

Environmental Impact Assessment Act Enforcement Rules

Original 53 articles promulgated by Environmental Protection Administration order on October 25, 1995

Revisions to Articles 25, 26, 27 and 38 and addition of Article 24-1 promulgated by Environmental Protection Administration order on August 13, 2003

Revisions to Articles 3 to 6, 15, 16, 19, 20, 22, 23, 24-1, 25, 37, 38 to 40, and 49, and the addition of Article 15-1 promulgated by Environmental Protection Administration order on June 17, 2005

Chapter 1 General Principles

Article 1

These Rules are determined pursuant to Article 31 of the Environmental Impact Assessment Act (herein referred to as this Act).

Article 2

The authorized agency in Article 3, Paragraph 4 and Paragraph 5 of this Act shall be the central competent authority.

Article 3

The authority of the central competent authority as designated in this Act is as follows.

- I. Matters related to the formulation of national environmental impact assessment policies and plans
- II. Matters related to the determination, approval and interpretation of national environmental impact assessment laws and regulations
- III. Matters related to the review of environmental impact statements, environmental impact assessment reports and environmental impact survey reports transferred by the central industry competent authority
- IV. Matters related to the supervision of environmental impact statements, environmental impact assessment reports and review conclusions, and environmental impact survey reports and the implementation of response strategies, for all development activities.
- V. Matters related to the collection, establishment and exchange of national environmental impact assessment information
- VI. Matters related to national environmental impact assessment research and development
- VII. Matters related to the training and management of national environmental impact assessment professional personnel
- VIII. Matters related to national environmental impact assessment public awareness work
- IX. Matters related to the supervision and facilitation of special municipality, county and city environmental impact assessment work
- X. Matters related to environmental impact assessment international cooperation work
- XI. Other matters related to national environmental impact assessment work

Article 4

The authority of special municipality competent authorities as designated in this Act is as follows.

- I. Matters related to the planning and implementation of special municipality environmental impact assessment work
- II. Matters related to the determination, approval and interpretation of special municipality environmental impact assessment laws and regulations
- III. Matters related to the review of environmental impact statements, environmental impact assessment reports and environmental impact survey reports transferred by the special municipality industry competent authority
- IV. Matters related to the supervision of environmental impact statements, environmental impact assessment reports and review conclusions, and environmental impact survey reports and the implementation of response strategies, for all development activities in special municipalities.
- V. Matters related to the collection, establishment and exchange of special municipality environmental impact assessment information
- VI. Matters related to special municipality environmental impact assessment research and development
- VII. Matters related to the training and management of special municipality environmental impact assessment professional personnel
- VIII. Matters related to special municipality environmental impact assessment public awareness work
- IX. Matters related to the supervision and facilitation of special municipality environmental impact assessment work
- X. Other matters related to special municipality environmental impact assessment work

Article 5

The authority of county and city competent authorities as designated in this Act is as follows.

- I. Matters related to the planning and implementation of county and city environmental impact assessment work
- II. Matters related to the determination, approval and interpretation of county and city environmental impact assessment regulations
- III. Matters related to the review of environmental impact statements, environmental impact assessment reports and environmental impact survey reports transferred by county and city industry competent authorities
- IV. Matters related to the supervision of environmental impact statements, environmental impact assessment reports and review conclusions, and environmental impact survey reports and the implementation of response strategies, for all development activities in special municipalities.
- V. Matters related to the collection, establishment and exchange of county and city environmental impact assessment information
- VI. Matters related to county and city environmental impact assessment research and development
- VII. Matters related to county and city environmental impact assessment public awareness work
- VIII. Other matters related to county and city environmental impact assessment work

Article 6

The adverse impact in Article 5 of this Act means one of the following circumstances occurring during development activities:

- I. The creation of such public nuisances as water pollution, air pollution, soil pollution, noise, vibration, noxious odor, waste, toxic substance pollution, land subsidence or radioactive pollution.

