

CIVIL AVIATION AUTHORITY OF THAILAND
EMERGENCY DECREE
B.E. 2558

Bhumibol Adulyadej, Rex
Given on the 30th Day of September B.E. 2558
Being the 70th year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have the law on civil aviation of Thailand,
By virtue of Section 21 of Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014), be it, therefore, enacted by His Majesty the King as follows:

Section 1 This Emergency Decree shall be called the “Civil Aviation authority of Thailand Emergency Decree B.E 2558”.

Section 2 This Emergency Decree shall come into force from the date of its publication in the Government Gazette.

Section 3 In this Emergency Decree,
“Civil Aviation Board” means the Civil Aviation Board under the law on Air Navigation;
“Authority” means the Civil Aviation Authority of Thailand;
“Board” means the Supervisory Board for the Civil Aviation Authority of Thailand;
“Director General” means the Director General of the Civil Aviation Authority of Thailand;
“International Standards” means standards as adopted under the Convention on International Civil Aviation done at Chicago on the 7th day of December 1944 and as amended;
“Minister” means the Minister in charge of the enforcement of this Emergency Decree.

Section 4 The Minister of Transport shall be in charge of the enforcement of this Emergency Decree.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAIN NO LEGAL AUTHORITY. THE CIVIL AVIATION AUTHORITY OF THAILAND SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter 1 Civil Aviation Organizations

Part 1

Civil Aviation Authority of Thailand

Section 5 There shall be the Civil Aviation Authority of Thailand, abbreviated as “Kor Por Tor”, and called in English “Civil Aviation Authority of Thailand”, abbreviated as “CAAT”, which is a State agency but not a government agency nor a State enterprise under the law on budget procedures or other laws, and has the status of a juristic person.

Section 6 The Authority’s business shall not be subject to the law on labor protection, the law on labor relations, the law on social security and the law on workmen’s compensation but the officers and employees of the Authority shall receive remunerations not less than those specified in the law on labor protection, the law on social security and the law on workmen’s compensation.

Section 7 The Authority has the following objectives:

- (1) 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;
- (2) To carry out works to comply with the law on certain offenses against air navigation;
- (3) To promote and develop air transport system networks, aviation industry and civil aviation activities to achieve efficiency and International Standards;
- (4) To be a center for information and publication services, and public communication in relation to civil aviation activities to be able to operate and compete on the international level.

Section 8 Apart from the powers and duties to carry out works to achieve the objectives, the Authority shall have the powers and duties as follows:

- (1) To study, analyze and develop civil aviation activities in the aspects of safety, environmental protection, air transport facilitation, air transport economy as well as the civil aviation infrastructure system of the country;
- (2) To give a recommendation on a policy to the Civil Aviation Board concerning civil aviation and air transport;
- (3) To give a recommendation to the Minister on the issuance of ministerial regulations under the law on air navigation;

(4) To perform the duty as the secretariat for the Civil Aviation Board under the law on air navigation, and perform other works as assigned by the Civil Aviation Board;

(5) To take action to prepare the National Civil Aviation facilitation program, security program, and safety program including the master plan for commercial airport establishment in the country to be proposed to the Civil Aviation Board for approval, as well as to regulate and control implementation according to those programs;

(6) To take action to systemize civil aviation, and stipulate rules, procedures, and conditions concerning airspace utilization to optimize safety and efficiency;

(7) To inspect, monitor, control and encourage those involved in aviation industry and civil aviation activities to comply with laws, rules, procedures, and International Standards;

(8) To regulate aerodrome activities and licensed aerodrome established under the law on air navigation or other laws to ensure safety and meet International Standard;

(9) To give cooperation with, and support to, the Civil Aviation Board and government agencies in coordination or negotiation with international organizations or foreign countries related to air traffic rights or entry into any agreement related to civil aviation which is subject to the powers and duties of other government agencies;

