draft will be prepared by the RDG team and submitted to the Director General through the concerned Deputy Director General, manager of the Concerned Departments, and the Legal Department.
- (8) In connection with (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.
- (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.
- (10) The regulation, when signed, will enter into force on the date as specified in the Regulation.
- (11) The amendment will repeal, replace or modify the existing regulation to the extent indicated in the amendment regulation.

Note:

1. The flow chart for the development of regulations is shown in Appendix-4B and the Process Flow of Regulation (CE-2) Making: Development (Introduction of Amendment to Annex to National Regulation & for national needs) with the timeline is shown in Appendix-F

2. The timeline for the formulation or amendment of regulations required to be approved by any authority other than Director General of CAAT cannot be set. Therefore, CAAT must closely monitor the progress of each step.

4.6 Development of Guidance Materials and Manuals

4.6.1 Guidance Materials and Manuals relating to the regulatory functions will be formulated or amended by the respective departments. The draft of these documents is submitted through 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 formulation/amendment of Guidance Materials, Manuals, Procedures and Relating Documents is shown in Appendix-4B.

4.6.2 Upon the formulation of or amendment to the regulations, Manuals and Procedures of the operators and service provider organizations may need to be developed accordingly. 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.

Note: In case for the new or amendment to regulations, guidance materials and manuals related Annex 13, the Office of the Aircraft Accident and Incident Investigation Commission (AAIC) will initiate the process including stakeholder engagement and propose the drafts to the Chairman of the AAIC for his approval.

4.7 Transformation, Application or Incorporation of Regulation from Another State

4.7.1 Transformation, application, 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.

4.7.2 Subject to Section 15/11 of the Air Navigation Act B.E. 2497 (as amended), any foreign regulation may become an integral part of the national regulation by transforming or applying or incorporating by reference of, 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 of any 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.

4.7.3 Material referred to in 4.7.2 may be transformed, applied 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.

4.7.4 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.

4.7.5 Where any material referred to in 4.7.2 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.

4.7.6 These procedures will be followed for applied or incorporated any material referred to in 5.7.2 in aviation regulation:

1) Before applying or incorporating any material referred to in 4.7.2 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 4.7.2 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 4.7.2 will be applied or incorporated and customised 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 4.7.2 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.

4.7.7 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.

4.8 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:

4.8.1 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.

4.8.2 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.

4.8.3 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.

4.8.4 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 shown in Appendix – G

5. MONITORING SYSTEM

5.1 QAD shall monitor the performance of each action via ICAO Annex management System (electronic system) to ensure adherence to the timelines given in Appendix 'B' for legislating the amendment(s) to the Annex(es), notifying differences to ICAO and its publication in AIP (if applicable).

5.2 The Focal Point shall monitor that action is taken in accordance with this manual and as per the timelines given in Appendix 'B' and record in the format (Matrix of Compliance) as given in Appendix 'D'.

Note: The Focal Point shall keep in close coordination with assigned Project Officer including the Concerned Department's Manager.

5.3 In the case that the Concerned Department(s) fails to follow the procedures in this manual, the Focal Point, as a Quality Assurance Officer, may request corrective action or correction from that department(s) to improve productivity, efficiency and effectiveness of the process.

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6. APPENDIX

6.1 Appendix 'A' - ICAO State Letters – Responsible Project Officer

Annex	Subject	Responsible Project Officer
1	Personnel Licensing	PEL
2	Rules of the Air	ANS
3	Meteorological Service for International Navigation	ANS
4	Aeronautical Charts	ANS
5	Units of Measurement to be used in Air and Ground Operations	ANS (OPS, AIR, AGA – Support)
6	Operations of Aircraft	OPS (AIR support)
	Part I - International Commercial Air Transport - Aeroplanes	
	Part II - International General Aviation - Aeroplanes	
	Part III - International Operations - Helicopters	
7	Aircraft Nationality and Registration Marks	AIR
8	Airworthiness of Aircraft	AIR
9	Facilitation	SFD
10	Aeronautical Telecommunications	ANS
	Volume I — Radio Navigation Aids	
	Volume II — Communication Procedures including those with PANS Status	
	Volume III — Communication Systems	
	Volume IV — Surveillance and Collision Avoidance Systems	
	Volume V — Aeronautical Radio Frequency Spectrum Utilization	

