

## Taiwan

**Country:** [Taiwan, Province Of China](#) [1]

**EIA Law:** Environmental Impact Assessment Act, 1994

**Law Link:** [Link](#) [2]

**EIA Regulations:** Environmental Impact Assessment Enforcement Rules, amended 2018

**Regulations Link:** [Link](#) [3]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** Developer shall prepare a "phase I" environmental impact study and submit it to the competent authority. The authority has 50 days to complete a review (may be extended by 50 days) and notify the developer if a "phase II" assessment must be prepared. A phase II assessment is required if there is concern about significant impact on the environment. EIA Act, Arts. 6, 7, 8

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** EIA Act, Arts. 7 & 8

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** EIA Act, Arts. 5 & 8 (list of activities for Phase I assessment; "significant impact" standard for Phase II assessment). "Significant impact" is further defined in the EIA Enforcement Rules, Art. 19

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** EIA Act, Art. 6

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** EIA Act, Art. 6 (presumed from context of overall EIA scheme)

**EIA Contractor Qualifications:** No

**Conflict of Interest:** No

**Terms of Reference:** Yes

**Terms of Reference Detail:** EIA Act, Art. 10; EIA Enforcement Rules, Art. 22-1. The developer prepares a scoping document that is released for comment. Although it is not strictly a terms of reference, it appears formal enough to guide EIA preparation.

**Days for Decision Maker Review:** 60 (may be extended)

**Automatic Approval:** No

**Written Decision:** Yes

**Written Decision Detail:** "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." EIA Act, Art. 13. Permission granted prior to completion of review or authorization of an EIA report shall be invalid. EIA Act, Art. 14.

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** There appears to be authority to impose conditions. See EIA Enforcement Rules, Art. 43.

**Expiry of Decision:** 3 years

**Expiry of Decision Detail:** "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." EIA Act, Art. 16-1

**Financial Assurances or Bond:** No

**Interdisciplinary Team:** No

**Range of Alternatives:** Yes

**Range of Alternatives Detail:** The EIA report must contain "alternate plan" [sic] EIA Act, Art. 11(IX)

**No Action Alternative:** No

**No Action Alternative Detail:** A no action alternative is not mentioned in the EIA Act provision concerning content

of the draft EIA report. See EIA Act, Art. 11.

**Type(s) of Impact Analysis:** Direct environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

**Mitigation:** Yes

**Mitigation Detail:** The EIA shall contain "[a] summary chart of strategies for the prevention and mitigation of the adverse impact of the development activity on the environment" and a budget for implementation of the environmental protection work. EIA Act Art. 11 (XIV, XV)

**Monitoring Plans:** No

**Monitoring Plans Detail:** Although project implementation monitoring occurs (see EIA Act, Art. 18), there does not appear to be a requirement that the project developer prepare a monitoring plan during the EIA process.

**Public Notice of Draft EIA:** Yes

**Draft EIA Available:** Yes

**Draft EIA Available Detail:** If it is determined that a Phase II assessment is required, the project developer must "display or post" the Phase I environmental impact study at an "appropriate location" for not less than 30 days. It must also publish notice in newspapers that the study is available for public inspection. EIA Act, Art. 8 "Appropriate location" is defined in the Enforcement Regulations, Art. 20, and includes local government offices, schools, libraries, churches/temples, and markets. The developer must choose at least 5 locations evenly distributed.

**Draft EIA Locations:** Internet

Library

Local government office

Other

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** "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." EIA Act, Art. 13.

**Final EIA Available:** Yes

**Final EIA Available Detail:** EIA Act, Art. 13

**Final EIA Locations:** Internet

Other

**Availability of Reference Studies:** No

**Public Notice of Final Decision:** Yes

**Public Notice of Final Decision Detail:** "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." EIA Act, Art. 13. The competent authority shall make its conclusions and conference records of the Environmental Impact Assessment Review Committee publicly available on the Internet. EIA Enforcement Rules, Art. 13.

**Public Scoping:** Yes

**Public Scoping Detail:** The competent authority shall invite together the relevant agencies, groups, scholars, experts and representatives of local residents in order to define the scope of the Phase II assessment. EIA Act, Art. 10.

**Public Review of TOR:** Yes

**Public Review of TOR Detail:** "For the information of scope identification submitted by the developer in accordance with Article 10 of this Act, the competent authority shall publish it on the Designated Website for at least fourteen days for the public, groups and agencies to express written comments and transfer it to the developer for treatment." EIA Enforcement Rules, Art. 22-1.

**Public Participation Opportunities:** Scoping

Review of draft EIA

Public Meetings and/or public hearings

Other

**Public Meetings:** Yes

**Public Meetings Detail:** The developer must hold a "public explanation meeting" after the time period for reviewing the Phase I study is complete. EIA Act, Art. 8. The competent authority also hold a public hearing upon completion of the draft Phase II EIA report. EIA Act, Art. 12

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** Article 23 of the EIA Enforcement Rules describes how comments must be handled.

**Criteria to Hold Public Meeting:** Public meeting and/or hearing is automatically required

**Public Comments on Draft EIA:** Yes

**Public Comments on Draft EIA Detail:** Community members shall submit their opinions in writing to the Developer within fifteen days after the public explanation meeting. EIA Act, Art. 9.

**Public Comments on Final EIA:** Yes

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** The Developer shall compile item-by-item explanations and circumstances concerning the acceptance or reasons for not accepting the opinions of local residents. EIA Enforcement Rules Art. 23.

**Facilitation of Public Participation:** Yes

**Facilitation of Public Participation Detail:** The industry competent authority shall invite together experts, scholars, and local residents to conduct an onsite inspection within 30 days of the draft EIA report. EIA Act, Art. 12. Local residents may delegate to a representative, in writing, the right to act on their behalf in accordance with the EIA Act. EIA Act, Art. 30

**Citizen Administrative Review:** Yes

**Citizen Administrative Review Detail:** "When the developer violates this Act or related orders determined pursuant to the authorization of this Act and the competent authority is negligent in enforcement, victims or public interest groups may notify the competent authority in writing of the details of the negligent enforcement." EIA Act, Art. 23

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** "For those competent authorities that have still failed to carry out enforcement 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 the execution of its duties in order to seek a ruling ordering the competent authority to execute its duties." EIA Act, Art. 23. There is a fee-shifting provision: "When issuing a verdict on the lawsuit in the foregoing paragraph, the administrative court pursuant to its authority may order the defendant agency 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."

**Project Monitoring:** Yes

**Project Monitoring Detail:** "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." EIA Act, Art. 18. See also EIA Enforcement Regulations, Arts. 39, 40 (describing "matters to be tracked" by the industry competent authority and content of environmental impact survey report)

**Enforceability of EIA:** Yes

**Enforceability of EIA Detail:** If the developer violates the Act or "related orders," citizens may seek administrative and judicial review. EIA Act, Art. 23. Developers are required to strictly comply with commitments in the EIA. EIA Act, Art. 23

**Enforceability of Permit:** Yes

**Enforceability of Permit Detail:** "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." EIA Act, Art. 23

**Days for Public to Review Draft EIA:** 30

Modified: October 25th, 2019

**Source URL:** <https://elaw.org/content/taiwan>

## Links

[1] <https://elaw.org/countries-and-regions/taiwan-province-china>

[2] <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=O0090001>

[3] <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=O0090002>

