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THAILAND

Newsletter

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Going Green: Building Design Enforcement Under the Building Control Law

To improve energy conservation in buildings across Thailand, in 2020, the Minister of Energy issued the Ministerial Regulation Prescribing Type or Size of Building and Standard, Criteria and Procedure in Designing Building for Energy Conservation B.E. 2563 (2020) (the "**Ministerial Regulation**") by virtue of the Energy Conservation Promotion Act B.E. 2535 (1992).

On 27 December 2022, the Building Control Committee issued the Notification of the Building Control Committee Re: Enforcement of the Ministerial Regulation Prescribing Type or Size of Building and Standard, Criteria and Procedure in Designing Building for Energy Conservation B.E. 2563 (2020) in the Building Control in accordance with the Building Control Laws (the "**Notification**") to impose the Ministerial Regulation as requirements under the building control law. Effective from 25 January 2023, it is mandatory for certain types of buildings, i.e., entertainment halls, hotels, entertainment establishments, medical facilities, educational institutes, office or business buildings, shopping malls or department stores, condominiums, and public assembly buildings, to comply with energy efficient design in order to obtain a construction license, a building modification license, or a certificate of construction under the Building Control Act B.E. 2522 (1979) (as amended). As part of the application for a construction license, building modification license, and construction certificate, a building owner is required to prepare an assessment report relating to the building's energy conservation design. Energy efficient design includes the building facade, lighting system, air-conditioning system, and water heating equipment within the building.

Although the Notification is effective as of 25 January 2023, under the Ministerial Regulation, a building with a gross floor area of 2,000 square meters or more, but less than 5,000 square meters, is exempted from compliance until 11 March 2023. Also, an application for a construction license, building modification license, and construction certificate, or an application for EIA approval submitted before 25 January 2023, is not subject to the new mandatory requirements. In any event, the requirements would immediately apply to an application for a construction license, building modification license, and construction certificate, or an application for EIA approval for a building having a gross floor area of 5,000 square meters or more.

If you have any questions in relation to the topic raised in this briefing, please contact the authors listed in the left-hand column.

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