Content

Title：	Environmental Impact Assessment Act Ch
Date：	2003.01.08
Legislative：	Original 32 articles promulgated by presidential order on December 30, 1994 Revisions to Articles 2 and 3 promulgated by presidential order on December 22, 1999 Revisions to Articles 14 and 23 and additions of Articles 13-1, 16-1 and 23-1 promulgated by presidential order on June 12, 2002 Revisions to Articles 12 through 14 and 23 promulgated by presidential order on January 8, 2003
Content：	Chapter 1 General Principles

Article 1	This Act is formulated to prevent and mitigate the adverse impact of development activity on the environment in order to achieve the goal of environmental protection. The regulations of other laws shall apply to those matters not regulated by this Act.
Article 2	The competent authority referred to 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 3	Competent authorities at all levels shall establish an Environmental Impact Assessment Review Committee (herein referred to as "the Committee") in order to review matters related to environmental impact assessment reports. Terms for the members of the Committee in the foregoing paragraph shall be two years and experts and scholars may not account for less than two-thirds of the total number of committee members. When the industry competent authority is the developer, industry competent authority members shall withdraw from the voting process. The Environmental Protection Administration, Executive Yuan, shall draft the organizational rules of the Committee established by the central competent authority and shall submit said rules to the Executive Yuan for approval and announcement. Special municipality competent authorities shall draft the organizational rules of the Committees established by special municipality competent authorities and shall submit said rules to the authorized agency for approval and announcement. County or city competent authorities shall draft the organizational rules of the Committees established by county or city competent authorities and shall submit said rules to the authorized agency for approval and announcement.
Article 4	Terms used in this Act are defined as follows. 1."Development activity" means activity designated in Article 5. The scope of development activity includes its planning, implementation and post-completion use. 2."Environmental impact assessment" means an environmental management plan based on scientific, objective and comprehensive surveys, forecasting, analyses and evaluations conducted prior to project implementation in order to determine the degree and scope of the potential impact of development activity or government policy on the environment (including the living environment, natural environment and social environment), economy, culture and ecology, and the public explanation and review of such a plan. Environmental impact assessment work includes such procedures as phase Ⅰ and phase Ⅱ environmental impact assessments, reviews and follow-up evaluations.

Article 5	Environmental impact assessments shall be conducted for the following development activities for which there is concern of adverse impact on the environment. 1.The establishment of a factory or the development of an industrial park 2.The development of a road, railway, mass rapid transit system, harbor or airport 3.The extraction of soil and rock or the exploration and extraction of minerals 4.The development of water storage, water supply, flood control or drainage projects 5.The development or use of land for agriculture, forestry, fisheries or livestock 6.The development of recreational areas, scenic areas, golf courses or sports fields 7.The development of cultural, educational or medical facilities 8.The construction of new municipal districts, construction of tall buildings or renovation of old municipal districts 9.The construction of environmental protection projects 10.The development of nuclear energy or other energies or the construction of radioactive waste storage or treatment facilities 11.Those other activities officially announced by the central competent authority The central competent authority in consultation with the relevant agencies shall, within one year after the promulgation and implementation of this Act, determine and submit to the Legislative Yuan to be filed for future reference determination standards, specific items and environmental impact assessment working standards for those development activities for which environmental impact assessments are required to be conducted in the foregoing paragraph.
Chapter 2 Assessment, Review and Supervision	

Article 6	For those development activities for which environmental impact assessments are required pursuant to the foregoing article to be conducted, the developer, when planning, shall, in accordance with environmental impact assessment working standards, conduct a phase Ⅰ environmental impact assessment and prepare an environmental impact statement. The following items shall be recorded in the environmental impact statement in the foregoing paragraph. 1.The name and business address or office address of the developer 2.The name, domicile, residence and identification number of the statutory responsible person 3.The signatures of those who conducted comprehensive assessments of the environmental impact statement and those who wrote impact items for the environmental impact statement 4.The name of the development activity and the development site 5.The purpose and content of the development activity 6.All related plans and current environmental conditions within the area that could possibly be impacted by the development activity 7.A forecast of the environmental impacts that could possibly be caused by the development activity 8.Environmental protection strategies and alternate plans 9.The budget required for the implementation of environmental protection work 10.A summary chart of strategies for the prevention and mitigation of the adverse impact of the development activity on the environment
Article 7	When applying for permission for a development project, the developer shall submit an environmental impact statement to the industry competent authority, which shall then transfer the environmental impact statement to the competent authority for review. The competent authority shall, within fifty days of the receipt of the environmental impact statement in the foregoing paragraph, complete a review conclusion and issue an official announcement, and shall notify the industry competent authority and developer. However, for those special circumstances, the review deadline may be extended for a maximum of fifty days. For those circumstances in which the competent authority deems in the review conclusion in the foregoing paragraph that it is not required that a phase Ⅱ environmental impact assessment be conducted and for which permission is received, the developer shall hold a public explanation meeting.

