

Notification of the Civil Aviation Authority of Thailand¹
Re: Foreign Aircraft Operator Security Programme
B.E. 2566 (2023)

Section 50/29 of the Air Navigation Act B.E. 2497 (1954), amended by the Air Navigation Act (No. 14) B.E.2562 (2019) states that no person shall operate as an Air Operator unless there is a Foreign Aircraft Operator Security Programme (FAOSP) having been approved by the Director General or having been in line with International Air Services Agreement. In a case of a foreign air operator engaging in a commercial air transport into or from the Kingdom of Thailand, Air Services Agreement stipulates that a foreign air operator shall observe laws and regulations related to aviation security in conformity with standards established in Annex 17 to the Convention on International Civil Aviation 1944 and its amendments for entry into, departure from, or while within, the territory of Thailand to ensure that adequate measures are effectively applied within the territory of Thailand to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding. In order that a Foreign Aircraft Operator Security Programme (FAOSP) will be developed to be in line with Annex 17 to the Convention on International Civil Aviation 1944 and its amendments and with the requirements specified in the National Civil Aviation Security Programme, by virtue of Section 50/29 of the Air Navigation Act B.E. 2497 (1954), amended by the Air Navigation Act (No. 14) B.E.2562 (2019), the Director General of the Civil Aviation Authority of Thailand issues this Notification to prescribe criteria on establishing a Foreign Aircraft Operator Security Programme (FAOSP); its submission for and granting of approval; and implementing the Foreign Aircraft Operator Security Programme (FAOSP) as follows:

Article 1 This Notification shall be cited as “Notification of the Civil Aviation Authority of Thailand, Re: Foreign Aircraft Operator Security Programme B.E. 2566 (2023).

Article 2 This Notification shall become effective as from 25 August 2023 onwards, which is the date in which the Requirement of the Civil Aviation Authority of Thailand No. 42 on Granting the Foreign Air Operator with Permission for Conducting Commercial Air Transport into or from the Kingdom of Thailand becomes effective.

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Article 3 In this Notification;

“Charter Flight” means a non-scheduled flight for travel or tourism purposes providing services on domestic or international routes according to the servicing period subject to a contract or an agreement with the passengers or the tour operator;

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

“Authority” means the Civil Aviation Authority of Thailand.

Article 4 Any foreign air operator who wishes to engage in commercial air transport into or from the Kingdom of Thailand shall have a Foreign Aircraft Operator Security Programme (FAOSP) approved by the Director General.

Article 5 The Foreign Aircraft Operator Security Programme (FAOSP) shall be established for the purposes to ensure security of

- (1) Passengers, flight crew members, ground staff, the public and properties thereof;
- (2) Aircraft and air navigation facilities in all matters related to safeguarding against acts of unlawful interference with civil aviation; and
- (3) Providing for additional security measures in times of increased security threats.

Article 6 The Foreign Aircraft Operator Security Programme (FAOSP) shall be established in the following formats:

- (1) Type written form provided in English and being verified by the air operator or any responsible person duly authorized by such foreign air operator;
- (2) Being in a form easily amended or revised with a document identification number, topic of document, date of its implementation, revision number, number of pages, a chronological list of revisions, a person who approved the document and relevant details;
- (3) Having a record of current pages and record of revision thereto, including a page showing record of its revisions;
- (4) Being orderly divided into chapters for convenient usage and being endorsed and signed by person(s) developing, and revising and approving such Foreign Aircraft Operator Security Programme (FAOSP).

Article 7 The Foreign Aircraft Operator Security Programme (FAOSP) to be submitted for approval of the Director General shall be divided into two parts as follows:

- (1) **Part 1:** a recent copy of an Aircraft Operator Security Programme (AOSP) of the foreign air operator endorsed/approved/verified by the appropriate Authority for Aviation Security of the State of Operator;
- (2) **Part 2:** Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand with all the elements and details in a form as in the attachment of this Notification.

Article 8 The foreign air operator shall submit two copies of its Foreign Aircraft Operator Security Programme (FAOSP) consisting of two parts as specified in Article 7 for the Director General's approval by adhering the following methods and timeframes:

(1) A foreign air operator of a country with whom Thailand entered into an Air Services Agreement, who conducts a scheduled service, shall submit them, together with an application for permission to engaging commercial air transport into or from the Kingdom of Thailand pursuant to Section 41/126 by adhering the following methods and timeframes as specified in the Requirement of the Civil Aviation Authority of Thailand No. 42 on Granting the Foreign Air Operator with Permission for Conducting Commercial Air Transport into or from the Kingdom of Thailand and its amendments thereto;

(2) A foreign air operator of a country with whom, whether or not, Thailand entered into an Air Services Agreement, who conducts a non-scheduled service: Charter Flight (Program Charter or Inclusive Tour Charter), shall submit them, together with an application for a Flight Permit pursuant to Section 28 at least one hundred and twenty (120) days prior to its expected start-up date of a flight into or from the Kingdom of Thailand. They can be submitted as an electronic file to the email address of the Air Navigation Operations Management Department of the Authority or through other channels as specified by the Authority.

