

English Translation of the Passed Amendments to Certain Provisions of the Waste Disposal Act (Third Reading)

英譯	條文
<p>Article 4</p> <p>The term “competent authority” in this Act means the Ministry of Environment, at the central government level; the municipal government in special municipalities; and the county or city government in counties or cities.</p>	<p>第四條</p> <p>本法所稱主管機關：在中央為環境部；在直轄市為直轄市政府；在縣（市）為縣（市）政府。</p>
<p>Article 10-1</p> <p>To monitor the flow of waste and prevent cases involving environmental pollution or hazards, the competent authority may, independently or in coordination with relevant agencies (institutions), install or utilize surveillance and recording systems and other technological tools to collect, process, and utilize data with respect to roads or other public places where illegal clearance, backfilling, piling, reuse, or disposal of waste frequently occurs or is reasonably determined likely to occur.</p> <p>For inspections, checks, sampling, and verification conducted by the competent authority, the enforcement authority, or the industry competent authority pursuant to this Act, such authorities may request relevant agencies (institutions), legal persons, or organizations to provide assistance or furnish necessary information.</p>	<p>第十條之一</p> <p>為掌握廢棄物流向，防止污染或危害環境案件發生，主管機關對於經常發生或經合理判斷可能發生非法清除、回填、堆置、再利用、處理廢棄物之道路或其他公共場所，得自行、協調相關機關（構）裝設或利用監視攝錄系統及其他科技工具蒐集、處理及利用資料。</p> <p>主管機關、執行機關或目的事業主管機關就本法規定事項所實施之檢查、查核、採樣及查證，得請求有關機關（構）、法人、團體協助或提供必要之資料。</p>
<p>Chapter 2 Clearance and Disposal of General Waste and Regulated Recyclable Waste</p>	<p>第二章 一般廢棄物及應回收廢棄物之清理</p>
<p>Article 15</p>	<p>第十五條</p>

For the purposes of this Chapter, “regulated recyclable waste” means waste designated by the central competent authority for the purpose of promoting the circular utilization of waste and reducing the impacts of material life cycles on the environment and ecology, and which falls under any of the following circumstances:

I. Waste generated after the consumption or use of articles or their packaging or containers that possesses any of the following characteristics:

1. Being difficult to clear or dispose of;
2. Containing components that are not readily biodegradable over the long term;
3. Containing hazardous substances; or
4. Possessing value for recycling and reuse.

II. Waste generated after the use of renewable energy power generation equipment designated by the central competent authority.

For the recyclable waste referred to in Subparagraph 1 of the preceding paragraph, the manufacturers, importers, sellers, or manufacturers, importers, or sellers of raw materials of the articles or their packaging or containers shall be responsible for collection, clearance, and disposal. For the recyclable waste referred to in Subparagraph 2 of the preceding paragraph, the manufacturers, importers, or installers of renewable energy power generation equipment shall be responsible for collection, clearance, and disposal.

The designation of the articles or their packaging or containers referred to in Subparagraph 1 of Paragraph 1, the designation of the renewable energy power generation equipment referred to in Subparagraph 2 of the same paragraph, and the scope of enterprises responsible for collection, clearance, and disposal referred to in the preceding paragraph (hereinafter referred to as the “responsible enterprises”) shall be publicly announced by the central competent authority.

本章所稱應回收廢棄物，指為促進廢棄物循環利用，減輕物質生命週期對環境生態之影響，符合下列情形之一之廢棄物，經中央主管機關指定者：

一、物品或其包裝、容器經食用或使用後，足以產生下列性質之一之廢棄物：

(一) 不易清除處理。

(二) 含長期不易腐化之成分。

(三) 含有害物質之成分。

(四) 具回收再利用之價值。

二、經中央主管機關指定之再生能源發電設備經使用後產生之廢棄物。

前項第一款應回收廢棄物，由該物品或其包裝、容器之製造、輸入、販賣或原料之製造、輸入、販賣業者負責回收、清除、處理；第二款應回收廢棄物，由再生能源發電設備之製造、輸入或設備設