(10) To cooperate and coordinate with relevant organizations or agencies, both domestic and international, in the matter of civil aviation in accordance with Thailand's obligations under international conventions or agreements to which Thailand is a party;

(11) To promote and support research and development for civil aviation activities;

(12) To certify training courses and training organizations for personnel under the law on air navigation and stipulate other required qualifications and knowledge of aviation personnel;

(13) To stipulate standards for officers' performance under the law on air navigation;

(14) To establish the aircraft registry and registry for personnel and other persons relating to civil aviation;

(15) To prepare and distribute knowledge and news concerning civil aviation;

(16) To perform any other action that is necessary or sequential to achieve the Authority's objectives, that is prescribed by law as the powers and duties of the Authority, or that is assigned by the Minister or the Cabinet.

Section 9 In operation of the Authority, the Authority may do as follows:

(1) To hold ownership, have possessory rights or have real rights;

(2) To establish a right or undertake any juristic act in relation to property;

(3) To make a loan for the purpose of operations under the Authority's objectives.

Section 10 The Authority may have incomes and property as follows:

(1) Money provided by the Government as an initial fund;

(2) General subsidy allocated by the Government;

- (3) Fees collected by the Authority under the law on air navigation;
- (4) Civil aviation regulatory fees under Section 39;
- (5) Surcharges under Section 43;
- (6) Fees, dues, remunerations, charges or incomes or benefits received as a result of carrying out works under the powers and duties of the Authority;
- (7) Incomes or benefits from intellectual property;
- (8) Money or property donated to the Authority;
- (9) Any other interests or benefits generated by funds, incomes or property of the Authority.

Section 11 Incomes under Section 10 shall belong to the Authority as expenses and dues for proper operations without the necessity of remitting it to the Ministry of Finance under the law on treasury reserve and the law on budget procedures.

If there is remaining money beyond necessity, the Authority shall remit it to the Ministry of Finance as a public revenue as specified by the Ministry of Finance.

If the incomes of the Authority do not suffice for proper operational expenses and dues of the Authority and the Authority is unable to earn money from other sources, the State shall allocate subsidy as necessary.

Section 12 The property of the Authority shall not be subject to liability for legal execution, and any person shall not raise the issue of time limit as a defense against the Authority as to the property of the Authority.

Section 13 All incomes of the Authority shall not be subject to corporate income tax.

The Ministry of Finance shall take action to exempt the Authority from import tax and stamp duty under the law on custom for things imported for the purpose of the Authority performing its duties.

Section 14 Incomes or property of the Authority shall be used only for the undertaking of the Authority.

Part 2

The Civil Aviation Authority of Thailand Board

Section 15 There shall be a board called “the Civil Aviation Authority of Thailand Board” comprising the Permanent Secretary of the Ministry of Transport as chairman, and other board members not exceeding five persons appointed by the Cabinet, one of which shall be a representative of the Royal Air Force and the rest of which shall be experts in commercial

aviation management, legal, financial and fiscal, management matters or any other matter beneficial to the Authority's business.

The Director shall be a board member and secretary. The Director shall appoint a secretary assistant(s) as may be necessary.

Section 16 An expert board member shall have the qualifications as follows:

- (1) Being of Thai nationality;
- (2) Being not less than forty five years but not exceeding sixty five years;
- (3) Having work achievements or having worked, which shows knowledge, understanding and expertise, or having experience, in the matter as appointed.

Section 17 An expert board member shall not have any prohibited characteristic as follows:

