

Resource Recycling Act

Original 31 articles promulgated by presidential order Hwa-Tsung-Yi-Yi-Tzu No. 09100133700 on July 3, 2002.
Revisions to Article 6 promulgated by presidential order Hwa-Tsung-Yi-Yi-Tzu No. 09800010901 on January 21, 2009.

Chapter 1 General Principles

Article 1

This Act is formulated to conserve natural resources, reduce waste, promote recycling and reuse of materials, mitigate environmental loading, and build a society in which resources are used in a sustainable manner. The regulations of other laws shall apply to those matters not regulated by this Act.

Article 2

The terms used in this Act are defined as follows.

- I. “Recycled resources” means substances that have lost their original usefulness, are economically and technologically feasible to recycle, and may be recycled or reused as announced or approved by this Act.
- II. “Recycling and reuse” means the act of reusing or recycling recycled resources.
- III. “Reuse” means the act of making direct, repeated use of recycled resources in their original form or using recycled resources after restoring some or all of their original functionality.
- IV. “Recycling” means the act of making recycled resources functional by altering the original form of substances, or combining them with other substances, so that they may serve as materials, fuel, fertilizers, animal feed, fillers, soil enhancers, or for other uses recognized by the central industry competent authority.
- V. “Enterprise” means companies, proprietorships, organizations, non-corporate bodies and other entities as designated by the central competent authority engaged in production, manufacturing, transportation, selling, education, research, training, engineering and construction or service activities.
- VI. “Products made from recycled materials.” means a product made using at least a certain proportion of recycled materials as raw materials.

Article 3

The term “competent authority” in this Act means the Environmental Protection Administration, Executive Yuan, at the central government level, the

municipal government in special municipalities and the county or city government in counties or cities.

Article 4

The competent authority shall designate a dedicated unit or personnel to formulate renewable resource recycling and reuse policies, and perform relevant auditing, public awareness, training, guidance, evaluation and research matters. When necessary, the competent authority may delegate or commission a relevant agency or organization to perform such tasks.

The industry competent authority may, as required, designate a dedicated unit or personnel to perform the tasks in the foregoing paragraph, and, when necessary, may commission a relevant agency or organization to perform such tasks.

Article 5

The central competent authority shall establish a Renewable Resource Recycling and Reuse Promotion Committee (herein referred to as “the Committee”) that shall be responsible for the review of major policies and measures on the recycling and reuse of recycled resources as drafted by the competent authority and industry competent authority and the coordination and assessment of implementation and operational matters as related to items officially announced and designated in each article of the Source Management Chapter of this Act.

The Committee shall have one chairman; which shall be the Administrator of the Environmental Protection Administration. Committee members shall be appointed for a period of two years, and shall consist of relevant government agency representatives, scholars, experts and environmental protection group representatives. Scholars, experts and environmental protection group representatives may not constitute less than one-half of the total number of committee members. Committee members, their spouses, and their direct blood relatives shall avoid implementation and operational duties in the renewable resource recycling and reuse industries under review by the Committee during the appointment period of said member and for three years thereafter.

The Environmental Protection Administration shall determine the organizational rules, which shall be promulgated after approval by the Executive Yuan.

Article 6

Priority consideration shall be given to the use of substances that reduce waste production to achieve resource sustainability insofar as is economically and technologically feasible. Priority consideration shall be given to the reuse, recycling, energy recovering, and appropriate disposal, in that order, of substances that have lost their original utility. However, a waste utilization method that yields optimal overall environmental benefit based on lifecycle considerations shall not be subject to this restriction.

Article 7

The central competent authority and central industry competent authority shall, in accordance with their duties and powers, formulate and implement relevant policies, laws, and regulations governing the reduction of resource consumption, control of waste production and promotion of resource recycling and reuse.