Article 8	For those circumstances in which it is deemed in the review conclusion in the foregoing article that a phase Ⅱ environmental impact assessment is required to be conducted due to concern of a significant impact on the environment, the developer shall perform the following matters. 1.Distribute the environmental impact statement to relevant agencies 2.Display or post the environmental impact statement at an appropriate location near the development site; this time period may not be less than thirty days 3.Publish in newspapers the name of the developer, the development site and the location where the review conclusion and the environmental impact statement are displayed or posted The developer shall hold a public explanation meeting after the expiration of the time period for displaying or posting in the foregoing paragraph.
Article 9	Those relevant government agencies in the foregoing article or local residents that have opinions regarding the explanation of the developer shall present their opinions in writing to the developer within fifteen days after the public explanation meeting and send copies to the relevant agencies and the industry competent authority.
Article 10	The competent authority shall, after the public explanation meeting, invite together the industry competent authority, relevant agencies, groups, scholars, experts and representatives of local residents in order to define the scope of assessment. Matters for the definition of the scope in the foregoing paragraph are as follows. 1.The confirmation of a feasible alternate plan 2.The confirmation of items for which environmental impact assessments are required to be conducted; determination of survey, forecasting, analysis and evaluation methods 3.Other matters related to the implementation of the environmental impact assessment

Article 11	The developer shall prepare a draft environmental impact assessment report based on a deliberation of the opinions of the competent authority, the industry competent authority, relevant agencies, scholars, experts, groups and local residents, and present the draft environmental impact assessment report to the industry competent authority. The draft environmental impact assessment report in the foregoing paragraph shall record the following. 1.The name and business address or office address of the developer 2.The name, residence or domicile, and identification number of the statutory responsible person 3.The signatures of those who conducted comprehensive assessments of the environmental impact assessment report and those who wrote impact items for the environmental impact assessment report 4.The name and site of the development activity 5.The purpose and content of the development activity 6.Current environmental conditions, primary and secondary areas that could possibly be impacted by the development activity and all related plans 7.Forecasting, analysis and evaluation of environmental impacts 8.Strategies for the mitigation or prevention of adverse environmental impacts 9.Alternate plan 10.Comprehensive environmental management plan 11.Handing of the opinions of relevant agencies 12.Handing of the opinions of local residents 13.Conclusions and recommendations 14.The budget required for the implementation of environmental protection work 15.Summary chart of strategies for the prevention and mitigation of the adverse impact of development activity on the environment 16.Reference bibliography
Article 12	The industry competent authority shall, in conjunction with the competent authority, members of the Committee and other relevant agencies, invite together experts, scholars, groups and local residents to conduct an on-site inspection and hold a public hearing within thirty days after receipt of the draft environmental impact assessment report; records of the on-site inspection and public hearing shall be maintained and submitted to the competent authority within thirty days after the on-site inspection and public hearing. The time periods in the foregoing paragraph may be extended when necessary.

Article 13	The industry competent authority shall submit the on-site inspection records, public hearing records and draft environmental impact assessment report in the foregoing article to the competent authority for review. The competent authority shall complete a review conclusion and send the review conclusion to the industry competent authority and the developer within sixty days; the developer shall revise the draft environmental impact assessment report in accordance with the review conclusion in order to complete an environmental impact assessment report which shall be sent to the competent authority for authorization in accordance with the review conclusion. After authorization by the competent authority of the environmental impact assessment report in the foregoing paragraph, the environmental impact assessment report and a summary of the review conclusion shall be officially announced and published in the official register of the competent authority. However, for those special circumstances, the review deadline for the review conclusion may be extended for a maximum of sixty days.
Article 13-1	For those circumstances in which, after an environmental impact statement or draft environmental impact assessment report has been accepted by the competent authority, it is determined when reviewing that corrections are required to be made, the competent authority shall list in detail all information required for making corrections and notify the developer to make corrections within a limited time period. For those developers that fail to make corrections within the limited time period or whose corrections fail to comply with competent authority regulations, the competent authority shall notify the industry competent authority in writing to reject the application for development activity permission and send a copy to the developer. The developer may apply to extend or withdraw from the review process prior to the expiration of the time period for making corrections in the foregoing paragraph.