Annex	Subject	Responsible Project Officer
11	Air Traffic Services	ANS
12	Search and Rescue	ANS
13	Aircraft Accident and Incident Investigation	AIG*
14	Aerodromes	AGA
	Volume I - Aerodrome Design and Operations	
	Volume II - Heliports	
15	Aeronautical Information Services	ANS
16	Environmental Protection	
	Volume I: Aircraft Noise	AIR/AGA AIR (Part I, II, Appendix 1,2,3,4 and 6) Note. For Part I only subject related to part II AGA (Part I, III, IV, V, and Appendix 5) Note. For Part I only subject related to part iii and part iv
	Volume II: Aircraft Engine Emissions	AIR
	Volume III: Aeroplane CO2 Emissions	AIR
	Volume IV: Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)	AGA
17	Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference	SFD
18	The Safe Transport of Dangerous Goods by Air	OPS
19	Safety Management	SMD

Note: In respect of Annex 13 (Aircraft Accident and Incident Investigation), the nominated Project Officer would be an officer from Aircraft Accident Investigation Bureau (AAIB).

6.2 Appendix 'B' - ICAO Annex Management – Timelines

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
1. PROCEDURE FOR RESPONSE TO THE PROPOSAL FOR AMENDMENT TO SARPS OR PANS							
1.1	1) Receiving ICAO State Letter, which will be generated by ICAO electronic distribution system, E-mail and monitor ICAO State Letter by rechecking with ICAO Postal every week. 2) Distribution of State Letter.						State Letter shall be distributed to the Project Officer Within 7 days of receipt of the letter.
1.2		1) Review and prepare consolidated response to the Proposal Amendment. 2) Consider any comments to the proposed amendment and prepare the work plan including the timelines for amending the					Within 60 days of receipt of the State letter from Focal Point

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
		existing regulation(s) or developing new regulation(s) and present to RDG for further deliberation. 3) Prepare a new regulation or revising the existing one in order to prepare for the incoming Adoption.					
1.3			Organise a meeting of RDG to evaluate the proposed amendment of SARPs amendment.				Within 15 days after the preparation of consolidated response and work plan.
1.4		Send the result of the deliberation to the Focal Point.					Within 7 days after receiving the comments from RDG.
1.5	Send the information to the Director General through LEG for verification and approval.						Within 7 days after receiving the consolidated response from Project Officer.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
1.6				Verify the consolidated response.			Within 7 days after receiving the consolidated response and work plan from Focal Point.
1.7					Approve the consolidated response and sign on draft official state letter.		Within 7 days after receiving the consolidated response and work plan from LEG.
1.8	Send the official state letter with consolidated response to ICAO.						Within ICAO's specified deadline.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2. PROCEDURE FOR ADOPTION OF AMENDMENT TO SARPs OR PANS							
2.1	1) Receiving ICAO State Letter, which will be generated by ICAO electronic distribution system, E-mail and monitor ICAO State Letter by rechecking with ICAO Postal every week. 2) Distribution of State Letter.						State Letter shall be distributed to the Project Officer Within 7 days of receipt of the letter.
2.2		1) Review and prepare consolidated response to the adoption amendment. 2) Consider any disapproval to the amendment. 3) Prepare the work plan including timelines for amending the existing regulation(s) or developing new regulation(s).					Within 60 days of receipt of the State letter from Focal Point

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.3		4) Prepare a draft of new regulation or amendment to a regulation, department manual, and related Guidance Materials (if any)					1 month before ICAO's specified deadline.
2.4	Prepare the official state letter with consolidated response to notify disapproval to ICAO.	Consider whether there is any disapproval to the adoption of amendment and send the result of the deliberation (approval or disapproval) to the focal point. If there is a disapproval, the Project Officer shall prepare a consolidated response and send to the Focal Point.					Within 7 days after receiving the result of deliberation from the project officer.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.5				Consider the consolidated response and send to DG for approval and signing of the Official State Letter.			Within 7 days after receiving the consolidated response from the focal point.
2.6					Approve and sign on the official state letter to ICAO.		Within 7 days after receiving the consolidated response from LEG department.
2.7	Send the Official State Letter with consolidated response to ICAO.						Within ICAO's specified deadline.
2.8			Organise a meeting of RDG to evaluate the content in the adoption of SARPs amendment and provide comment				Within 15 days after the preparation of consolidated response and work plan.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.9		Prepare a revise draft amendment to a regulation and organise stakeholder engagement.	on the draft amendment to a regulation.				Within 30 days after receiving the comments from RDG.
2.10	Sending the information to the Director General through LEG for verification and approval.						Within 7 days after receiving the consolidated response from Project Officer.
2.11				Verify the consolidated response.			
2.12					Approve the consolidated response and sign on draft official state letter.		