Article 8

The local competent authority and all local industry competent authorities shall, in addition to performing pursuant to regulations determined by the central competent authorities pursuant to the foregoing article, be responsible for reducing resource consumption, controlling waste production, and promoting resource recycling and reuse. Local competent authorities shall formulate consistent policies within their jurisdictions and implement said policies in accordance with governmental division of duties and powers.

Article 9

Enterprises shall comply with the following principles when engaging in industrial activities to reduce resource consumption, control waste production, and promote resource recycling and reuse:

- I. Employ cleaner production technology.
- II. Adopt necessary measures to reduce waste production when using raw materials.
- III. Implement recycling and reuse of raw materials after they lose their original utility or provide said materials for recycling and reuse, and bear responsibility for the appropriate disposal of materials that cannot be recycled or reused.
- IV. To prevent articles, and containers from becoming waste, enterprises engaged in the manufacture and sale of articles, or containers are responsible

for increasing the useable life of such articles, and containers and implementing the repair and maintenance thereof. Said enterprises shall also endeavor to perform product research, development, and design so as to facilitate recycling and reuse and shall indicate the types of materials used.

Article 10

Citizens shall have the duty and be responsible for abiding by the principles of reducing resource consumption, controlling waste production, and promoting resource recycling and reuse, and, to the greatest extent possible, extend the usable life of articles, use recycled products, and sort recyclable resources to prevent articles, from becoming waste and appropriately recycle and reuse articles, and recycled resources.

Chapter 2 Source Management

Article 11

Enterprises as officially announced and designated by the central competent authority shall comply with the following designated items from the designated date onward:

- I. Types of recycled resources recycled and recycling method
- II. Labels listing materials used in products and proportion of recycled resources
- III. Classification and recycling marks on products
- IV. Other items as specified by the central competent authority in consultation with the central industry competent authority

The central competent authority in consultation with the central industry competent authority shall determine industry classifications, the designated dates, and other binding matters in the foregoing paragraph.

When importing products possessing similar or identical performance as those produced or manufactured by the designated industries in Paragraph 1, importers shall comply with the regulations of Paragraph 1 at the time of sale.

Article 12

The industry competent authority shall provide guidance to enterprises on the recycling and reuse of recycled resources.

The central industry competent authority may, depending on the state of industrial development, officially announce and designate that certain products, construction and engineering, or enterprise types and scale shall comply with the

following specified items during the research, development, design, manufacturing, production, sale, and construction stages:

- I. Use of materials, specifications, or designs that facilitate decomposition, demolition, or recycling and reuse
- II. Use of certain proportions or quantities of recycled resources
- III. Use of refillable containers
- IV. Other items specified by the central competent authority in consultation with the central industry competent authority

The central industry competent authority in consultation with the central competent authority shall determine the specified products, construction processes, types of industries, materials, specifications, certain proportions or quantities, and their implementation methods, etc. officially announced and designated in the foregoing paragraph.

Article 13

The central competent authority may officially announce and designate the restriction or prohibition of the use of articles, packaging, or containers as designated by the central competent authority on public or private premises.

The central competent authority in consultation with the central industry competent authority shall determine the specified materials, specifications, and method of restricting or prohibiting the use of articles, packaging, or containers in the foregoing paragraph.

Article 14

The production and sale of products shall avoid excessive packaging to reduce waste production and mitigate environmental loading. The central competent authority in consultation with the central industry competent authority may officially announce and designate enterprises as being subject to restrictions on packaging volume ratio, number of packaging layers, and types or quantity of materials used in the packaging of specified products after a specified deadline.

When importing the specified products in Paragraph 1 or products possessing similar or identical performance, importers shall comply with the regulations of Paragraph 1 at the time of sale.

Chapter 3 Operational Management

Article 15

The central competent authority shall announce renewable resource items that must be reused.

The central competent authority in consultation with the central industry competent authority and reuse industry competent authority shall determine collection, transport, and storage methods, facilities standards, reuse standards, records, and other binding matters with regard to the reuse of recycled resources.

The central industry competent authority shall announce renewable resource items that must be recycled.