Article 9 In submitting the Foreign Aircraft Operator Security Programme (FAOSP) pursuant to Article 8, additional to documents and evidences required in applying for operating permission under Article 8 (1) or for flight permit under Article 8 (2), as the case may be, the foreign air operator shall furnish all the following documents and evidences:

(1) Letter of Certification certifying from the Appropriate Authority for Aviation Security of the State of Operator to certify that:

(a) such Foreign Aircraft Operator Security Programme (FAOSP) is the most recent and still valid and;

(b) the foreign air operator well observes its Foreign Aircraft Operator Security Programme (FAOSP), which meets the requirements of the National Civil Aviation Security Programme; as well as, all applicable laws and regulations on civil aviation security imposed by its country without trouble;

(2) Letter of appointment for representatives in Thailand to act on receiving notification, orders or decisions on civil aviation security or proceed other acts as notified by the Authority (only for the foreign air operator under Article 8 (1));

(3) other document(s) or evidence(s) as required by the Director General.

Article 10 In approving, the Director General shall stamp the Authority's seal and endorse with signatures in the cover of the Foreign Aircraft Operator Security Programme (FAOSP); as well as in the cover of Supplementary Station Procedures for a commercial air transport into or from the Kingdom of Thailand upon receipt of the proposal of the Aviation Security and Facilitation Standards Department which has examined and certified that:

(1) such Foreign Aircraft Operator Security Programme (FAOSP) is the most recent and meets all the requirements specified in Thailand's National Civil Aviation Security Programme; and

(2) Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand contains all the elements and details in a form as in the attachment of this Notification and meets all the requirements specified in Thailand's National Civil Aviation Security Programme; and

(3) All the additional documents and evidences have completely been submitted pursuant to Article 9.

Article 11 When the Foreign Aircraft Operator Security Programme (FAOSP) has been approved by the Director General pursuant to Article 10 or in case where its amendments have been approved pursuant to Article 14, such foreign air operator shall proceed the followings:

(1) Maintaining a copy of the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand as approved by the Director General at place(s) where operations are conducted in Thailand and its relevant employees can access and utilize them and where the Authority's Aviation Security Inspector (AVSEC) can make an inspection at all times;

(2) Restrictions in the sharing, disclosure of and access to information contained in the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand to those who need to know;

(3) Submitting a request to the Authority when Sensitive Security Information (SSI) is needed.

Article 12 In addition to duties under Thailand's National Civil Aviation Security Programme, the foreign air operator shall have the following duties:

(1) Effectively providing adequate place(s), tool(s), personnel for and implementing all the procedures and processes stated in the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand as approved by the Director General for civil aviation security purposes to safeguard passengers, flight crew members, ground staff, aircraft and facilities against acts of unlawful interference;

(2) Recruiting and appointing sufficient personnel for implementation of security measures stated in the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand as approved by the Director General into practice;

(3) Appointing a station security manager in Thailand or employees in other positions entrusted with duties stated in the Foreign Aircraft Operator Security Programme (FAOSP)

and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand and for effective liaison with the Authority;

(4) Appointing a representative in Thailand to be a contact point;

(5) Applying security measures and protection measures of persons and properties onboard an aircraft in service to safeguard against crimes, hijacking and unauthorized introduction of prohibited items into aircraft;

(6) Developing and modifying the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand as approved by the Director General to comply with Thailand's National Civil Aviation Security Programme and to accommodate changing circumstances, occurrences, and level of threats;

(7) Following the Airport Security Programme (ASP) as approved by the Director General at airport(s) where its operation is conducted and being disseminated to such foreign air operator; as well as complying with additional rules, and requirements issued by the owner or airport operator to be in line with the Airport Security Programme (ASP) (if any);

(8) Other duties required by the Director General.

Article 13 The foreign air operator shall allow, cooperate with and facilitate the Authority's Aviation Security Inspector (AVSEC) to undertake inspection to implement quality control functions to ensure effective implementation of the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand as approved by the Director General.