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.13			Organise meeting of RDG to review and provide comment on the draft proposed amendment to the regulation.				Within 15 days after the completion of draft amendment.
2.14		After receiving the comments from RDG, the Project Officer shall prepare a revised draft amendment to a regulation for stakeholder engagement.					Within 15 days after receiving the comments from RDG.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.15		Organise stakeholder engagement to invite comments. (Organise a meeting/ seminar with stakeholders)		Organise stakeholder engagement to invite comments. (Posting on website)			Organise a stakeholder engagement for 30 days* In case of amendment to the Civil Aviation Board (CAB) regulation or Ministry regulation, this shall be forwarded to CAB or Ministry of Transport by LEG Department for processing and finalization of amendment.
2.16		Prepare final draft regulation by considering comments received from the public.					within 30 days after receiving the comments.

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.17		Organise a meeting of RDG to approve final draft regulation.					Within 15 days after the completion of final draft amendment.
2.18		Send final draft regulation and CC, notify difference by filling the CC/EFOD. In case of significant difference, the Project Officer shall select the significant difference box in CC/EFOD.					within 20 days after the approval from RDG.
2.19				Scrutinise the final draft regulation and compliance.			within 15 days after receiving the information from the Project Officer.
2.20					Approve the final regulation and CC.		within 7 days after receiving the information from LEG Department

No.	Focal Point (QAD)	Project Officer	Regulation Development Group (RDG)	LEG Department	Director General	AIS	Timelines
2.21		Close the task in CAAT SARPs and PANS Management System.					within 3 days after receiving the approval from Director General.
3. NOTIFICATION OF DIFFERENCES PROCESS							
3.1	Work with NCMC to validate the information in CC/EFOD (After 2.21 is completed)						Within 7 Days after the Project Officer close the task.
3.2	Sending the information on significant difference to AIS to be published in the AIP						Within 7 Days after validation the information in CC/EFOD.
3.3						AIS publish the information on significant difference in AIP.	Within 7 Days after receiving the information from the Focal Point.