	<p>置者負責回收、清除、處理。</p> <p>第一項第一款物品或其包裝、容器、第二款再生能源發電設備之指定及前項應負責回收、清除、處理之業者（以下簡稱責任業者）範圍，由中央主管機關公告之。</p>
<p>Article 16</p> <p>Responsible enterprises for the regulated recyclable waste referred to in Subparagraph 1 of Paragraph 1 of the preceding Article shall register with the central competent authority. Manufacturers, based on their business volume for the current period, importers, based on their import volume reported to customs, and sellers, based on their sales volume for the current period, shall pay recycling, clearance, and disposal fees in accordance with the fee rates approved by the central competent authority within fifteen days after the declaration and payment of business tax for each period.</p> <p>When an importer referred to in the preceding paragraph reports its import volume to customs, it shall simultaneously report data such as the container materials and other specifications for articles or containers designated by the central competent authority.</p> <p>Responsible enterprises whose manufactured, imported, or sold articles or their packaging or containers are not discarded domestically or do not generate waste after use may submit relevant supporting documents for deductions from business volume, import volume, or sales volume, or apply for fee refunds.</p>	<p>第十六條</p> <p>前條第一項第一款應回收廢棄物之責任業者，應向中央主管機關辦理登記；製造業應按當期營業量，輸入業應按向海關申報進口量，販賣業應按當期銷售量，於每期營業稅申報繳納後十五日內，依中央主管機關核定之費率，繳納回收清除處理費。</p> <p>前項輸入業於向海關申報進口量時，應同時申報容器材質及其他經中央主管機關指定之物品或容器規格等資料。</p> <p>製造、輸入或販賣之物品或其包裝、容器，不在國內廢棄或使用後不產生廢棄物之責任業者，得檢具相關證明文件扣抵營業</p>

	量、進口量、銷售量或辦理退費。
<p>Article 16-1</p> <p>Responsible enterprises for regulated recyclable waste referred to in Subparagraph 2 of Paragraph 1 of Article 15 shall register with the central competent authority. Equipment installers, based on the purchase volume for the current period, manufacturers, based on the business volume for the current period after deducting the purchase volume of equipment installers, and importers, based on the import volume reported to customs after deducting the purchase volume of equipment installers for the current period, shall pay recycling, clearance, and disposal fees in accordance with the fee rates approved by the central competent authority.</p> <p>Where the registration approval or equipment registration documents of renewable energy power generation equipment installers have been wholly or partially revoked by the industry competent authority, the equipment installers shall submit a recycling plan to the central competent authority, specifying whether they will adopt a self-established recycling chain or apply for subsidies pursuant to Paragraph 4 of Article 18, and shall implement such plan upon approval by the central competent authority. After appropriately clearing and disposing of the regulated recyclable waste, such equipment installers may submit relevant records and supporting documents to the central competent authority to apply for fee refunds or subsidies.</p> <p>The recycling, clearance, and disposal fees referred to in Paragraph 1 of this Article and Paragraph 1 of the preceding Article shall be incorporated into the Resource Recycling Management Fund, entrusted to financial institutions for collection, safekeeping, and disbursement, and allocated at a certain proportion into the trust fund and the nonprofit special funds respectively. Regulations governing such certain proportion and the collection, safekeeping, disbursement, and utilization of the trust fund shall be prescribed by the central competent authority.</p> <p>Regulations governing the registration, reporting, deductions, payment methods of recycling, clearance, and disposal fees, procedures, deadlines, required particulars to be included in recycling plans, refunds, management, and other compliance matters for responsible enterprises pursuant to Paragraphs 1 and 2 and the preceding Article shall be prescribed by the central competent authority.</p> <p>The fee rates referred to in Paragraph 1 and Paragraph 1 of the preceding Article shall be reviewed by the Resource Recycling Fee Rate Review Board established by the central competent authority based on materials, volume, weight, environmental impacts, reuse</p>	<p>第十六條之一</p> <p>第十五條第一項第二款應回收廢棄物之責任業者，應向中央主管機關辦理登記；設備設置者應按當期購買量，製造業應按當期營業量扣抵設備設置者之購買量，輸入業應按向海關申報進口量扣抵當期設備設置者之購買量後，依中央主管機關核定之費率，繳納回收清除處理費。</p> <p>經目的事業主管機關全部或部分廢止同意備案或設備登記文件之再生能源發電設備設置者，應向中央主管機關提出回收計畫，並載明採自建回收鏈或依第十八條第四項規定申請補貼，經中央主管機關核准後據以執行；該設備設置者，於妥善清除處理應回收廢棄物後，得檢具相關紀錄及證明文件，向中央主管機關申請退費或補貼。</p> <p>第一項及前條第一項之回收清除處理費，應納入資源回</p>

