

MINISTERIAL REGULATION
PRESCRIBING ENERGY MANAGEMENT STANDARDS, CRITERIA AND PROCEDURES
IN CONTROLLED FACTORIES AND CONTROLLED BUILDINGS,
B.E. 2552 (2009)

By virtue of section 6 paragraph 2, section 9 (1) and section 21 (1) of the Energy Conservation Promotion Act B.E. 2535, as amended by the Energy Conservation Promotion Act (No. 2) B.E. 2550, which contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 33, section 41 and section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Minister of Energy, by and with the advice of the National Energy Policy Council, hereby issues the Ministerial Regulation as follows:

Clause 1. This Ministerial Regulation shall come into force after the expiration of one hundred and twenty days from the date of its publication in the Government Gazette.¹

Clause 2. In this Ministerial Regulation:

“controlled factory” means a factory which is classified as a controlled factory by a Royal Decree in accordance with section 8;

“owner of controlled factory” includes any person in charge of managing a controlled factory;

“controlled building” means a building which is classified as a controlled building by a Royal Decree in accordance with section 18;

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¹ Published in the Government Gazette, Vol. 126, Part 47, page 7, dated 23rd July, B.E. 2552 (2009).

“owner of controlled building” includes any person in possession of a controlled building;

“inspector” means a person who is authorised by energy conservation promotion law to inspect and certify energy management activities.

Clause 3. The owner of a controlled factory and the owner of a controlled building shall provide for energy management activities in the controlled factory and the controlled building by developing energy conservation policies, targets and plans and energy management procedures.

Upon the first implementation of the energy management procedures pursuant to this Ministerial Regulation, the owner of a controlled factory and the owner of a controlled building shall evaluate the primary status of the energy management. Such evaluation shall be based on past energy management activities which existed prior to the establishment of energy conservation policies.

Clause 4. In developing energy management policies, the owner of a controlled factory or the owner of a controlled building may establish a working group.

The energy conservation policies shall manifest the intention and determination to manage the use of energy in a controlled factory and a controlled building. The policies shall be in writing and signed by the owner of a controlled factory or the owner of a controlled building and shall at least contain the following:

(1) a term which states that energy conservation forms part of the operations of the owner of a controlled factory or the owner of a controlled building;

(2) energy conservation policies which conform with the nature and quantity of energy consumed in a controlled factory or a controlled building;

(3) manifestation of the intention to comply with the relevant laws pertaining to the conservation and management of energy;

(4) guidelines on the continuous improvement of the efficiency of energy consumption;

(5) guidelines on the effective allocation of resources in the implementation of energy management procedures.

The owner of a controlled factory and the owner of a controlled building shall provide for the publication of energy conservation policies by posting it

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at a conspicuous location in the controlled factory or the controlled building or by other appropriate means in order for their personnel to be informed and to comply with such energy conservation policies.

Clause 5. The owner of a controlled factory and the owner of a controlled building shall appoint a working group on energy management and shall prescribe its structure, powers and duties and responsibilities and circulate such prescription to the personnel of the controlled factory or the controlled building in written form.

The powers and duties of the working group on energy management shall at least include the following:

(1) operating energy management activities in accordance with the energy conservation policies and energy management procedures of the controlled factory or the controlled building;

(2) coordinating with relevant authorities in order to seek cooperation in the implementation of the energy conservation policies and energy management procedures and organising training courses or activities in order to raise awareness of the personnel in the controlled factory or the controlled building;

(3) supervising energy management activities of the controlled factory or the controlled building in order to ensure their compliance with the energy conservation policies and energy management procedures;

(4) reporting the outcome of energy conservation and management activities in accordance with the energy conservation policies and energy management procedures of the controlled factory or the controlled building to the owner of the controlled factory or the controlled building;

(5) suggesting proposals for prescription or revision of the energy conservation policies and energy management procedures to the owner of the controlled factory or the owner of the controlled building for consideration;

(6) supporting the owner of the controlled factory or the owner of the controlled building in the implementation of this Ministerial Regulation.

Clause 6. The owner of a controlled factory and the owner of a controlled building shall evaluate the efficiency of energy conservation activities by inspecting and evaluating the significant utilisation of energy in accordance with the criteria and procedures as prescribed by the Minister in the Government Gazette.

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Clause 7. The owner of a controlled factory and the owner of a controlled building shall establish energy conservation targets and plans of the amount of energy aimed to reduce by fixing a reduction percentage of the previous energy consumption volume or by fixing an energy consumption level per production unit, including fixing implementation periods, investment amount and the expected outcome in order to achieve the targets in accordance with the criteria and procedures as prescribed by the Minister in the Government Gazette.

In implementing the energy conservation plan in paragraph one, the owner of a controlled factory and the owner of a controlled building shall arrange training courses and activities promoting energy conservation and allow the personnel of the controlled factory or the controlled building to attend trainings and participate in activities on a continuing basis in order to educate and raise awareness on the impact of over-consumption of energy and shall extensively inform the personnel of the controlled factory or the controlled building of such trainings and activities.

Clause 8. The owner of a controlled factory and the owner of a controlled building shall supervise and ensure the implementation of the energy conservation plan.

The owner of a controlled factory and the owner of a controlled building shall inspect and analyse the implementation of energy conservation targets and plans established in accordance with Clause 7 and the criteria and procedures as prescribed by the Minister in the Government Gazette.

Clause 9. The owner of a controlled factory and the owner of a controlled building shall provide for inspection, follow-up and assessment, as well as review, analysis and improvement of deficiencies in energy management activities on a regular basis at appropriate intervals no less than once a year in accordance with the criteria and procedures as prescribed by the Minister in the Government Gazette.

Clause 10. The owner of a controlled factory and the owner of a controlled building shall inspect and certify energy management activities of the controlled factory and the controlled building by an inspector.

Inspection and certification procedures shall be in accordance with the criteria and procedures as prescribed by the Minister in the Government Gazette.

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Clause 11. The owner of a controlled factory and the owner of a controlled building shall submit the energy management inspection and certification report of the preceding year as required by this Ministerial Regulation to the Director-General by the end of March of each year, unless the owner of the controlled factory or the owner of the controlled building has less than one hundred and eighty days before 31 December of the previous year to carry out energy management activities. In such case, such report shall be submitted by the end of March of the following year.

The submission of the energy management inspection and certification report in paragraph one shall be in accordance with the criteria and procedures as prescribed by the Minister in the Government Gazette.

Given on the 25th Day of July B.E. 2552 (2009)

Wannarat Channukul

Minister of Energy

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