

MINISTERIAL REGULATION
PRESCRIBING QUALIFICATIONS, DUTIES AND THE NUMBER OF ENERGY MANAGERS,
B.E. 2552 (2009)

By virtue of section 6 paragraph two, section 9 (2) and section 21 (2) of the Energy Conservation Promotion Act B.E. 2535 (1992) as amended by the Energy Conservation Promotion Act (No. 2) B.E. 2550 (2007) which contains certain provisions in relation to the restriction of the 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, with an advice from the National Energy Policy Council, hereby issues the Ministerial Regulation as follows:

Clause 1. In this Ministerial Regulation,

“Controlled factory” means a factory which is classified as a controlled factory by a Royal Decree pursuant to section 8;

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

“Controlled building” means a building which is classified as a controlled building by a Royal Decree pursuant to section 18;

“Owner of a controlled building” includes any person in possession of a controlled building.

Clause 2. An Energy Manager shall fulfill one of the following qualifications:

(1) Holding a higher vocational certificate, and having work experience for at least three year in a factory or a building, and having undertaken works on

* Translated by Legal Translation Section, Foreign Law Bureau, and reviewed by Mrs. Vilawan Mangklatanakul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Initial Version– pending review and approval by the Office of the Council of State.

energy conservation as verified by the owner of a controlled factory or a controlled building;

(2) Holding a degree in Engineering or Science, and having undertaken works on the energy conservation as verified by the owner of a controlled factory or a controlled building;

(3) Having completed training on energy conservation or training with similar objectives which is approved by the Director-General;

(4) Having completed a senior Energy Manager course or training with similar objectives which is approved by the Director-General;

(5) Having passed the Energy Manager exam which is conducted by the Department of Alternative Energy Development and Efficiency.

The verification by the owner of a controlled factory or a controlled building under (1) or (2) shall follow the form as prescribed by the Director-General.

Clause 3. An Energy Manager shall have the following duties:

(1) Periodically maintaining and inspecting the efficiency of power-consuming machinery and equipment;

(2) Improving the energy consumption methods so as to conform with the principles of energy conservation;

(3) Assisting the owner of a controlled factory or a controlled building in Energy Management as stipulated in the Ministerial Regulation Prescribing Energy Management Standards, Regulations, and Procedures in Controlled Factories and Controlled Buildings;

(4) Assisting the owner of a controlled factory or a controlled building in complying with the orders of the Director-General pursuant to section 10.

Clause 4. The owner of a controlled factory or a controlled building shall appoint an Energy Manager for the controlled factory or the controlled building within one hundred and eighty days from the date on which it acquires the status of a controlled factory or a controlled building, and shall immediately notify the Director-General about the appointment. The number of Energy Managers and their qualifications shall be as follows:

(1) In the following types of controlled factory or controlled building, there shall be a minimum of one Energy Manager who fulfills one of the qualifications prescribed in clause 2:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(a) A controlled factory or a controlled building which is approved by a power distribution agency to use a power meter or to install one or more transformers with a combined capacity lower than 3,000 kilowatts or 3,530 kilovolts-ampere; or

(b) A controlled factory or a controlled building which consumes electrical power, thermal power or other forms of non-renewable energy either supplied from power distributors or self-production or from both from 1 January to 31 December of the previous year at a combined amount equivalent to lower than 60 million mega joules of electrical power;

(2) In the following types of controlled factory or controlled building, there shall be no less than two Energy Managers, at least one of whom fulfills the qualifications as prescribed in clause 2 (4) or (5), and the rest fulfills one of the qualifications prescribed in clause 2:

(a) A controlled factory or a controlled building which is approved by a power distribution agency to use a power meter or to install one or more transformers with a combined capacity equal or more than 3,000 kilowatts or 3,530 kilovolts-ampere; or

(b) A controlled factory or a controlled building which consumes electrical power, thermal power or other forms of non-renewable energy either supplied from power distributors or self-production or from both from 1 January to 31 December of the previous year at a combined amount equivalent to 60 million mega joules or more than of electrical power.

Clause 5. In the case an Energy Manager retires from duty resulting in an insufficient number of Energy Managers in a controlled factory or a controlled building in accordance with the requirements as prescribed in clause 4, the owner of the controlled factory or the controlled building shall take the following actions:

(1) Sending a written notification of the retirement of the Energy Manager to the Director-General immediately.

(2) Appointing a new Energy Manager within ninety days from the date of the retirement, and informing the details of the appointment to the Director-General immediately.