value, recycling, clearance and disposal costs, recycling, clearance and disposal rates, auditing and collection costs, financial status of the fund, recycling incentive amounts, and other relevant factors, and submitted to the central competent authority for approval and public announcement. The central competent authority may establish fee rate formulas and review fee rates in a timely manner, approve, and publicly announce fee rates based on market prices, consumer price indices, and other relevant factors reviewed and approved by the Resource Recycling Fee Rate Review Board.

收管理基金，委託金融機構收支保管，並按一定比例分別撥入信託基金及非營業基金；其一定比例與信託基金之收支、保管及運用之辦法，由中央主管機關定之。

責任業者依第一項、第二項及前條規定辦理登記、申報、扣抵與回收清除處理費之繳費方式、流程、期限、回收計畫應記載事項、退費、管理及其他應遵行事項之辦法，由中央主管機關定之。

第一項及前條第一項費率，由中央主管機關所設之資源回收費率審議會依材質、容積、重量、對環境之影響、再利用價值、回收清除處理成本、回收清除處理率、稽徵成本、基金財務狀況、回收獎勵金數額及其他相關因素審議，送中央主管機關核定公告；中央主管機關得訂定費率公式，依市場價格、物價變動指數及其他經資源回收費率審議會審定之相關因素，適時檢討費率並核定公告。

<p>Article 17</p> <p>The trust fund of the Resource Recycling Management Fund shall be used for recycling, clearance, and disposal subsidy purposes.</p> <p>The nonprofit special funds of the Resource Recycling Management Fund shall be used for the following purposes:</p> <p>I. Providing subsidies and incentives for recycling systems.</p> <p>II. Covering expenses incurred by enforcement authorities in performing waste clearance and disposal on behalf of others.</p> <p>III. Covering auditing and certification expenses incurred pursuant to Paragraph 5 of Article 18.</p> <p>IV. Other purposes related to waste resource recycling approved by the central competent authority.</p>	<p>第十七條</p> <p>資源回收管理基金信託基金，應使用於回收清除處理補貼用途。</p> <p>資源回收管理基金非營業基金，應使用於下列用途：</p> <p>一、補助獎勵回收系統。</p> <p>二、執行機關代清理費用。</p> <p>三、依第十八條第五項執行稽核認證費用。</p> <p>四、其他經中央主管機關同意，與廢棄物資源回收有關之用途。</p>
<p>Article 18</p> <p>The methods and facility standards for the collection, storage, clearance, and disposal of regulated recyclable waste shall be prescribed by the central competent authority according to the categories thereof.</p> <p>Collection and disposal enterprises handling regulated recyclable waste that reach a certain scale shall register with the special municipality, county or city competent authority and report their recycling and disposal volumes and related operational circumstances.</p> <p>Regulations governing the certain scale, registration, deregistration, reporting, administration, and other compliance matters for the collection and disposal enterprises referred to in the preceding paragraph shall be prescribed by the central competent authority.</p> <p>Responsible enterprises and the collection and disposal enterprises referred to in Paragraph 2 that comply with the standards prescribed in Paragraph 1, and whose recycling and disposal volumes of regulated recyclable waste have been audited and certified by the central competent authority, may apply to the Resource Recycling Management Fund for recycling, clearance, and disposal subsidies under Paragraph 1 of the preceding Article.</p>	<p>第十八條</p> <p>應回收廢棄物之回收、貯存、清除、處理方法及設施標準，由中央主管機關依其種類定之。</p> <p>應回收廢棄物之回收、處理業達一定規模者，應向直轄市、縣（市）主管機關辦理登記，並申報其回收、處理量及相關作業情形。</p> <p>前項回收、處理業之一定規模、登記、註銷、申報、管理及其他應遵行事項之辦法，由中央主管機關定之。</p>