- II. The endangerment of the reasonable use of natural resources
- III. Damage to the natural scenery or ecological environment.
- IV. Damage to the social, cultural or economic environment.
- V. Other circumstances officially announced by the central competent authority

Chapter 2 Assessment, Review and Supervision

Article 7

The developer referred to in this Act means natural persons, juridical persons, groups or others that engage in a development activity.

Article 8

The planning referred to in Article 6, Paragraph 1 of this Act means feasibility research, preliminary work, preparation for an application for permission or other stage-based acts the central competent authority determines are related to planning.

The central competent authority in consultation with the central industry competent authority shall make the determination in the foregoing paragraph.

Article 9

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Article 10

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Article 10-1

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Article 11

Those developers that submit an environmental impact statement pursuant to Article 7, Paragraph 1 of this Act shall, unless the procedures of other relevant laws and regulations apply, perform this task during the development review stage or development permission application stage.

Article 12

The competent authority referred to in this Act shall be determined in accordance with the grade of the development activity as determined through the approval or review of the industry competent authority. When necessary, a higher competent authority may commission a lower competent authority to perform this determination.

Article 13

The competent authority shall make its review conclusions and conference records of the environmental impact assessment review committee (herein referred to as the Committee) publicly available on the Internet after preparing review conclusions concerning the environmental impact statement pursuant to Article 7, Paragraph 1 of this Act or concerning the draft environmental impact assessment report pursuant to Article 13, Paragraph 2 of this Act.

A copy of review conclusions shall be sent to the central competent authority when the competent authority in the foregoing paragraph is a special municipal, county, or city competent authority.

Article 14

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Article 15

The review periods in Article 7 and Article 13 of this Act shall start from the date that documents are prepared by the developer and review fees are paid to the competent authority.

The review periods in the foregoing paragraph shall not include the following periods.

- I. The number of days used by the developer to make corrections.
- II. The number of days, not exceeding 60 days, that involve the interpretation of industry competent authority orders or consultations with other agencies and organizations
- III. The number of other deductible days not attributable to the competent authority

Article 15-1

After the developer pays the review fees to the competent authority, the competent authority shall make the environmental impact statement or draft environmental impact assessment report public on the Internet, and shall consult the opinion of relevant agencies, groups, or citizens.

Article 16

Those special circumstances referred to in the proviso in Article 7, Paragraph 2 of this Act and in the proviso in Article 13, Paragraph 3 of this Act means those development activities for which one of the following circumstances apply.

- I. Those development activities of a massive scale, with an extensive area of impact and for which a review cannot be completed within a short period
- II. Those development activities that are highly controversial and for which a review cannot be completed within a short period.

Article 17

The permission referred to in Article 7, Paragraph 3 of this Act means permission granted by the industry competent authority for a development activity.

Article 18

A developer that holds a public explanation meeting pursuant to Article 7, Paragraph 3 of this Act shall hold this meeting after the industry competent authority grants permission for the development activity and prior to the beginning of construction.

Article 19

The significant impact on the environment referred to in Article 8 of this Act means one of the following circumstances.

- I. Those circumstances in which the development activity has a significant adverse conflict with and is incompatible with a nearby related plan
- II. Those circumstances in which the development activity has a significant adverse impact on environmental resources and special environmental characteristics
- III. Those circumstances in which the development activity has a significant adverse impact on the habitat or survival of protected or rare animals or plants
- IV. Those circumstances in which the development activity causes local environmental conditions to exceed environmental standards or the carrying capacity of the local environment

- V. Those circumstances in which the development activity has a significant adverse impact on the movement or rights of local residents or the traditional ways of living of minority ethnic groups
- VI. Those circumstances in which the development activity has a significant adverse impact on public health or safety
- VII. Those circumstances in which the development activity has a significant adverse impact on the environment of another country
- VIII. 8. Other situations as recognized by the competent authority.

Article 20

The appropriate location referred to in Article 8, Paragraph 1, Subparagraph 2 of this Act and these Rules means the following locations in the vicinity of the development activity.

