



สำนักงานการบินพลเรือนแห่งประเทศไทย  
The Civil Aviation Authority of Thailand

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# Exemption Policy and Procedure Manual

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**CAAT-LEG-EXE**

**Issue: 02**

**Revision: 01**

**Date: 14 January 2025**

**Approved by**

A blue ink signature of Suttipong Kongpool, written in a cursive style.

**Suttipong Kongpool**

**Director General**

**The Civil Aviation Authority of Thailand**

The previous circular on Exemption Policy and Procedure Manual, Issue 02, Revision 00, Dated 25 December 2024 is hereby replaced.

## PREFACE

The Civil Aviation Authority of Thailand (CAAT) is committed to ensuring the safety, security, and efficiency of Thailand's civil aviation sector while fostering innovation and growth in compliance with global aviation standards. In line with these objectives, we have developed this Exemption Policy and Procedure Manual to guide regulated entities through the processes and criteria for seeking exemptions under the Air Navigation Act and related regulations.

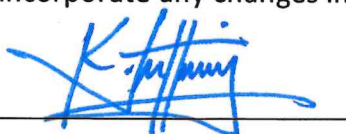
A petition for exemption is a request to the Director General to provide relief from any specified requirement in the Air Navigation Act B.E. 2497 (1954) (the Act), as amended, and the regulations issued thereunder. Under Section 15/14, Section 39, Section 41/90, Section 41/91 and Section 44 of the Act, the Director may, if considered appropriate, grant an Exemption from a rule requirement, with appropriate conditions. Before granting an Exemption, the Director will consider whether an applicant's proposal provides a level of safety, or risk control, equivalent to that required by the existing rule.

This Exemption Policy and Procedure Manual has been prepared in line with Section 15/14, Section 39, Section 41/90, Section 41/91 and Section 44 of the Act. The objectives of this manual is to harmonize the procedure for granting exemptions from any provisions in the Act including regulations, requirements, notifications, rules, or orders issued thereunder and to ensure that the exemption process is equitable to all those who come forward with the request, while simultaneously ensuring the best interest of the public safety are protected.

Aviation is a dynamic environment and individual circumstances vary, therefore the granting of a similar Exemption in the past is not justification for the granting of another Exemption. Each Exemption will be assessed on its own merits, with reference to the most up to date information. CAAT is committed to implement national standards and the procedures for the consistent processing of exemption requests and rationale in the development of criteria to either grant or deny exemptions from regulatory requirements.

This manual serves as a vital resource for stakeholders, providing clarity on the principles, application procedures, and evaluation processes for exemptions. It reflects CAAT's dedication to transparency, fairness, and the upholding of aviation safety standards. Recognizing that aviation operates in a dynamic and ever-evolving environment, exemptions are designed to address exceptional circumstances without compromising the integrity of regulatory frameworks or public interest.

Through this updated manual, CAAT aims to enhance accessibility, improve compliance, and support Thailand's alignment with international civil aviation obligations. We encourage stakeholders to engage with this document and communicate suggestions for its continued improvement. This 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.



Suttipong Kongpool  
Director General  
The Civil Aviation Authority of Thailand  
14 January 2025

## 0. ADMINISTRATION

### 0.1 Table of Contents

0.	Administration .....	0-1
0.1	Table of Contents .....	0-1
0.2	List of Effective Pages .....	0-4
0.3	Records of Revision .....	0-5
0.4	Revision Highlights .....	0-6
0.5	Distribution.....	0-7
0.6	List of Associated Documents .....	0-8
0.7	Glossary	
	0.7.1 Definitions.....	0-9
	0.7.2 Acronyms and Abbreviations.....	0-10
1.	Chapter 1 Introduction .....	1-1
1.1	What is an Exemption?.....	1-1
1.2	Applicant Responsibility .....	1-1
1.3	Legal Criteria.....	1-1
1.4	Exemption Assessment .....	1-2
1.5	Processing Time.....	1-2
1.6	Exemptions vs. Acceptable Means of Compliance (AMC) .....	1-2
	1.6.1 Exemptions .....	1-2
	1.6.2 Acceptable Means of Compliance (AMC).....	1-3
	1.6.3 Key Differences .....	1-3
	1.6.4 Can AMC Replace an Exemption?.....	1-3
2.	Chapter 2 Policy Overview.....	2-1
2.1	General .....	2-1
2.2	Our Obligations.....	2-1
2.3	Policy Objectives.....	2-2
2.4	Lawfulness .....	2-2
2.5	Fairness and Firmness .....	2-2
2.6	Handling of Complaints .....	2-2
2.7	Accessibility of Officials .....	2-3
2.8	Amendment of Exemption Policy and Procedure Manual.....	2-3
3.	Chapter 3 Type of Exemption Available .....	3-1
3.1	The Air Navigation Act.....	3-1
3.2	General Exemption .....	3-1
3.3	Specific Exemption .....	3-1
	3.3.1 Exemption from the Requirement in Section 39.....	3-1
	3.3.2 Exemption from the Requirement in Section 41/90.....	3-1
	3.3.3 Exemption from the Requirement in Section 41/91.....	3-2
	3.3.4 Exemption from the Requirement in Section 44.....	3-2
3.4	Policy for Exemptions.....	3-2
4.	Chapter 4 Procedure for Granting of General Exemptions .....	4-1
4.1	Authority Empowered to Grant Exemption .....	4-1
4.2	What Exemption Can Be Granted Under Section 15/14.....	4-1

4.3	Means of Granting an Exemption .....	4-1
4.4	Required Processing Time .....	4-2
4.5	Where to Apply for an Exemption.....	4-2
4.6	Requirement for Application.....	4-3
	4.6.1 General .....	4-3
	4.6.2 Substance of the Request for Exemption .....	4-3
4.7	CAAT Consideration of Application .....	4-5
4.8	Technical Evaluation.....	4-6
4.9	Notification of Decision to the Applicant.....	4-8
4.10	Terms, Conditions and Limitation of an Exemption.....	4-8
4.11	Exemptions are Not Transferable.....	4-9
4.12	Extension of Exemptions .....	4-9
4.13	Validity of an Exemption .....	4-9
4.14	Suspension of Exemptions .....	4-10
4.15	Revocation of Exemptions.....	4-10
4.16	Exemptions Issued on CAAT Initiative .....	4-10
4.17	Exemptions in Exceptional Circumstances .....	4-11
4.18	Retention of Records.....	4-11
4.19	Procedure for Reviewing the Application for Exemption in CAAT.....	4-11
	4.19.1 General.....	4-11
	4.19.2 Applicability.....	4-12
	4.19.3 (Pre-requisite) Actions by Applicant (see Section 4.5).....	4-12
	4.19.4 Assignment of the Relevant CAAT Technical Department .....	4-13
	4.19.5 Assignment of the Inspector for the Review .....	4-13
	4.19.6 Inspector Procedure to be Followed .....	4-13
	4.19.7 Technical Department Head of Division .....	4-14
	4.19.8 Technical Department Manager .....	4-14
	4.19.9 Legal Department Review.....	4-14
	4.19.10 The Director Final Review and Approval .....	4-14
	4.19.11 Technical Department Documentation .....	4-15
	4.19.12 Notification of Difference to ICAO (if any).....	4-15
	4.19.13 Publication on the CAAT Website .....	4-15
	4.19.14 Monitor and Audit Operations Post-Exemption .....	4-16
	4.19.15 Process Flow .....	4-16
	4.19.16 Timelines .....	4-16
4.20	Exemption Registry Database.....	4-17
4.21	Conclusion of Exemption Evaluation and Approval Process.....	4-18
	4.21.1 Technical and Risk Assessment (Inspector’s Review).....	4-18
	4.21.2 Head of Division Review .....	4-19
	4.21.3 Department Manager Review.....	4-19
	4.21.4 Legal Review.....	4-19
	4.21.5 Director’s Decision .....	4-20
5.	Chapter 5 Procedure for the Granting of Specific Exemptions .....	5-1
5.1	Exemption from the Requirement in Section 39 .....	5-1
	5.1.1 Application .....	5-1
	5.1.2 Procedure for Issuing Exemptions.....	5-1
	5.1.3 A Period of Time for Exemption .....	5-1
5.2	Exemption from the Requirement in Section 41/90 .....	5-1
	5.2.1 Application .....	5-1

5.2.2	Procedure for Issuing Exemptions .....	5-1
5.2.3	A Period of Time for Exemption .....	5-2
5.3	Exemption from the Requirement in Section 41/91 .....	5-3
5.3.1	Application .....	5-3
5.3.2	Procedure for Issuing Exemptions .....	5-3
5.3.3	A Period of Time for Exemption .....	5-3
5.4	Exemption from the Requirement in Section 44 .....	5-3
5.4.1	Application .....	5-3
5.4.2	Procedure for Issuing Exemptions .....	5-3
5.4.3	A Period of Time for Exemption .....	5-4
Appendix 1: Application for Exemption – Part A .....		A1-1
1.	Part A: Applicant's Request for Exemption .....	A1-1
	Section 1 – General Information .....	A1-1
	Section 2 – Details of Exemption Sought.....	A1-2
	Section 3 – Action Plan and Mitigation Measures .....	A1-4
	Section 4 – Emergency Processing (if applicable) .....	A1-5
	Section 5 – Supporting Document Checklist .....	A1-5
	Section 6 – Undertaking by the Applicant.....	A1-6
2.	Attachment .....	A1-7
	Instructions for Completing Exemption Application – Part A .....	A1-7
Appendix 2: Application for Exemption – Part B.....		A2-1
1.	Part B: Technical Assessment Form for Exemption Requests.....	A2-1
	Part B1 Inspector Technical Evaluation and Risk Assessment.....	A2-1
	Section 1 – Checklist and Evaluation of Exemption Package .....	A2-1
	Section 2 – Technical Evaluation and Risk Assessment .....	A2-2
	Section 3 – Legal Consideration (evaluate by inspector) .....	A2-5
	Section 4 – Technical Evaluation Summary .....	A2-5
	Section 5 – Recommendation to the Director .....	A2-5
	Part B2 Managerial Review and Director's Decision .....	A2-6
	Section 1 – Head of Division Review.....	A2-6
	Section 2 – Department Manager Review .....	A2-6
	Section 3 – Legal Department Review .....	A2-7
	Section 4 – Director General's Decision.....	A2-8
2.	Attachment .....	A2-9
	Instructions for Completing Part B: Technical Assessment Form .....	A2-9
Appendix 3: Safety Risk Assessment Guidelines.....		A3-1
Appendix 4: Flowchart for Exemption Procedure within CAAT.....		A4-1

## 0.2 List of Effective Pages

Pages	Issue	Revision	Effective Date	Pages	Issue	Revision	Effective Date
0-1	02	01	14 JAN 2025	4-19	02	00	25 DEC 2024
0-2	02	01	14 JAN 2025	4-20	02	00	25 DEC 2024
0-3	02	01	14 JAN 2025	4-21	02	00	25 DEC 2024
0-4	02	01	14 JAN 2025	5-1	02	01	14 JAN 2025
0-5	02	01	14 JAN 2025	5-2	02	01	14 JAN 2025
0-6	02	01	14 JAN 2025	5-3	02	01	14 JAN 2025
0-7	02	00	25 DEC 2024	5-4	02	01	14 JAN 2025
0-8	02	01	14 JAN 2025	A1-1	02	00	25 DEC 2024
0-9	02	00	25 DEC 2024	A1-2	02	00	25 DEC 2024
0-10	02	00	25 DEC 2024	A1-3	02	00	25 DEC 2024
1-1	02	00	25 DEC 2024	A1-4	02	00	25 DEC 2024
1-2	02	00	25 DEC 2024	A1-5	02	00	25 DEC 2024
1-3	02	00	25 DEC 2024	A1-6	02	00	25 DEC 2024
2-1	02	00	25 DEC 2024	A1-7	02	00	25 DEC 2024
2-2	02	00	25 DEC 2024	A1-8	02	00	25 DEC 2024
2-3	02	00	25 DEC 2024	A1-9	02	00	25 DEC 2024
3-1	02	00	25 DEC 2024	A2-1	02	00	25 DEC 2024
3-2	02	00	25 DEC 2024	A2-2	02	00	25 DEC 2024
3-3	02	00	25 DEC 2024	A2-3	02	00	25 DEC 2024
4-1	02	00	25 DEC 2024	A2-4	02	01	14 JAN 2025
4-2	02	01	14 JAN 2025	A2-5	02	00	25 DEC 2024
4-3	02	00	25 DEC 2024	A2-6	02	00	25 DEC 2024
4-4	02	00	25 DEC 2024	A2-7	02	00	25 DEC 2024
4-5	02	00	25 DEC 2024	A2-8	02	00	25 DEC 2024
4-6	02	00	25 DEC 2024	A2-9	02	00	25 DEC 2024
4-7	02	00	25 DEC 2024	A2-10	02	00	25 DEC 2024
4-8	02	00	25 DEC 2024	A2-11	02	00	25 DEC 2024
4-9	02	00	25 DEC 2024	A3-1	02	00	25 DEC 2024
4-10	02	00	25 DEC 2024	A3-2	02	00	25 DEC 2024
4-11	02	00	25 DEC 2024	A3-3	02	00	25 DEC 2024
4-12	02	00	25 DEC 2024	A3-4	02	00	25 DEC 2024
4-13	02	01	14 JAN 2025	A3-5	02	00	25 DEC 2024
4-14	02	00	25 DEC 2024	A3-6	02	01	14 JAN 2025
4-15	02	00	25 DEC 2024	A4-1	02	00	25 DEC 2024
4-16	02	00	25 DEC 2024	A4-2	02	00	25 DEC 2024
4-17	02	00	25 DEC 2024				
4-18	02	00	25 DEC 2024				

### 0.3 Records of Revision

This version of the Exemption Policy and Procedure Manual 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	Reasons
02	00	25 DEC 2024	LEG	Initial Issue
02	01	14 JAN 2025	LEG	Clarify the processes of conducting safety risk assessments and security risk assessments, highlighting their differing evaluation methods.