<p>The central competent authority may commission legal persons (hereinafter referred to as “auditing and certification bodies”) to conduct the auditing and certification operations referred to in the preceding paragraph, and shall periodically conduct evaluations and assessments of their operational performance. Regulations governing the implementation methods for auditing and certification operations, evaluations, assessments, and other related matters shall be prescribed by the central competent authority.</p> <p>Regulations governing the application, review, revocation, recovery, administration, and other compliance matters for the recycling, clearance, and disposal subsidies referred to in Paragraph 4 shall be prescribed by the central competent authority.</p>	<p>責任業者及第二項回收、處理業符合第一項所定標準，且應回收廢棄物之回收處理量經中央主管機關稽核認證者，得向資源回收管理基金申請前條第一項之回收清除處理補貼。</p> <p>中央主管機關得委託法人（以下簡稱稽核認證團體）辦理前項稽核認證作業，並應定期對稽核認證團體進行作業成效之評鑑及考核；稽核認證作業之辦理方式、評鑑、考核及其他相關事項之辦法，由中央主管機關定之。</p> <p>第四項回收清除處理補貼之申請、審核、廢止、追償、管理及其他應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 20</p> <p>The competent authority may dispatch personnel or entrust professional personnel carrying identification documents to enter the premises of responsible enterprises, and the premises of enterprises using articles or their packaging or containers, or using renewable energy power generation equipment, as well as the collection, storage, clearance, and disposal premises of the collection and disposal enterprises referred to in Paragraph 2 of Article 18, in order to inspect their business volumes or import volumes, sales recipients, sales volumes, purchase volumes, or usage volumes of articles or their packaging or containers and renewable energy power generation equipment, sources of raw material supply, recycling-related labels, and collection and disposal volumes of regulated recyclable waste, and may request receiving, production, sales, and inventory</p>	<p>第二十條</p> <p>主管機關得派員或委託專業人員攜帶證明文件進入責任業者與物品或其包裝、容器、再生能源發電設備使用業者之場所及第十八條第二項所定回收、處理業之回收、貯存、清除、處理場所，查核其</p>

<p>receipts, account books, relevant statements, and other relevant information regarding production, sales, operations, or export and import.</p>	<p>營業量或進口量、物品或其包裝、容器及再生能源發電設備之銷售對象、銷售量、購買量或使用量、原料供應來源、回收相關標誌、應回收廢棄物回收處理量，並索取進貨、生產、銷貨、存貨憑證、帳冊、相關報表及其他產銷營運或輸出入之相關資料。</p>
<p>Article 28</p> <p>The clearance and disposal of industrial waste, except where reuse methods are adopted, shall be conducted in accordance with one of the following methods:</p> <p>I. Self-clearance and disposal.</p> <p>II. Joint clearance and disposal: enterprises shall apply to the industry competent authority for permission to establish a joint waste clearance and disposal institution for the clearance and disposal of the relevant category of waste.</p> <p>III. Entrusted clearance and disposal:</p> <ol style="list-style-type: none"> 1. Entrusting a public or private waste clearance and disposal institution, which is permitted by the competent authority to clear and dispose of the relevant category of waste, to clear and dispose of such waste. 2. Entrusting the enforcement authority to perform clearance and disposal with its consent. 3. Entrusting waste clearance and disposal facilities established by the industry competent authority itself or through its guidance to perform clearance and disposal. 4. Entrusting waste clearance and disposal facilities established by state-owned enterprises designated by the competent authority to perform clearance and disposal. 5. Entrusting waste clearance and disposal facilities established by private institutions that have entered into investment contracts with the sponsoring authority pursuant to the Act for Promotion 	<p>第二十八條</p> <p>事業廢棄物之清理，除再利用方式外，應以下列方式為之：</p> <ol style="list-style-type: none"> 一、自行清除、處理。 二、共同清除、處理：由事業向目的事業主管機關申請許可設立清除、處理該類廢棄物之共同清除處理機構清除、處理。 三、委託清除、處理： <ol style="list-style-type: none"> (一) 委託經主管機關許可清除、處理該類廢棄物之公民營廢棄物清除處理機構