- I. The rural township, urban township, city or district public office or village or borough office where the development activity is located
- II. The public offices of other rural townships, urban townships, cities and districts adjacent to the rural township, urban township, city or district in the foregoing subparagraph
- III. Schools, temples, churches or markets in the vicinity of the development activity
- IV. Locations along the roadsides of public roadways within 500 meters of the development activity
- V. Other locations authorized by the competent authority.

The developer shall designate five or more locations in the foregoing paragraph as locations for the displaying or posting of environmental impact statements and shall strive to achieve the even distribution of each of these locations within the area of the environment to be affected by the development.

Article 21

A developer that publishes information in newspapers pursuant to Article 8, Paragraph 1, Subparagraph 3 of this Act shall do so continuously for three or more days.

Article 22

Pursuant to Article 7, Paragraph 3 or Article 8, Paragraph 2 of this Act, the developer that holds a public explanatory meeting shall publish in newspapers the time, location, method, the name of the development activity and the development site ten days prior to the meeting, shall post official announcements in an appropriate location, and notify the following agencies and personnel:

- I. Relevant agencies
- II. Local public offices and the public offices of adjacent rural townships, urban townships, cities and districts
- III. Local elected representative assemblies
- IV. Local village or borough wardens

The location of the public explanatory meeting in the foregoing paragraph shall be an appropriate location in the area of the development activity.

The developer shall, within 45 days after the public explanatory meeting in Paragraph 1, prepare records of the meeting and send them by letter to the agencies and personnel in Paragraph 1.

Article 23

The handling of opinions referred to in Article 11, Paragraph 2, Subparagraphs 11 and 12 of this Act shall include the following matters.

- I. Compilation of an organized list, including item-by-item explanations, based on the sources and contents of opinions
- II. Circumstances concerning the acceptance of opinions and reasons for not accepting opinions
- III. Explanation of revisions to opinions

Article 24

The industry competent authority, when conducting an on-site inspection pursuant to Article 12, Paragraph 1 of this Act, shall submit inspection opinion forms to those that participate and compile the responses in order to make inspection records; these forms and records shall be sent together to the competent authority.

Article 24-1

The public hearing referred to in Article 12, Paragraph 1 and Article 13, Paragraph 1 of this Act means the collection by the industry competent authority of a wide range of opinions from the competent authority, members of the Environmental Impact Assessment Review Committee, relevant agencies, experts and scholars, groups, and local residents in order to facilitate future review meetings of the committee.

Article 25

When the competent authority defines the scope of assessment pursuant to Article 10 of this Act or the industry competent authority conducts an on-site inspection or holds a public hearing pursuant to Article 12, Paragraph 1 of this Act, the following matters shall be considered and experts and scholars shall be invited to participate.

- I. The special characteristics of each individual case
- II. Assessment items
- III. Each related professional area

Article 26

The industry competent authority, when holding a public hearing pursuant to Article 12, Paragraph 1 of this Act, shall notify the competent authority, Committee members, relevant agencies, experts, scholars, groups and local residents ten days prior to the meeting.

The public hearing shall be held at an appropriate location where the development activity is located.

For the notification of local residents in the foregoing paragraph, the public offices of the local rural township, urban township, city or district may be called upon to forward the notification.

Article 27

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Article 28

The developer, when submitting an environmental impact statement, environmental impact assessment report or environmental impact survey report pursuant to Article 7, Article 13 or Article 18 of this Act, shall provide complete information including forecasting and a feasibility plan.

When the competent authority, within the necessary scope of the review, deems the information provided by the developer to be not sufficiently complete, it may designate an appropriate period and order the developer to provide relevant information or reports, or may notify the developer in writing to be prepared to respond to inquiries.

Those circumstances in which the information in the foregoing paragraph involves the protection of

business or other secrets shall be managed in accordance with relevant orders and regulations.

Article 29

When the developer fails to revise the draft environmental impact assessment report pursuant to the review conclusion in Article 13, Paragraph 2 of this Act, the competent authority shall explain the reason and request the developer to make corrections within a limited period.