## 0.4 Revision Highlights

Area of Changed	Amendment Summary
0.6 List of Associated Documents	Add CAAT-SFD-ARAH
4.5 Where to Apply for an Exemption	Change channel for applying an exemption from electronically via email to submit directly through channel as specified by CAAT
4.19.6 Inspector Procedure	Describe the Security Risk Assessment
A period for Exemption in 5.1.3, 5.2.3, 5.3.3 and 5.4.3	Add the period specified in the letter of permission as an expiration of exemption
APPENDIX 2: APPLICATION FOR EXEMPTION - PART B	Clarify the processes of conducting safety risk assessments and security risk assessments, highlighting their differing evaluation methods

## 0.5 Distribution List

No.	Responsible Person	Type of Document
Original	Manager of Legal Department	Hard Copy
01	Director General	Hard Copy
Original (Electronic)	CAAT Staff	Electronic copy at E-Document System

## 0.6 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
CAAT-LEG-SAM	Manual for ICAO SARPs Management and Development of Legal Framework for Regulatory Oversight	All CAAT staff
CAAT-SFD-ARAH	Aviation Security Risk Assessment Handbook of Thailand	SFD staff

## 0.7 Glossary

### 0.7.1 Definitions

<i>Term</i>	<i>Definition</i>
<b>Act</b>	Air Navigation Act B.E. 2497 (1954) and its amendments
<b>Civil Aviation Authority of Thailand (CAAT)</b>	Civil Aviation Authority of Thailand established by the Emergency Decree on Civil Aviation of Thailand B.E. 2558 (2015)
<b>Compliance</b>	Conformity with the provisions of Act and Civil Aviation Regulations
<b>Director</b>	Director General of the Civil Aviation Authority of Thailand
<b>Emergency Decree</b>	The Emergency Decree on Civil Aviation of Thailand B.E. 2558 (2015)
<b>Exemptions</b>	Also includes exceptions, deviations, variations and prolonged extensions.

### 0.7.2 Acronyms and Abbreviations

<i>Acronyms / Abbreviations</i>	<i>Meaning</i>
AMC	Acceptable Means of Compliance
AMOC	Alternative methods/means of compliance
EASA	The European Union Aviation Safety Agency
ICAO	The International Civil Aviation Organization
SARPs	ICAO Standards and Recommended Practices
NCMC	The National Continuous Monitoring Coordinators

## 1. CHAPTER 1 - INTRODUCTION

### 1.1 What is an Exemption?

An application for exemption is a request to the Director to provide relief from any specified requirement in the regulations issued under the Air Navigation Act B.E. 2497 (1954) as amended. Under Section 15/14, Section 39, Section 41/90, Section 41/91 and Section 44 of the Act, the Director may, if considered appropriate, grant an Exemption from a rule requirement, with appropriate conditions. Before granting an Exemption, the Director will consider whether an applicant's proposal provides a level of safety, or risk control, equivalent to that required by the existing rule. Aviation is a dynamic environment and individual circumstances vary, therefore the granting of a similar Exemption in the past is not justification for the granting of another Exemption. Each Exemption will be assessed on its own merits, with reference to the most up to date information.

### 1.2 Applicant Responsibility

The responsibility is on the applicant to provide a risk and evidence-based justification as to why the Director should grant an Exemption. This applies regardless of what Exemptions an applicant may have been granted in the past. To be able to successfully assess an application, the CAAT requires the documentation and supporting evidence to clearly support the reasons for the Exemption request, including any proposed actions or conditions to maintain an appropriate level of safety. Petitions should be accompanied by safety and risk assessments. This will allow the Director to view proposals in context and should reduce CAAT time spent analyzing any associated risks. Failure to provide adequate information will result in a delay in the processing of the application while the CAAT seeks the information necessary for it to consider the application.

### 1.3 Legal Criteria

In order to grant an Exemption, the Director will need to be satisfied in all cases that the risk to safety/security will not be significantly increased by the granting of the exemption. In the general type of exemption, if satisfied, the Director will then consider the grounds in section 15/14 of the Act. It is essential that appropriate evidence is provided to demonstrate that these grounds are met.

Execution for the exemption under Section 15/14 must have one of the following reasons Appears to the Director prior to such exclusion;

- (1) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders have been substantially complied with and that further compliance is unnecessary;
- (2) The actions to be done or are being performed are in accordance with or more effective than actual compliance with the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter;

(3) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are clearly unreasonable or inappropriate in the particular case; or

(4) There are facts in that case cause the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are unnecessary or inappropriate to comply with and may increase the risk of the civil aviation safety and security of the country if not grant an exemption.

Applicants need to demonstrate that the risk of safety will not be significantly increased by the granting of the Exemption and identify which of the above grounds in section 15/14 they are proposing to rely on for an Exemption. This is to provide assurance that all risks have been identified and mitigations are in place to ensure that risk to safety is kept as low as reasonably practicable.

## 1.4 Exemption Assessment

The role of the CAAT's technical Departments and its inspectors is to assess the documentation and supporting evidence supplied, with input from subject matter experts, and provide an evidence-based recommendation for the Director's consideration. Therefore, the information and evidence supplied will directly affect the recommendation put forward to the Director. The Exemption process requires a CAAT technical and legal review before it is presented to the Director. Additionally, applications are prioritized alongside all other applications received. Therefore, applicants should allow adequate time for their application to be processed.

## 1.5 Processing Time

An Exemption goes through a robust and structured assessment by a number of CAAT personnel before it is presented to the Director. This assessment process takes time and must be planned with consideration for other CAAT work. Therefore, an applicant should submit an Exemption petition **at least 90 working days** in advance. This will ensure the Exemption decision is received before the date it is required, and provides adequate time for the applicant to implement a fallback strategy if the Exemption is declined. The CAAT will consider an application inside this 90-day window, but there should be no expectation that a short-notice request will receive urgent or priority attention, particularly if the applicant has known about the situation for some time.

## 1.6 Exemptions vs. Acceptable Means of Compliance (AMC)

The concepts of exemption and acceptable means of compliance (AMC) in aviation law are related but serve distinct purposes. They are not entirely interchangeable, and the use of AMCs cannot generally be considered equivalent to granting an exemption. Let's clarify both concepts:

### 1.6.1 Exemptions

Exemptions are formal legal waivers granted by the authority, allowing a license or certificate holder to deviate from a specific regulatory requirement under certain conditions.

**Legal Basis:** Exemptions are explicitly provided for under aviation regulations and requirements. For example, CAAT may issue exemptions under its powers when compliance with

a regulation is impractical or overly burdensome or equivalent safety can be demonstrated through alternative measures.

**Process:** Exemptions typically require 1. A formal request by the applicant 2. Justification that safety/security or operational standards will not be compromised and 3. Review and approval by the regulatory authority.

**Example:** An airline requests an exemption to operate a type of flight outside the usual duty time limits for crew, with safety mitigations in place.

### 1.6.2 Acceptable Means of Compliance (AMC)

AMCs are guidance materials issued by aviation authorities to provide acceptable methods for meeting regulatory requirements.

**Legal Basis:** AMCs are not binding but provide a clear, standardized approach to compliance. If an operator follows the AMC, the regulator presumes compliance with the regulation. Alternatively, the operator can propose other means to demonstrate compliance (e.g., alternative methods/means of compliance—AMOC).

**Process:** AMCs are typically published by the regulator (e.g., EASA or CAAT) as part of regulatory guidance. Using an AMC does not require prior approval if it is already published. If deviating from an AMC, the operator must propose and justify an equivalent or better method of compliance.

**Example:** CAAT issues an AMC to demonstrate compliance with runway performance requirements. Operators may use the guidance in the AMC or propose their own method.

### 1.6.3 Key Differences

Aspect	Exemptions	AMCs
<b>Purpose</b>	Allow deviation from a regulation.	Provide guidance for compliance.
<b>Binding Nature</b>	Legally binding once granted.	Non-binding; compliance is presumed.
<b>Approval Process</b>	Requires formal application.	No approval if following published AMC.
<b>Flexibility</b>	Case-by-case basis.	Pre-established, standard guidance.

### 1.6.4 Can AMC Replace an Exemption?

No, AMCs generally cannot replace an exemption because AMCs do not waive compliance with regulatory requirements. Instead, they provide a recognized way to comply with those requirements. Exemptions go beyond compliance by authorizing deviations from the regulation itself. However, in some cases an alternative method/mean of compliance (AMOC) proposed by the operator (similar to creating a new AMC) may prevent the need for an exemption by demonstrating compliance with the same safety objectives. This approach requires the regulator's review and approval.

**Conclusion** Exemptions and AMCs are complementary tools in aviation regulation. While exemptions permit deviations from legal requirements under certain conditions, AMCs offer standardized guidance for compliance. If an operator seeks relief from compliance entirely, an exemption—not reliance on an AMC—is necessary.

## 2. CHAPTER 2 – POLICY OVERVIEW

### 2.1 General

In aviation, CAAT promotes the goal of improved aviation safety by encouraging voluntary compliance with and through the enforcement of Thailand aviation legislation and regulation.

### 2.2 Our Obligations

2.2.1 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.

2.2.2 As a Contracting State of the International Civil Aviation Organization (ICAO), the government of Thailand has an obligation to oversee the safe and efficient operation of aviation activity for which it is responsible. Further, as a signatory to the ICAO Convention on International Civil Aviation, the Government has agreed to the application of Article 12 of the Convention which states in part:

“Each contracting State undertakes to adopt measures to ensure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to ensure the prosecution of all persons violating the regulations applicable.”

2.2.3 Accordingly, CAAT supervises and administers the enforcement mandate inherent in the international agreement. Enforcement and sanctioning powers, provided by a legal framework, have been delegated to CAAT Aviation Inspectors who have the responsibility and authority to conduct investigations. However, there may be situations wherein it may not be possible to comply with the regulations because of exceptional circumstances, physical constraints, non-availability of specified equipment etc. Therefore, Section 15/14, Section 39, Section 41/90, Section 41/91 and Section 44 of the Act provides for the issuance of exemptions and CAAT need to establish a policy and procedures for issuance.

## 2.3 Policy Objectives

CAAT aims to create an environment of continuous compliance with the Act that all participants have to greatly abide by the Act. However, there will be occasions when the requirements, as applied to individual situations, may appear excessive and to go beyond the intention of the legislation. This policy sets out CAAT's approach to all those seeking exemption from obligations under the Act. Various exemption provisions have been included in the Act to accommodate such circumstances. The Director is vested with the power to make decisions regarding applications for exemption.

The purpose of exemptions is to relieve regulated entities from any unintended consequences of the legislation, while at the same time ensuring that the integrity of the law is maintained. Awareness of the need to strike this balance will guide CAAT in its consideration of exemption applications. CAAT will approve exemptions if it forms the view that they are relevant and necessary in the circumstances of a particular case.

Applications for exemptions will be assessed on a case-by-case basis. However, in all cases, we will adhere to our guiding principles which aim to ensure that CAAT achieves an equitable and effective regulatory environment with an efficient use of resources.

## 2.4 Lawfulness

We recognize that compliance with the Act and regulations is an effective approach to aviation safety. Voluntary compliance is based on the idea that members of the aviation community have a shared interest, commitment, and responsibility to aviation safety, and that they will operate on the basis of common sense, personal responsibility, and respect for others.

## 2.5 Fairness and Firmness

Exemptions will only be issued where CAAT is satisfied that it has the power to do so and that it will not compromise the integrity of the regulation. In assessing applications and issuing exemptions, CAAT will maintain its guiding principles of efficiency, fairness, integrity, transparency and firm manner. Concern about potential political consequences should not be taken into consideration when determining the appropriate exemption action.

CAAT promotes and applies a policy of fairness and firmness by:

- (a) Encouraging open communication between alleged offenders by necessity and enforcement Inspectors, especially in cases where there are mitigating circumstances;
- (b) Providing oral counselling for minor violations by necessity where there is no threat to aviation safety;
- (c) Ensuring that repeat offenders and those who willfully disregard aviation safety are dealt with firmly.

## 2.6 Handling of Complaints

Complaints by the Public or Civil Aviation Stakeholders, concerning the CAAT shall be recorded and passed to responsible department for response. Every complaint shall be responded to, and the result shall be recorded.

## **2.7 Accessibility of Officials**

The concerned CAAT Officers will be accessible to the public to explain the Exemptions Policy and Procedure Manual. Suggestions to improve this procedure are always welcome.

## **2.8 Amendment of Exemption Policy and Procedure Manual**

This Exemption Policy and Procedure Manual will be amended as required. All amendments to this Manual shall be issued by Legal Department who is the Office of Primary Interest (OPI) for this Manual.

### **3. CHAPTER 3 – TYPE OF EXEMPTION AVAILABLE**

#### **3.1 The Air Navigation Act**

The provisions of the Act apply to whole of Thailand Civil Aerodromes/Heliports and to persons on, aircraft registered in Thailand wherever they may be and also to, and to persons on, all aircraft for the time being in or over Thailand except otherwise specified.

In consonance with the above, all persons/ aircraft are expected to comply with all provisions of the Act, including its regulations made thereunder. However, there may be situations wherein it may not be possible to comply with the regulations because of exceptional circumstances, physical constraints, non-availability of specified equipment etc. Which may warrant exemptions from the Act and regulations.

#### **3.2 General Exemption**

To cater such circumstances, Section 15/14 of the Act provides the power to the Director to exempt in public interest and does not affect air navigation safety, by notification through at least in CAAT Website or in any CAAT Information Network, any person, aircraft, aeronautical product, aerodrome, or aviation related service from any specified requirement(s) in any regulations order, notice, circular, directive, guideline or requirement, issued under this Act in either wholly or partially, subject to such conditions, if any, as may be specified in such notification.

#### **3.3 Specific Exemption**

On the other hand, Section 39, Section 41/90, Section 41/91 and Section 44 of the Act provides the power to the Director to grant exemption to an applicant for a Type Certificate, any Aircraft registrant or Air Operator, Foreign Aircraft, and the applicant for a Personnel license from the operation of the conditions specified in each provision as follows;

##### **3.3.1 Exemption from the Requirement in Section 39**

Section 39 If there is an applicant for a Type Certificate under Section 38 and the Director finds that the standards prescribed in Section 34 do not govern, or may not apply to, the type proposed by the applicant because there is a development or design feature which differs from the Aircraft or Major Aircraft Appliance currently in use, the Director shall issue a letter of provisional permission under Section 38, paragraph three and specify special conditions in respect of the standards for Aircraft or Major Aircraft Appliances relating to the development or design as may be appropriate. The special conditions specified by the Director under paragraph one shall have a degree of safety not lower than the standards under Section 34.

