



Thailand Civil Aviation Regulation - Air Operations
Part Foreign Air Operators Requirements
(TCAR OPS Part - FAO)

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Approved By

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The Civil Aviation Authority of Thailand

THAILAND CIVIL AVIATION REGULATION

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RECORD OF REVISIONS

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RECORD HIGHLIGHTS

Area of Change	Change Detail(s)
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INTRODUCTION AND APPLICABILITY

Pursuant to the Air Navigation ACT B.E. 2497 Chapter 1/1, The Civil Aviation Authority of Thailand (CAAT) is responsible for the regulation and supervision of all aeronautical matters within Thailand, in particular with regard to the Foreign Air Operator according to sections 28, 41/122 and 41/123.

This regulation applies to the operation of any civil aircraft for the purpose of commercial air transport operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority of another country other than the Kingdom of Thailand which operate into and out from the Kingdom of Thailand.

The responsibility for the safety of an aircraft operator lies primarily with the state of the Operator. As a Contracting State to the Convention on International Civil Aviation (Chicago Convention), the Kingdom of Thailand is required to recognise such AOC issued by another Contracting State acting as State of the Operator, provided that the requirements under which the certificate is issued is at least equal to the applicable Standards specified in International Civil Aviation Organization (ICAO) Annex 6.

Annex 6 Part I paragraph 4.2.2.2 and Part III, Section II paragraph 2.2.2.2 require Contracting States to establish a programme with procedures for the surveillance of operations in its territory by foreign air operators and for taking appropriate action when necessary to preserve safety.

In accordance with ICAO Doc 8335, Thailand should develop procedures for granting foreign air operators the authorization to operate into, within and out of the territory in a manner consistent with Thailand regulatory requirements and for ensuring the safety oversight of such operators. As a minimum, CAAT should collect all available and recognized safety-related information, through ICAO, then taking into consideration the results of the ICAO Universal Safety Oversight Audit, as well as by the mean of other safety tools such as ramp inspection programmes.

In this publication the word 'shall' is used to indicate where the Director General requires the operator to respond to and comply with, or adhere closely to, the defined requirement.

If the operator's response is deemed to be inadequate by the Director General, a specific requirement or restriction may be applied as a condition of the appropriate instrument to be issued under Thailand Civil Aviation Law and Regulations.

TCAR OPS Part FAO is a part of the overall TCAR OPS Regulation set.

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SECTION I – GENERAL REQUIREMENTS

FAO.100 Scope

This regulation (hereafter referred to as 'Part-FAO' establishes requirements to be followed by foreign air operators engaged in commercial air transport operations into, within or out of the kingdom of Thailand.

FAO.105 Means of compliance (Reserved)

FAO.110 Mitigating measures

- (a) When the State of operator or the State of registry have notified differences to ICAO standards that have been identified by the CAAT, Foreign Air Operators may propose mitigating measures to establish compliance with Part-FAO.
- (b) Foreign Air Operators shall demonstrate to CAAT that these measures ensure an equivalent level of safety to that achieved by the standard to which differences have been notified.

FAO.115 Access

- (a) Foreign Air Operators shall ensure that competent official, CAAT inspectors or person authorized by CAAT will be permitted to board any of its aircraft that have landed within Thailand, at any time, with or without prior notice to:
 - 1) inspect the documents and manuals to be carried on board and to perform inspections to ensure compliance with Part-FAO and as referred to in Air Navigation ACT B.E. 2497 section 65; or
 - 2) carry out a ramp inspection, as referred to in Air Navigation ACT B.E. 2497 sections 41/123, 66 and 67/4, and as mentioned in the relevant air services agreement.
- (b) Foreign Air Operators shall ensure that competent official, CAAT inspectors or person authorized by CAAT is granted access to any of its facilities or documents related to its activities, including any subcontracted activities, to determine compliance with Part-FAO.