<p>of Private Participation in Infrastructure Projects to perform clearance and disposal.</p> <p>6. Entrusting waste disposal facilities of enterprises permitted pursuant to the administration regulations prescribed under Paragraph 2 of Article 29 to perform disposal.</p> <p>IV. Other methods approved by the central competent authority.</p> <p>Enterprises designated and publicly announced by the central competent authority shall employ professional technical personnel. For enterprises conducting self-clearance and disposal of industrial waste, the management regulations governing the conditions to be met by clearance machinery and disposal facilities or equipment, permits, permit validity periods, revocation, and other compliance matters shall be prescribed by the central competent authority jointly with the central industry competent authority.</p> <p>Regulations governing the conditions, classifications, permits, permit validity periods, revocation, employment of professional technical personnel, operations, operational records, and other compliance matters for the joint waste clearance and disposal institutions referred to in Subparagraph 2 of Paragraph 1 shall be prescribed by the central industry competent authority jointly with the central competent authority.</p> <p>Regulations governing the employment of professional technical personnel, operations, operational records, and other compliance matters for waste clearance and disposal facilities established under the guidance referred to in Item 3 of Subparagraph 3 of Paragraph 1 shall be prescribed by the central industry competent authority in consultation with relevant authorities.</p> <p>Regulations governing the employment of professional technical personnel, operations, operational records, and other compliance matters for waste clearance and disposal facilities referred to in Items 4 and 5 of Subparagraph 3 of Paragraph 1 shall be prescribed by the central competent authority in consultation with relevant authorities.</p> <p>Where the enforcement authority is entrusted pursuant to Item 2 of Subparagraph 3 of Paragraph 1 to clear and dispose of general industrial waste, it may do so only where surplus disposal capacity remains after disposing of the following categories of general waste, and shall charge fees in accordance with the industrial waste clearance and disposal fee standards prescribed by the special municipality, county or city competent authority, and shall process the declaration jointly with the enterprise pursuant to Subparagraph 2 of Paragraph 1 of Article 31:</p>	<p>清除、處理。</p> <p>(二) 經執行機關同意，委託其清除、處理。</p> <p>(三) 委託目的事業主管機關自行或輔導設置廢棄物清除處理設施清除、處理。</p> <p>(四) 委託主管機關指定之公營事業設置廢棄物清除處理設施清除、處理。</p> <p>(五) 委託依促進民間參與公共建設法與主辦機關簽訂投資契約之民間機構設置廢棄物清除處理設施清除、處理。</p> <p>(六) 委託依第二十九條第二項所訂管理辦法許可之事業廢棄物處理。</p>
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<p>I. Waste within designated clearance areas.</p> <p>II. Waste subject to regional joint disposal or cross-regional cooperative disposal pursuant to Article 7 of this Act and Article 24-1 of the Local Government Act.</p> <p>III. Waste uniformly allocated by the central competent authority.</p> <p>Facilities for the clearance and disposal of general waste or general industrial waste shall not conduct combined clearance or disposal of hazardous industrial waste.</p> <p>Provided that the disposal of general waste referred to in Subparagraphs 1 and 2 of Paragraph 6 by the enforcement authority is not affected, the central competent authority may, where necessary, uniformly allocate and dispatch existing waste clearance and disposal facilities, and the entities subject to such allocation and dispatch shall not refuse.</p> <p>Where waste disposal facilities constructed or operated by special municipality, county or city competent authorities or enforcement authorities with subsidies from the central competent authority, or pursuant to the Act for Promotion of Private Participation in Infrastructure Projects, are designated by the central competent authority, the subsidy recipients, sponsoring authorities, and private institutions shall reserve a certain proportion of surplus disposal capacity for unified allocation and dispatch by the central competent authority, and such requirement shall be expressly stipulated in the relevant operation entrustment and investment contracts.</p> <p>Regulations governing the conditions, methods, fees, designated waste disposal facilities, a certain proportion of surplus disposal capacity, and other related matters regarding the unified allocation and dispatch referred to in the preceding two paragraphs shall be prescribed by the central competent authority.</p>	<p>設施處理。</p> <p>四、其他經中央主管機關許可之方式。</p> <p>經中央主管機關指定公告之事業，應置專業技術人員，其採自行清除、處理事業廢棄物之事業，其清除機具及處理設施或設備應具備之條件、許可、許可期限、廢止及其他應遵行事項之管理辦法，由中央主管機關會同中央目的事業主管機關定之。</p> <p>第一項第二款共同清除處理機構應具備之條件、分級、許可、許可期限、廢止、專業技術人員設置、營運、操作紀錄與其他應遵行事項之管理辦法，由中央目的事業主管機關會同中央主管機關定之。</p> <p>第一項第三款第三目所輔導設置之廢棄物清除處理設施應具備之專業技術人員設置、營運、操作紀錄與其他應遵行事項之管理辦法，由中央目的事業主管機關會商相關機關定之。</p>
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第一項第三款第四目及第五目所設置之廢棄物清除處理設施應具備之專業技術人員設置、營運、操作紀錄與其他應遵行事項之管理辦法，由中央主管機關會商相關機關定之。