##### **3.3.2 Exemption from the Requirement in Section 41/90**

Section 41/90. If it is necessary for any Aircraft prohibited from flying under Section 41/89 to fly back to the base of the Aircraft registrant or Air Operator, to fly to a repair station, or to fly for avoidance of impending danger; or if it is necessary to allow any Aircraft having a Certificate of Airworthiness to make a flight apart from the limitations specified in the Aircraft manual, the

Director may, upon finding that such Aircraft is capable of safe flight for that purpose, permit in writing that the Aircraft fly to that place, subject to the conditions specified by the Director.

### **3.3.3 Exemption from the Requirement in Section 41/91**

Section 41/91 upon finding that any Foreign Aircraft not in flight may be unsafe for operation, the Director shall communicate with the pertinent officials of the country of the Aircraft registrant. Upon finding that a Foreign Aircraft which is intended to fly may be unsafe or may cause damage, the Director shall have the power to order that such Aircraft be prohibited from flying in the Kingdom unless it conforms to the conditions specified by the Director. The provisions of Section 41/90 shall apply mutatis mutandis.

### **3.3.4 Exemption from the Requirement in Section 44**

Section 44. An applicant for a Personnel license shall have the following qualifications:

- (1) Being of Thai nationality;
- (2) Being of good conduct;
- (3) Being of an age, good health, knowledge and skills as prescribed in the

Regulations of the Civil Aviation Board. When there is necessity or there are special grounds in a particular case, the Director shall have the power to grant exemption from the qualifications as specified in this Section in accordance with the rules and procedures designated by the Minister.

Although the Act do not specifically provide for applications for exemption, in practice CAAT will require a written application from any person seeking exemption under the Act. CAAT's guidance note on exemptions explains the application process and should be read in Chapter 5.

## **3.4 Policy for Exemptions**

3.4.1 Exemptions under Section 15/14, 39, 41/90, 41/91 and 44 of the Act shall be granted by the Director.

3.4.2 CAAT shall carry out a technical evaluation of the application for grant of exemption.

The exemption, if granted, shall contain conditions/limitations for the person/organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained.

3.4.3 Before granting an exemption under Section 15/14, the Director shall be satisfied in the circumstances of each case that —

- (1) the requirement has been substantially complied with and that further compliance is unnecessary;
- (2) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement;
- (3) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or
- (4) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case, and that the risk to safety will not be significantly increased by the granting of the exemption.

3.4.4 The exemption, once approved, shall be published as soon as practicable at least in CAAT Website or in any CAAT Information Network and after the expiry of the period of exemption, the notification shall be removed from the website or network.

3.4.5 Exemptions shall be reviewed by CAAT with respect to the conditions or mitigation measures.

3.4.6 Holder of exemption (i.e. Air Operator, individual or organization) shall have to carry a copy of exemption document while in operation.

**Note:** *The term “exemptions” also includes exceptions, deviations, variations and prolongs extensions.*

## 4. CHAPTER – PROCEDURE FOR GRANTING OF GENERAL EXEMPTIONS

### 4.1 Authority Empowered to Grant Exemption

Section 15/14 of the Act provides the power to the Director to exempt in public interest and does not affect air navigation safety, by notification through at least in CAAT Website or in any CAAT Information Network, any person, aircraft, aeronautical product, aerodrome, or aviation related service from any specified requirement(s) in any regulations order, notice, circular, directive, guideline or requirement, issued under this Act in either wholly or partially, subject to such conditions, if any, as may be specified in such notification.

In reference Section 15/14 of the Act the Director shall possess the discretionary power to grant or refuse application for exemptions. In general, the exemptions are granted to Aerodrome Operations in exceptional circumstances involving insurmountable geographical or other physical problems. However, in practice exemptions are more frequently granted for Personnel Licensing, Flight Operation, Air Navigation Service, and Airworthiness areas. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained. The exemption, if granted, may contain conditions/limitations for the person/organization to follow while operating under the exemption.

### 4.2 What Exemption Can Be Granted Under Section 15/14

4.2.1 An exemption may be sought or be granted from particular provisions contained in the published CAAT binding instruments, listed below:

- Regulations (Regulations/Requirements/Notifications/Orders/Rules)
- AMCs
- Directives
- Any other binding requirement published by CAAT.

4.2.2 Notwithstanding point 4.2.1, exemptions from the CAAT requirements might be accepted for the review by CAAT. However, not all of the requirements could be exempted. In this regard, consideration shall be given to the fact that compliance with some special requirements shall be achieved through very specific practices which are widely implemented and highly accepted by the aviation industry. Moreover, CAAT may consider other reasons to reject reviewing or granting an Exemption.

### 4.3 Means of Granting an Exemption

4.3.1 The Director can issue an exemption from regulation(s) / requirement(s) in accordance with this procedure manual either on written application by the applicant or its own initiative.

**Note:** When an exemption is issued at the initiative of CAAT, this exemption normally applies to a class or group (i.e. all operators of a type of aircraft, or all holders of a class of rating) and rarely to an individual operator or person.

4.3.2 The application for exemption shall be submitted using the application form in **Appendix 1**.

4.3.3 The Director may call for any supportive document(s) which are considered necessary for the determination of the application.

4.3.4 The application for exemption will be granted or denied using the specific form in **Appendix 2**.

#### **4.4 Required Processing Time**

4.4.1 Unless otherwise agreed by CAAT, an application must be received at least 90 working days prior to when the exemption is required. CAAT considers that an exemption against the regulations, is a last resort and the intent of introducing a 90 working days timeframe is to:

- Ensure that the exemption application is given proper consideration;
- Encourage the industry to adopt proper planning and management fall back strategies;
- Ensure that an exemption is absolutely necessary rather than a convenient method of complying with the regulations.

4.4.2 CAAT is aware that there might be unforeseen circumstances when an exemption will be required within a very short time frame. In these circumstances, CAAT will consider a late application provided that, the applicant submits suitable justification as to why the application was not submitted 90 working days prior to when the exemption is required. CAAT will not accept poor planning or commercial impact on business as suitable justification.

4.4.3 Notwithstanding point 4.4.1 and 4.4.2, in an emergency case, the application will be processed without delay when supporting evidence(s) (acceptable to the Director) has been submitted justifying the emergency situation and no other means exist to comply with the applicable requirement(s) in such emergency situation.

4.4.4 CAAT will also need to determine if the reduced timeframe available (in accordance with point 4.4.2 and/or 4.4.3) will be adequate for proper assessment of the safety/security impact.

4.4.5 An application will be rejected if the submitted evidence(s) does not justify the failure to apply in a timely manner or being in an emergency situation.

#### **4.5 Where to Apply for an Exemption**

An application for an exemption must be submitted to the Director. The application must be in writing using the form in Appendix 1 and should be submitted directly through channel as specified by CAAT.

## 4.6 Requirement for Application

### 4.6.1 General

Applications for an exemption should be submitted in prescribed form to the Director. (The Application for Exemption Form **Part A is presented in Appendix 1**).

- (1) The request must contain the applicant's:
  - (a) Name
  - (b) Street address and mailing address, if different.
  - (c) Telephone number
  - (d) Email address if available.
  - (e) Agent for all purposes related to the application.

(2) If the applicant is not a citizen or legal resident of Thailand, the application must specify Thai agent for service.

### 4.6.2 Substances of the Request for Exemption

- (1) The application for exemption shall clearly state-
  - (a) The reasons for seeking exemption and shall be supported with the reasons for non-compliance;
  - (b) Safety and Risk assessments report (s), Analysis, Aeronautical Studies, etc. as appropriate which may deem fit, along with the means of mitigation measures adopted to reduce the risk arising due to non-compliance after carrying out a safety assessment and indication as to when compliance can be expected.

#### Risk Assessment Criteria

The applicant is required to include detailed criteria and processes for conducting risk assessments, as follows:

1. **Risk Assessment Guidelines:**
  - 1.1. Require applicants to submit risk assessment reports using an acceptable methodology (e.g., ICAO Doc 9859, Safety Management Manual).
  - 1.2. Ensure the reports include:
    - 1.2.1. **Hazard Identification:** Identify risks associated with non-compliance.
    - 1.2.2. **Risk Analysis and Assessment:** Analyze the likelihood and severity of potential outcomes.
    - 1.2.3. **Risk Mitigation Measures:** Propose mitigation measures to reduce risks to an acceptable level.

2. **Risk Matrix:**

2.1. Add a **Risk Matrix** to determine risk levels (Low/Medium/High) based on likelihood and severity.

3. **Objective of Risk Assessment:** State that the assessment must demonstrate that the level of safety/security achieved is equivalent to or higher than the safety level established by the original regulation.

**Mitigation Actions**

The applicant is required to provide details on designing and monitoring risk mitigation measures:

1. **Guidelines for Mitigation Measures:**

1.1. Require applicants to propose mitigation actions, such as additional training, improved operational procedures, or enhanced safety equipment.

2. **Monitoring and Compliance:**

2.1. Specify how CAAT will monitor the implementation of mitigation measures, including site inspections and periodic reviews of reports submitted by the applicant.

**Maintaining an Equivalent Level of Safety/Security**

Add a section that emphasizes:

1. Exemptions must not compromise aviation safety/security.

2. Applicants must demonstrate that:

2.1. The proposed mitigation measures can maintain an equivalent level of safety/security to the original regulation/requirement.

2.2. There will be no adverse impact on ICAO Standards and Recommended Practices (SARPs).

(2) Applications must contain the following:

(a) A citation of the specific requirement from which the applicant seeks relief;

(b) Description of the type of operations to be conducted under the proposed exemption;

(c) The proposed duration of the exemption;

(d) Whether the exemption will affect a particular kind of operation, the details thereof;

(e) An explanation of how the exemption would be in the public interest, that is, benefit the public as a whole.

(f) The category under which exemption sought (temporary/ permanent) and justifiable reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory.

- (i) A detailed description of the alternative means by which the applicant will ensure a level of safety/security equivalent to that established by the regulation/requirement in question;
  - (j) A review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware;
  - (k) If the applicant seeks to operate under the proposed exemption outside of Thailand airspace, the application must also indicate whether the exemption would contravene any provision of the Standards and Recommended practices of the International Civil Aviation Organization (ICAO).
- (3) The action plan for rectification and review of for temporary exemption, including the mitigation measures adopted for ensuring the safety during the exemption period.
- (4) If a permanent exemption is sought, the applicant has to indicate the mitigation measures adopted to reduce the risk arising due to non-compliance after carrying out a safety assessment.
- (5) Undertaking by the person/ organization that he shall annually review the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the activity are proposed.
- (6) The applicant should provide adequate information in the prescribed pro forma for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.
- (7) If the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely manner.
- (8) If the application is for a renewal of an existing exemption, the application must include reasons why a further exemption is required. In addition, evidence of the applicant actions taken to meet the regulatory requirement and of reviewing the exemption conditions as well as monitoring of the risk assessment or aeronautical study may also be required prior to further processing.
- (9) To the extent that an application does not provide either information required or information which is necessary for proper consideration of the application, CAAT may request further information (see point 4.7 below) and if the requested information is not provided in a timely manner, then CAAT may reject the application.

## **4.7 CAAT Consideration of Application**

4.7.1 In considering an application, CAAT regards aviation safety and security as the paramount consideration. With this in mind, CAAT may ask the applicant to:

- provide further information;
- provide a copy of specific documents;
- undertake a test or tests of competence;
- come to a CAAT office to be interviewed;

- carry out a demonstration.

4.7.2 Considerable research and investigation are often required before CAAT can make a determination. Therefore, the application should be made at least 90 working days before the requested start date. Only in exceptional circumstances will CAAT consider an application with a requested start date less than **90 working days** after the date of application (see point 4.4.3 above).

4.7.3 In processing each application, CAAT will consider all the information provided as well as anything in its records concerning the applicant. If there is anything adverse to the applicant in its records which CAAT intends to take into account, CAAT will inform the applicant in writing that it intends to take this information into account and will invite the applicant to make a written submission about the matter within a reasonable period. If the applicant responds with a written submission within that time, then CAAT will take the response into consideration.

4.7.4 If the applicant previously held an exemption that was revoked, CAAT will take the reasons for the revocation into account as well as the evidence that the applicant submits about their capacity to carry out the functions necessary to gain the exemption.

4.7.5 Where a technical evaluation of the request imposes a significant burden on the Director's technical resources, the request might be denied on that basis.

## 4.8 Technical Evaluation

4.8.1 Prior to granting any exemption a technical evaluation shall be performed by authorized inspector(s) of the concerned department(s) within CAAT, determining the technical aspects and required conditions of said exemption. To perform the technical review, the Inspector(s) will take into consideration:

- (1) whether the exemption is based on a robust rationale (see point 4.8.2);
- (2) whether the exemption would be in public interest;
- (3) whether granting the exemption would jeopardize aviation safety/security (see point 4.8.3);
- (4) whether the exemption would contravene the applicable ICAO SARPs (see point 4.8.4).

4.8.2 Exemption from any specified regulation or requirement shall be supported by a robust rationale which indicates the conditions of Section 15/14 of the Act in which:

- (1) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders have been substantially complied with and that further compliance is unnecessary;
- (2) The actions to be done or are being performed are in accordance with or more effective than actual compliance with the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter;
- (3) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are clearly unreasonable or inappropriate in the particular case; or

(4) There are facts in that case cause the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are unnecessary or inappropriate to comply with and may increase the risk of the civil aviation safety and security of the country if not grant an exemption.

4.8.3 An exemption will not jeopardize aviation safety/security, once granted if the following conditions are met:

(1) the foreseen achievable level of safety/security is supported by an appropriate safety/security risk assessment or aeronautical study;

(2) the applicant safety/security risk assessment or aeronautical study is performed in accordance with an acceptable methodology;

(3) notwithstanding point (2), in exceptional circumstances where the said acceptable methodology does not cover the context of the requested exemption, the applicant can propose an equivalent methodology or study to be reviewed by CAAT Inspector(s);

(4) the exemption conditions (i.e. control/mitigation measures) proposed by the operator, are properly designed to achieve the same level of safety/security of the concerned Regulations/Requirements.