Article 14 In the following cases, the foreign air operator shall submit amendments or revisions of the Foreign Aircraft Operator Security Programme (FAOSP) in an electronic form to the email address of the Aviation Security and Facilitation Standards Department of the Authority or through other channels as specified by the Authority for the Director General's approval:

(1) There are significant amendments or revisions of the Foreign Aircraft Operator Security Programme (FAOSP), which different from that had been approved by the Director General and that was endorsed/approved/verified by the appropriate Authority for Aviation Security of the State of Operator; or

(2) There are significant amendments or revisions of the Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand, which different from that had been approved by the Director General; or

(3) Director General orders the foreign air operator to amend or revise the Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand to be in consistency with Thailand's National Civil Aviation Security Programme and with applicable rules and regulations, as well as, to accommodate changing circumstances, occurrences, and level of threats.

Upon receipt of the proposal of the Aviation Security and Facilitation Standards Department, which has examined and certified that such amendments or revisions of the Foreign Aircraft Operator Security Programme (FAOSP) or Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand meet all the requirements pursuant to Article 10, the Director General shall approve them and the foreign air operator shall record in chronological list of revisions of the Foreign Aircraft Operator Security Programme (FAOSP) or Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand for further reference.

Such amendments or revisions considered to be significant under paragraph 1 (1) and (2) means:

- (1) Any amendment(s) or revision(s) impacting National Civil Aviation Security Policy;
- (2) Any amendment(s) or revision(s) resulting in variation of roles, responsibilities and missions of entities related to implementation of such Programme and Procedures;
- (3) Any amendment(s) or revision(s) resulted from circumstances or level of threats with impacts on aviation security;
- (4) Any amendment(s) or revision(s) to conform with its country's civil aviation security standards, which are not lower than the standards and relevant rules and regulations of Thailand.

Article 15 When it appears that any foreign air operation has committed one of the following acts, the Director General has a power to order the foreign air operator to rectify its act or undertake other actions within the prescribed time period:

- (1) Violating or failing to comply with Article 11;
- (2) Violating or failing to perform duties specified in Article 12;
- (3) Failing to allow, cooperate with and facilitate the Authority's Aviation Security Inspector (AVSEC) to undertake inspection under Article 13;
- (4) Failing to amend or revise the Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand according to the Director General's order under Article 14 (3)

Article 16 The Director General shall have power to revoke the approval of the Foreign Aircraft Operator Security Programme (FAOSP) or Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand when any foreign air operator fails to rectify its act or undertake other actions within the prescribed time period as ordered by the Director General pursuant to Article 15 or when the foreign air operator takes any action that seriously affects the civil aviation security standards.

Article 17 No foreign air operator shall operate as an air operator into or from the Kingdom of Thailand when the approval of Foreign Aircraft Operator Security Programme (FAOSP) or Supplementary Station Procedures (SSP) for a commercial air transport into or from

the Kingdom of Thailand have been revoked by the Director General pursuant to Article 16.

Article 18 The foreign air operator who has conduct its operation into or from the Kingdom of Thailand prior to the effective date of this Notification shall submit its two parts of the Foreign Aircraft Operator Security Programme (FAOSP) pursuant to Article 7, together with additional documents and evidences pursuant to Article 9 for the Director General's approval by adhering the following methods and timeframes:

(1) A foreign air operator of a country with whom Thailand entered into an Air Services Agreement, who conducts a scheduled service, shall submit them, together with an application for permission to engaging commercial air transport into or from the Kingdom of Thailand within the timeframe pursuant to Article 15 of the Requirement of the Civil Aviation Authority of Thailand No. 42 on Granting the Foreign Air Operator with Permission for Conducting Commercial Air Transport into or from the Kingdom of Thailand and such foreign air operator is able to continue its operation until the Director General orders that the permission not be granted or the Foreign Aircraft Operator Security Programme (FAOSP) and Supplementary Station Procedures (SSP) for a commercial air transport into or from the Kingdom of Thailand not be approved;

(2) A foreign air operator of a country with whom, whether or not, Thailand entered into an Air Services Agreement, who conducts a non-scheduled service: Charter Flight (Program Charter or Inclusive Tour Charter), is able to continue its operations until the end of period in a flight permit and when wishing to operate into or from the Kingdom of Thailand, the such foreign air operator shall submit them, together with an application for a Flight Permit pursuant to Section 28 at least one hundred and twenty (120) days prior to its expected beginning date of a flight into or from the Kingdom of Thailand. They can be submitted as an electronic file to the email address of the Air Navigation Operations Management Department of the Authority or through other channels as specified by the Authority.

During its operation into or from the Kingdom under paragraph 1, the foreign air operator shall comply with Thailand's applicable laws, rules and regulations pertaining to civil aviation security as related to itself.

Given on 25 August B.E. 2566 (2023),

-Signature-

(Suttipong Kongpool)

Director General

The Civil Aviation Authority of Thailand