第一項第三款第二目執行機關受託清除處理一般事業廢棄物，應於處理下列一般廢棄物後，仍有餘裕處理能量，始得為之，並依直轄市、縣（市）主管機關所定事業廢棄物代清除處理收費標準收費，並配合該事業依第三十一條第一項第二款規定辦理申報：

- 一、屬指定清除地區內者。
- 二、屬依第七條及地方制度法第二十四條之一規定之區域性聯合及跨區域合作處理者。
- 三、屬中央主管機關統一調度者。

一般廢棄物或一般事業廢棄物之清除處理設施，不得合併清除、處理有害

	<p>事業廢棄物。</p> <p>中央主管機關於不影響執行機關處理第六項第一款及第二款一般廢棄物情形下，於必要時得統一調度使用現有廢棄物清除處理設施，被調度者不得拒絕。</p> <p>直轄市、縣（市）主管機關或執行機關受中央主管機關補助及依促進民間參與公共建設法興建、營運之廢棄物處理設施，經中央主管機關指定者，其受補助對象及主辦機關、民間機構應保留一定比例之餘裕處理量，供中央主管機關統籌調度，並納入委託操作及投資相關契約明定之。</p> <p>前二項統一調度之條件、方式、費用、指定之廢棄物處理設施、一定比例之餘裕處理量及其他相關事項之辦法，由中央主管機關定之。</p>
<p>Article 39</p> <p>The reuse of industrial waste shall be conducted in accordance with one of the following methods:</p> <p>I. Self-reuse by an enterprise in accordance with applicable regulations:</p>	<p>第三十九條</p> <p>事業廢棄物之再利用，應以下列方式為之：</p>

<p>1. Returning the waste to the original production process for use as raw materials.</p> <p>2. Reuse within the original factory (plant).</p> <p>3. Transfer to and reuse at another branch factory (plant) of the same enterprise.</p> <p>II. For the methods set forth in the items of the preceding subparagraph, where the categories and management methods of reuse are designated by the central competent authority, the enterprise shall, in accordance with Paragraph 1 of Article 31, submit an Industrial Waste Clearance and Disposal Plan to the special municipality, county or city competent authority for review and approval prior to conducting reuse. However, where the waste referred to in Item 1 of the preceding subparagraph conforms to the characteristics and properties of the raw materials used in the original production process, direct reuse may be conducted.</p> <p>III. For circumstances under Item 1 of Subparagraph 1 that do not fall within the proviso of the preceding subparagraph, the enterprise shall submit an Industrial Waste Clearance and Disposal Plan to the special municipality, county or city competent authority for review and approval prior to conducting reuse.</p> <p>IV. Reuse conducted by factories (plants) receiving industrial waste for reuse (hereinafter referred to as “reuse institutions”) in accordance with applicable regulations; the application of Article 41 shall be excluded:</p> <p>1. For industrial waste whose reuse categories and administration methods have been designated by the central competent authority, the reuse institution shall apply to the special municipality, county or city competent authority for inspection and verification approval prior to conducting reuse.</p> <p>2. For industrial waste other than that referred to in the preceding item, the reuse institution shall apply to the central competent authority for a reuse permit and shall additionally apply to the special municipality, county or city competent authority for inspection and verification approval, and shall conduct reuse in accordance with the permission document and inspection and verification contents.</p> <p>Enterprises and reuse institutions conducting reuse pursuant to the preceding paragraph (hereinafter collectively referred to as “reuse enterprises”) that fall within the scope of enterprises prescribed in Paragraph 1 of Article 31 shall comply with Paragraphs 1 through 3</p>	<p>一、事業依規定自行再利用：</p> <p>(一) 送回原生產製程當作原料。</p> <p>(二) 於原廠(場)內。</p> <p>(三) 送至同一事業之其他分廠(場)。</p> <p>二、前款各目依中央主管機關指定之再利用種類及管理方式，事業應依第三十一條第一項規定，檢具事業廢棄物清理計畫書，送直轄市、縣(市)主管機關審查核准後，進行再利用。但前款第一目與原生產製程原料之特性、性質相符者，得逕行再利用。</p> <p>三、第一款第一目非屬前款情形，事業應檢具事業廢棄物清理計畫書，送直轄市、縣(市)主管機關審查核</p>
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of that Article in reporting the generation, storage, clearance, disposal, reuse, export, import, transit, or transshipment of waste.

