

# Basic Environment Act

Forty-one articles promulgated by presidential order on December 11, 2002

## Chapter 1 General Principles

### Article 1

This Act is formulated to raise the quality of the environment, advance the health and well-being of citizens, preserve environmental resources, and pursue sustainable development by promoting environmental protection. The regulations of other laws shall apply to those matters not regulated by this Act.

### Article 2

The term "environment" in this Act means collectively the natural resources that influence human survival and development and the human impact of natural factors, including sunlight, air, water, soil, earth, minerals, forests, wildlife, scenery, recreation, social economy, culture, historical monuments, natural monuments, natural ecological systems, etc.

"Sustainable development" means satisfying contemporary needs without sacrificing the ability of future generations to satisfy their needs.

### Article 3

Economic, technological and social development shall equally emphasize environmental protection based on long-term national interests. However, in the event that economic, technological or social development has a seriously negative impact on the environment or endangers the environment, the protection of the environment shall prevail.

### Article 4

Citizens, enterprises and government entities at all levels shall jointly share the duties and responsibilities of protecting the environment.

Those who pollute or destroy the environment shall be responsible for the environmental harm or risk they create.

The government shall bear responsibility in the event that those who pollute or destroy the environment in the foregoing paragraph do not exist or cannot be confirmed.

### Article 5

Citizens shall uphold environmental protection concepts and lessen the environmental impact of daily life. In terms of consumer behavior, citizens shall, as a principle, practice green consumption. In terms of daily life, citizens shall carry out waste disposal reduction, separation and recycling.

Citizens shall actively carry out environmental protection and be responsible for assisting the government in implementing measures related to environmental protection.

## **Article 6**

Enterprises shall plan for the phasing in of environmental protection concepts when carrying out their activities. Based on product lifecycles, enterprises shall promote clean production, prevent and reduce pollution, conserve resources and recycle and use recycled resources and other raw (or processed) materials or services that help lessen environmental impact with the purpose of achieving sustainable development.

Enterprises shall be responsible for assisting the government in implementing measures related to environmental protection.

## **Article 7**

The central competent authority shall draft environmental protection laws and regulations, draw up national environmental protection plans, establish sustainable development indicators and promote and implement such laws and regulations, plans and indicators.

Local governments, in view of the needs of natural and social conditions within the local jurisdiction, may draft autonomous laws and regulations and environmental protection plans, in accordance with the laws and regulations and national environmental protection plans in the foregoing paragraph, and promote and implement such laws and regulations and plans.

Government entities at all levels shall regularly assess and examine the state of implementing environmental protection plans and publish such assessment and examination results.

The central government shall assist local governments to realize local autonomy and to implement environmental protection matters.

## **Article 8**

Government entities at all levels shall incorporate environment first and sustainable development concepts. They shall also develop related science and technology and establish economically efficient systems for environmental lifecycle management and green consumption to contend with issues related to the environment.

## **Article 9**

Government entities at all levels shall make widely available environment first and sustainable development education and study and strengthen public education to improve the environmental knowledge of citizens, establish environmental protection concepts and realize such concepts in daily life.

## **Article 10**

Government entities at all levels shall have a dedicated agency or unit to plan, promote and provide guidance on environmental protection matters.

Government entities at all levels shall liberally budget for environmental protection and reasonably allocate such budget according to actual needs.

## **Article 11**

Government entities at all levels may employ the services of an environmental protection organization, group representative or academic expert for consultation.

Government entities at all levels may invite relevant members of the public or groups to jointly participate and strengthen the promotion of environmental protection work.

#### **Article 12**

The central government shall promote international cooperation and technological assistance, engineering technology and experimental research related to global sustainable development and publish related information to facilitate its use by citizens and enterprises. Local governments may also carry out such work as deemed necessary.

#### **Article 13**

The central government shall carry out professional environmental protection training and establish a criteria system for environmental protection professionals to raise the quality of environmental protection work.

Enterprises shall establish dedicated units or personnel in accordance with related environmental protection laws and regulations and draft and implement environmental protection plans.

#### **Article 14**

The courts may establish a dedicated court or designate dedicated personnel for environmental protection disputes.

## **Chapter 2 Planning and Protection**

#### **Article 15**

Government entities at all levels shall collect, survey and assess information on the condition of the natural, social and human environment within its jurisdiction, build an environmental information system and provide such system for checking.

The environmental information system in the foregoing paragraph shall be open to the public on a regular basis.

#### **Article 16**

With a high quality, comfortable and harmonious environment as the goal and on the basis of total environmental resource management concepts, government entities at all levels shall carry out reasonable plans for land development and use and promote such plans.

#### **Article 17**

Government entities at all levels may, with respect to natural conditions, actual needs, and preserving the rights of indigenous peoples, adopt necessary measures or limit human activity and use within designated areas to protect the natural, social and human environment.

#### **Article 18**

Government entities at all levels shall actively protect wildlife, ensure biodiversity, protect forests, estuaries and wetland environments, and maintain a diverse natural environment, while also enhancing water resource conservation, water and soil conservation, and revegetation and greenification work.

# Chapter 3 Control and Relief

## Article 19

Government entities at all levels shall adopt preventive measures to protect nonrenewable resources, and shall regularly conduct surveys and assessments on rare resources that have surpassed limits or are nearing limits and undertake improvement or restrictive measures.