The central industry competent authority in consultation with the central competent authority and recycling industry competent authority shall determine collection, transport, and storage methods, facilities standards, recycling standards, records, and other binding matters with regard to the recycling of recycled resources.

Enterprises may submit reuse or recycling plans for items not yet officially announced as recycled resources and apply to the central competent authority or central industry competent authority for approval as renewable resource items.

The central competent authority or central industry competent authority shall determine the format and content of the reuse or recycling plans in the foregoing paragraph.

Article 16

Recycled resources and recycled products shall meet national standards. The central industry competent authority in consultation with the central competent authority shall announce standards for items for which there are no national standards.

Regulations in Chapter 4 Assistance and Incentive Measures of this Act are not applicable if recycled resources or recycled products fail to meet standards pursuant to the foregoing paragraph.

Article 17

The central competent authority in consultation with the central industry competent authority may restrict or prohibit the import or export of recycled resources so as to effectively recycle and reuse domestic recycled resources.

The central competent authority in consultation with relevant agencies shall determine the restriction, prohibition, and related management of the import or export of recycled resources in the foregoing paragraph.

Article 18

Enterprises officially announced and designated by the central competent authority shall report to the central competent authority their production, storage, collection, transport, reuse, recycling, import, export, transit, or transshipment of recycled resources via the Internet and in accordance with the format, items, content, and frequency required by the central competent authority. If authorized by the central competent authority, however, enterprises may report by some means other than the Internet.

Article 19

Any recycled resources not recycled or reused in accordance with regulations shall be considered waste, and shall be recycled, cleared, and disposed of pursuant to the Waste Disposal Act.

Any recycled resources that cannot be reused or recycled shall be cleared and disposed of pursuant to the Waste Disposal Act.

Article 20

For waste that is required to be recycled pursuant to the Waste Disposal Act and that is also a renewable resource as officially announced pursuant to this Act, recycling, storage, and the collection, safekeeping and utilization of recycling, clearance and disposal fees shall be subject to the regulations of the Waste Disposal Act.

Article 21

The competent authority and industry competent authority, or a commissioned professional organization, may dispatch personnel bearing identification documents to enter enterprise or renewable resource recycling and reuse operational, working, or business premises to perform inspection and request relevant information.

Relevant businesses may not evade, obstruct, or refuse any inspections or requests in the foregoing paragraph.

Before commissioning a professional organization to independently perform the inspection in Paragraph 1, the competent authority and industry competent authority shall announce the commissioned tasks and basis for such inspection and shall notify the premises to be inspected.

Chapter 4 Assistance and Incentive Measures

Article 22

To promote the recycling and reuse of resources, government agencies, public schools, public enterprises and organizations, and military authorities shall preferentially procure government-recognized Eco-products, recycled resources produced within the national territory, or recycled products in which at least a certain proportion of recycled resources as raw materials are used.

The central competent authority in consultation with relevant agencies shall determine the environmentally preferable products, recycled resources, and certain proportion of recycled resources that recycled products must contain.

The central competent authority and all industry competent authorities shall themselves perform, or commission a professional organization or enterprise to perform educational and sales promotion activities for recycling technology, renewable resource, recycled product, and environmentally preferable products.

Article 23

The central competent authority shall regularly select and hold awards, or assign or commission a relevant agency or organization to regularly select and hold awards, for excellence in reuse and recycling technological developments and actual reuse and recycling achievements. The central competent authority in consultation with relevant agencies shall determine award money, grant, and commendation rules.

Enterprises engaged in recycling and reuse shall be granted tax incentives for the cost of investment in recycling and reuse research, facilities, tools, and equipment. The central tax competent authority in consultation with the central industry competent authority and central competent authority shall determine tax deduction items, their amounts, and other binding matters.

Article 24

To promote the recycling and reuse of recycled resources, acquire advanced renewable resource recycling and reuse technology and talent, and encourage innovative technology research and development by the domestic environmental protection industry, the competent authority or industry competent authority may plan and establish dedicated areas for environmental protection science and technology or renewable resource recycling and reuse depending on the land needs of renewable resource enterprises in each area.