Article 30

The official announcements in Article 7, Paragraph 2 or Article 13, Paragraph 3 of this Act shall be displayed or posted at an appropriate location in the vicinity of the place where the development activity is located or published in newspapers continuously for five days or more.

Article 31

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Article 32

Those developers that make a submission to the competent authority for a new review pursuant to the proviso in Article 14, Paragraph 2 of this Act shall carry out this submission pursuant to the designated procedures in Article 6 and Article 7 of this Act.

Article 33

The same site referred to in Article 15 of this Act means those development sites within a certain area for which environmental background factors are similar and for which environmental impact can be jointly assessed.

Article 34

For those circumstances in which assessments are jointly conducted for two or more development activities, each developer shall be jointly responsible for the implementation of assessments, the performance of review procedures, the preparation of environmental impact statements and environmental impact assessment reports and other related matters.

For the circumstances in the foregoing paragraph, developers shall each dispatch a representative or jointly elect a representative to implement assessments and participate in review procedures and other related matters.

Article 35

For those circumstances in which assessments are jointly conducted for two or more development activities, the competent authority shall conduct reviews and grant authorization for each development activity jointly. When the levels of authority of the competent authorities are different, the highest competent authority shall be responsible for said reviews and authorization.

Article 36

The modification of the contents of the original application referred to in Article 16, Paragraph 1 of this Act means the modification of the contents of Article 6, Paragraph 2, Subparagraphs 1, 2, 4, 5, or 8 of this Act or Article 11, Paragraph 2, Subparagraphs 1, 2, 4, 5, 8, 10, 11 or 12 of this Act.

Article 37

For those circumstances in which the developer applies pursuant to Article 16, Paragraph 1 of this Act for the modification of the contents of an environmental impact statement or environmental impact assessment report and that involve the modification of environmental protection matters for which it is not

required that an environmental impact assessment be reconducted, the developer shall submit an analysis report on the difference of the environmental impact. The report shall be transferred by the industry competent authority to the competent authority for review. However, for the reduction of planned production capacity or scale, the adjustment of the positions of some facilities within the development site, the upgrading of the handling capacity or efficiency of an environmental facility, the raising of the production capacity of existing equipment without increasing the total quantity of pollution, those modifications that are beneficial to the maintenance of environmental quality, those modifications that are part of an environmental monitoring plan, or other modifications determined by the competent authority, the developer may submit a modification comparison chart, which shall be transferred by the industry competent authority to the competent authority for review.

For those modifications in the foregoing paragraph that do not involve environmental protection matters, a letter shall be sent to the industry competent authority requesting transfer of the information to the competent authority to be filed for future reference.

The analysis report on the difference of the environmental impact in Paragraph 1 shall record the following items.

- I. The content of modifications to the development activity and environmental protection strategies.
- II. Differential analysis of the environmental impact after the modification of the development activity and environmental protection strategies.
- III. The evaluation and revision of environmental protection strategies or the evaluation and revision of the comprehensive environmental management plan
- IV. Other matters designated by the competent authority

The modification comparison chart in Paragraph 1 shall include an explanation of current state of the development activity and the content of and reason for the modification application.

Article 38

Those developers that modify the contents of an original application and for whom one of the following circumstances applies shall reconduct an environmental impact assessment for the parts of the application that are to be modified.

- I. Those circumstances in which planned production capacity or scale is expanded, or a roadway is extended, by ten percent or more
- II. Those circumstances in which the modification of land use involves an existing protection area, greenbelt buffer zone, or other area for which human development is prone to cause severe change to or destruction of the environment.
- III. Those circumstances in which the handling capacity or efficiency of an environmental facility is reduced
- IV. Those circumstances in which there is concern of an increase of impact on the living, natural or social environment or protected objects within the scope of impact due to the modification of the plan
- V. Those circumstances in which modifications are adverse to the maintenance of environmental quality
- VI. Other circumstances determined by the competent authority

Those circumstances in Subparagraph 1 or Subparagraph 2 in the foregoing paragraph that receive the authorization of the competent authority and industry competent authority shall not be subject to this restriction.