- (1) Being bankrupt or having been bankrupt;
- (2) Being an incompetent person or quasi-incompetent person;
- (3) Having been imprisoned by final sentence of imprisonment, except for sentences for offenses committed negligently or petty offenses;
- (4) Being a director, manager or person having the administrative or managerial power of a juristic person operating business related to civil aviation all aspects;
- (5) Being a government official, or employee of a government agency, State enterprise or other State agencies or local government agencies;
- (6) Being or having been a political official, a holder of a political position, a member of a local council or a local executive, except for retiring from the position not less than two year;
- (7) Being or having been a holder of an executive position or other positions in a political party or an officer of a political party, except for retiring from the position not less than two year;
- (8) Having been deprived of a position under the provision of the Constitution of the Kingdom of Thailand;
- (9) Having been discharged, dismissed or expelled from government service, State agencies or State enterprises or from private entities due to malfeasance or gross misconduct;
- (10) Being an employee or wage-earner of the Authority, or an advisor or expert who has a contract of service with the Authority;
- (11) Being a person having conflict of interest in business done with the Authority or in business, by nature, completing with the business of the Authority either directly or indirectly.

Section 18 An expert board member shall hold office for a term of four years, and may be re-appointed but not exceeding two consecutive terms.

Upon expiration of the term under paragraph one, if the new expert board member has not been appointed yet, the expert board member who has vacated office pursuant to such term shall continue to hold office until the new expert board member has been appointed and assumed the duties.

Section 19 In addition to vacancy of office upon expiration of the term, an expert board member shall have vacated office upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the resolution of the Council of Ministers due to failure of duty, misconduct or incompetence;
- (4) Disqualification or having a prohibited characteristic under Section 16 or Section 17

Section 20 The Board shall have the powers and duties to control and oversee the Authority's operations to ensure efficient and effective compliance with the Authority's objectives. Such powers and duties shall include:

- (1) To set out a policy and operational guideline of the Authority to ensure alignment with the policy formulated by the Civil Aviation Board;
- (2) To approve a target, working plan and project proposed by the Director;
- (3) To supervise the Authority's management and operations to ensure compliance with laws, regulations, requirements, notifications, rules or orders of the Authority, and to ensure compliance with International Standards;
- (4) To issue regulations, requirements, notifications or rules related to organization charts, organization management, general management, financial and fiscal matters, budget expenditure, procurement, human resource management, wages, remunerations, compensation, welfare and other benefits, and other matters necessary for the Authority's management;
- (5) To approve specifying fees, inspection fees, upkeep, compensation and any service charge for operations under the powers and duties of the Authority;
- (6) To endorse the instatement and appointment of a person to, or depriving a person of, the Authority's position of Deputy Director General or higher;
- (7) To appoint a sub-committee, consultant or working group to work as assigned by the Board;
- (8) To perform any other work as stated in this Emergency or other laws.

Section 21 A meeting of the Board and a sub-committee shall be in accordance with the rules set out by the Board.

Section 22 A board member and a member of a sub-committee shall receive an attendance fee and benefits as prescribed by the Council of Ministers.

Part 3

Director General of the Civil Aviation Authority of Thailand

Section 23 The Authority shall have the Director General appointed by the Board from those recruited from persons having high degree of knowledge, expertise and experience in aviation, and having outstanding work achievements in civil aviation or other fields relevant or beneficial to the Authority's operations.

Recruitment and selection of the Director shall be in accordance with rules and procedures set out by the Board and published in the Government Gazette.

Section 24 In addition to the qualifications under Section 23, the Director General shall have the qualifications as follows:

- (1) Being of Thai nationality;
- (2) Being not less than forty five years but not exceeding sixty five years;
- (3) Being able to work full time for the Authority.

Section 25 No person having any following prohibited characteristics shall be the Director General:

- (1) Being bankrupt or having been bankrupt;
- (2) Being an incompetent person or quasi-incompetent person;
- (3) Having been imprisoned by final sentence of imprisonment, except for sentences for offenses committed negligently or petty offenses;
- (4) Being a director, manager or person having the administrative or managerial power of a juristic person operating business related to civil aviation in all aspects;
- (5) Being a government official, or employee of a government agency, State enterprise or other State agencies or local government agencies;
- (6) Being or having been a political official, a holder of a political position, a member of a local council or a local executive, except for retiring from the position not less than two year;
- (7) Being or having been a holder of an executive position or other positions in a political party or an officer of a political party, except for retiring from the position not less than two year;
- (8) Having been deprived of a position under the provision of the Constitution of the Kingdom of Thailand;
- (9) Having been discharged, dismissed or expelled from government service, State agencies or State enterprises or from private entities due to malfeasance or gross misconduct.