6.3 Appendix 'C' - Brief for Presentation to RDG - ICAO Annex Amendment

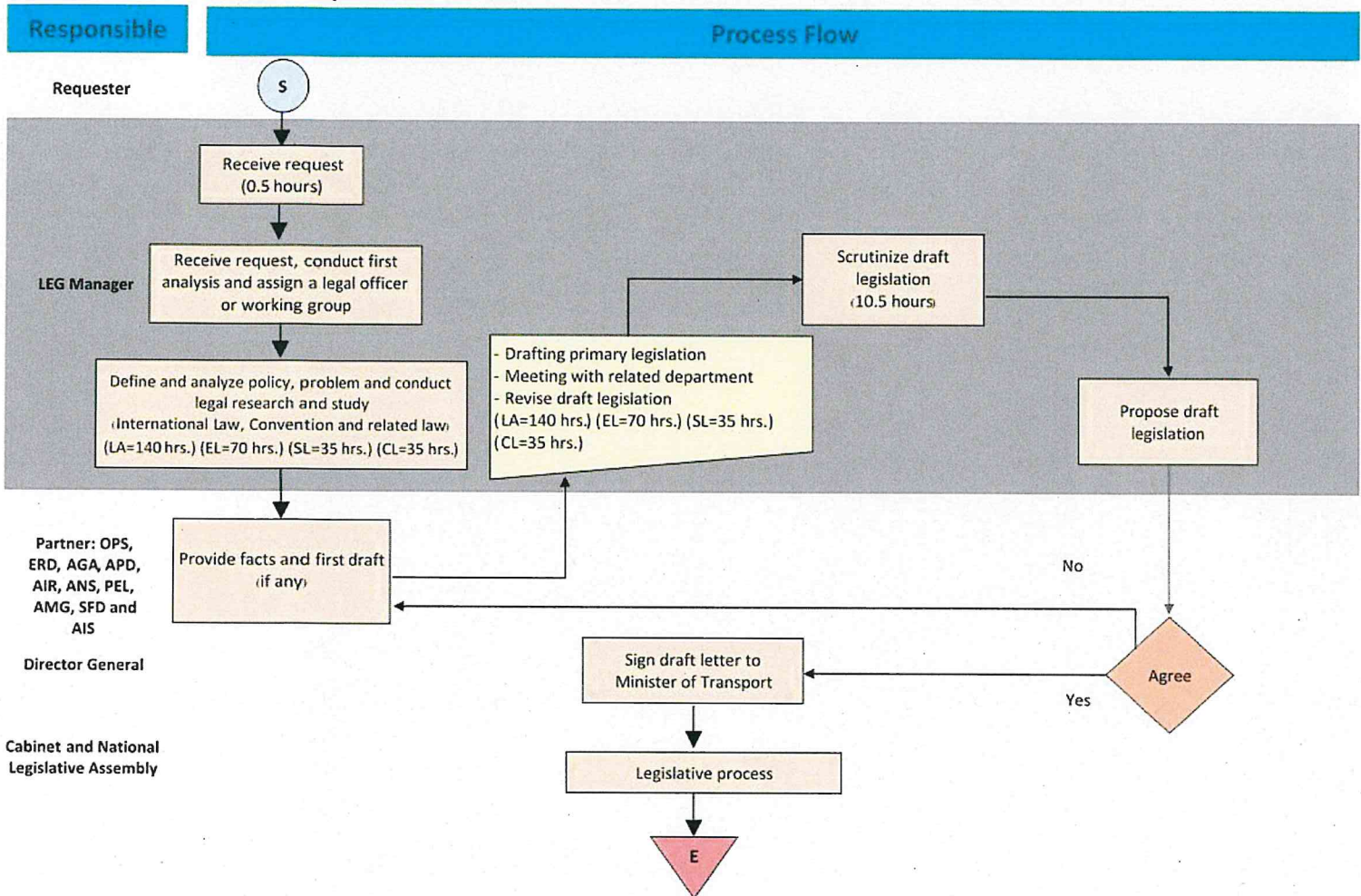
(To be presented in RDG within 15 days of receipt of State Letter by the Project Officer)

Section A: General Information							
No.	Subject of State Letter	Reference Number	Annex	Concerned Department	Deadline of Commentary	QAD Point of contact	Provide information to QAD by
Click to view State Letter							
Section B1: Comment on the amendment proposal							
Comments on the amendment proposal							
Comments:							
Section B2: Notification on the adoption of amendment							
Notification on the adoption of amendment							
Comments:							
Section C: Department information and related National Regulations/Manual/Procedure/Practices							
Department Point of Contact (Please specify name - surname)					Email		
Notes on the proposed Amendment							
No.	Stakeholders	Impact					
1							
2							
No.	Related National Regulations/Requirement/Notification/Order/Manual/Procedure/Practices						
1							
2							
<input type="checkbox"/>	Check this box if there is no further action			Reason			
No.	Department Action				Estimated Completion Date	Status	Remark
1							
2							

