

-Official Emblem-

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

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. 42 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,

“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 a valid Air Operator Certificate issued by the civil aviation authority of the country with whom Thailand entered into the Agreement;

(2) Having been designated as the user of air traffic rights under such Agreement;

and

(3) Having granted with the Permission pursuant to this Requirement.

Article 5 The foreign air operator who is qualified pursuant to Article 4 (1) and (2) shall apply for permission in the form as specified by the Director General, together with the following documents and evidences:

(1) A copy of the certificate or evidence of being a juristic person illustrating the details of name, capital, purposes, location of the office and its present board members and authorized person or other evidence(s) of business registration with the aforesaid details;

(2) A copy of Air Operator Certificate;

(3) A copy of the Airline Designation Letter issued by the Country with oversight responsibilities and regulatory functions over such air operator or other document(s) showing that the applicant has been designated as a user of the commercial air transport traffic right under that Agreement;

(4) A copy of Commercial Air Transport Operation Licensing (if any);

(5) A draft of a Foreign Aircraft Operator Security Programme developed in line with the requirements of Thailand's National Civil Aviation Security Programme;

(6) A document showing 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 signed at Montréal on 2 May 2009 (B.E. 2552);

(7) Ground Handling Agreement in a case in which ground handling services will not be provided by an applicant or any document(s) showing details of ground handling services in a case in which the applicant will provide such services by itself;

(8) Other documents as determined by the Director General.

Article 6 In applying for the Permission under Article 5, the applicant shall submit an application form, together with documents and evidences in advance at least one hundred and twenty (120) days prior to its expected start-up date of a 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 of the Authority.

Article 7 In granting the Permission, the Director General shall issue a Permission Letter in the form as attached hereto this Requirement to the applicant, when it appears that:

(1) The applicant is fully qualified as specified in Article 4 (1) and (2);

(2) The application, together with documents and evidences are correct and complete as specified in Article 5;

(3) The Foreign Aircraft Operator Security Programme was approved pursuant to Section 50/29.

The Permission Letter shall be valid for a period of five (5) years as from the issuance date.

Article 8 The permitted foreign air operator shall apply for permission renewal to the Director General in the form as specified by the Director General not less than ninety (90) days prior to its expiration date in advance but not more than one hundred and twenty (120) days in advance, together with current documents and evidences under Article 5. The provision 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 9 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 10 A permitted foreign air operator shall have a duty to adhere to the following conditions, requirements and restrictions:

(1) Maintaining the qualifications of permitted foreign air operator as prescribed in this Requirement throughout the permission’s validity;

(2) Complying with conditions, requirements and 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 whom Thailand entered into the Agreement and with oversight responsibilities and regulatory functions over such air operator;

(4) Providing protection according to international flights’ passenger right protection measures as required by the Civil Aviation Board pursuant to Section 41/134;

(5) Following the Foreign Aircraft Operator Security Programme as approved by the Director General pursuant to Section 50/29;

(6) Providing and maintaining 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 signed at Montréal on 2 May 2009 (B.E. 2552) throughout the permission's validity;

(7) 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 whom Thailand entered into the Agreement and with oversight responsibilities and regulatory functions over such air operator;

(8) Notifying the Director General of suspension or revocation of the Air Operator Certificate within a period of three (3) days from the date of suspension or revocation as the case may be;

(9) 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;

(10) 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;

(11) Reporting safety-related information or data and undertaking to keep records thereof according to the Civil Aviation Authority Requirement on Civil Aviation Safety-Related Incidents Reporting;

(12) Having paid regulatory fee under the law on Civil Aviation Authority of Thailand or any other charges or fees incurred from usage of service of any aviation service providers in Thailand. Provided that any permitted foreign air operator has not paid any of such fees or charges or has a significantly unpaid amount thereof, the competent official or aviation inspector might consider imposing a prohibition of any flight operation of such foreign air operator pursuant to Section 67/7 (4);

(13) Other condition(s), requirement(s) or restriction(s) as specified by the Director General.

Article 11 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 10;
- (2) Failing to operate its business safely.

Article 12 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 revoked;

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

(4) 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, however, such Air Operator Certificate shall resume its validity upon expiration of the suspension period and the Permission Letter still has its validity period.

Article 13 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 11.

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 14 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 15 A 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 must submit an application under this Requirement within the period of one hundred and eighty (180) days as from the effective date of this Requirement and such foreign air operator is able to continue its operation until the Director General orders that the permission not be granted.

During its operation under paragraph 1, the foreign air operator shall comply with conditions, and requirements as specified in Article 10 as well.

Given on 20 July B.E. 2566 (2023),

-Signature-

(Suttipong Kongpool)

Director General

The Civil Aviation Authority of Thailand



Foreign Air Operator Permission to Engage in Commercial Air Transport to and from the Kingdom of Thailand

By virtue of Section 41/126 of the Air Navigation Act B.E. 2497 as amended by the Air Navigation Act (No.14) B.E. 2562, the Director General permitted

AAAAAAAA AIRLINE

A Foreign Air Operator of Country XXXXX

to engage in commercial air transportation of persons, cargos, and mail to and from the Kingdom of Thailand

From.....Month.....Year.....To.....Month.....Year.....

The person granted with the permission shall strictly comply with laws, regulations and also the terms, conditions, and limitations as attached to this Permission.

Given on Month Year,

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Director General

the Civil Aviation Authority of Thailand