SECTION II – AIR OPERATIONS

FAO.200 General requirements

- (a) Foreign Air Operators shall comply with:
 - 1) applicable standards contained in the Annexes to the Convention on International Civil Aviation, in particular Annexes 1 (Personnel licensing), 2 (Rules of the Air), 6 (Operation of Aircraft, Part I (International Commercial Air Transport – Aeroplanes) or Part III (International Operations-Helicopters), as applicable, 8 (Airworthiness of Aircraft), 13 (Aircraft Accidents and incident investigation), 18 (Dangerous Goods), and 19 (Safety Management);
 - 2) the mitigating measures as accepted by CAAT in accordance with Part-FAO 110;
 - 3) the relevant requirements of Part-FAO; and
 - 4) the applicable CAAT rules of the air pursuant to Air Navigation Act B.E. 2497 sections 18/2 and CAAT Regulations No. 30 and its amendments;

- 5) The Air Service Agreement signed between the state of operator and the kingdom of Thailand.
- (b) the mitigating measures as accepted by CAAT in accordance with Part-FAO 110;
 - 1) applicable its air operator certificate (AOC) and associated operations specifications; and
 - 2) the authorization issued by CAAT in accordance with this Regulation and the CAAT Requirements No. 42 and its amendments as applicable.
- (c) Foreign Air Operators shall ensure that an aircraft operated into or from Thailand has a certificate of airworthiness (CofA) issued or validated by:
 - 1) the State of registry; or
 - 2) the State of the operator, provided that the State of the operator and the State of registry have entered into an agreement under Article 83bis of the Convention on International Civil Aviation or other agreement acceptable to CAAT, in particular for countries non-parties to the Article 83bis, that transfers the responsibility for the issue of the CofA.
- (d) Foreign Air Operators shall, upon request, provide CAAT with any information relevant for verifying compliance with Part-FAO.
- (e) Without prejudice to Air Navigation Act B.E. 2497 Chapter 7 and CAAT Requirement No. 22, and its amendments (and its Guidance Material), Foreign Air Operators shall without undue delay report to CAAT any incident or accident as defined in ICAO Annex 13, involving aircraft used under its AOC.

FAO.205 Navigation, communication and surveillance equipment

When undertaking operations within the airspace above the territory of Thailand the Foreign Air Operator shall equip its aircraft with and operate such navigation, communication and surveillance equipment as required in that airspace.

FAO.210 Documents, manuals and records to be carried

Foreign Air Operators shall ensure that all documents, manuals and records that are required to be carried on board are valid and up-to-date as mentioned in Air Navigation Act B.E. 2497 Section 16.

FAO.215 Production of documentation, manuals and records

Pursuant to Air Navigation Act B.E. 2497 Sections 41/119 (5) and (6), 65 and 65/1, within a reasonable time of being requested to do so by a person authorized by CAAT, the pilot-in-command of an aircraft that has landed within Thailand shall, without undue delay, present any documentation, manuals or records required to be carried on board.

SECTION III – AUTHORISATION OF FOREIGN AIR OPERATOR

FAO.300 Application for an authorisation

Pursuant to Air Navigation Act B.E. 2497 Section 28, Section 41/126 and the CAAT Requirements No. 42 and its amendments

- (a) Prior to engaging in commercial air transport operations under Part-FAO, Foreign Air Operators shall apply for and obtain an authorization issued by CAAT.

- (b) An application for authorisation shall be in accordance with the Foreign Air Operator Permission (FAOP) for Foreign Air Operating License (Scheduled Flight) and Flight Permit Online System (FPOS) for flight permission (Scheduled and Non- Scheduled Flight) by CAAT, as applicable.
- (c) When necessary, CAAT may request any other additional relevant documentation, manuals, or specific approvals issued or approved by the State of the operator or State of registry.
- (d) For those aircraft not registered in the State of the operator, CAAT will request:
 - 1) details of the lease agreement for each aircraft so operated; and
 - 2) if applicable, a copy of the agreement between the State of the operator and State of registry pursuant to Article 83bis of the Convention on International Civil Aviation or other acceptable agreement for countries non-parties to the Article 83bis that covers the aircraft.

The process through which the authorisations are obtained is simple, proportionate, effective and cost-efficient and allows for demonstrations of compliance which are proportionate to the complexity of the operation and the risk involved in that operation. The CAAT shall in particular ensure that account is taken of:

- 1) the results of the ICAO Universal Safety Oversight Audit Programme;
- 2) information collected under ramp inspection programmes in FAO.350 and FAO.370;
- 3) other recognised information on safety aspects with regard to the operator concerned;
- 4) certificates issued in accordance with the laws of the State of operator or State of registry, as applicable.

