

- Draft -

Royal Emblem

Requirement of the Civil Aviation Authority of Thailand

No. ..

on Granting the Foreign Air Operator with Permission for Conducting Commercial Air Transport
into or from the Kingdom of Thailand

By virtue of Section 41/126 of the Air Navigation Act B.E. 2497 (1954) as amended by the Air Navigation Act (No. 14) B.E. 2562 (2019), the Director General of the Civil Aviation Authority of Thailand shall issue the requirement prescribing criteria, methods and conditions upon which an application for permission be submitted and its permission timeframe; as well as, conditions and requirements for granting a foreign air operator with permission for conducting commercial air transport into or from the Kingdom of Thailand as follows:

Article 1 This Requirement shall be cited as “Requirement of the Civil Aviation Authority of Thailand No. .. on Granting the Foreign Air Operator with Permission for Conducting Commercial Air Transport into or from the Kingdom of Thailand.”

Article 2 This Requirement shall come into force from the day following its publication in the Government Gazette onwards.

Article 3 In this Requirement,

“Foreign air operator” means an air operator permitted/ licensed under a foreign law, who conducts commercial air transport into or from the Kingdom of Thailand by him/herself or by other person; or by aircraft leasing or other forms of engagement;

“Agreement” means an Air Services Agreement;

“Permission” means a permission letter granted to a foreign air operator for conducting commercial air transport into or from the Kingdom of Thailand;

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

“Authority” means the Civil Aviation Authority of Thailand.

Article 4 A foreign air operator who wants to conduct a commercial air transport whether into or from the Kingdom of Thailand under Section 41/126 shall have all the following qualifications:

- (1) Having correct and complete qualifications as stipulated in the agreement for acceptance as the designated airline of the Parties; and
 - (2) Having been designated as the user of air traffic rights under such Agreement;
- and
- (3) Having a valid Air Operator Certificate issued by the civil aviation authority of the country with whom Thailand entered into the Agreement.

Article 5 The foreign air operator who is qualified pursuant to Article 4 shall apply for permission in the form as specified by the Director General, together with the following documents and evidences:

- (1) A copy of Air Operator Certificate under Article 4 (1);
- (2) A copy of the Airline Designation Letter issued by the Country with oversight responsibilities and regulatory functions over such air operator;
- (3) A copy of Commercial Air Transport Operation Licensing issued by the Country with oversight responsibilities and regulatory functions over such air operator (if any);
- (4) having the insurance coverage for damages which may occur to body, life including the assets of passengers and third parties, upon the condition that the insurance limit for passengers, baggage, cargo and third parties shall be not less than those specified in the law on international air carriage and Convention on Compensation for Damage Caused by Aircraft to Third Parties;
- (5) Ground Handling Agreement to be used.

Article 6 The applicant shall submit the application, together with documents and evidences under Article 5 in advance at least one hundred and twenty (120) prior to the date of its starting commercial air transport into or from the Kingdom of Thailand. This can be submitted as an electronic file to the email address of the Economic Regulation Department at the Authority.

Article 7 The Director General shall grant permission to the applicant, when it appears that:

- (1) The applicant is fully qualified as specified in Article 4;
- (2) The application, together with documents and evidences are correct and complete as specified in Article 5;

In issuing a permission letter, the Director General may determine any condition(s) or restrictions pertaining to commercial air transport into or from the Kingdom of Thailand as deemed appropriate.

Article 8 The permission letter shall be valid for a period of five (5) years.

Article 9 The permitted foreign air operator shall apply for permission renewal to the Director General in the form as specified by the Director General in advance at least ninety (90) days prior to its expiration date, together with current documents and evidences under Article 5. The provisions of Article 7 shall apply to consideration of permission renewal *mutatis mutandis*.

Upon submitting an application for permission renewal within the period as prescribed under paragraph 1, the foreign air operator may operate until the Director General orders that renewal of the permission not be granted.

Article 10 In the case where the permission letter is lost, destroyed or damaged substantially, the permitted foreign air operator shall submit an application for the substitute to the Director General, including the document and evidence of police report.