Clause 6. Regarding factories and buildings which had qualified as a controlled factory or a controlled building as prescribed in clause 4 (1) (a) or (b) prior

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

to or on the date of entry into force of this Regulation, and their owners have already appointed persons in charge of Energy Management with the qualifications as prescribed in clause 2 (1) (2) or (3), the owners shall inform the Director-General and appoint such persons in charge of Energy Management as the Energy Managers as specified by this Regulation.

If the owner of a controlled factory or a controlled building as specified in paragraph one has not appointed any Energy Manager, the owner shall appoint an appropriate number of Energy Manager with qualifications as specified by this Regulation within 180 days from the date of its entry into force.

Clause 7. Regarding factories and buildings which had qualified as a controlled factory or a controlled building as prescribed in clause 4 (2) (a) or (b) prior to or on the date of entry into force of this Regulation, and their owners have already appointed persons in charge of Energy Management with the qualifications as prescribed in clause 2 (1) (2) or (3), the owners shall inform the Director-General and shall appoint such persons in charge of the Energy Management as the Energy Managers as specified by this Regulation.

After having informed the Director-General, the owner of a controlled factory or a controlled building as specified in paragraph one shall take the following actions:

(1) Appointing an appropriate number of Energy Manager with qualifications as specified by this Regulation within 180 days from the date of its entry into force, and informing the Director-General immediately;

(2) In the case of the failure to appoint Energy Managers with qualifications as prescribed in clause 2 (4) or (5) within the period specified in (1) and the owner is not liable for such failure, the owner of a controlled factory or a controlled building shall send a written explanation to the Director-General in order to ask for an extension. The Director-General shall have the power to authorise an extension which shall not exceed two years from the date of entry in to force of this Regulation. The owner shall appoint Energy Managers within the period extended by the Director-General, and shall notify the Director-General of the appointment immediately.

Clause 8. Regarding factories and buildings which had qualified as a controlled factory or a controlled building as prescribed in clause 4 (2) (a) or (b) prior

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

to or on the date of entry into force of this Regulation, and their owners have not appointed any Energy Manager, the owner shall take actions as prescribed in clause 7 (1) and (2).

Clause 9. Regarding factories and buildings which had qualified as a controlled factory or a controlled building as prescribed in clause 4 (2) (a) or (b) from the date of entry into force of this Regulation, and the period of two years has not passed from the date of entry into force of this Regulation, the owner shall appoint an appropriate number of Energy Manager with qualifications as specified by this Regulation within one hundred and eighty days from the date on which it has acquired the status of a controlled factory or a controlled building, and shall inform the Director-General of the appointment immediately. In the case of the failure to appoint Energy Managers with qualifications as prescribed in clause 2 (4) or (5) within that period and the owner is not liable for such failure, the owner of a controlled factory or a controlled building shall take actions as prescribed in clause 7 (2).

Clause 10. In the case where an Energy Manager with qualifications as required in clause 2 (4) or (5) retires from the duty within two years from the date of entry into force of this Regulation, resulting in an insufficient number of Energy Managers in a controlled factory or a controlled building in accordance with the requirements as prescribed in clause 4, the owner of the controlled factory or the controlled building shall send a written notification of the retirement of the Energy Manager to the Director-General immediately and shall take the following actions:

(1) Appointing an appropriate number of Energy Manager with qualifications as required by this Regulation within one hundred and eighty days, and informing the Director-General immediately;

(2) In the case of the failure to appoint Energy Managers with qualifications as prescribed in clause 2 (4) or (5) within the period specified in (1) and the owner is not liable for such failure, the owner of a controlled factory or a controlled building shall send a written explanation to the Director-General in order to ask for an extension. The Director-General shall have the power to authorise an extension which shall not exceed two years from the date of entry in to force of this Regulation. The owner shall appoint Energy Managers within the period extended by the Director-General, and shall notify the Director-General of the appointment immediately.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Clause 11. The procedures for notifying the appointment of the Energy Managers and the supporting documents and evidence as required by this Regulation shall be prescribed by the Director-General.

Given on the 15th July B.E. 2552 (2009)

Wannarat Channukul

Minister of Energy

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Remarks :- the rationale for promulgating this Ministerial Regulation is, by virtue of section 9 (2) and section 21 (2) of the Energy Conservation Promotion Act B.E. 2535 (1992) as amended by the Energy Conservation Promotion Act (No. 2) B.E. 2550 (2007), the Minister of Energy, with an advice from the National Energy Policy Council, has the power to issue Ministerial Regulation stating that the owner of a controlled factory and a controlled building shall appoint Energy Managers for each controlled factory or controlled building, and specify the qualifications of Energy Managers for the benefit of energy conservation in controlled factories and controlled buildings.

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.