(5) notwithstanding point (4), the conditions sought by the applicant might be subject to change based on CAAT Inspector(s) technical evaluation to provide a level of safety /security equivalent to that established by the concerned Regulations or Recruitments. In such case any additional or modified conditions shall also be implemented prior to application of the granted exemption;

4.8.4 If granting an exemption contravene ICAO SARPs, the CAAT Inspector will notify Aviation Safety Management and Standards Assurance Office (SMO) who would initiate an inter-department meeting, including NCMC. The purpose of the meeting is to perform these actions:

(1) determine if granting the exemption would be classified as a “significant difference” as per established procedures;

(2) If required, prepare the details of the notification of difference to ICAO as per established procedure (SMO will follow up if the exemption is granted);

(3) determine additional conditions which applicant shall comply, while operating especially outside Thailand’s Territorial airspace;

(4) perform a cost-benefit analysis on which the exemption would be granted/denied;

(5) documents the outcomes of the meeting in the provisions of the recommendation to the Director (see point 4.8.5) and results of point (3) above into the notification of decision (see point 4.9).

4.8.5 Recommendations of the technical evaluation shall be sent to the Director, as to whether the exemption should be granted or denied, and whether any condition not sought by the applicant should be part of the exemption.

## 4.9 Notification of Decision to the Applicant

4.9.1 CAAT will notify the applicant in writing of its decision stating the following particulars:

- (1) The reference number of the application;
- (2) The full name of the applicant;
- (3) A reference to the requirement for which exemption is granted;
- (4) The expiry date of the exemption;
- (5) Conditions or limitations;
- (6) If CAAT refuses to grant an exemption, or imposes conditions not sought by the applicant, then CAAT will give reasons for its decision.

4.9.2 Where CAAT is of the opinion that the grant of an exemption may affect other operators or service providers adversely, it may, as soon as practicable, notify the concerned bodies indicating the following;

- (1) a reference to the exemption;
- (2) the details of the applicant;
- (3) a reference to the requirement from which exemption was sought;
- (4) a brief description of the general nature of the exemption sought; and
- (5) the due date by which the representations referred to in point 4.9.6 hereunder must be submitted to CAAT.

4.9.3 CAAT Exemption Database shall be updated by Legal Department with relevant details and conditions of each exemption.

4.9.4 Details of all exemptions granted will be published on the CAAT website (<https://www.caat.or.th/th/archives/66173>)

4.9.5 If the exemption affects a significant population of the aviation community of Thailand the Director shall also publish the summary in its aeronautical information publications.

4.9.6 Any person may, after the publication of the exemption, address in writing representations to CAAT against or in favor of it, as soon as practicable.

## 4.10 Terms, Conditions and Limitation of an Exemption

4.10.1 CAAT may impose conditions on an exemption which are necessary in the interests of aviation safety/security. All conditions imposed by CAAT will be in writing and set out in the Letter Exemption (signed by the Director). CAAT will provide reasons for imposing conditions which were not sought by the applicant.

4.10.2 CAAT will typically impose a condition on an exemption that a copy of it be included in a relevant document in the possession of the exemption holder, for example, its operations manual, procedures manual, aircraft logbook, personal logbook, etc.

4.10.3 As an example, CAAT may also impose conditions relating to the circumstances in which the exemption is operative, the procedures to be used by the holder of the exemption, or record-keeping by the holder of the exemption. CAAT may also impose conditions on an exemption relating to alternative means of compliance.

4.10.4 A breach of a condition or a person who does not comply with an exemption does not gain the benefit of the exemption, and hence may also be in breach of the provision of regulation/requirement from which the exemption has been granted.

#### 4.11 Exemptions are Not Transferable

4.11.1 An exemption is not transferable. They are not a property and cannot be handed from person to person. As exemptions are generally issued to specified legal entities, should another entity wish to take advantage of the exemption, it may apply for a similar exemption, detailing their own conditions. This includes exemptions which may be issued in relation to aircraft or facilities which, as property, can be transferred.

4.11.2 An aircraft or facilities which, as property can be transferred, shall not transfer any exemption issued to the previous operator/owner. The said exemption upon transfer will be ceased.

As an example, if the exemption is granted to the owner of a particular aircraft and the owner sells the aircraft, the exemption will cease upon sale of the aircraft. If an exemption is granted in relation to an aerodrome and the person who was granted the exemption no longer operates the aerodrome, the exemption will also cease. The new operator/owner may require operating under similar exemption, they would be required to apply for a similar exemption.

#### 4.12 Extension of Exemptions

4.12.1 The process for extension of an exemption, is equivalent to the issuance process (see point 4.6 above). An applicant for extension of an exemption must set out in writing the details of the exemption. However, the applicant should be relieved from resubmission of those information or documents which have not changed since the initial exemption was issued.

**Note:** The term “Extension” used here should be segregated from ICAO term “Prolonged extension”.

4.12.2 Application for extension of an exemption does not entitle the applicant to the granting of a further exemption in the same or similar terms. Each application will be assessed on its merits at the time of the application.

4.12.3 The applicant shall include with the application a statement outlining in detail, the reason(s) as to why the extension of the exemption is necessary.

4.12.4 The above-mentioned reason(s) shall additionally justify why the applicant still could not comply with the relevant Requirement.

4.12.5 In any case, a unique exemption shall not be extended more than two (2) times.

#### 4.13 Validity of an Exemption

4.13.1 The validity (duration or life span) of the exemption cannot be more than twelve (12) months unless otherwise determined differently as per the discretion of the CAA based on the severity of the exceptional circumstance.

4.13.2 The validity of an extension to an exemption shall be half of the validity period as mentioned in point 4.13.1.

4.13.3 An exemption granted from the specified regulations/requirements and as per this procedure manual shall cease as follows:

- (1) At the end of its validity as specified in the approval letter of exemption; or
- (2) At any time that the exemption has been Revoked or Suspended by CAAT; or
- (3) In case where the applicant has cancelled the exemption, at the time CAAT accepts the cancellation.

#### **4.14 Suspension of Exemptions**

4.14.1 The Director may suspend an exemption, if continuation of the exemption may threaten aviation safety. Such suspension shall be notified to the holder of the exemption.

4.14.2 Suspension may lead to revocation of an exemption, if after CAAT inspector(s) review revealed that continuation of exemption in any applicable condition would threaten the aviation safety/security.

4.14.3 However, if by imposing additional conditions aviation safety/security would no longer be compromised, the suspension may be removed and exemption reinstated.

#### **4.15 Revocation of Exemptions**

4.15.1 CAAT may at any time revoke an exemption in the interests of safety/security. This may occur as a result of the applicant not complying with the conditions of the exemption, or special circumstances arising and CAAT becoming aware that continuation of the exemption may threaten air safety/security. Additionally, CAAT may revoke an exemption on request by its holder (i.e. Cancellation).

4.15.2 If CAAT decides to revoke an exemption other than on request, it will normally give the holder of the exemption reasonable notice of its intention to do so and provide them with the opportunity to respond. CAAT will take the exemption holder's response into account in deciding whether or not to revoke the exemption. CAAT may not provide prior notice of its intention to revoke an exemption in circumstances of serious and immediate risk to air safety/security, or where there is reasonable assurance (to the CAAT) that the applicant is breaching a condition of the exemption or a related provision of the regulations/requirements.

4.15.3 Where CAAT revokes an exemption, it will do so in writing and will state the reasons for the revocation.

#### **4.16 Exemptions Issued on CAAT Initiative**

4.16.1 CAAT may issue an exemption on its own initiative. This might occur if there is an obvious flaw in the regulations/requirements and the only means of addressing this in the short term would be by exemption. In that case, CAAT would normally seek to amend the regulations/requirements through the normal process, with a view to revoking the exemption.

4.16.2 The department initiating the Exemptions issued on CAAT initiative, is required to complete a safety/security risk assessment or aeronautical study as well as proposing acceptable controls and mitigations in the proposal submitted to Director.

4.16.3 Exemptions issued on CAAT's own initiative are legislative instruments and are subject to the same provisions in relation to commencement, duration, revocation, publication, renewal and transferability as exemptions issued on application by a person.

## 4.17 Exemptions in Exceptional Circumstances

4.17.1 During exceptional circumstances such as a major disaster, pandemic, or a large-scale emergency requiring the exemption relief from any specified regulations/requirements under the Act, CAAT can grant an exemption on its own initiative or on an application from Government or industry.

**Note:** *Covid-19 pandemic is examples of exceptional circumstance.*

4.17.2 Under these types of circumstances, an application can be made in any way that is reasonable. This may be by phone, radio or any other communication method that is available at the time.

4.17.3 As time is critical in such circumstances, CAAT may notify applicants or affected parties verbally of the granting of the exemption and will follow up with a written notice.

4.17.4 CAAT will publish the appropriate details of the exemption on the CAAT website.

4.17.5 Exemptions issued in exceptional circumstances shall have a maximum duration of twelve (12) months, unless otherwise determined differently as per the discretion of the CAAT based on the severity of the exceptional circumstance.

## 4.18 Retention of Records

4.18.1 The duration for which the record will be held is related to the granted time period for the exemption.

4.18.2 Any letters issued to ICAO and other States in relation to exemptions must be retained indefinitely on the appropriate file.

4.18.3 The technical department's authorized inspector which evaluates the exemption sought shall retain the records in the file of each individual or organization as per established procedures and the records should be available upon request of the authorized person or internal/external auditor.

## 4.19 Procedure for Reviewing the Application for Exemption in CAAT

### 4.19.1 General

Compliance with Thailand Civil Aviation regulatory requirements is obligatory. However, on some occasions, there might be instances where full compliance is not feasible. In those instances, exemptions may be granted by the Director. Such measures must be supported by appropriate, robust and documented safety/security risk assessments or aeronautical studies and imposition of limitations, conditions or mitigation measures, as appropriate.

Exemptions should not be used to overcome an unpopular requirement or to suggest that compliance with a requirement is optional. The use of the exemption mechanisms needs to be the exception, not the norm.

Any exemption should only be granted on the basis of a robust rationale. Therefore, the issuance of exemptions that are not supported by safety/security risk assessments or aeronautical studies and by thorough reviews by CAAT Technical Departments and their inspectors is not acceptable. A safety/security risk assessment or aeronautical study should be developed by the applicant to demonstrate whether an equivalent level of safety/security or an alternative acceptable means of compliance can be achieved. Review and acceptance of such an assessment or study should be performed by CAAT Technical Departments and their inspectors before finally being granted by the Director.

All cases involving the granting of exemptions should be fully documented and the outcome should be published on the CAAT website. The publication should include references to relevant limitations, conditions or mitigation measures, as appropriate. Furthermore, the applicant needs to regularly review any exemptions with a view to removing the need for such exemptions, where possible, as well as check the validity and robustness of any mitigating measures in place. The CAAT inspectors also need to assess, before granting an exemption, whether it would lead to differences from SARPs and, if so, ensure that the CAAT notifies ICAO of the differences.

**Note:** The term “exemptions” also includes exceptions, deviations, variations and prolonged extensions.

#### **4.19.2 Applicability**

This procedure and guidance should be followed by all CAAT Technical department's Managers, Head of divisions and its inspectors who are involved in the reviewing of an application for exemption. This is inclusive of administrative actions, assessment and review of safety and technical considerations of an Exemption application and the recommendation of issuance of the final exemption document by the department to the Director. Following procedure guides the above-mentioned involved personnel (including the inspectors) in order to comply with Article 15/14 of the Act requirement and this procedure Manual.

#### **4.19.3 (Pre-requisite) Actions by Applicant (see Section 4.5)**

Application for Exemption (available on the CAAT website) should be submitted to CAAT by applicant, and should be accompanied with a risk assessment and mitigation action, safety/security or aeronautical study as appropriate.

**Note:** The applicant might be or became familiar with the process through the related sections of this procedure manual which is available on the CAAT website or receiving additional guidance from the relevant CAAT technical department.

#### 4.19.4 Assignment of the relevant CAAT Technical Department

(1) The Director is the first point which receives the Exemption Application. The Director will decide that which technical department should review this applications case by case and will forward the application to the relevant department Manager to be processed.

(2) The relevant CAAT technical department could be any of the:

- (a) Personnel Licensing Department (PEL)
- (b) Flight Operations Standards Department (OPS)
- (c) Airworthiness and Aircraft Engineering Department (AIR)
- (d) Aerodrome Standards Department (AGA)
- (e) Air Navigation Services Standards Department (ANS)
- (f) Unmanned Aircraft Standards Department (UAS)
- (e) Other concerned Department

#### 4.19.5 Assignment of the Inspector for the review

Technical Department Manager will assign an inspector through the relevant Head of Division for review the application and accompanied documents.

#### 4.19.6 Inspector Procedure to be followed:

(1) Assigned inspector reviews and verifies Part A of the Exemption Application. In case of any discrepancies, the inspector informs the applicant for correction or provides sufficient clarification, justification or additional relevant documents.

(2) The inspector shall complete Part B1 of the Exemption Application (The Application for Exemption Form Part B -Technical Assessment Form for Exemption Requests is presented in **Appendix 2**) and perform the required Technical Evaluation as appropriate for the case in hand. For this purpose, the inspector shall ensure that all associated hazards are identified and appropriately mitigated to the acceptable tolerability level by the applicant and the inspector will document his review/assessment in the relevant section of Part B of the Exemption Application. (**Guideline for Safety Risk Assessment is available in the Appendix 3 and for the Security Risk Assessment, refer to the matrix and methodology outlined in the CAAT Aviation Risk Assessment Handbook of Thailand.**)

If the exemption is not justified enough or it has not been supported by appropriate Risk Assessment, Safety/Security or Aeronautical Study from the applicant, the inspector shall inform the Director through his/her Head of Division and Manager to inform the applicant for rejection of their application. Otherwise, the inspector shall indicate the terms, conditions and limitations as appropriate for the case in the same section (there is a designated table for these items). These terms, conditions and limitation shall be based on the result of the Risk assessment and inspector review.

(3) The inspector shall also prepare the draft of the final Exemption Document. The draft shall include the terms, conditions and limitations as well as the relevant details of the exemption.

(4) Then, the inspector shall submit the application, its attachments and the draft of Exemption Document to the Head of Division for review.

#### **4.19.7 Technical Department Head of Division**

(1) The Head of Division will review and assess the inspector's review/ assessment (reflected in Part B2 in relation to Part A) and draft of the Exemption Document including the imposed limitations or conditions, he/she will complete the first table of Part B2 of the Application and forward them to the Department Manager for the final review.

(2) In case of any necessity to change the imposed limitations or conditions, the Head of Division shall return the Application and inform the inspector for further review. Otherwise, the Head of Division will forward the file to the department Manager for the final review.