Article 14	The industry competent authority may not grant permission for a development activity prior to the completion of an environmental impact statement review or the authorization of an environmental impact assessment report; permission granted in violation of this regulation shall be invalid. The industry competent authority may not grant permission for development activity to those developers that the competent authority determines through review shall not be granted permission to implement development activities. However, the developer may submit an alternate plan to the competent authority for a new review. The alternate plan submitted by the developer pursuant to the foregoing paragraph may not conflict with the original reason the competent authority determined that permission shall not be granted if the development activity is replanned based on the original location.
Article 15	For those circumstances in which two or more development activities are to be implemented at the same site, assessments may be jointly conducted.
Article 16	The contents of the original application of an approved environmental impact statement or final environmental impact assessment report may not be modified without the approval of the competent authority and the industry competent authority. Determination standards for whether an environmental impact assessment shall be reconducted for the approval in the foregoing paragraph shall be designated in the Enforcement Rules of this Act.
Article 16-1	When a developer starts development activity more than three years after the approval of its environmental impact statement or environmental impact assessment report and the acquisition of development activity permission granted by the industry competent authority, the developer shall submit an analysis of the difference between current environmental conditions and environmental conditions at the time its development activity permission was granted and a strategy evaluation report to the competent authority for review. Development activity may not start prior to the completion of the review by the competent authority.
Article 17	The developer shall implement development activity strictly in accordance with the environmental impact statement, the content of the environmental impact assessment report and the review conclusion.

Article 18	During the implementation of the development activity and when using the development after completion of the development activity, the implementation of the environmental impact statement, environmental impact assessment report and review conclusion shall be tracked by the industry competent authority and supervised by the competent authority; when necessary, the developer may be ordered to regularly submit environmental impact survey reports. The developer shall, when preparing the environmental impact survey report in the foregoing paragraph, investigate and analyze the differences between the pre- and post-development activity environments and evaluate these differences by comparing them with the forecasted results of the environmental impact statement and the environmental impact assessment report. When the competent authority discovers a development activity has adversely impacted the environment, it shall order the developer to submit response strategies within a limited time period and to strictly implement these strategies after approval by the competent authority.
Article 19	When environmental impact assessment cases are being tracked by the industry competent authority or supervised by the competent authority, the industry competent authority or the competent authority may exercise police powers. When necessary, the industry competent authority or competent authority may, within their respective jurisdiction areas, request the assistance of military or civilian police authorities.
Chapter 3 Penal Provisions	
Article 20	Those that knowingly report false information in documents submitted pursuant to Article 7, Article 11, Article 13 or Article 18 shall be punished by a maximum of three years imprisonment, detention and/or a fine of a maximum of NT$30,000.
Article 21	For those circumstances in which a developer fails to comply with an order to suspend development activity issued by the industry competent authority pursuant to this Act, the statutory responsible person shall be punished by a maximum of three years imprisonment, detention, and may be fined a maximum of NT$300,000.

Article 22	Those developers that, prior to receiving the authorization of the competent authority pursuant to Article 7 or Article 13, directly pursue a development activity in Article 5, Paragraph 1 shall be fined NT$300,000 to NT$1.5 million; for such a developer, the competent authority shall notify the industry competent authority to issue an order for the suspension of the implementation of the development activity. When necessary, the competent authority may directly issue an order for the suspension of the implementation of the development activity; for those that fail to comply with such an order, the statutory responsible person shall be punished by a maximum of three years imprisonment, detention and may be fined a maximum of NT$300,000.
Article 23	For one of the following circumstances, violators shall be fined NT$300,000 to NT$1.5 million and ordered to make improvements within a limited time period; those that have still failed to make improvements by the deadline shall be issued consecutive daily fines. 1.The violation of Article 7, Paragraph 3, Article 16-1 or Article 17 2.The violation of Article 18, Paragraph 1 through a failure to submit an environmental impact survey report or the violation of Article 18, Paragraph 3 through a failure to submit response strategies or a failure to carry out strict implementation in accordance with response strategies 3.The violation of Article 28 through a failure to submit response strategies or a failure to carry out strict implementation in accordance with response strategies For those severe circumstances in the foregoing paragraph, the competent authority may notify the industry competent authority to order the suspension of the implementation of the development activity. When necessary, the competent authority may directly order the suspension of the implementation of the development activity; for those that fail to comply with an order, the statutory responsible person shall be punished by a maximum of three years imprisonment or detention, and may be fined a maximum of NT$300,000. Those developers that are unable to complete improvements by the improvement deadline in Paragraph 1 due to natural disaster or other force majeure shall continue to make improvements after the reason ends and shall, within 30 days, apply to the competent authority for the approval of a starting date for the remaining time period by submitting a written explanation of cause and relevant verification documents. The severe circumstances referred to in Paragraph 2 means one of the following. 1.Those circumstances in which the developer causes extensive public nuisance or serious destruction of natural resources 2.Those circumstances in which the developer does not