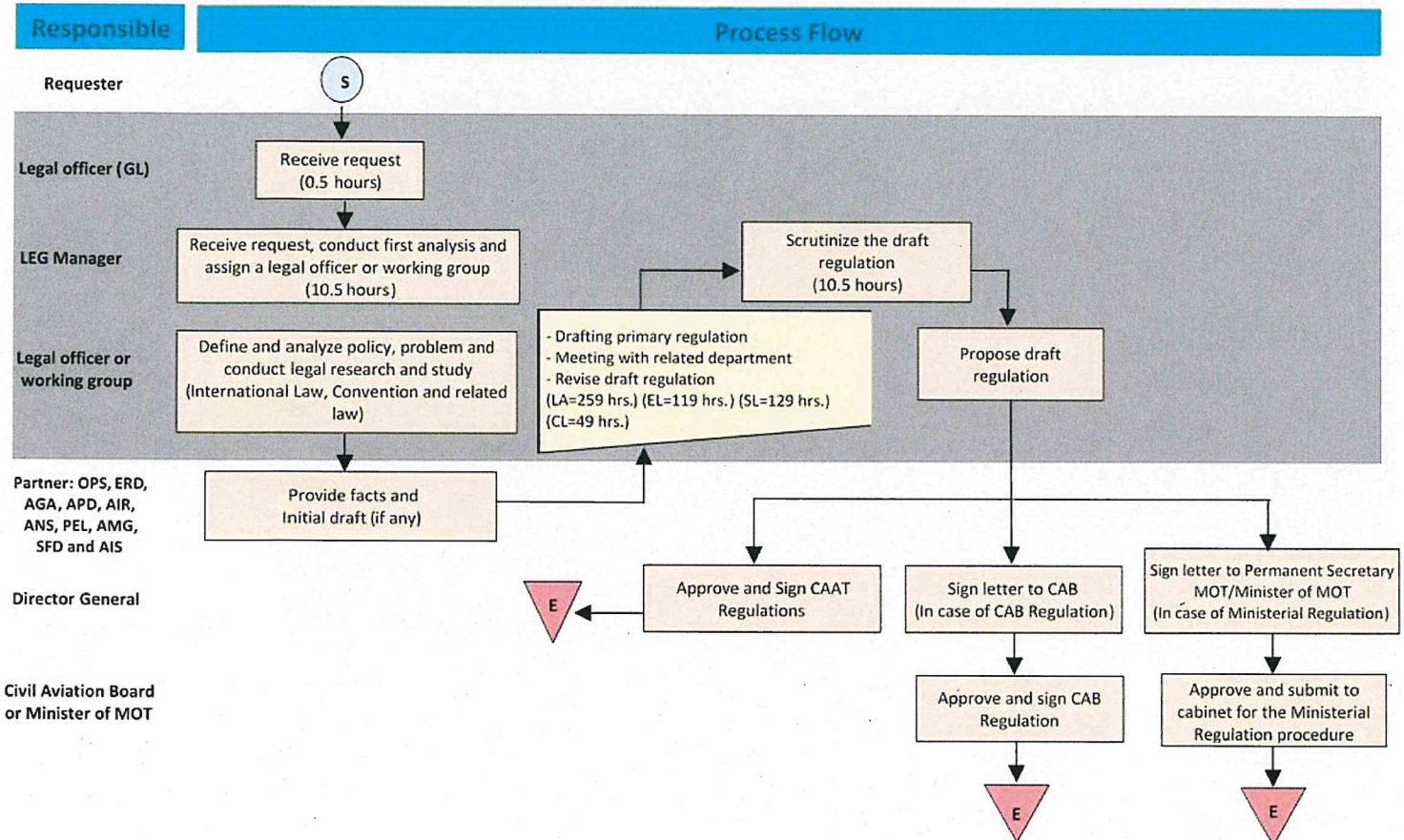
6.4 Appendix 'D' – MATRIX FOR ICAO COMPLIANCE

PROCEDURE FOR RESPONDING TO THE PROPOSAL FOR AMENDMENT TO SARPS OR PANS									
Annex	Amendment No.	MANAGEMENT OF ICAO STATE LETTER				PROPOSAL FOR AMENDMENT TO SARPS OR PANS			
		Distribution of State Letter.	Reviews and prepares consolidated response to the Proposal Amendment.	RDG Meeting, to evaluate the proposed amendment of SARPs or PANS	Send the result of the deliberation to the Focal Point.	Sending the information to the Director General through LEG for verification and approval	Verify the consolidated response.	Approve the consolidated response and sign on draft official state letter.	Send the official state letter with consolidated response to ICAO
WHAT		Within 7 days of receipt of State letter.	Within 60 days of receipt of State letter from Focal Point.	Within 15 days after the completion of draft amendment.	Within 7 days after receiving the comments from RDG.	Within 7 days after receiving the consolidated response and work plan from Project Officer.	Within 7 days after receiving the consolidated response and work plan from LEG Focal Point.	Within 7 days after receiving the consolidated response and work plan from LEG.	Within ICAO's specified deadline.
WHEN									
WHO		Focal Point	Project Officer	RDG	Project Officer	Focal Point	LEG Department	Director General	Focal Point
STEP		A	B	C	D	E	F	G	H
TIMELINE			A+60	B+15	C+7	D+7	E+7	F+7	
Date of Completion (Please specify completion date of each step)									
Project Officer (Please specify name - surname)									