#### **4.19.8 Technical Department Manager:**

The Manager reviews the application, and the draft of the Exemption Document. If it is acceptable, he/she will complete the second table of Part B2 of the Application and submit them to the Director through the Legal Department for issuance of the Exemption document.

#### **4.19.9 Legal Department Review**

The Legal Department ensures that the exemption request and supporting documents comply with Thai aviation laws, CAAT regulations, and international obligations, particularly ICAO Standards and Recommended Practices (SARPs). The Legal Department either recommends proceeding with the exemption, subject to conditions, or advises denial based on legal conflicts or risks, he/she will complete the third table of Part B2 of the Application and forward the application package to the Director.

#### **4.19.10 The Director Final Review and Approval:**

(1) the Director reviews the Application and the draft Exemption Document. If he finds them acceptable and complete, will fill the fourth table of PART B2 of the application (reflects Granted or Denied in the first row of the table)

(2) for Granting an Exemption, the Exemption Document (inclusive of the imposed limitations or conditions, the Validity of approval) will be approved. (not applicable to Denied Applications)

(3) for Denying an Exemption, the denial official letter will be sent to the Applicant in response to his request. This letter will be drafted by the Technical Department (review by Legal Department), however the Technical Department inspector who was assigned for the Application review, will submit technical reasoning behind the denial to be reflected in the denial letter.

(4) The Technical Department will inform the Applicant on the result (in case of approval the Exemption Document, or in case of denial/rejection and official letter) using CAAT's official communication channels. The related CAAT Technical Department Manager should be in copy for the above-mentioned communications.

**4.19.11 Technical Department Documentation**

(1) Once the formal final documentation is received from the Director Office by the Technical Department and its inspector, the inspector will update their exemption registry (which is normally available in their Shared-Folder) as specified in point 4.20 of this chapter.

(2) The relevant documents (Application and its attachment, Exemption Document or Denial Letter and any other relevant document) shall be kept in the department archive system for the duration indicated in the point 4.18 “Retention of Record” of this chapter.

**4.19.12 Notification to Difference to ICAO (if any)**

If the exemption raised any non-compliance with the ICAO SARPs which should be notified as a significant difference to ICAO, the Inspector will cooperate with SMO to perform the necessary action as per relevant requirements and the established procedures within the Manual for ICAO SARPs Management and Development of Legal Framework for Regulatory Oversight (CAAT-SAM MANUAL) and will update the CC/EFOD accordingly.

**4.19.13 Publication on the CAAT website**

(1) The inspector should send a pdf copy of the Approved Exemption Document to the Legal Department to be published on the CAAT website.

(2) The Legal Manager will forward the Document to the Authorized personnel within his department, who has the admin access to the CAAT website. The Legal Department will publish the Exemption Document on the dedicated webpage, structures as below in the CAAT portal.

CAAT website --> Media --> Announcements --> Exemptions

**Note:** The exemption should be published on a table including the below details in a sequence based on their approval time in which the older comes first and newer goes last:

Exemption No.	Name of Operator/Individual	Type of Exemption (Temporary /Permanent)	Description of Exemption and Condition and Limitation (if any)	Given Date	End Date	Document (Link)

#### 4.19.14 Monitor and Audit Operations Post-Exemption

If the exemption is granted despite the violations, CAAT must:

- (1) Closely monitor the operations to ensure compliance with the conditions and limitations imposed.
- (2) Conduct regular audits to verify the effectiveness of the mitigation measures. Reassess the exemption periodically to determine whether it should continue or be terminated.

#### 4.19.15 Process Flow

The process flow chart is available in the **Appendix 4** for further guidance.

#### 4.19.16 Timelines

The process timelines for the above procedure should be as per the table below:

No.	Process	Who is responsible	Outcome of the process	Process Timeline
1	<b>4.19.3 - Exemption Application Submission</b>	Applicant	Submit application to CAAT	At least 90 working days prior to when the exemption is required Except Emergency case
2	<b>4.19.4 - Assignment of the relevant CAAT Technical Department</b>	The Director	Technical department(s) engagement	Up to 3 Working Days from reception
3	<b>4.19.5 - Assignment of the Inspector</b> Technical Department Manager will assign an inspector through the relevant head of section for review the application and accompanied documents.	Technical Department Manager	Inspector assigned on the task	Up to 2 Working Days
4	<b>4.19.6.(1) - TECHNICAL EVALUATION -</b> Part A review and verify Part A of the Exemption Application	Inspector	Initial Acceptance or Rejection	Up to 3 Working Days
5	<b>4.19.6.(2) - TECHNICAL EVALUATION - Part B1</b>	Inspector	Rejected application	Up to 10 Working Days
6	<b>19.6.3 &amp; 4 - Draft Exemption Document &amp; Submitting to the Manager</b>	Inspector	Filled Part B1 & Draft Exemption Document	Up to 3 Working Days
7	<b>4.19.7 - Technical Department Head of</b>	Relevant Head of Division	Verification of Head of Division.	Up to 3 Working Days

No.	Process	Who is responsible	Outcome of the process	Process Timeline
	<b>Division's review</b>			
8	<b>4.19.8 Technical Department Manager's review</b>	The Department Manager	Recommendation for Director Approval or Denial	Up to 3 Working Days
9	<b>4.19.9 Legal Department Review</b>	Legal Manager	Ensures the exemption complies with Thai laws, ICAO standards, and CAAT regulations	Up to 5 Working Days
10	<b>4.19.10 The Director Final Review</b> Completing the second table of Part B2 of the application	The Director	Completed Application; Approved Exemption Document or Denial Letter	Up to 5 Working Days
11	<b>4.19.11 Technical Department Documentation</b>	Inspector	Updated exemption registry; Submission to LEG	Up to 2 Working Days
12	<b>4.19.12 Notification of Difference to ICAO (if any)</b> If the exemption raised any non-compliance with the ICAO SARPs	Inspector/SMO	update the CCEFOD accordingly (if needed).	CAAT-SAM Manual Timeframe
13	<b>4.19.13 Publication on the CAAT website</b>	Assigned LEG Staff	Publishing exemption on the CAAT website	Up to 4 Working Days
14	<b>4.19.14 Monitor and Audit Operations Post-Exemption</b>	Inspector	Closely monitor the operations, Conduct regular audits	Technical Department's Audit Plan

## 4.20 Exemption Registry Database

4.20.1 Each department within CAAT shall maintain its own Exemption Registry Database on all exemptions that has been issued in their area of activity.

4.20.2 This database shall record the following information as minimum:

- Exemption Number (CAAT-EXE-XXX(Department -01-2024) (required)
- Official Reference number given to application (required)
- Applicability of Exemption (required)
- Applicable Regulation/Requirement (required)
- List the applicable regulation/standard (for ex: CAAT-REG-XXX.YYYY) (required)

- Applicant's Name and details (required)
- Effective Date (required)
- Expiry Date (required)

4.20.3 In addition to the above, depending to the nature and complexity of the department's activities, it might be required to record extra fields in its Exemptions Registry Database. Below items are a non-exclusive list of fields which can be recorded as well:

- Validity Duration (optional)
- Brief description of exemption (optional)
- Responsible Department (optional)
- Remarks (optional)

## 4.21 Conclusion of Exemption Evaluation and Approval Process

The exemption evaluation and approval process ensure that each request is reviewed comprehensively and systematically by multiple levels within CAAT. This sub-chapter outlines the key steps in the process, including technical evaluation, managerial review, legal compliance, and the Director's final decision. The goal is to ensure that exemptions are granted only when they align with aviation safety, operational oversight, and public interest standards.

### 4.21.1 Technical and Risk Assessment (Inspector's Review)

The initial evaluation is conducted by the assigned Inspector in the relevant Technical Department. The inspector's role is to assess whether the exemption request maintains an equivalent or higher level of safety compared to the regulatory requirement being waived.

#### Responsibilities of the Inspector:

- Conduct a thorough technical evaluation of the exemption request.
- Analyze the safety/security implications and evaluate whether the applicant's proposed mitigation measures adequately address potential risks.
- Review the applicant's risk assessment report, aeronautical studies, and action plans for compliance with CAAT regulations.

#### Key Evaluations Include:

**1. Identification of Non-Compliance:** Determine the specific regulatory requirements involved and the extent of non-compliance.

**2. Risk Assessment:** Perform a detailed risk analysis, considering probability and severity of potential hazards.

**3. Alternative Safety Measures:** Evaluate the applicant's proposed measures to ensure they meet or exceed existing safety objectives.

**4. Comments and Recommendations:** Provide detailed observations on the acceptability of the exemption request, including conditions for approval or rejection.

The inspector's technical assessment serves as the foundation for the subsequent managerial and legal reviews.

#### 4.21.2 Head of Division Review

The Head of Division conducts an intermediate review to ensure that the inspector's evaluation aligns with CAAT's policies and operational objectives.

##### **Responsibilities of the Head of Division:**

- Review the inspector's findings, including the risk analysis and recommendations.
- Confirm that the exemption request is reasonable and supported by sufficient data and justification.
- Verify that the applicant's proposed alternative measures effectively mitigate identified risks.
- Ensure the exemption aligns with CAAT's safety/security and operational oversight framework.

The Head of Division either endorses the application for further review or requests clarifications or adjustments if necessary. This step ensures that the inspector's evaluation is comprehensive and meets CAAT's standards before escalating the application to higher managerial levels.

#### 4.21.3 Department Manager Review

At the departmental level, the Department Manager provides a broader perspective by evaluating the exemption's alignment with CAAT's organizational goals and policies.

##### **Responsibilities of the Department Manager:**

- Confirm that the exemption request has been thoroughly reviewed at the technical and divisional levels.
- Assess whether granting the exemption would compromise civil aviation safety, security, or public interest.
- Review the applicant's justification for the exemption, ensuring it is well-supported and compliant with regulatory requirements.
- Evaluate the scope and duration of the exemption to ensure they are appropriate and justified.

The Department Manager's review represents a critical decision point before the exemption request is submitted to the Legal Department.

#### 4.21.4 Legal Review

The Legal Department ensures that the exemption request complies with Thai aviation laws, CAAT regulations, and international obligations, particularly the ICAO Standards and Recommended Practices (SARPs).

**Key Evaluations Include:**

**1. Legal Compliance:** Verify that the exemption does not violate any domestic laws or ICAO obligations.

**2. Legal Soundness:** Ensure that the exemption is legally defensible and does not expose CAAT to potential liabilities.

**3. Legal Implications:** Assess whether granting the exemption could create legal precedents or implications for future cases.

**4. Recommendations:** Provide conditions, limitations, or additional actions to ensure the exemption remains compliant and safe (if applicable).

The Legal Department either recommends proceeding with the exemption, subject to conditions, or advises denial if legal conflicts or risks are identified.

**4.21.5 Director's Decision**

The final decision on the exemption request rests with the Director General, based on recommendations from the Technical, Managerial, and Legal Reviews.

**Responsibilities of the Director:**

- Summarize the findings and recommendations from all levels of review.
- Confirm that the exemption aligns with public interest, maintains an equivalent level of safety, and does not introduce unacceptable risks.
- Approve, conditionally approve, or deny the exemption request.

**Key Outcomes Include:**

**1. Approved with Conditions:** The exemption is granted, subject to specific terms, limitations, and monitoring requirements.

**2. Approved:** The exemption is granted as requested, with no additional conditions.

**3. Denied:** The exemption is rejected due to safety, legal, or operational concerns.

The Director's decision is final and forms the basis for issuing the Exemption Document to the applicant.

The Exemption Evaluation and Approval Process ensures that all exemption requests are systematically reviewed and assessed to uphold aviation safety, regulatory compliance, and public interest. Through a multi-tiered review structure involving inspectors, managerial oversight, legal evaluation, and final approval by the Director, CAAT guarantees that exemptions are granted only when fully justified and aligned with operational and legal standards.

Each stage of the process - **Technical and Risk Assessment, Head of Division Review, Department Manager Review, Legal Review and Director's Decision** - plays a critical role in maintaining accountability, consistency, and thoroughness in decision-making. The final decision by the Director ensures that CAAT's regulatory oversight remains transparent, fair, and firmly rooted in its commitment to aviation safety and security.

By adopting this robust evaluation framework, CAAT effectively balances the flexibility provided by exemptions with its primary responsibility to safeguard civil aviation safety/security, enhance

operational efficiency, and serve the public interest. This process underscores CAAT's dedication to maintaining Thailand's international reputation as a reliable aviation regulator while adhering to its obligations under national and global aviation standards.

## 5. CHAPTER 5 – PROCEDURE FOR GRANTING OF SPECIFIC EXEMPTIONS

### 5.1 Exemption from the Requirement in Section 39

#### 5.1.1 Application

This section applies to an applicant for a Type Certificate under Section 38

#### 5.1.2 Procedure for issuing exemptions

(1) The Director finds that the standards prescribed in Section 34 do not govern, or may not apply to, the type proposed by the applicant because there is a development or design feature which differs from the Aircraft or Major Aircraft Appliance currently in use.

(2) The Director issues a letter of provisional permission under Section 38, paragraph three.

(3) The Director specifies special conditions in respect of the standards for Aircraft or Major Aircraft Appliances relating to the development or design as may be appropriate. In addition, such special conditions shall have a degree of safety not lower than the standards under Section 34.

(4) The exemption, once approved, shall be included in the relevant manuals of an applicant for a Type Certificate.

(5) Exemptions of 'temporary' nature shall be reviewed annually by the Director with respect to the conditions and relevant standards.

#### 5.1.3 A period of time for Exemption

A letter of provisional permission will be effective until the Director has an order for cancellation or until the expiration of the period specified in the letter of permission.

### 5.2 Exemption from the Requirement in Section 41.90

#### 5.2.1 Application

This section applies to an aircraft owner or the person has the possessory right in such aircraft under Section 41.90

#### 5.2.2 Procedure for issuing exemptions

(1) A person/organization seeking exemption shall submit application for exemption to Airworthiness and Aircraft Engineering Department

(2) The application for exemption shall clearly state the reasons for seeking exemption and be supported with the reasons for non-compliance, safety assessment reports, along with means of mitigation and indication as to when compliance can be expected.

