Content

Title： Basic Environment Act Ch

Date： 2002.12.11

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

Content：

Chapter 1 General Principles

Article 1	This Act is enacted in order to improve the quality of the environment, enhance the health and well-being of citizens, maintain environmental resources, pursue sustainable development, and promote environmental protection. Where not provided for in this law, the provisions of other laws shall apply
Article 2	The term "environment" refers to the general term for all kinds of natural resources and natural factors that affect the survival and development of human beings, including sunlight, air, water, soil, land, minerals, forests, wildlife, scenery, recreation, socioeconomic, culture, and historic sites, natural relics and natural ecosystems, etc. Sustainable development refers to development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
Article 3	Based on the long-term interests of the nation, economic, scientific and technological and social developments must be given equal consideration as environmental protection. However, if economic, technological and social developments have a serious adverse impact on the environment or are likely to be harmful, environmental protection must be given priority.
Article 4	Citizens, enterprises and the governments at all levels must share the obligations and responsibilities of environmental protection. Environmental polluters and saboteurs must be responsible for the environmental hazards or environmental risks they caused. In the event that the polluter or saboteur described in the preceding paragraph does not exist or cannot be identified, the government must be responsible.
Article 5	Citizens must uphold the concept of environmental protection and reduce the environmental impact caused by daily life. In terms of consumption behavior, green consumption is the principle. In daily life, waste must be reduced, sorted and recycled. Citizens must take the initiative to protect the environment and have the responsibility to assist the government in implementing environmental protection measures.

Article 6	When carrying out business activities, enterprises must incorporate the concept of environmental protection from the planning stage, promote cleaner production, prevent and reduce pollution, conserve resources, recycle renewable resources and use other raw materials and services that are beneficial to reducing environmental load based on the life cycle, so as to achieve the goal of sustainable development. The enterprises must have the responsibility to assist the government in implementing measures related to environmental protection.
Article 7	The central government must draft (formulate) laws and regulations related to environmental protection, formulate national environmental protection plans, establish sustainable development indicators, and promote their implementation. Local governments may, in accordance with the provisions of the preceding paragraph and the national environmental protection plan, formulate autonomous regulations and environmental protection plans according to the needs of natural and social conditions within their jurisdiction, and promote their implementation. Governments at all levels must regularly assess and review the implementation status of environmental protection plans and publish them. The central government must assist local governments in implementing local autonomy and environmental protection.
Article 8	The governments at all levels must incorporate the concept of environmental protection and sustainable development in its policies, and must develop relevant science and technology and establish an economic efficiency system for environmental life cycle management and green consumption to address environment-related issues.
Article 9	The governments at all levels must popularize education and learning related to environmental protection priority and sustainable development, and strengthen advocacy to enhance citizens' environmental knowledge, establish environmental protection concepts, and implement them in daily life.
Article 10	The governments at all levels must have a special agency or unit to plan, promote and counsel relevant environmental protection matters. The governments at all levels must set aside a wide range of environmental protection funds and allocate them reasonably according to actual needs.
Article 11	The governments at all levels may engage representatives of environmental protection-related institutions, organizations, scholars and experts for consultation. The governments at all levels may invite relevant people and organizations to participate in strengthening the promotion of environmental protection.

Article 12	The central government must promote international cooperation and technical assistance, engineering technology and experimental research related to the sustainable development of the earth, and disclose relevant information to facilitate its use by citizens and enterprises. Local governments may also handle the matter as necessary.
Article 13	The central government must provide professional training in environmental protection and establish a qualification system for environmental protection professionals to improve the quality of environmental protection work. Enterprises must set up special units or personnel for environmental protection in accordance with relevant laws and regulations on environmental protection, and formulate environmental protection plans for implementation.
Article 14	In order to hear environmental protection dispute cases, the court may set up a special tribunal or designate a dedicated person to handle it.
Chapter 2 Planning and Protection	
Article 15	The governments at all levels must collect, investigate and assess the conditions of the natural, social and human environment within their jurisdictions, and establish an environmental information system for inquiry. The environmental information described in the preceding paragraph must be disclosed on a regular basis.
Article 16	The governments at all levels must aim at a high-quality, comfortable and suitable environment for the development and utilization of land, and carry out reasonable planning and promote implementation based on the concept of a cap and trade for environmental resources. In the preceding plan, priority must be given to facilities related to environmental protection.
Article 17	In order to maintain the natural, social and human environment, the governments at all levels may demarcate areas according to natural conditions, actual needs and taking into account the rights and interests of indigenous peoples, and take necessary measures or restrict human activities and use. The governments at all levels must compensate and give back according to the degree of restrictions on land use and human activities.
Article 18	The governments at all levels must actively conserve wildlife and ensure biodiversity, protect forests, lagoons and wetlands, maintain a diverse natural environment, and strengthen water conservation, soil and water conservation and vegetation greening.
Chapter 3 Prevention and Relief	
Article 19	The governments at all levels must take preventive measures to protect non-renewable resources. For rare resources that have exceeded the limit or are on the verge of extreme utilization, they must be regularly investigated and evaluated, and improvement or restriction measures must be taken.