6.5 Appendix 'E' – The Process Flow of Primary Legislation (CE-1) Development

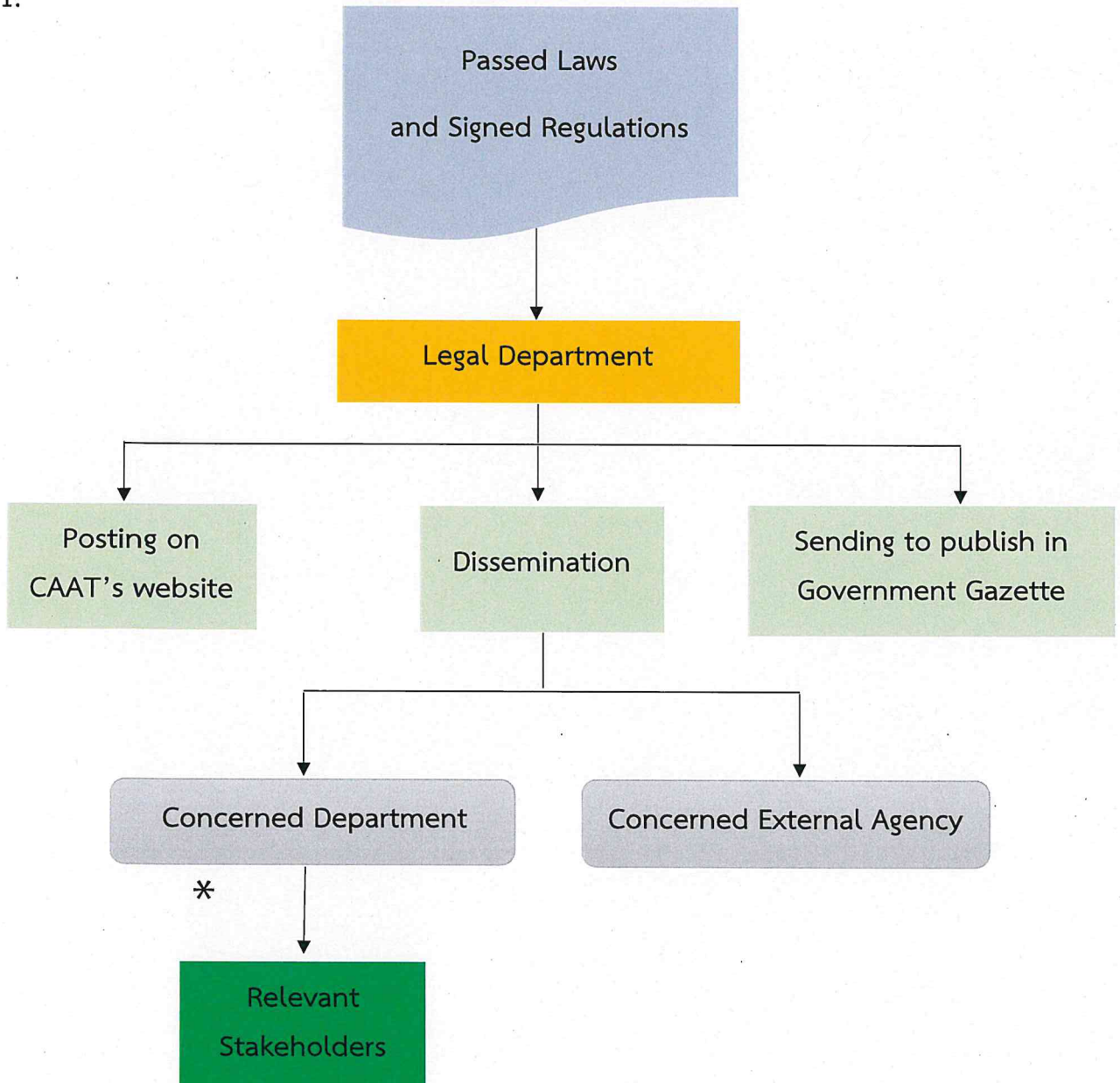


6.6 Appendix 'F' – The Process of Regulation (CE-2) Development (Introduction of Amendment to Annex to National Regulation & for The National Needs)