Section 26 The Director General shall hold office for a term of four years, and may be re-appointed but not exceeding two consecutive terms.

Section 27 In addition to vacancy of office upon expiration of the term, the Director General shall have vacated office upon:

- (1) Death;
- (2) Resignation;
- (3) Circumstances specified in the employment contract or the agreement between the Board and the Director General;
- (4) Removal by the Board due to failure of duty, misconduct or incompetence;
- (5) Removal by the Board due to being unable to advance the stipulation of qualifications, rules, procedures, condition, standards and practical guidelines for regulation under Section 37 (1);
- (6) Disqualification or having a prohibited characteristic under Section 24 or Section 25

Section 28 The Director General has the duty to manage the Authority pursuant to the objectives and the powers and duties of the Authority under this Emergency Degree and under laws, rules, regulations, notifications, requirements, policies and resolutions of the Board, and also the following duties:

To propose a target, working plan and project to the Board for consideration and approval, and to carry out works to achieve such target, working plan and project;

- (1) To be cautious about, and to solve, all problems in order for civil aviation business not to fall below International Standards;
- (2) To carry out works, and control and oversee works to be carried out, under Section 37 expeditiously and timely;
- (3) To follow up, assess and make a civil aviation related report to be proposed to the Minister or the Board under the powers and duties of the Authority and under law;
- (4) To propose an annual report concerning the Authority's operational outputs, including a financial and accounting report, and to propose a financial and budget plan for the next year to the Board for consideration;
- (5) To propose an opinion concerning improvement of the Authority's undertakings and operations to ensure efficiency and compliance with objectives to the Board;
- (6) To be the chief of the Authority's officers and employees;
- (7) To issue rules, notifications or orders related to the Authority's management, and the duty performance of the Authority's officers and employees to the extent not inconsistent with regulations, requirements, notifications or rules of the Board;
- (8) Other powers and duties as assigned by the Board.

Section 29 In managing the Authority, the Director General shall be responsible to the Board.

The Director General shall be the chief of the Authority's officers and employees in all positions, and responsible for the Authority's operations of all matters.

In regulating aviation safety and security, the Director General shall take action under law and for the public interest, taking into account the benefits of the country and conformity with International Standards.

Section 30 In performing the duties, the Director General may authorize the Authority's worker to perform any action on its behalf in accordance with the regulations set out by the Board.

Section 31 For the matter dealing with an external party, the Director General shall be the Authority's representative. In this regard, the Director may authorize any person to perform any particular action on its behalf in accordance with the rules or regulations set out by the Board.

The limitation of the Director General's authorization shall be in accordance with the regulations of the Board which shall be published in the Government Gazette.

Any juristic act done by the Director General inconsistent with the regulations under paragraph two shall not obligate the Authority unless the Board has rectified it.

Section 32 If the Director is vacant or is unable to perform its duties, the Deputy Director General who is the most senior shall be acting, but this does not deprive the Board's power of appointing another Deputy Director General to be acting. If the deputy director is vacant or is unable to perform its duties, the Board shall appoint a person who does not have the prohibited characteristics under Section 25 to be acting.

The acting Director General under paragraph one shall have the same powers and duties as the Director.

Section 33 The Director General shall not have conflict of interest in contracts with the Authority or in any business to be done for the Authority directly or indirectly.

If the parent, spouse, heir or, parent of the spouse, of the Director General commits an act under paragraph one, the Director General shall be deemed as having the conflict of interest in the Authority's business.

Any juristic act done inconsistent with paragraph one shall not obligate the Authority.

Section 34 The Director General's salary and other benefits shall be pursuant to those set out by the Board.