Reuse enterprises shall maintain records and submit reports regarding reuse operations, the flow and quantity of reused products, and shall additionally maintain records and submit reports regarding the usage status of reused products designated by the central competent authority.

Regulations governing the designation of industrial waste reuse categories and management methods referred to in Paragraph 1, submission, review, and approval of Industrial Waste Clearance and Disposal Plans, applications for reuse inspection and verification, applications for reuse permits, review, permit matters, revocation, designation of reused products referred to in the preceding paragraph, recordkeeping and reporting items, reporting frequency, administration, and other compliance matters shall be prescribed by the central competent authority.

准後，進行再
利用。

四、由收受事業廢棄物再利用之廠(場)(以下簡稱再利用機構)依規定進行再利用，不適用第四十一條規定：

(一) 經中央主管機關指定再利用種類及管理方式之事業廢棄物，再利用機構應向直轄市、縣(市)主管機關申請檢核通過後，進行再利用。

(二) 前目以外之事業廢棄物，再利用機構應向中央主管機關申請取得再利用許可及向直轄市、縣(市)主管機關申請檢核通過後，依許可文件及檢核內

	<p>容進行再利用。</p> <p>依前項規定進行再利用之事業及再利用機構（以下合稱再利用事業），屬第三十一條第一項所定事業者，就其廢棄物之產出、貯存、清除、處理、再利用、輸出、輸入、過境或轉口情形，應依該條第一項至第三項規定辦理。</p> <p>再利用事業應記錄及申報再利用營運情形、再利用產品流向、數量；並應就中央主管機關指定之再利用產品，記錄及申報其使用情形。</p> <p>第一項事業廢棄物再利用種類、管理方式之指定、事業廢棄物清理計畫書之提送、審查、核准、再利用檢核之申請、再利用許可之申請、審查、許可事項、廢止、前項再利用產品之指定、記錄與申報之事項、頻率、管理及其他應遵行事項之辦法，由中央主管機關定之。</p>
Article 39-1	第三十九條之一