For those circumstances in which there is an expansion of scope or expansion of construction after a development activity is completed and permission to operate is obtained, an environmental impact assessment shall still be conducted pursuant to Article 5 of this Act.

Article 39

The matters to be tracked by the industry competent authority pursuant to Article 18 of this Act are as follows.

- I. The matters the developer is requested to conduct when permission is granted.
- II. The implementation of the contents of the environmental impact statement and environmental impact assessment report and competent authority review conclusion matters
- III. Other related environmental impact matters

The competent authority shall be informed by letter of the implementation of the matters in the foregoing paragraph.

Article 40

The environmental impact survey report in Article 18 of this Act shall, in addition to being subject to Paragraph 2 of the same article, record the following matters.

- I. All matters listed in Article 6, Paragraph 2, Subparagraphs 1, 2, 4 and 5 of this Act
- II. The signatures of those who conducted comprehensive assessments of the environmental impact survey report and those who wrote impact items for the environmental impact survey report
- III. Evaluation and revision of environmental protection strategies
- IV. Evaluation and revision of the comprehensive environmental management plan
- V. Conclusions and recommendations
- VI. Budget required for the implementation of environmental protection work
- VII. Reference bibliography

Article 41

The competent authority or industry competent authority, for purposes of exercising the powers designated in Article 18 of this Act, may dispatch personnel to visit the developer or development site in order to survey or test related operational circumstances. The competent authority or industry competent authority may, for purposes of the performance of its duties designated in Article 18 of this Act, dispatch personnel to visit the developer or development site in order to survey or test related operational circumstances.

Article 42

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Article 43

The content of the review conclusion prepared by the competent authority following the review of the environmental impact statement and environmental impact assessment report shall include a comprehensive rating based on the following classifications.

- I. Approval of the environmental impact assessment review
- II. Conditional approval of the environmental impact assessment review
- III. Required to proceed by conducting a second-stage environmental impact assessment
- IV. Permission not granted for development.
- V. Other circumstances that the central competent authority has determined.

Article 44
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Article 45
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Article 46
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Article 47
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Chapter 3 Supplementary Provisions

Article 48
When it [the competent authority] deems necessary in Article 28 of this Act means one of the circumstances listed in the subparagraphs in Article 19 that is still unable to be resolved after being handled pursuant to other related regulations and orders.

Article 49
The written report for conducting a survey and analysis of environmental impact and submitting response strategies pursuant to Article 28 of this Act shall record the following items.

- I. The name and business address or office address of the developer
- II. The name, permanent residence address, temporary residence address and identification number of the statutory responsible person
- III. The name and site of the development activity
- IV. The purpose and content of the development activity
- V. Environmental protection strategies adopted for the development activity and their results.
- VI. Current environmental conditions.
- VII. Known and forecast environmental impacts of the development activity.
- VIII. Strategies for the mitigation and prevention of adverse environmental impacts
- IX. Alternate plan
- X. Budget required for the implementation of response strategies
- XI. Reference bibliography

Article 50
The relevant competent authority in Article 29 of this Act means the agency that performs the original review of an environmental impact statement or environmental impact assessment report prior to this Act taking effect.

The agency in the foregoing paragraph shall perform supervision work pursuant to article 18 of this Act; the competent authority may implement said supervision work in conjunction with the agency in the foregoing paragraph.

Article 51

Article 36 through Article 38 shall apply, where appropriate, to those environmental impact statements or environmental impact assessment reports that are already completed prior to this Act taking effect and for which review conclusions have been prepared following review and to those developers that apply to modify the contents of an original application.

Article 52

The central competent authority shall determine the format for all disciplinary citations, letters of appointment and other documents and forms designated in this Act and these Rules

Article 53

These Rules shall take effect from the date of promulgation.