Section 35 In case of necessity for the Authority's efficient operations, the Authority may hire a foreigner who has particular knowledge, competence and expertise as an officer or employee of the Authority.

Section 36 For the purpose of the Authority's management, the Director General may request a government official, or employee of other government agencies, State enterprises and State agencies to work temporarily in the Authority provided that approval is granted by the supervising official or employer of that person.

The government official, or employee, who was approved to work as an officer and employee of the Authority under paragraph one shall be deemed as allowed to resign from the government service or from the work to perform any other work. The time of service in the Authority for calculation of gratuities and pensions or other remunerations shall be counted in the same way as if performing works in the government service or performing works full time, as the case may be.

Upon ending the time of service in the Authority, the person under paragraph one shall be reinstated and appointed in a position, and paid a salary, in the original service of the government agency, State enterprise or State agency not less than the original position.

Chapter 2

Control and Regulatory Concerning Civil Aviation

Section 37 In regulating and controlling civil aviation activities, the Authority shall have the powers and duties as follows:

(1) To issue regulations, requirements, notifications, rules and orders to stipulate qualifications, rules, procedures, conditions, standards and practical guidances for the following matters to ensure conformity with current and timely International Standards:

- (a) Personnel Licensing;
- (b) Rules of the Air;
- (c) Rules of Flight Operations;
- (d) Use of Airspace;
- (e) Meteorological Service for Air Navigation;
- (f) Aeronautical Charts;
- (g) Units of Measurement to be Used in Air and Ground Operations;
- (h) Operation of Aircraft;
- (i) Aircraft Nationality and Registration Marks;
- (j) Airworthiness of Aircraft;
- (k) Air Transport Facilitation;
- (l) Aeronautical Telecommunications;
- (m) Air Traffic Services;

- (n) Aerodrome Establishment and Operations;
- (o) Aeronautical Information Services;
- (p) Environmental Protection;
- (q) Civil Aviation Security;
- (r) Transport of Dangerous Goods by Air;
- (s) Safety Management;
- (t) Other aspects related to civil aviation.

(2) To regulate, control, inspect, surveillance and assess all operations related to civil aviation to ensure that aircraft and those who have duties to comply with regulations under (1) comply with the regulations, rules, procedures, conditions and practical guidelines stipulated pursuant to (1);

(3) For the purpose of performing duties under (2), in addition to the powers under the law on air navigation, the Director General and competent officials assigned by the Director General shall have the power to summon any related person to clarify or provide documents and evidence for consideration; and have the power to enter any related place for inspection, on condition that in case of necessity to enter any place after operation hours, the consent of the owner or possessor is required in advance or the owner or possessor was informed not less than six hours in advance; and have the power to enter or get on aircraft at any time when the aircraft is parked or in flight.

Section 38 In regulating, controlling, promoting and developing civil aviation activities in air transport economy, the Authority shall at least perform duties as follows:

(1) To regulate and examine price fixing and collection of air fares and freights for transport aircraft by the holder of an air operator license to ensure compliance with the rules prescribed by the Civil Aviation Board;

(2) To regulate and examine collection of service charges, dues or any compensation by the operator of a public aerodrome to ensure compliance with the rates and conditions as approved;

(3) To regulate and examine collection of service charges for air navigation facility to ensure compliance with the rates and conditions as approved;

(4) To regulate, examine and follow up business operations of the holder of an air operator license to ensure that the business operations comply with relevant laws, regulations, requirements, notifications, rules or orders;

(5) To give recommendations to the Minister on air traffic right allocation and air permit to aircraft and airlines, Thai and foreign.