(3) An application for a standard exemption shall include:

- i. the applicant's name and current mailing address.
- ii. Aircraft Registration, Type and Serial Number (a copy of the Certificate of Registration or equivalent must be supplied)
- iii. Details of the airworthiness certificate and any associated Operating Limitations (a copy of the Certificate of Airworthiness or equivalent must be supplied, (if applicable)
- iv. Details of the purpose of flight and justifiable reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory.
- v. Proposed Start and End dates for the Exemption
- vi. Whether the exemption will affect a particular kind of operation, the details thereof;
- vii. The action plan for rectification and review of non-compliance for temporary exemption, including the mitigation measures adopted for ensuring the safety during the exemption period.
- viii. The applicant has to indicate the mitigation measures adopted to reduce the risk arising due to noncompliance after carrying out a safety assessment.

(4) The applicant should provide adequate information that for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.

(5) Upon receiving the application, the Director shall examine the evidentiary document of the applicant. The Director shall grant exemptions in accordance with the conditions are as follows:

- i. It is necessary for any Aircraft prohibited from flying under Section 41/89 to fly back to the base of the Aircraft registrant or Air Operator, to fly to a repair station, or to fly for avoidance of impending danger or
- ii. It is necessary to allow any Aircraft having a Certificate of Airworthiness to make flight apart from the limitations specified in the Aircraft manual.

(6) The Director or his delegate inspectors shall inspect such aircraft and consider that such Aircraft is capable of safe flight for that purpose as mentioned in (5). The exemption, if granted, may contain conditions/ limitations for the person/ organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained.

(7) The Director issues a letter of permission that the Aircraft fly to that place, and specifies special conditions under Section 41/90.

(8) The exemption, once approved, shall be included in the relevant manuals.

### **5.2.3 A Period of time for Exemption**

The exemption will be effective until the Director General has an order for cancellation or until the expiration of the period specified in the letter of permission.

## **5.3 Exemption from the Requirement in Section 41/91**

### **5.3.1 Application**

This section applies to a foreign aircraft owner or the person has the possessory right in such aircraft under Section 41/91

### **5.3.2 Procedure for issuing exemptions**

(1) The Director finds that any Foreign Aircraft not in flight may be unsafe for operation or it is intended to fly may be unsafe or may cause damage

(2) The Director shall communicate with the pertinent officials of the country of the Aircraft registrant

(3) The Director has the power to order that such Aircraft be prohibited from flying in the Kingdom.

(4) It is necessary for any Foreign Aircraft prohibited from flying as mentioned in (3). The Director shall grant exemptions for such aircraft to fly back to the base of the Aircraft registrant or Air Operator, to fly to a repair station, or to fly for avoidance of impending danger or to make a flight apart from the limitations specified in the Aircraft manual.

(5) The Director or his delegate inspectors shall inspect such aircraft and consider that such Aircraft is capable of safe flight for that purpose as mentioned in (4). The exemption, if granted, may contain conditions/ limitations for the person/ organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained.

(6) The Director issues a letter of permission that the Aircraft fly to that place and specifies special conditions.

(7) The exemption, once approved, shall be included in the relevant manuals.

### **5.3.3 A Period of time for Exemption**

The exemption will be effective until the Director General has an order for cancellation or until the expiration of the period specified in the letter of permission.

## **5.4 Exemption from the Requirement in Section 44**

### **5.4.1 Application**

This section applies to an applicant for a Personnel license under Section 44 in case of student pilot, private pilot, commercial pilot and flight dispatcher license.

### **5.4.2 Procedure for issuing exemptions**

(1) A person/organization seeking exemption shall submit application for exemption from the qualifications as specified in this Section to the Aircraft Registration and Personnel Licensing Department

(2) The applicant should provide adequate information that contains the details of applicant and exemption sought for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.

(3) Upon receiving the application, the Director shall examine the evidentiary document of the applicant. The Director shall grant exemption from the nationality qualifications as specified in this Section in accordance with the Notification of Ministry of Transport – The Procedures and Conditions for exemption from the qualifications of an applicant for a Personnel license B.E. 2559 dated 26 February 2016 and the Notification of Ministry of Transport – The Procedures and Conditions for exemption from the qualifications of an applicant for a Personnel license (Issued 2) B.E.2559 dated 14 September 2016 that are as follows:

(3.1) An applicant is non-Thai nationality

(3.2) Being approved a record and personal circumstances from Immigration Bureau, National Intelligence Agency and Office of the Narcotics Control Board that show:

- i. Applicant not prohibited from entering or departure the Kingdom as provided by the Immigration Act
- ii. Having no criminal record in Thailand
- iii. Never be sentenced by final judgment to imprisonment for an offense under the drug laws

(3.3) Having a contract, an agreement or other documents that show an applicant attended to or graduated from courses and aviation training center that are approved by CAAT. However, this condition does not force for an applicant for a private pilot license.

(4) The Director grants exemption from the nationality qualifications in writing.

(5) The exemption will be attached for consideration in a process of issuing a Personnel license for such applicant.

#### **5.4.3 A Period of time for Exemption**

The exemption will be effective until the Director General has an order for cancellation or until the expiration of the period specified in the letter of permission.

**Note:** *A request for a specific exemption under this chapter shall be submitted in the form of a letter, specifying the required details as prescribed. This request shall not follow the Part A application form in Appendix 1.*

**APPENDIX 1: APPLICATION FOR EXEMPTION – PART A**



**Application for Exemption – Part A**

**PART A: Applicant for Exemption**

This application form is to be completed by individuals or organizations requesting an exemption from CAAT regulations, requirements, or standards. All sections must be completed, and the application must be submitted to the Director General for review and assessing at least **90 working days** prior to the proposed effective date. Failure to provide sufficient information may result in delays or rejection of the application. Following the instructions in Attachment will ensure the application is complete, facilitating timely review and decision-making by CAAT.

**Exemption Number:** (Given by CAAT)

**CAAT-EXE-xxx(Department)-xx/202x**

**SECTION 1 - GENERAL INFORMATION**

1.1 This is applicant for seeking exemption for:

- Personnel
- Approved Training Organization (ATO)
- Flight Operations
- Airworthiness
- Approved Maintenance Organization (AMO)
- Air Navigation Services
- Aerodrome
- Aeromedical Organization/Office
- Unmanned Aircraft System (UAS)
- Other (specify) \_\_\_\_\_

1.2 Name of Applicant: *Name and mailing address of applicant (if an organization, include business name if different from company name)*

(1) Name of Applicant/Organization: \_\_\_\_\_

(2) Street Address: \_\_\_\_\_

(3) Mailing Address (*if different*): \_\_\_\_\_

(4) Contact Information: \_\_\_\_\_

- Telephone Number: \_\_\_\_\_

- Email Address: \_\_\_\_\_

(5) Agent for Purposes Related to the Application <i>(if applicable)</i> : <ul style="list-style-type: none"> <li>• Name: _____</li> <li>• Contact Details: _____</li> </ul>	
(6) Thai Agent for Non-Citizens or Non-Legal Residents <i>(if applicable)</i> : <ul style="list-style-type: none"> <li>• Name: _____</li> <li>• Contact Details: _____</li> </ul>	
<b>1.3 Type of License/Certificate/Approval and Number</b>	<b>Expiry Date</b>
<b>SECTION 2 – DETAILS OF EXEMPTION SOUGHT</b>	
<b>2.1 Relevant provision of CAAT regulations, requirements, or standards for which exemption is sought</b>	
<b>2.2 The category under which exemption sought</b>	
<input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT Justification:	
<b>2.3 Duration of Exemption</b>	
Period for which exemption is required: _____ Days/Months  Proposed Duration of the Exemption: Start Date: _____ End Date: _____	
<b>2.4 Reasons why the exemption is needed (The reasons provided should be detailed and self-explanation)</b>	
Reasons for Seeking Exemption:   Reasons for Non-Compliance:   Associated implication if such exemption is not granted:	

<b>2.5 Safety and Risk assessments report</b>
<p>Safety and Risk Assessments, Analysis, Aeronautical Studies (attach reports if applicable):</p> <p>Mitigation Measures Adopted:</p> <p>Indication as to When Compliance Can be Expected:</p>
<b>2.6 Description of the Type of Operations to be Conducted under the Exemption:</b>
<b>2.7 Will the Exemption Affect a Particular Kind of Operation? <i>(If yes, provide details):</i></b>
<p><input type="checkbox"/> YES                      <input type="checkbox"/> NO</p> <p>Details:</p>
<b>2.8 How the Exemption Will Benefit the Public (Public Interest):</b>
<p>What factors were considered by the applicant in the determination of Public Interest?</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p> <p>(If required additional page(s) may be included.)</p> <p>Are conditions related to Public Interest required?</p>
<b>2.9 Alternative Means to Ensure Safety/Security Equivalent to the Regulation:</b>
<p>What factors were considered by the applicant to ensure equivalent level of Safety/Security? Identify criteria and formulate as conditions of the exemption:</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p> <p>(If required additional page(s) may be included.)</p>

**2.10 Review and Discussion of Any Known Safety/Security Concerns (including relevant accidents/incidents):**

**2.11 Operations Outside Thailand Airspace**

Operations Outside Thailand Airspace (Tick One):

YES                       NO

If Yes, will the Exemption Contravene ICAO Standards?

YES                       NO

Details:

**2.12 Indicate which other parties may be affected by granting exemption**

Airlines		AMO	
Air Crew		ATO	
Air Traffic Controllers		Ground Staff	
Aerodrome		Rescue and Fire Fighting	
Security		General Public	

Other (Specify)

**SECTION 3 – ACTION PLAN AND MITIGATION MEASURES**

**3.1 Action Plan for Rectification and Review (Temporary Exemption):**

*(For temporary exemption, the action plan for rectification and review of noncompliance, including the mitigation measures adopted for ensuring the safety during the exemption period)*

Action Plan for Rectification and Review for Temporary Exemption:

Mitigation Measures for Safety/Security During the Exemption Period:

**3.2 Mitigation Measures for Permanent Exemption (if applicable):**

*(For permanent exemption, the mitigation measures adopted to ensure safety of aircraft operation. Complete safety assessment report shall be enclosed)*

Mitigation Measures for Permanent Exemption (if applicable):

Safety/Security Assessment Conducted:

**SECTION 4 – EMERGENCY PROCESSING (IF APPLICABLE)**

*(If the applicant seeks emergency processing, the application must contain Supporting facts and reasons for why the application was not timely filed and Justifications for why emergency processing is essential.)*

Supporting Facts and Reasons for Emergency Processing:

**SECTION 5 – SUPPORTING DOCUMENT CHECKLIST**

Attach all applicable documents to support the exemption request:

- Risk Assessments Report
- Analysis or Aeronautical Studies
- Action Plan for Rectification (if temporary exemption)
- Mitigation Measures (for temporary or permanent exemptions)
- Relevant Certificates or Approvals
- Any Other Supporting Documents (specify): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SECTION 6 – UNDERTAKING BY THE APPLICANT

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undersigned, hereby undertake to:

1. Annually review the conditions or mitigation measures specified under this exemption and submit periodic Progress Reports on my compliance with the exemption conditions;
2. Address any resultant non-compliance, particularly in the event of significant changes in the activity;
3. Comply with all obligations and requirements imposed by CAAT regarding this exemption.
4. Acknowledge that CAAT will conduct site inspections or document reviews to ensure compliance with the approved exemption.

Signature: \_\_\_\_\_

Name (in capital letters): \_\_\_\_\_

Position/Title: \_\_\_\_\_

Date: \_\_\_\_\_

Note: 1) It is an offence to make any false representation with the intent to deceive, for the purpose of obtaining exemption.

2) Application not completed in all respects and not accompanied by relevant enclosures is likely to be rejected.

## ATTACHMENT

### Instructions for Completing Exemption Application – Part A

The following instructions will help applicants accurately complete **Part A** of the CAAT Exemption Application Form. Failure to provide sufficient and accurate information may lead to processing delays or rejection of the application. Ensure that all sections are completed, and required supporting documents are attached.

#### SECTION 1 – GENERAL INFORMATION

This section collects essential details about the applicant and their request.

##### 1.1 Exemption Type:

1. Indicate the area for which the exemption is sought by selecting the appropriate checkbox (e.g., Personnel, Airworthiness, ATO). If "Other" is selected, provide a specific description.

##### 1.2 Applicant Details:

1. **Name of Applicant/ Organization:** Enter the full legal name of the individual or organization applying.
2. **Street Address and Mailing Address:** Provide the complete physical address. If the mailing address is different, specify it separately.
3. **Contact Information:** Include a valid telephone number and email address for correspondence.
4. **Agent Details (if applicable):** If an agent is submitting the application on behalf of the applicant, provide their name and contact information.
5. **Thai Agent for Non-Citizens or Non-Legal Residents:** Non-Thai applicants must specify a Thai agent for service.

##### 1.3 License/Certificate/Approval Details:

1. Enter the type, number, and expiry date of the relevant license, certificate, or approval associated with the exemption.

#### SECTION 2 – DETAILS OF EXEMPTION SOUGHT

##### 2.1 Relevant Provision:

1. Specify the regulation, requirement, or standard from which the exemption is being sought. Include reference numbers or titles.

##### 2.2 Category of Exemption:

1. Select "Temporary" or "Permanent." Provide a detailed justification for the chosen category, explaining why the exemption is required.

##### 2.3 Duration of Exemption:

1. Specify the start and end dates or the duration (in days or months) for which the exemption is requested.

#### **2.4 Reasons for Seeking Exemption:**

1. Clearly explain why the exemption is necessary, including the reasons for non-compliance and the implications if the exemption is not granted.

#### **2.5 Safety and Risk Assessments:**

1. Provide details of safety and risk assessments, including analyses, aeronautical studies, and mitigation measures adopted to manage risks. Attach supporting reports if applicable.
2. Indicate when full compliance can be expected if the exemption is temporary.

#### **2.6 Description of Operations:**

1. Describe the type of operations that will be conducted under the exemption, including details about aircraft, flight purpose, and operational scope.

#### **2.7 Impact on Specific Operations:**

1. Indicate whether the exemption will affect a particular type of operation ( e. g. , international flights, specific routes). If yes, provide detailed explanations.

#### **2.8 Public Interest:**

1. Describe how granting the exemption will benefit the public or the aviation industry. List specific factors that support the exemption's public interest.

#### **2.9 Alternative Safety Measures:**

1. Provide a detailed description of alternative means to ensure safety and security equivalent to the regulation. Identify the criteria used to formulate these measures.

#### **2.10 Safety/Security Concerns:**

1. Discuss any known safety or security concerns associated with the regulation, including information about relevant incidents or accidents.