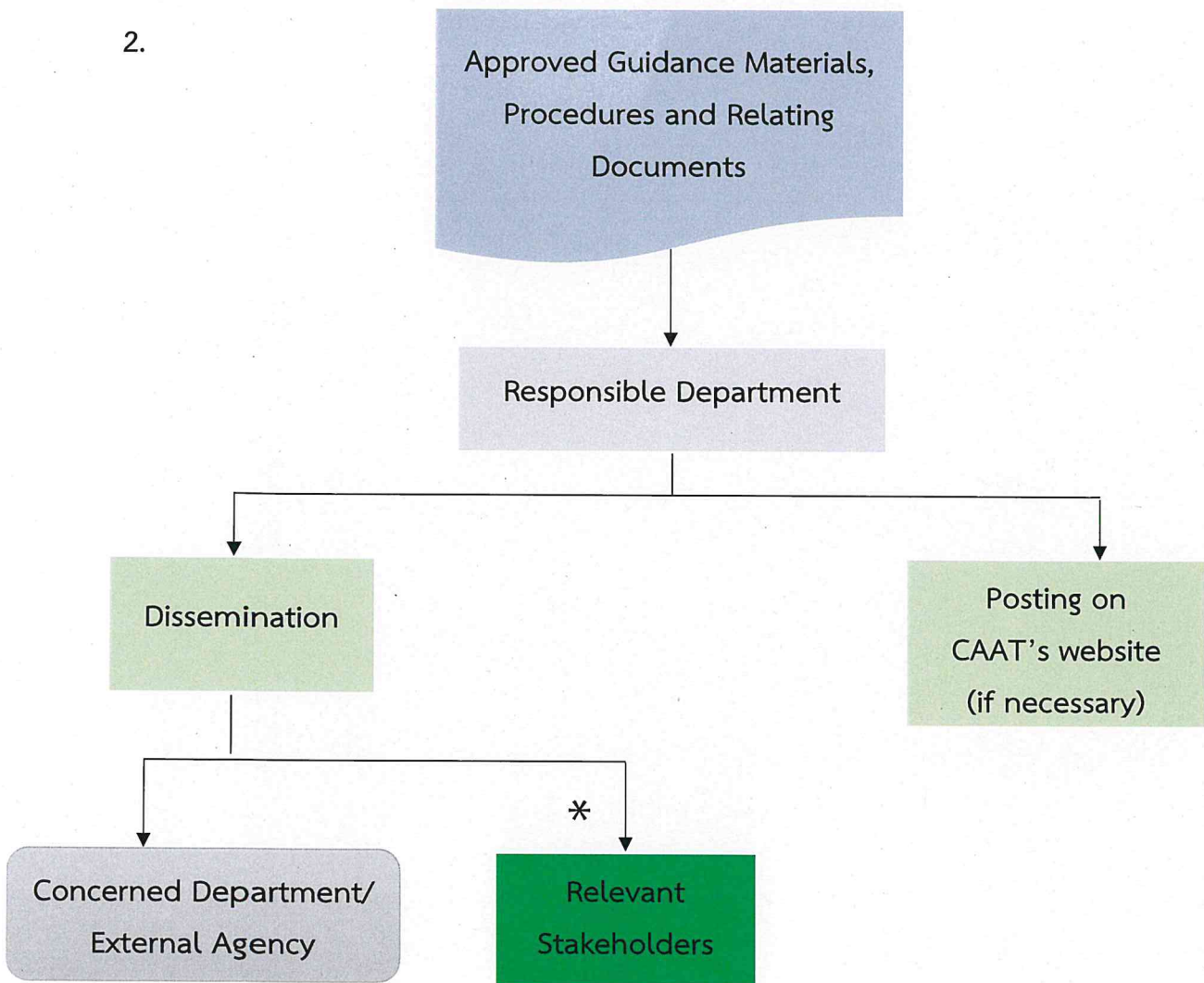
6.7 Appendix 'G' – Dissemination of Regulation/ Requirement/ Directive/ Manual/ Guidance Material/ Procedure

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.