Chapter 3

Civil Aviation Regulatory Fees

Section 39 In addition to the fees collected under the law on air navigation, the Authority shall have the power to collect civil aviation regulatory fees as follows:

- (1) Flight segment fee collected from an air operator taking off from or landing at any public aerodrome in the country in accordance with the rates set forth by the Authority;
- (2) International arrival & departure fee collected from an air operator, by calculating from inbound or outbound passengers in accordance with the rates set forth by the Authority;
- (3) Air cargo fees collected from an air operator carrying air cargo from any public aerodrome in the country by calculating from air freights specified in airway bills in accordance with the rates set forth by the Authority;
- (4) Aviation fuel fees collected from an aviation fuel service provider or retailer at any service station in the country in accordance with the rates per liter set forth by the Authority.

The rates set forth under paragraph one shall come into force upon endorsement by the Civil Aviation Board.

Section 40 An air operator and aviation fuel service provider or retailer shall have the duty to pay the fees set forth under Section 39, and remit the fees within the periods of time, and in accordance with procedures as specified in a notification specifying fees.

Section 41 A person who has the duty to remit a fee under Section 40 and does not remit the full correct amount of the fee under Section 39 shall pay the surcharge of two percent per month of the civil aviation fee not remitted in whole or in part. A fraction of a month shall be charged for a month.

Chapter 4

Relationship with the Government

Section 42 The Minister shall have the power to oversee the Authority to undertake works under laws, and the policies and plans formulated by the Civil Aviation Board under the law on air navigation. In this regard, the Minister shall have the power to summon the chairman, board members and Director to clarify facts, to give opinions or to make and submit reports, and to have the power to stop the act of the Authority or the Director considered as inconsistent with the policies or plans.

The Civil Aviation Board shall have the power to oversee the Authority and the Director to undertake works timely and in correct and full compliance with laws, conventions, the law on air navigation and other related laws, in which case the Director may be ordered to clarify facts or improve, correct or stop any act in contravention with laws, rules, regulations or conventions.

Section 43 In case that the Authority must submit a matter to the Council of Ministers pursuant to this Emergency Decree, the Board shall submit the matter to the Minister to further submit it to the Council of Ministers.

Chapter 5

Audit and Accounting

Section 44 The Authority shall formulate and maintain an accounting system suitable for its business and according to international principles and in alignment with the accounting system formulated by the Ministry of Finance.

Section 45 The Authority shall conduct routine internal audit by an internal auditor, and shall report the outcome of audit directly to the audit committee.

The Board shall appoint at least three expert board members as the audit committee to give opinions related to the outcome of internal audit to the Board.

Consideration of annual remunerations of an internal auditor shall be in accordance with the recommendation made by the audit committee.

Section 46 The Authority shall prepare the balance sheet, financial statement and operating account of the Authority to be submitted to an auditor within ninety days from the last day of an accounting year.

Section 47 The Office of the Auditor-General of Thailand or a certified public accountant approved by the Office of the Auditor-General of Thailand shall be the auditor and apprise the outcome of the disbursement and property of the Authority every year, thereby submitting a report on the outcome of accounting audit to the Board within one hundred and fifty days from the last day of an accounting year in order for the Board to submit it to the Council of Ministers within sixty days from the day of receipt of the report on the outcome of accounting audit.

Section 48 The Authority shall prepare the annual operation report to be submitted to the Council of Ministers within one hundred and eighty day from the last day of an accounting year, and publish the report to the public.

Transitory Provisions

Section 49 In the initial phase without the Director General, the Minister of Transport shall appoint a person having knowledge and competence to perform the duty of the Director General until the Director General is appointed.

Section 50 In the initial phase, the government officials, and employees of the Department of Civil Aviation in the following functions shall perform works of the Authority temporarily:

- (1) Civil Aviation Security Standards Division;
- (2) Airport Standards Division;
- (3) Air Transport Regulatory Bureau;
- (4) Flight Standards Bureau, except for aircraft search and rescue and aviation safety and aircraft accident investigation;
- (5) Air Transport Promotion and Development Bureau.

The Minister of Transport may order that other government officials, or employees in the service of the Department of Civil Aviation other than those specified in paragraph one shall perform works of the Authority temporarily.

