

Content

Title :	Standards for Determining Administrative Fine Amounts for Violations of the Environmental Agents Control Act Ch
Date :	2024.10.17
Legislative :	1.Promulgated and issued in its entirety in five provisions by Huan-Shu-Du-Zi Order No. 0970103778C of the Environmental Protection Administration, Executive Yuan, on December 29, 2008, and effective on February 1, 2009. 2.Articles 6 and 7 were added and promulgated by Huan-Shu-Du-Zi Order No. 1010097927 of the Environmental Protection Administration, Executive Yuan, on October 31, 2012. 3.The attached table to Article 2 was amended and promulgated by Huan-Bu-Hua-Zi Order No. 1138120897 of the Ministry of Environment on October 17, 2024, and took effect immediately.
Content :	These Standards are established to ensure that the competent authority, when imposing penalties for violations of the Environmental Agents Control Act (hereinafter referred to as "the Act"), determines penalties in accordance with the principle of proportionality. For violations of the Act, the amount of the administrative fine shall be calculated in accordance with the penalty formula set forth in the attached table. Where the administrative fine calculated pursuant to the preceding paragraph exceeds the statutory maximum fine prescribed under the applicable penalty provision, the statutory maximum fine shall apply. Where a single act violates multiple provisions of the Act, the amount of the administrative fine shall be determined in accordance with the provision carrying the highest statutory fine and the circumstances set forth in the attached table. Where a single act violates multiple provisions of the Act and the applicable statutory fine ranges are identical, the amount of the administrative fine shall first be calculated separately in accordance with the circumstances set forth in the attached table, and the highest calculated amount shall be imposed. In determining the amount of an administrative fine for violations of the Act, the competent authority shall, in addition to applying the discretionary criteria set forth in the attached table, also take into consideration the benefits obtained from the violation of administrative obligations, the impact resulting therefrom, and may further consider the financial capacity of the violator.Where the benefits obtained as referred to in the preceding paragraph exceed the statutory maximum fine, the penalty may be increased within the scope of such benefits and shall not be subject to the statutory maximum fine limit. The calculation of benefits obtained from the violation of obligations referred to in the preceding paragraph includes the total sales volume of environmental agents-related products during the period in which such benefits were obtained, savings in production investment costs for equipment and labor costs, average selling price, average selling cost, interest accrued during the period in which such benefits were obtained, and other calculable economic benefits; provided that costs and necessary expenses may be deducted.
Files :	Standards for Determining Administrative Fine Amounts for Violations of the Environmental Agents Control Act.pdf

Attachments : Appendix.pdf

Data Source : Ministry of Environment Laws and Regulations Retrieving System