implement development activities in accordance with the review conclusion of the competent authority or the commitments of the environmental impact statement or environmental impact assessment report, thereby endangering human health or agricultural, forestry, fisheries or livestock resources
3.Those circumstances in which the developer still fails to complete improvements after 30 days of consecutive daily fines issued by the competent authority
Those developers that have been ordered to suspend the implementation of a development activity by the competent authority pursuant to Paragraph 2 shall submit the implementation results of their improvement plan to the competent authority for checking prior to the resumption of the implementation of the development activity; this also applies to those developers that have been ordered to make improvements within a limited time period by the competent authority and that report the suspension of the implementation of the development activity of their own volition. Those developers for whom checking reveals a failure to comply with standards may not resume the implementation of the development activity.
In order to prevent the expansion of the degree or scope of environmental impact during the time period for the suspension of the implementation of a development activity in the foregoing paragraph, the competent authority shall, in conjunction with the relevant agencies, require that the developer carry out restoration and improvements and emergency response measures in accordance with relevant laws and regulations. The competent authority may request the industry competent authority in writing to cancel the permission of those that fail to comply with this requirement.
The central competent authority shall determine the starting date, temporary suspension dates, termination date, improvement completion verification checks and other binding matters for the daily consecutive fines referred to in Paragraph 1 and Paragraph 4.
When the developer violates this Act or related orders determined pursuant to the authorization of this Act and the competent authority is negligent in implementation, victims or public interest groups may notify the competent authority in writing of the details of the negligent implementation.
For those competent authorities that have still failed to carry out implementation in accordance with the law within sixty days after receipt of the written notification, the victims or public interest groups may name the competent authority at issue as a defendant and directly file a lawsuit with an administrative court based on the negligent behavior of the competent authority in fulfilling its implementation duties in order to seek a ruling ordering the competent authority to carry out implementation.
When issuing a verdict on the lawsuit in the foregoing paragraph, the administrative court in accordance with

	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 the prevention and mitigation of the adverse impact of the development activity on the environment. The central competent authority shall determine the format of the written notification in Paragraph 8.
Article 23-1	Developers which have been punished and notified to make improvements within a limited time period pursuant to this Act shall submit an improvement completion report or improvement completion verification documents to the competent authority for checking by the deadline. Those developers that fail to perform pursuant to the foregoing paragraph shall be regarded as having failed to complete improvements.
Article 24	For fines issued pursuant to this Act, those that have been notified to make payments within a limited time period and have still failed to make payments by the deadline shall be referred a court for compulsory enforcement.
Chapter 4 Supplementary Provisions	
Article 25	The central competent authority in conjunction with the Ministry of National Defense shall separately determine the environmental impact assessment process for those development activities that involves military secrets or emergency national defense construction projects.
Article 26	The central competent authority shall separately determine the environmental impact assessment process for government policy for which there is concern of environmental impact.
Article 27	The competent authority may collect review fees for the review of environmental impact statements, draft environmental impact assessment reports, environmental impact assessment reports and environmental impact survey reports submitted by a developer pursuant to Article 7, Article 11, Article 13 or Article 18. The competent authority shall separately determine fee collection regulations for the foregoing paragraph.
Article 28	For a development activity that has already been implemented but has not been completed prior to the implementation of this Act, the competent authority may, when it deems necessary, order the developer to conduct a survey and analysis of environmental impact and to submit response strategies which it shall strictly implement after competent authority approval.

	Article 29	For those developers that have already completed an environmental impact statement or environmental impact assessment report and for which a review conclusion has been prepared following review, but have not implemented the development activity in accordance with the review conclusion prior to the implementation of this Act, the competent authority and relevant competent authority shall order the developer to proceed pursuant to the relevant regulations of Article 18; the developer may not refuse this order.
	Article 30	Local residents may delegate to a representative, in writing, the right to act on their behalf in accordance with this Act.
	Article 31	The central competent authority shall determine the Enforcement Rules of this Act.
	Article 32	This Act shall take effect on the date of promulgation.
Files：	Environmental Impact Assessment Act.pdf	

Data Source：Ministry of Environment Laws and Regulations Retrieving System