If the land used for dedicated areas and environmental protection science technology or renewable resource recycling and reuse purposes in the foregoing

paragraph entails changes to the urban plan, the competent authority may draw up a feasibility plan and, in conjunction with the competent urban planning authority, implement changes pursuant to the regulations of Article 27 of the Urban Planning Act; for non-urban land use changes, the competent authority shall implement the changes pursuant to the Regional Planning Act and non-urban land use control regulations.

After the completion of dedicated area and land change and rezoning in the foregoing paragraph in accordance with law, publicly-owned land may be appropriated for use by or leased to developers, and shall not be subject to the restrictions of Article 25 of the Land Act.

If the dedicated areas and land in Paragraph 2 are not used for environmental protection science and technology or renewable resource recycling and reuse purposes, the competent authority or industry competent authority may notify the land competent authority to terminate the lease contract, and may notify the urban planning competent authority or regional planning competent authority to restore the original zoning of the land, or change it to another appropriate zoning.

When an industrial park is developed, the competent authority may, in accordance with the local need for land for renewable resource recycling and reuse purposes, request the industrial park development unit to set aside land for said purposes.

Chapter 5 Penal Provisions

Article 25

Those having reporting or recording obligations pursuant to Article 15 and Article 18 of this Act that knowingly report false information or keep false records of their operations shall be punished by a maximum of three years' imprisonment, detention and/or a fine of a maximum of NT\$1.5 million.

Article 26

The competent authority or industry competent authority may issue a fine of NT\$30,000 to NT\$150,000 to those to whom any one of the following situations applies. Those notified to make corrections or improvements within a limited time period that have still failed to make corrections or complete improvements by the deadline shall be issued consecutive daily fines. Serious violators may be ordered to suspend work for one month to one year, or suspend business. When necessary, violators may be ordered to terminate business.

- I. A manufacturing enterprise or importer that has violated any of the items requiring compliance in Article 11, Paragraph 1 or announced items in Paragraph 2.
- II. Failure to comply with specifications or use restrictions or prohibitions concerning the articles, packaging, containers, and materials thereof specified by the central competent authority pursuant to Article 13.
- III. A manufacturing enterprise or importer that has violated the regulations of Article 14 concerning product packaging.
- IV. Violation of management regulations in Article 15, Paragraph 2 or Paragraph 4.
- V. Violation of restrictions or prohibitions on the import or export of recycled resources specified pursuant to Article 17, Paragraph 1.
- VI. Violation of reporting regulations in Article 18.
- VII. Evasion, obstruction, or refusal of inspection by or requests made by the competent authority or industry competent authority pursuant to Article 21.

If an enterprise fails to comply with an order to suspend work or suspend business made in accordance with this Act, the local competent authority may make a report to the central competent authority, which shall request the industry competent authority to order the enterprise to terminate business.

Article 27

“Severe circumstances” in the foregoing paragraph means those to whom any one of the following situations applies:

- I. Continuing violation of the same regulation of this Act after being ordered twice in one year to make improvements within a designated time period.
- II. Failure to recycle and reuse recycled resources in accordance with regulations, and seriously polluting the environment.
- III. Submission of false application, reports, and records.
- IV. Other situations as recognized by the competent authority.

Article 28

Failure to pay fines issued pursuant to this Act by the deadline shall be referred for compulsory enforcement in accordance with the law.

Article 29

The competent authority or industry competent authority shall carry out interdiction, evidence collection, and enforcement referral matters in accordance with to this Act.

Unless implemented by the industry competent authority, the special municipality, city or county competent authority shall implement penalties designated in this Act.

Chapter 6 Supplementary Provisions

Article 30

The central competent authority shall determine the enforcement rules of this Act.

Article 31

This Act shall take effect one year after promulgation.