#### **2.11 Operations outside Thailand Airspace:**

1. Indicate whether the exemption involves operations outside Thailand's airspace. If yes, specify whether it would contravene ICAO Standards and provide details.

#### **2.12 Affected Parties:**

1. Identify other parties or entities that may be affected by the exemption (e.g. , airlines, air crew, air traffic controllers).

### **SECTION 3 – ACTION PLAN AND MITIGATION MEASURES**

#### **3.1 Action Plan for Temporary Exemption:**

1. Provide a detailed plan for rectifying non-compliance and monitoring safety during the exemption period.

#### **3.2 Mitigation Measures for Permanent Exemption:**

1. If the exemption is permanent, describe long-term mitigation measures to ensure safety.

Attach a complete safety/security assessment report.

#### **SECTION 4 – EMERGENCY PROCESSING (IF APPLICABLE)**

1. If requesting emergency processing, provide detailed justifications explaining why the application was not submitted in a timely manner and why emergency processing is essential. Supporting evidence must be included.

#### **SECTION 5 – SUPPORTING DOCUMENT CHECKLIST**

Attach all required documents to support the exemption request, including:

1. Risk Assessments Report
2. Analysis or Aeronautical Studies
3. Action Plans (for temporary exemptions)
4. Mitigation Measures (for temporary or permanent exemptions)
5. Relevant Certificates or Approvals
6. Other Supporting Documents (specify as applicable)

#### **SECTION 6 – UNDERTAKING BY THE APPLICANT**

Read and sign the undertaking to confirm the following:

1. The information provided is accurate and complete.
2. The applicant agrees to annually review the conditions or mitigation measures.
3. The applicant will address any resultant non-compliance and comply with all obligations imposed by CAAT.

#### **Signature Requirements:**

1. The form must be signed by the applicant or an authorized representative.

#### **General Notes**

1. **Submission Deadline:** Submit the completed form at least **90 working days** prior to the proposed effective date.
2. **Completeness:** Ensure all fields are completed and required documents are attached to avoid delays.
3. **Accuracy:** Provide accurate and truthful information, as any discrepancies may lead to rejection of the application.
4. **Assistance:** If you need help completing the form, contact CAAT's relevant department for guidance.

## APPENDIX 2: APPLICATION FOR EXEMPTION - PART B

### Application for Exemption – Part B

#### PART B: Technical Assessment Form for Exemption Requests

Part B of the CAAT Exemption Application Form is designed to facilitate a thorough, multi-level review of the applicant's exemption request by the relevant departments. This section ensures that all aspects of the exemption are carefully evaluated to maintain the highest standards of safety/security, regulatory compliance, and public interest before final approval or denial by the Director.

#### PART B1 Inspector Technical Evaluation and Risk Assessment

<b>Exemption Number:</b>	CAAT-EXE-xxx(Department)-xx/202x		
<b>Applicant's Name/Organization:</b>			
<b>Regulation/Requirement for which Exemption is Sought:</b>			
<b>Department Responsible for Evaluation of Exemption:</b>			
<b>Department Manager:</b>			
<b>Head of Division:</b>			
<b>Inspector Assigned:</b>			
<b>Proposed Duration of Exemption:</b>	<b>Start Date:</b>	<b>End Date:</b>	
<b>Date of Technical Assessment:</b>			
SECTION 1 – CHECKLIST AND EVALUATION OF EXEMPTION PACKAGE			
NO.	Checklist	Y/N	Satisfactory/ Not Satisfactory
1.1	Has the applicant clearly specified the details of the exemption sought?		
1.2	Do the details include the reasons why the exemption is sought?		
1.3	Do the details include the duration of the exemption?		
1.4	Has the applicant clearly indicated the factors considered in making the request?		
1.5	Do the factors include public interest and safety factors considered?		

1.6	Has the applicant provided a risk assessment, analysis or aeronautical studies?		
1.7	Has the applicant proposed alternative means of compliance with regulatory requirements including mitigation measures to ensure safety/security is not compromised?		
1.8	Has the applicant submitted all relevant documents to support the application?		
1.9	If certified, has the applicant provided the details of the certificate in force?		
1.10	Is the application for exemption submitted as part of an application of a license/certificate/approval?		
1.11	Are there any known safety/security concerns and accidents/incidents that are yet to be addressed by the applicant?		
1.12	Has the applicant conducted and submitted a safety/security risk assessment for all the identified safety/security implications?		
1.13	Are the mitigation measures sufficient to maintain an equivalent level of safety/security?		
1.14	Does the proposed exemption comply with ICAO standards and recommended practices?		

**SECTION 2 – TECHNICAL EVALUATION AND RISK ASSESSMENT**

NO.	Criteria	Y/N	Comments
<b>2.1</b>	<b>Robust Rationale</b> Evaluate whether the exemption is supported by a strong rationale under Section 15/14 of the Act as per the following criteria:		
	(1) Has substantial compliance been achieved, making further compliance unnecessary?		
	(2) Are the proposed actions more effective than actual compliance with the requirement?		

	(3) Is the requirement unreasonable or inappropriate in this specific case?		
	(4) Would enforcing compliance increase risks to aviation safety/security without the exemption?		
<b>2.2</b>	<b>Public Interest Evaluation</b>		
	(1) Is granting the exemption in the public interest?		
	(2) Does the exemption provide overall benefits to public safety, operational efficiency or economic factors?		
<b>2.3</b>	<b>Safety and Security Risk Assessment</b>		
	(1) Has the applicant provided a proper safety/security risk assessment or aeronautical study?		
	(2) Was the risk assessment conducted using an acceptable methodology?		
	(3) If an alternate methodology was used, is it reviewed and acceptable?		
	(4) Are the applicant's proposed mitigation measures sufficient to achieve equivalent safety/security?		
	(5) Are any additional or modified conditions required to achieve equivalent safety /security?		
<b>2.4</b>	<b>ICAO Standards and Recommended Practices (SARPs) Compliance</b>		
	(1) Would granting the exemption contravene ICAO SARPs?		
	(2) If (1) Yes, has CAAT initiated the inter-departmental review (SMO and NCMC)?		
	(3) Is the exemption classified as a significant difference requiring ICAO notification?		
	(4) Has a cost-benefit analysis been performed to justify the exemption?		

	(5) Are additional conditions required for operations outside Thailand airspace?					
<b>2.5</b>	<b>Safety Risk Assessment Matrix</b>					
	<b>Risk Factor</b>	<b>Risk Probability (1/2/3/4/5)</b>	<b>Risk Severity (A/B/C/D/E)</b>	<b>Mitigation Measures</b>	<b>Post-Mitigation Risk Level</b>	
	1. Operational Risk					
	2. Safety Risk					
	3. Non- Compliance with ICAO Standards					
	4. Impact on Public Interest					
	<b>Risk Probability</b>	<b>Risk Severity</b>				
		<b>Catastrophic A</b>	<b>Hazardous B</b>	<b>Major C</b>	<b>Minor D</b>	<b>Negligible E</b>
	Frequent (5)	5A	5B	5C	5D	5E
	Occasional (4)	4A	4B	4C	4D	4E
	Remote (3)	3A	3B	3C	3D	3E
	Improbable (2)	2A	2B	2C	2D	2D
	Extremely Improbable (1)	1A	1B	1C	1D	1D
	<b>Note:</b> For the Security Risk Assessment, refer to the matrix and methodology outlined in the CAAT Aviation Risk Assessment Handbook of Thailand.					
<b>2.6</b>	<b>Hazards Associated with Granting Exemption</b>					
	<b>Description of Hazards</b>	<b>Consequences</b>		<b>Conditions/Mitigation Measures for Exemption</b>		

SECTION 3 – LEGAL CONSIDERATION <i>(evaluate by inspector)</i>		
Legal Considerations	Y/N	Specify if Yes
If granted, will this exemption infringe on any other CAAT regulatory requirements?		
If granted, will this exemption infringe on the provisions of any other laws of Thailand?		
Are there any other legal implications related to this application?		
SECTION 4 – TECHNICAL EVALUATION SUMMARY		
Based on the assessment above, provide a clear summary of the evaluation:		
<b>3.1 Key Findings:</b>		
<b>3.2 Terms/Conditions/Limitation for Granting the Exemption <i>(if applicable)</i>:</b>		
<b>3.3 Recommended Modifications <i>(if any)</i>:</b>		
SECTION 5 – RECOMMENDATION TO THE DIRECTOR		
Decision Recommendation	Tick One	Comments
Grant Exemption (with/without terms/conditions/limitations)  <input type="checkbox"/> <b>Permanent</b> <input type="checkbox"/> <b>Temporary:</b> Period of exemptions: ____ Days/Months Start Date: _____ End Date: _____	<input type="checkbox"/>	
Deny Exemption	<input type="checkbox"/>	
Inspector(s) Name: _____		
Position: _____		
Signature: _____		
Date: _____		

**PART B2 Managerial Review and Director's Decision**

SECTION 1 – HEAD OF DIVISION REVIEW		
Criteria	Y/N	Comments
Has the inspector thoroughly evaluated the exemption request?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Is the exemption request is reasonable and the alternative measures sufficiently mitigate the risks?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Does the exemption align with CAAT's safety, security, and regulatory objectives?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Head of Division's Recommendation:</b> <ul style="list-style-type: none"> <li>Recommendation: <input type="checkbox"/> Grant Exemption <input type="checkbox"/> Deny Exemption</li> <li>Comments: _____</li> </ul>		
<b>Head of Division's Name:</b> _____		
<b>Signature:</b> _____		
<b>Date:</b> _____		
SECTION 2 – DEPARTMENT MANAGER REVIEW		
Criteria	Y/N	Comments
Has the Division provided adequate evaluation and recommendation?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the risks and mitigation measures acceptable from a departmental perspective?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the oversight measures clearly unreasonable or inappropriate in this specific case?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Does granting the exemption not compromise civil aviation safety/ security, or public interest?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Is the justification provided well-supported and meets regulatory and operational requirements.	<input type="checkbox"/> YES <input type="checkbox"/> NO	

Are the scope and duration of the exemption appropriate and justified?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
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**Department Manager's Recommendation:**

- Recommendation:  Grant Exemption  Deny Exemption
- Comments: \_\_\_\_\_

**Department Manager's Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**SECTION 3 – LEGAL DEPARTMENT REVIEW**

Criteria	Y/N	Comments
Will the exemption infringe on any other CAAT regulatory requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Will the exemption contravene any provisions of other Thai laws?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are there any other legal implications related to the exemption?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Is the exemption supported by a strong rationale under Section 15/14 of the Act?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> <b>Section 15/14 (1)</b> Substantial compliance has been achieved, making further compliance unnecessary. <input type="checkbox"/> <b>Section 15/14 (2)</b> The proposed actions are more effective than actual compliance with the requirement. <input type="checkbox"/> <b>Section 15/14 (3)</b> The requirement is unreasonable or inappropriate in this specific case. <input type="checkbox"/> <b>Section 15/14 (4)</b> Enforcing compliance would increase risks to aviation safety /security without the exemption.

**Legal Department Manager's Recommendation:**

- Recommendation:  Grant Exemption  Deny Exemption
- Comments: \_\_\_\_\_

**LEG Department Manager's Name:** \_\_\_\_\_

**Signature :** \_\_\_\_\_

**Date:** \_\_\_\_\_

SECTION 4 – DIRECTOR GENERAL'S DECISION		
Criteria	Y/N	Comments
Has the application been reviewed using appropriate risk management tools?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the risk assessments and proposed mitigation measures adequate?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are there any public interest considerations supporting the exemption?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<p><b>Decision on Granting of Exemption</b></p> <ul style="list-style-type: none"> <li>Decision: <input type="checkbox"/> Approved with Terms/Conditions/Limitations               <ul style="list-style-type: none"> <li><input type="checkbox"/> Approved</li> <li><input type="checkbox"/> Denied</li> </ul> </li> <li>Comments or Terms/Conditions/Limitations for Approval: _____                _____                _____</li> <li>Justified Duration for Approval:               <ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent</li> <li><input type="checkbox"/> Temporary: Period of exemptions: _____ Days/Months                    Start Date: _____ End Date: _____</li> </ul> </li> </ul> <p><b>Director General's Name:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date:</b> _____</p>		

## ATTACHMENT

### Instructions for Completing Part B: Technical Assessment Form

#### For Inspectors: Technical Evaluation and Risk Assessment

Inspectors are responsible for conducting a detailed technical assessment to determine if the exemption request meets regulatory, safety, and operational standards.

#### 1. General Information (Part B1, Section 1)

- 1.1. Verify the **exemption number**, applicant details, relevant regulation, responsible department, and proposed duration of the exemption.
- 1.2. Record the date of the technical assessment and confirm the details of assigned inspectors.

#### 2. Checklist and Evaluation (Part B1, Section 1)

- 2.1. Review the application package to ensure all required information is included.
- 2.2. Confirm if the exemption request specifies:
  - 2.2.1. Details of the exemption and reasons for non-compliance.
  - 2.2.2. Supporting documents like risk assessments, safety studies, and alternative compliance measures.
  - 2.2.3. ICAO compliance and known safety/security concerns.

#### 3. Technical Evaluation (Part B1, Section 2)

- 3.1. **Robust Rationale:** Assess whether the rationale meets one or more conditions:
  - 3.1.1. Substantial compliance has been achieved.
  - 3.1.2. Proposed actions are more effective than compliance.
  - 3.1.3. Requirements are unreasonable/inappropriate for the specific case.
  - 3.1.4. Enforcing compliance could increase aviation safety risks.
- 3.2. **Public Interest:** Determine if granting the exemption benefits public safety, operational efficiency, or economic factors.
- 3.3. **Safety and Security:** Validate the risk assessments and mitigation measures proposed by the applicant.
- 3.4. **ICAO Compliance:** Confirm if the exemption aligns with ICAO SARPs or requires inter-departmental review for significant differences.

#### 4. Risk Assessment Matrix (Part B1, Section 2.5)

- 4.1. Rate each risk factor (e.g., operational, safety/security, ICAO compliance, public interest) using the probability and severity scale.
- 4.2. Evaluate post-mitigation risk levels to ensure safety and security standards are maintained.

#### 5. Hazard Analysis (Part B1, Section 2.6)

- 5.1. Identify and document hazards associated with granting the exemption, their consequences, and the mitigation measures required to control risks.