FAO.305 Issue of the Authorisation

Pursuant to the Air Navigation ACT B.E. 2497 Section 28, Section 41/126 and the CAAT Requirements No. 42 and its amendments. The authorization shall be issued when:

- (a) the Foreign Air Operator holds a valid AOC or equivalent document and associated operations specifications issued by the State of the operator;
- (b) For the scheduled flight, the Foreign Air Operator is authorized (designated) by the State of the operator to conduct operations into, within and out of Thailand;
- (c) the Foreign Air Operator has provided all elements as required in FAO.300;
- (d) it is evident that the Foreign Air Operator has established:
 - 1) compliance with FAO.200, taking also into consideration relevant information on the safety performance of the Foreign Air Operator, including ramp inspection reports, information reported in accordance with Air Navigation Act B.E. 2497 section 67/4, recognized industry standards, accidents records and enforcement measures taken by a Foreign Country;
 - 2) transparent, adequate and timely communication in response to a further assessment and/or an audit of CAAT, if applicable; and
 - 3) a timely and successful corrective action submitted in response to an identified non-compliance, if any.

FAO.310 An unforeseen, immediate and urgent operational Flight

The foreign air operators may perform air ambulance flights or a non-scheduled flight or a series of non-scheduled flights to overcome an unforeseen, immediate and urgent operational by obtained flight permission ANA Section 28 through FPOS before entering into Thailand. After the date of issued flight permission the required documents under FAO.300 as applicable, shall submitted within 10 working days.

FAO.315 Privileges of an authorisation holder (Reserved)

FAO.320 Continued validity

For scheduled flight Relating to the CAAT Requirements No. 42 and its amendments, the authorization will be issued for 5 years duration.

- (a) The authorization shall remain valid within the specified validity period, subject to:
 - 1) Foreign Air Operators remaining in compliance with the relevant requirements of Part-FAO. The provisions related to the handling of findings, as specified under FAO.360, shall also be taken into account, in particular in the case where a Category 3 finding was raised;
 - 2) the validity of the AOC or equivalent document issued by the State of the operator and the related operations specifications, if applicable;
 - 3) CAAT being granted access to the foreign air operator as specified in FAO.115;
 - 4) the authorization not being surrendered, suspended or revoked;
- (b) Upon surrender or revocation, the authorisation shall be returned to CAAT.

FAO.330 Monitoring

The continued compliance of the Foreign Air Operator with the relevant requirements of Part-FAO and, when applicable, the implementation of corrective actions mandated by CAAT in response to a problem affecting the safety of the operations, is assessed taking into consideration:

- (a) safety relevant documentation and data provided by Foreign Air Operators;
- (b) relevant information on the safety performance of Foreign Air Operators, including ramp inspection reports, information reported in accordance with Air Navigation Act B.E. 2497 section 67/4, recognized industry standards, accidents records and enforcement measures taken by a foreign country;
- (c) relevant information on the oversight capabilities of the State of operator or the State of registry, as applicable, including the outcome of audits carried out by under international conventions or State safety assessment programmes;
- (d) previous assessments or audits, if carried out.

FAO.335 Monitoring programme

The continued compliance is assessed through a monitoring programme, established by CAAT and based on the results of past authorization and/or monitoring activities in FAO.330, covering a period not exceeding 12 months, subject to the actual operations of Foreign Air Operators into Thailand.

This interval may be reduced if there are indications that the safety performance of Foreign Air Operators and/or the oversight capabilities of the State of the operator may have decreased below the applicable standards contained in the Annexes to the Convention on International Civil Aviation.

The interval may be extended to a maximum of 24 months if it has established that, during the previous monitoring period:

- (a) there are no indications that the overseeing authority of the State of the operator fails to perform effective oversight on operators under its oversight responsibility;
- (b) Foreign Air Operators have continuously and timely reported changes referred to in FAO.320;
- (c) no category 2 findings, referred to in FAO.360, have been issued; and
- (d) all corrective actions have been implemented within the time period accepted or extended by CAAT as defined in FAO.370

FAO.340 Limitation, suspension and revocation of authorisations

Pursuant to the Air Navigation Act B.E. 2497 Section 28, 41/91, 41/92, 41/122, 41/123, 41/126, and CAAT Requirements No. 42 and its amendments,