Issuance of the permission letter substitute under paragraph 1 shall be in accordance with the form of the original permission letter by stating or stamping the word “substitute” with the red ink at the front of such substitute and specifying the date, month and year of its issuance, including the signature of the person issuing.

Article 11 A permitted foreign air operator shall the following duties:

- (1) Maintaining the qualifications of permitted foreign air operator as prescribed in this Requirement throughout the permission’s validity;
- (2) Complying with conditions or restrictions attached to the permission letter as well as all the related laws, rules, regulations, notifications;
- (3) Complying with conditions and restrictions as specified in the Air Operator Certificate and the Operation Specifications issued by the Country with oversight responsibilities and regulatory functions over such air operator;
- (4) Submitting for renewal of the insurance policy thirty (30) days prior to its expiration date. In this regard, such insurance shall be valid continuing from the former insurance;
- (5) Reporting substantial changes which affect its commercial air transport operation to the Director General without delay, including any amendment or revision of the Air Operator Certificate or its Operation Specifications issued by the Country with oversight responsibilities and regulatory functions over such air operator;

(6) Notifying the Director General of suspension or revocation of the Air Operator Certificate within a period of three (3) days;

(7) Facilitating and allowing the Director General, the competent official or Aviation Inspector to undertake oversight and surveillance functions to enforce the law on air navigation;

(8) Cooperating in providing information or documents pertaining to flight operation, maintenance or others as required by the Director General, the competent official or Aviation Inspector within appropriate time;

(9) Undertaking to keep records of safety-related incidents for at least sixty (60) days or for a period of time as specified by the Director General, the competent official, or the Aviation Inspector; or furnishing such records as required by the Director General, the competent official, or the Aviation Inspector;

Article 12 When it appears that the permitted foreign air operator has committed one of the following acts, the Director General has a power to order the permitted foreign air operator to rectify its act or undertake other actions within the prescribed time period:

- (1) Violating or failing to comply with the duties specified in Article 11;
- (2) Failing to operate its business safely.

Article 13 The permission granted shall be automatically void when:

(1) The Air Operator Certificate of the foreign air operator issued by the civil aviation authority of the country with whom Thailand entered into the Agreement expired and the foreign air operator does not apply for its renewal;

(2) The Air Operator Certificate of the foreign air operator issued by the civil aviation authority of the country with whom Thailand entered into the Agreement has been suspended or revoked;

(3) Designation of such foreign air operator to be the user of the traffic right under the Agreement was revoked.

Article 14 The Director General shall have power to suspend the permission, when it appears that any permitted foreign air operator does not rectify its act or undertake other actions within a period of time as specified by the Director General in Article 12.

In the order of permission suspension under paragraph 1, the Director General shall determine a period of time and condition(s) upon which the foreign air operator must undertake.

Article 15 The Director General shall have power to revoke the permission in the case where the fact appears that any permitted foreign air operator:

- (1) lacks any of the qualifications as prescribed in this Requirement;

(2) has the Air Operator Certificate suspended more than twice (2) in the period of two (2) years;

(3) violates or fails to comply with the measure for air navigation safety under the law on air navigation including related rules, regulations, notifications or orders and such violation causes hazard to aviation;

When the Director General ordered that the permission be revoked under paragraph 1, the Authority shall announce such facts to the public.

Article 16 Any foreign air operator who has conducted commercial air transport operation into or from the Kingdom of Thailand prior to the effective date of this Requirement is able to continue its operation, provided that such operator applies for permission following this Requirement within the period of one-hundred and eighty (180) days as from the effective date of this Requirement and the foreign air operator may operate until the Director General orders that renewal of the permission not be granted.

During its operation under paragraph 1, the foreign air operator shall comply with the law on air navigation, as well as, all the related rules, regulations, requirements or notifications.

Given on.....B.E. 2565 (2022),

(Suttipong Kongpool)

Director General

The Civil Aviation Authority of Thailand