Article 20	The governments at all levels must actively take various measures to protect the marine environment, strengthen coastal management, and prevent excessive use of groundwater, strata subsidence and coastal erosion.
Article 21	The governments at all levels must actively adopt measures to curb carbon dioxide emissions and formulate relevant plans to prevent the greenhouse effect.
Article 22	The governments at all levels must actively study and establish environmental and health risk assessment systems, adopt preventive and health care measures, reduce health risks, and prevent and mitigate environment-related diseases.
Article 23	The government must formulate a plan to progressively achieve the goal of a non-nuclear homeland. Nuclear energy safety control, radiation protection, radioactive material management and environmental radiation detection must also be strengthened to ensure that people avoid radiation hazards in their daily lives.
Article 24	The central government must establish an environmental impact assessment system to prevent and mitigate the adverse impact of government policies or development actions on the environment.
Article 25	The central government must, having regard to the needs of the community and the level of science and technology, formulate phased environmental quality and control standards. In order to meet the environmental quality standards mentioned in the preceding paragraph, local governments may set stricter control standards in accordance with the natural and social conditions in their jurisdictions, which must be applicable to the jurisdiction after being referenced by the central government. Governments at all levels must take necessary measures to meet the standards set forth in the preceding two paragraphs.
Article 26	The central government must establish a system of prior permits, random checks, and self-reporting by enterprises for environmental pollution to effectively control pollution sources. The central government must establish a system of prior licensing, control and inspection for the use of scarce resources and natural and cultural heritage in order to effectively conserve natural resources.
Article 27	The governments at all levels must establish a strict environmental monitoring network, regularly announce the monitoring results, establish an early warning system, and take necessary measures.
Article 28	Environmental resources are owned by all citizens for generations. The central government must establish a system of paying for environmental pollution and destruction, and levy pollution prevention and environmental restoration fees on polluters and saboteurs, so as to maintain the sustainable use of the environment.

Article 29	The Executive Yuan shall set up a National Sustainable Development Council, which shall be responsible for decision-making on national sustainable development-related matters and must be implemented by relevant ministries and commissions, and the council must be composed of one-third each of government agency representatives, scholars and experts, and civic group representatives.
Article 30	In order to effectively integrate and promote policies and relevant affairs for the maintenance of environmental resources, the central government must set up a special agency for environmental resources.
Article 31	The central government must, in accordance with the law, set up various environmental funds to be responsible for environmental clean-up, rehabilitation, tracing the sources of pollution, and promoting matters beneficial to environmental development.
Article 32	The governments at all levels must strengthen public construction for environmental protection, improve environmental quality, and impose appropriate fees on beneficiaries or users. The construction of relevant environmental protection treatment facilities by enterprises must be strengthened.
Article 33	The central government must establish an environmental dispute settlement mechanism, strengthen education, training, research and development on the technology for identifying the cause of disputes and the burden of proof, and provide an appropriate dispute resolution mechanism. The central government must establish an environment-related emergency response, damages, compensation and relief system.
Article 34	When the governments at all levels neglect to enforce the law, the people or public interest organizations may, in accordance with the law, file a lawsuit with the competent authority as the defendant in the Administrative Court. When the Administrative Court makes a ruling, it may order the defendant to pay appropriate attorney's fees, monitoring and appraisal fees, or other litigation costs to the plaintiff who has made a specific contribution to the maintenance of environmental quality.
Chapter 4 Guidance, Supervision, and Rewards and Punishments	
Article 35	The central government must encourage environmental protection academic and research institutions to reinforce their equipment, recruit and train personnel, introduce advanced technologies, integrate research resources, and accelerate environmental protection technology demonstration programs and research development.

	Article 36	The governments at all levels must adopt preferential and incentive measures to guide environmental protection undertakings and the development of non-governmental environmental protection organizations, and encourage private investment in environmental protection undertakings. The central government must provide guidance and management for environmental protection undertakings in order to improve the quality of environmental protection projects and services.
	Article 37	Article 37 In order to ensure the rational and effective use of resources and to meet the needs of environmental protection, the governments at all levels must adopt appropriate preferential treatment, incentives, guidance or compensation measures for the following matters: 1. Tasks for the protection of the natural, social and human environment. 2. Research and development of cleaner production technology, equipment and production of cleaner products. 3. Research and development of resource recycling and reuse technologies. 4. Promotion and application of renewable energy. 5. Research and development of energy-saving technologies and set up energy-saving products. 6. Manufacturing or establishment of pollution prevention and control equipment. 7. Relocation for environmental protection purposes. 8. Provision of land or other resources for environmental protection. 9. Tasks for environmental afforestation and green space. 10. Other matters related to environmental protection.
	Article 38	The governments at all levels must implement necessary measures to promote the utilization of renewable resources and other raw materials, products and services that are beneficial to reducing environmental load. The procurement by governments at all levels must be based on the principle of acquiring renewable resource products and environmental protection label products.
	Article 39	The governments at all levels must ensure the implementation of relevant laws and regulations on environmental protection, and must ban and punish violators in accordance with the law.
	Chapter 5 Supplementary Provisions	
	Article 40	In order to encourage citizens, enterprises and governments at all levels to fully embrace the concept of environmental protection and jointly care for environmental issues, June 5 is designated as Environment Day.
	Article 41	This Act shall be effective as of the date of promulgation.
Attachments：	811708521e.zip 811708521e.zip	