- (a) Without prejudice to any additional enforcement measures, authorization can be limited or suspended in case of:
 - 1) Foreign Air Operators fail to comply with FAO.370(a)1
 - 2) verifiable evidence that the State of operator or State of registry, as applicable, is not capable to certify and oversee the operator and/or aircraft in accordance with the applicable ICAO standard; or
- (b) For scheduled flight operators, the Foreign Air Operating License shall be suspended or revoked in accordance with CAAT Requirements No. 42 and its amendments Article 13 and 14
- (c) For non-scheduled flight operators, the flight permission shall be revoked under ANA section 28.
- (d) Under the ANA Section 41/123, in the event that the Director finds that the Foreign Air Operator who are flying into or from the Kingdom, performing flight operation or maintenance below the standards set out in the Annexes and may cause an unsafe in air navigation. The Director shall have power to order that Foreign Air Operator cease its operation in whole or in part.
- (e) The limitation, suspension or ceased operations shall be lifted when CAAT is satisfied that successful corrective action has been taken by Foreign Air Operators.
- (f) In considering the lifting of a suspension CAAT may conduct an audit of Foreign Air Operators when the conditions in FAO.300 (b) are met. In case the suspension is due to major deficiencies in the oversight of the applicant by the State of the operator or State of registry, as applicable, the audit may include an assessment with the aim to verify if these oversight deficiencies have been corrected.

FAO.350 Foreign aircraft Ramp inspection

Thailand is entitled, by Article 16 to the Convention on International Civil Aviation Organization (ICAO), to:

- Search aircraft from other States on landing and departure; and
- Inspect the certificates and other documents prescribed by ICAO, provided there is no unreasonable delay to the operation.

To maintain safety, foreign air operators will be subject to appropriate surveillance. This includes regular ramp checks and documentation reviews. To fulfil its ICAO obligations, including ensuring adequate safety margins, CAAT has established procedures and a programme for the surveillance of foreign air operators. If as a result of this process serious safety issues are identified through a prioritized system of inspections, in accordance with the principles identified on the basis of the analysis of available data with CAAT internal oversight, Certification & Enforcement procedures, then CAAT will take action to ensure the associated risks are managed appropriately and that the correct standard of corrective actions is received in accordance with Part-FAO.

FAO.360 Findings

In the case of Foreign Aircraft Ramp Inspection, the three categories of possible non-compliance with the applicable requirements, defined as findings, shall be categorized as follows:

- (a) A category 3 finding is any detected significant non-compliance with the applicable requirements or the terms of a certificate that has a major influence on safety.
- (b) A category 2 finding is any detected non-compliance with the applicable requirements or the terms of a certificate that has a significant influence on safety;
- (c) A category 1 finding is any detected non-compliance with the applicable requirements or the terms a certificate that has a minor influence on safety.

FAO.370 Follow-up actions on findings

- (a) For a category 2 or 3 finding CAAT, shall:
- 1) communicate the finding in writing to the operator, including a request for evidence of corrective actions taken. The operator is required to respond within 30 days; and verifiable evidence that the State of operator or State of registry, as applicable, is not capable
 - 2) inform the competent authority of the State of the operator and, where relevant, the State in which the aircraft is registered and where the licence of the flight crew was issued. Where appropriate, CAAT shall request confirmation of their acceptance of the corrective actions taken by the foreign air operator and CAAT internal oversight, certification and enforcement procedures.
- (b) In the case of a category 3 finding, CAAT shall take immediate steps by:
- 1) imposing a restriction on the aircraft flight operation;
 - 2) requesting immediate corrective actions before flight;
 - 3) grounding the aircraft in accordance with FAO.380
 - 4) Immediate operating ban

FAO.380 Grounding of aircraft

Pursuant to ANA Section 67/7 and/or Section 67/8

- (a) Should an operator refuse to permit the performance of a ramp inspection without a valid reason, the CAAT may consider detaining the aircraft. In such a case, the CAAT must immediately inform the State of oversight.
- (b) In the case of a category 3 finding where it appears that the aircraft is intended or likely to be flown without the operator completing the appropriate corrective action, the CAAT inspector shall:
- 1) notify the pilot-in-command/commander or the operator that the aircraft is not permitted to commence the flight until further notice; and
 - 2) ground that aircraft.
- (c) The CAAT inspector shall immediately inform the competent authority of the State of the operator and of the State in which the aircraft is registered, if relevant, in the case of a grounded aircraft used by foreign air operators.
- (d) The CAAT inspector shall, in coordination with the State of the operator or the State of Registry, prescribe the necessary conditions under which the aircraft can be allowed to take-off.
- (e) If the non-compliance affects the validity of the certificate of airworthiness of the aircraft, the grounding shall only be lifted by the competent authority when the operator shows evidence that:
- 1) compliance with the applicable requirements has been re-established;
 - 2) a permit-to-fly or equivalent document of the State of Registry or the State of the operator; and
 - 3) permission from foreign air operators which will be overflown, if applicable.