The persons performing works of the Authority under paragraph one and paragraph two shall receive salaries, wages, remunerations, welfare and other compensation as originally received, and the time of service shall be counted as the government working time for the purpose of gratuity and pension calculation.

Section 51 Any government official, or employee in the service of the Department of Civil Aviation wishing to be an officer or employee of the Authority shall submit a written intent to the supervising officer within thirty days from the day this Emergency Act came into force, and upon being selected or evaluated by the Director pursuant to the rules and procedures set out by the Board and being instated as an officer or employee of the Authority, shall be removed from government service.

The person removed from government service under paragraph one shall be deemed as being removed from government service due to the position cancellation or dissolution under the law on gratuities and pensions for government officials or the law on government pension fund, or in case of the employee, shall be deemed as being removed from work because the government service dissolved the position or the government service terminated employment

without guilty and shall receive the gratuity and pension pursuant to the Ministry of Finance's rules for gratuities for employee.

Any government official, or employee holding a position in the service of the agency under Section 50 paragraph one not wishing to be an officer or employee of the Authority or not being selected or not passing the evaluation under paragraph one, if not being appointed in other positions in the Department of Airport or other agencies in the Ministry of Transport, shall be discharged from government service due to position cancellation or dissolution.

The provision under paragraph one shall not apply to a government official or person obligated to perform works in the agency specified by the government service. In such case, that government official or person shall perform the duty in other government agencies or State agencies as specified by the Permanent Secretary of the Ministry of Transport taking into account knowledge of that person. If that person was ordered to perform the duty in a State agency not a government agency, thereby resigning from government service, the provision under paragraph two shall apply to that person *mutatis mutandis*.

The instatement and appointment of government officials under this section shall be deemed as being removed from government service due to the position cancellation or dissolution under the law on gratuities and pensions for government officials or the law on government pension fund.

The instatement and appointment of employees under this section shall be deemed as being removed from work due to the government service dissolved the position or the government terminated the employment without guilty, and the gratuities under the Ministry of Finance's rules for gratuities for wage-earners.

Section 52 The budget of the Department of Civil Aviation related to salaries, wages, remunerations and benefits of the government officials, and employees instated as officers or employees of the Authority under Section 50 shall be transferred to be part of the initial fund of the Authority under this Emergency Degree to spend for wages, remunerations, welfare and other benefits of such employees or wage-earners.

The budget ad property of the Department of Civil Aviation other than stated in paragraph one related to performing functions transferred to the Authority under this Emergency Decree shall be transferred to the Authority as determined by the Minister of Transport.

Countersigned by

General Prayuth Chanocha
Prime Minister

Remarks:- The rationales for promulgation of this Emergency Decree are: whereas Thailand was audited and followed up under the Universal Safety Oversight Audit Program (USOAP) of the International Civil Aviation Organization (ICAO); the International Civil Aviation Organization has changed its auditing method from the methods used in B.E. 2539 which audited compliance with standards and recommended practices only in Annex 1, Annex 6 and Annex 8 of the Convention on International Civil Aviation, and in B.E. 2548 which audited compliance with standards and recommended practices in all safety-related annexes to the method of Continuous Monitoring Approach (CMA) starting from B.E. 2554 onwards; such approach discovered 8 critical areas of Lack of Effective Implementation (LEI) in relation to civil aviation safety oversight, in which case the International Civil Organization disclosed Significant Safety Concerns (SSC) for Thailand, and especially on 18 June 2558 announced refusal of the corrective action plan as proposed by Thailand; and thereby it is necessary and urgent to avoid the impact of such Significant Safety Concerns upon Thailand's civil aviation safety standards being downgraded by other aviation administrators as well as upon Thailand's air traffic rights and operations, which will causes serious damage on the aviation industry, public interests and safety, and economic security of the country, and to improve the form, structure, powers and duties of civil aviation bodies of Thailand to be in line with International Standards and to satisfy the requirements and recommendations of the International Civil Organization; therefore, it is necessary to enact this Emergency Decree.