#### 6. Summary and Recommendation (Part B1, Section 4)

- 6.1. Provide a concise summary of key findings, terms/conditions for granting the exemption, and any modifications required.
- 6.2. Indicate whether the exemption should be granted (with or without conditions) or denied.

### **For Head of Division: Review and Recommendation**

The Head of Division performs a managerial review to ensure the inspector's evaluation is comprehensive and aligns with CAAT's objectives.

#### **1. Review Criteria (Part B2, Section 1)**

- 1.1. Verify that the inspector has thoroughly evaluated the request and that the rationale and alternative measures are sufficient.
- 1.2. Confirm the exemption aligns with CAAT's safety, security, and regulatory objectives.

#### **2. Recommendation**

- 2.1. Provide comments on whether the exemption should be granted or denied.
- 2.2. Record findings and sign the form to document the division's recommendation.

### **For Technical Department Manager: Comprehensive Review**

The Technical Department Manager conducts a higher-level review to ensure the exemption aligns with departmental and organizational goals.

#### **1. Review Criteria (Part B2, Section 2)**

- 1.1. Confirm that the Division has conducted an adequate evaluation and provided a clear recommendation.
- 1.2. Assess whether the risks and mitigation measures are acceptable from a departmental perspective.
- 1.3. Evaluate the scope, duration, and justification for the exemption.

#### **2. Recommendation**

- 2.1. Provide comments and recommendations, specifying whether the exemption should be granted or denied.
- 2.2. Document findings and sign the form for further review by the Legal Department.

### **For Legal Department: Legal Review**

The Legal Department ensures the exemption complies with Thai laws, ICAO standards, and CAAT regulations.

#### **1. Legal Considerations (Part B2, Section 3)**

- 1.1. Assess whether the exemption infringes on other CAAT regulatory requirements or Thai laws.
- 1.2. Determine if granting the exemption would create legal implications or set an undesirable precedent.
- 1.3. Verify if the rationale meets one of the conditions under Section 15/14 of the Act.

#### **2. Recommendation**

- 2.1. Specify whether the exemption is supported by legal rationale and meets all compliance requirements.
- 2.2. Recommend approval or denial, highlighting any additional legal conditions or limitations.

### **For Director General: Final Decision**

The Director General reviews all findings and recommendations to make the final decision on the exemption request.

#### **1. Review Criteria (Part B2, Section 4)**

- 1.1. Confirm the application has been reviewed using appropriate risk management tools.
- 1.2. Ensure risk assessments and proposed mitigation measures are adequate.
- 1.3. Consider public interest factors supporting the exemption.

#### **2. Decision**

- 2.1. Approve or deny the exemption request, specifying terms, conditions, or limitations for approval.
- 2.2. Record the duration of the exemption (temporary or permanent).
- 2.3. Document the final decision with comments and sign the form.

### **General Notes**

1. All reviewers must provide detailed comments and ensure transparency in the review process.
2. Recommendations must be based on thorough analysis and align with CAAT's safety, regulatory, and operational standards.
3. Any missing or insufficient information should be highlighted and addressed before the exemption is granted.

This structured approach ensures that exemptions are processed efficiently while maintaining the highest levels of aviation safety/security and compliance.

## APPENDIX 3

### SAFETY RISK ASSESSMENT GUIDELINES

#### Identify Hazards

When identifying hazards in this step, consider the system analysis. A hazard is a condition that could foreseeably cause or contribute to an aircraft accident. During the hazard identification step, hazards and each hazard's corresponding outcomes should specifically identified and documented. The hazard identification step considers all reasonably possible sources of hazards. Remember that elements in the system analysis may be sources of hazards. The primary hazard through the exemption procedure should be **“non-compliance with the applicable safety requirement which intended to be exempted”**

#### Safety Risk Analysis

The objective of this step is to determine the initial safety risk associated with the effects of each identified hazard. The safety risk associated with a hazard is the combination of the severity and the likelihood of the potential outcome(s) of the hazard. Where appropriate, existing controls are considered prior to safety risk determination. The safety risk of a hazard is the function of the severity and likelihood of the hazard's potential outcomes. The safety risk associated with the hazard must be determined and documented in terms of severity and likelihood. Regardless of which definitions/criteria are used, this step includes the following common characteristics:

(a) Likelihood is the estimated probability or frequency, in quantitative or qualitative terms, of the outcome(s) associated with a hazard. It is an expression of how often an outcome of a hazard is predicted to occur in the future. When sufficient empirical data exists, statistical probabilities should be used. The likelihood levels are defined as illustrated in the table 1, classification of safety risk likelihood.

**TABLE 1 - classification of safety risk likelihood**

Likelihood	Meaning	Value
Frequent	Likely to occur many times (has occurred frequently)	5
Occasional	Likely to occur sometimes (has occurred infrequently)	4
Remote	Unlikely to occur, but possible (has occurred rarely)	3
Improbable	Very unlikely to occur (not known to have occurred)	2
Extremely Improbable	Almost inconceivable that the event will occur	1

(b) **Severity** is the potential consequence or impact of a hazard in terms of degree of loss or harm. It is a prediction of how bad the outcome of a hazard can be. There may be many outcomes associated with a given hazard, and the severity should be determined for each outcome.

**TABLE 2 - classification of safety risk severity**

Severity	Meaning	Value
<b>Catastrophic</b>	<p style="text-align: center;"><b>Results in loss of life or destruction of equipment</b></p> <ul style="list-style-type: none"> <li>• Necessitates a significant change to and/or revocation of portions of CAAT program or system objectives</li> <li>• Equipment destroyed / multiple fatalities</li> <li>• Results in fatalities and/or loss of the system</li> </ul> <p><b>Personnel:</b> Fatal injuries to personnel or passengers. Public exposed to life threatening hazard.</p> <p><b>Operations:</b> Operational delay grounding all operating certificates for the subject aircraft/ engine/ major component. Removal of the operating certificate for subject aircraft/engine/major component or airline.</p> <p><b>Equipment:</b> Loss of aircraft.</p> <p><b>Environment:</b> Large uncontained release that kills and threatens lives of humans and the habitat with irreversible effects lasting for more than 50 years.</p> <p><b>Media attention:</b> Media attention having severe repercussion for the Minister, and/or public servants.</p> <p><b>Public confidence:</b> Public demonstrations organized against the Crown.</p>	<b>A</b>
<b>Major</b>	<p style="text-align: center;"><b>Results in serious injury to persons or major equipment damage</b></p> <ul style="list-style-type: none"> <li>• Necessitates modifications to CAAT program or system objectives</li> <li>• Major damages to equipment / Serious injuries / large reduction in safety margins / Physical distress or excessive workload such that the operation cannot be conducted safely, accurately or completely</li> <li>• Severe injury and/or major system damage</li> </ul> <p><b>Personnel:</b> Disability or severe injuries. Crew extended because of workload or environmental conditions.</p> <p><b>Operations:</b> Operational delay grounding air operator's fleet. May result in a large reduction in safety margins.</p>	<b>B</b>

Severity	Meaning	Value
	<p><b>Equipment:</b> Technical delay grounding aircraft fleet causing substantial costs and long delays to return the aircraft to service.</p> <p><b>Environment:</b> Moderate uncontained release that kills and/or threatens lives of humans and the habitat with effects lasting up to 30 years.</p> <p><b>Media attention:</b> Media attention that initiates legal action against the Crown and/or public servants, Parliamentary debate.</p> <p><b>Public confidence:</b> Decreased; significant reduction in travelling public flying on a particular aircraft type or airline.</p>	
<b>Moderate</b>	<p style="text-align: center;"><b>Results in injury to persons or failure of significant operational processes or systems</b></p> <ul style="list-style-type: none"> <li>• Significant questioning of CAAT program or system objectives</li> <li>• Injuries to persons / Serious incident / Significant reduction in safety margins /Reduction in the capacity to cope with adverse operating conditions / Increase in workload</li> </ul> <p><b>Personnel:</b> Lost time injury or passenger injuries (i.e. broken bone), no disability. Difficult for crew to cope with adverse conditions.</p> <p><b>Operations:</b> Operational delay requiring grounding of an aircraft and causing the operator substantial costs. May result in significant reduction in safety margins.</p> <p><b>Equipment:</b> Technical delay requiring grounding of an aircraft and causing the operator relatively substantial costs.</p> <p><b>Environment:</b> Small uncontained release that threatens lives of humans and the habitat with effects lasting up to 15 years</p> <p><b>Media attention:</b> Media attention that elevates occurrence to High profile status requiring Minister's action and/or results in Parliamentary debates.</p> <p><b>Public confidence:</b> Significantly lowered with high profile media coverage</p>	<b>C</b>
	<p style="text-align: center;"><b>Affects normal operating procedures or performance</b></p> <ul style="list-style-type: none"> <li>• Minimal questioning of CAAT program or system objectives</li> </ul>	

Severity	Meaning	Value
<b>Minor</b>	<ul style="list-style-type: none"> <li>• Nuisance / Operating limitations / Use of emergency procedures / Minor incident</li> <li>• Minor injury and/or Minor system damage</li> </ul> <p><b>Personnel:</b> First aid injury, no disability or lost time.</p> <p><b>Operations:</b> May result in operating limitations, or emergency procedures; operational delay incurring relatively minimal costs.</p> <p><b>Equipment:</b> Technical delay requiring grounding of aircraft and causing the operator to incur relatively minimal costs.</p> <p><b>Environment:</b> Contained release that may reduce the quality of life of humans and the habitat. Full recovery period will be less than 5 years.</p> <p><b>Media attention:</b> Media attention that requires Briefing and/or Question Period notes and Minister's attention.</p> <p><b>Public confidence:</b> May be lowered, but public accepts situation.</p>	<b>D</b>
<b>Negligible</b>	<p style="text-align: center;"><b>No significant impact to operational safety</b></p> <ul style="list-style-type: none"> <li>• Little to no impact on CAAT program or system objectives</li> <li>• Less than minor injury and/or less than minor system damage</li> </ul> <p><b>Personnel:</b> No injuries.</p> <p><b>Operations:</b> Minor operational delay with no immediate costs.</p> <p><b>Equipment:</b> No damage or minor technical delay with no immediate costs.</p> <p><b>Environment:</b> Minor contained release that does not significantly threaten the quality of life of humans and/or the habitat.</p> <p><b>Media attention:</b> No media attention.</p> <p><b>Public confidence:</b> No loss of public confidence</p>	<b>E</b>

In general, the SRM Team or the CAAT inspector(s) should limit assumptions as much as practical. If any assumptions are made, the assumptions and their rationale must be documented. Any known limitations of the safety risk analysis should be described. Limitations may also include the margin of error of the analysis if it can be calculated.

### Safety Risk Assessment

In this step, each hazard's associated safety risk is assessed against the risk acceptance criteria identified in the safety risk acceptance plan and plotted on a risk matrix based on the severity

and likelihood of the outcome. The objective of this step is to determine the safety risk level acceptability.

The safety risk matrix provides a visual depiction of the safety risk and enables prioritization in the control of the hazards. The table 3 provides risk matrices to be used in this step of the process in the state level, in other words, the tolerability of safety risks in an aggregate level, may be different in the service providers level.

If a hazard's associated safety risk and/or safety risk controls only affect the service providers activity, the expert(s) and/or the CAAT inspector(s) can use the existing safety risk assessment methodology, and it does not have to translate its assessment into the risk matrix in this procedure. The safety risk associated with a hazard is the combination of the likelihood and the severity of the potential outcome(s) of the hazard. Where appropriate, existing controls should be considered prior to safety risk determination.

**Table 3 – safety risk tolerability matrix**

Risk Probability	Risk Severity				
	Catastrophic A	Hazardous B	Major C	Minor D	Negligible E
Frequent (5)	5A	5B	5C	5D	5E
Occasional (4)	4A	4B	4C	4D	4E
Remote (3)	3A	3B	3C	3D	3E
Improbable (2)	2A	2B	2C	2D	2D
Extremely Improbable (1)	1A	1B	1C	1D	1D

### Safety Risk Control

Additional safety risk controls (to reduce the safety risk to a level acceptable to the decision maker) may need to be designed/developed and evaluated by the team or individual conducting the assessment (CAAT Inspectors).

The analysis is conducted to predict the residual safety risk as if the proposed controls had been put in place. The prediction of the residual safety risk is assessed to determine if the safety risk acceptance criteria are met. Based on the risk assessment, appropriate mitigation measures shall be taken to eliminate or reduce the level of risks associated with hazards to an acceptable level.

**TABLE 4 - Risk tolerability notes**

Category	Tolerability	Explanation
High	Intolerable	The risk is unacceptable and operations should not take place until sufficient major risk mitigating measures have been implemented to reduce risk to an acceptable level.
Medium	Tolerable	The risk is of concern and risk mitigating measures should be put in place to reduce the level of risk to as low as reasonably practicable. Where further risk reduction / mitigation is not practicable or viable, the risk may be accepted, provided endorsement is given by the management.
Low	Acceptable	The risk is considered acceptable. No further action is required.

Typical risk mitigation measures include:

- (a) cancelling the operation or activity because the risks exceed the benefits of continuing;
- (b) reducing the frequency of the operation or activity; and
- (c) acting to reduce likelihood/ severity of the risk(s) by enhancing existing defenses or introducing new defenses.

### Safety Risk Acceptance

Once the assessment is complete and the findings and alternatives/proposals for safety risk mitigations/controls are documented, the results are delivered to the appropriate management official within the service provider and/or the CAAT. If multiple teams will accept the safety risk and these experts or inspectors cannot agree on which severity and likelihood definitions to use, the definitions and risk matrices documented in this procedure should be considered for use, as appropriate, or advice from the Director should be sought to resolve differences.

When an individual or organization accepts safety risk, it does not mean that the safety risk is eliminated. Some safety risk remains; however, the individual or organization has determined that the prediction of the residual safety risk is acceptable. By accepting risk, the management official is deciding to authorize the operation without additional mitigation at the present time. Each service provider to which this procedure is applicable must establish the levels of management that can accept safety risk based on the severity and likelihood. In order for the operation to be implemented, when the responsibility for managing the safety risk spans across more than one area, the residual safety risk must be accepted by the appropriate management official in each affected area. Accepting risk is a management decision.

**Note:** For the Security Risk Assessment, refer to the matrix and methodology outlined in the CAAT Aviation Security Risk Assessment Handbook of Thailand.

**APPENDIX 4**  
**FLOWCHART FOR EXEMPTION PROCEDURE WITHIN CAAT**