## Article 20

Government entities at all levels shall actively adopt measures to protect the marine environment, enhance coastal area management, and control groundwater overuse, ground subsidence, and coastal erosion.

## Article 21

Government entities at all levels shall actively adopt measures to control carbon dioxide emissions and establish related plans to mitigate the greenhouse effect.

## Article 22

Government entities at all levels shall actively conduct research and establish environmental and health risk assessment systems, adopt preventive and medical healthcare measures, reduce health risks, and prevent or lessen diseases related to the environment.

## Article 23

The government shall establish plans to gradually achieve the goal of becoming a nuclear-free country. The government shall also strengthen nuclear safety management and control, protections against radiation, and the management of radioactive materials and monitoring of environmental radiation to safeguard the public from the dangers of radiation exposure.

## Article 24

The central government shall establish an environmental impact assessment system to prevent and reduce the negative impact of government policies or development activities on the environment.

## Article 25

The central government shall establish phased-in environmental quality and control standards with regard to societal needs and technology.

Local governments may establish stricter management and control standards with regard to the natural and societal conditions within its jurisdiction to meet the standards in the foregoing paragraph. Such standards, after central government review, may be applied within said jurisdiction.

Government entities at all levels shall adopt necessary measures to achieve the standards in the two foregoing paragraphs.

## Article 26

The central government shall establish pre-approval, random check and enterprise self-reporting mechanisms for environmental pollution activities to effectively control pollution sources.

The central government shall establish pre-approval, management and control and auditing mechanisms for the use of rare resources and natural and cultural assets to effectively conserve natural resources.

#### **Article 27**

Government entities at all levels shall establish a strict environmental monitoring network, regularly publish monitoring results, establish pre-warning systems, and adopt necessary measures.

#### **Article 28**

Environmental resources belong to all citizens and future generations. The central government shall establish a system in which those who pollute or destroy the environment pay. Pollution control or environmental restoration fees that are collected from those who pollute or destroy shall be used to preserve the sustainable use of the environment.

#### **Article 29**

The Executive Yuan shall establish a national sustainable development commission to be responsible for relevant strategies and policies on national sustainable development matters. Said strategies and policies shall be conferred to relevant cabinet-level agencies for execution. Said commission shall be comprised of one third each government representatives, academics and experts, and civic groups.

#### **Article 30**

The central government shall establish a cabinet-level agency dedicated to environmental resources to effectively integrate and promote government policies and related matters on environmental resource preservation.

#### **Article 31**

The central government, in accordance with the law, shall establish environmental funds to bear responsibility for environmental cleaning, restoration and tracking and investigation of pollution sources and the promotion of matters beneficial to environmental development.

#### **Article 32**

Government entities at all levels shall enhance environmental public construction projects, improve the quality of the environment, and collect appropriate fees from beneficiaries or users.

Enterprises shall improve the construction of environmental protection treatment facilities.

#### **Article 33**

The central government shall establish a mechanism for resolving environmental disputes, strengthen technology to assess reasons for dispute and burden of proof education, training, research and development, and provide an appropriate dispute resolution mechanism.

The central government shall establish emergency response, compensation, reparation and remediation mechanisms.

#### **Article 34**

If a government entity at any level is negligent in enforcement, persons or public interest groups may, in accordance with laws and regulations, name said competent authority as a defendant and directly file a lawsuit with the Administrative Court.

When issuing a verdict on such lawsuit, the Administrative Court pursuant to its authority may order the defendant competent authority to pay the appropriate lawyer fees, detection and appraisal fees and other litigation costs to plaintiffs that have made specific contributions to maintaining the quality of the environment.

## **Chapter 4 Guidance, Monitoring, Incentives and Penalties**

#### **Article 35**

The central government shall provide incentives for academic and research organizations involved in environmental protection to upgrade facilities, recruit and train personnel, introduce advanced technologies, and integrate research resources, hastening the development of demonstration projects and research on environmental protection technology.

#### **Article 36**

Government entities at all levels shall adopt incentives to promote the development of environmental protection enterprises and private environmental protection groups, as well as encourage private investment in the environmental protection industry.

The central government shall promote and manage environmental protection enterprises to raise the quality of environmental protection engineering and services.

#### **Article 37**

With the aim of rationally and effectively using resources and meeting environmental protection needs, government entities at all levels shall adopt appropriate incentive, promotion and compensation measures for the following activities.

1. Protection of the natural, social and human environment
2. Research and development of clean production technologies, equipment or products for production cleaning
3. Research and development of resource recycling and reuse technologies
4. Promotion and application of renewable energy
5. Research and development of energy conservation technology and installation of products that conserve energy
6. Manufacture or installation of pollution control equipment
7. Moving for the purpose of protecting the environment
8. Provision of land or other resources to be used to protect the environment
9. Environmental reforestation and greenification
10. Other activities related to environmental protection

**Article 38**

Government entities at all levels shall adopt necessary measures to promote the use of renewable resources and other materials, products or services that beneficially lessen environmental impact.

In principle, government entities at all levels shall procure renewable resource products and Greenmark products.

**Article 39**

Government entities at all levels shall fully enforce environmental laws and regulations and interdict and punish violations thereof in accordance with the law.

**Chapter 5 Supplementary Provisions****Article 40**

June 5th shall be designated as Environment Day to promote the deep cultivation of environmental protection concepts by citizens, enterprises and government entities at all levels and to collectively care about environmental issues.

**Article 41**

This Act shall take effect on the date of promulgation.