<p>Users of reused products designated by the central competent authority shall maintain records and submit reports regarding the flow, quantity, and actual places of use of such reused products. Where any of the following circumstances applies, environmental monitoring shall, where necessary, be implemented, and proof of use shall be retained for inspection:</p> <p>I. The reused products are used for sea or land reclamation.</p> <p>II. The reused products are likely to be inappropriately used, pollute the environment, or endanger human health.</p> <p>III. Other circumstances deemed by the central competent authority as requiring strengthened control.</p> <p>Users of reused products subject to environmental monitoring under the preceding paragraph shall prepare and submit an environmental monitoring plan to the special municipality, county or city competent authority for approval, and shall maintain records of sampling activities and monitoring results. After submitting an environmental monitoring results report to the special municipality, county or city competent authority for recordation, such users shall disclose the flow of reused products and monitoring results on a website designated by the central competent authority.</p> <p>The regulations governing the designation of reused products referred to in Paragraph 1, recordkeeping and reporting items and frequency, retention of proof of use, required particulars to be included in environmental monitoring plans referred to in the preceding paragraph, applications, review, approval, records of sampling and monitoring results, recordation of environmental monitoring results reports, public disclosure of product flow and monitoring results, and other compliance matters shall be prescribed by the central competent authority.</p>	<p>經中央主管機關指定之再利用產品，其使用者應記錄與申報再利用產品流向、數量及實際使用地點；有下列情形之一者，必要時，應實施環境監測，並保存使用證明以供查核：</p> <ol style="list-style-type: none"> 一、用於填海或填築土地。 二、有不當利用、污染環境或危害人體健康之虞。 三、其他經中央主管機關認定須加強管制。 <p>前項應實施環境監測之再利用產品使用者，應檢具環境監測計畫書報直轄市、縣（市）主管機關核准，並應將其採樣情形及監測結果作成紀錄，檢具環境監測結果報告報直轄市、縣（市）主管機關備查後，於中央主管機關指定之網站公開產品流向及監測結果。</p> <p>第一項再利用產品之指定、記錄與申報之項目、頻率及使用證明保存、前項環境監測計畫書應記載事項、申</p>
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	<p>請、審查、核准、採樣與監測結果紀錄、環境監測結果報告之備查、產品流向與監測結果之公開及其他應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 39-2</p> <p>The central competent authority may, in consideration of the use, composition, characteristics, quantity, disposal risk, and other relevant factors of industrial waste or reused products, designate waste-generating enterprises, reuse enterprises, and users of reused products to adopt all or part of the following administration measures:</p> <p>I. Execution of reuse entrustment agreements or sales contracts for reused products, and inclusion therein of matters designated by the central competent authority.</p> <p>II. Verification of reused products or reuse processes.</p> <p>III. Testing of reused products.</p> <p>IV. Restriction on purchasers or recipients of reused products.</p> <p>V. Restriction on the uses or methods of use of reused products.</p> <p>VI. Installation of equipment designated by the central competent authority.</p> <p>VII. Employment of professional technical personnel.</p> <p>VIII. Installation of closed-circuit television surveillance systems and browsing servers for inspection by the competent authority.</p> <p>IX. Other administration measures designated by the central competent authority.</p> <p>The regulations governing the designation of waste-generating enterprises, reuse enterprises, and users of reused products referred to in the preceding paragraph; required particulars to be included in agreements and contracts; verification matters; product testing matters; required contents of testing reports; purchasers or recipients; uses or methods of use; installation of equipment; employment of professional technical personnel; specifications for surveillance systems and browsing servers; designation of other</p>	<p>第三十九條之二</p> <p>中央主管機關得考量事業廢棄物或再利用產品之用途、成分、特性、數量、棄置風險及其他相關因素，指定產源事業、再利用事業及再利用產品使用者，採取下列全部或一部之管理措施：</p> <ol style="list-style-type: none"> 一、簽訂再利用委託或再利用產品銷售契約書及記載中央主管機關指定事項。 二、進行再利用產品或再利用製程之驗證。 三、進行再利用產品檢測。 四、限制再利用產品銷售對象。 五、限制再利用產品使用用途或方式。 六、設置中央主管機關指定之設備。 七、設置專業技

<p>administration measures; and other related compliance matters shall be prescribed by the central competent authority.</p>	<p>術人員。</p> <p>八、設置閉路電視錄影監視系統及瀏覽伺服，供主管機關檢視。</p> <p>九、其他經中央主管機關指定之管理措施。</p> <p>前項產源事業、再利用事業及再利用產品使用者之指定、契約書應記載事項、驗證事項、產品檢測事項、檢測報告應具備之內容、銷售對象、使用用途或方式、設備設置、專業技術人員設置、監視系統及瀏覽伺服規格、其他管理措施之指定及相關應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 39-3</p> <p>Reuse enterprises producing reused products designated by the central competent authority shall ensure that such products conform to product quality specifications, and shall prominently label on the products, or on the packaging, containers, or sales-related documents thereof, restrictions on use, warning notices, and feedstock traceability information.</p> <p>Where a reuse enterprise is required, pursuant to Subparagraph 2 of Paragraph 1 of the preceding Article, to conduct verification of reused products or reuse processes, the reused products produced thereby shall not be released from the factory (plant) unless such products have been verified by a verification institution recognized by the central competent authority or by a verification institution accredited by an accreditation body.</p>	<p>第三十九條之三</p> <p>再利用事業生產經中央主管機關指定之再利用產品，應符合產品品質規範，並於產品或其包裝、容器、銷售相關文件明顯處，標示使用限制、警語及供料履歷。</p> <p>再利用事業依前條第一項第二款規定，應進行再利用</p>

<p>Regulations governing the designation of reused products referred to in Paragraph 1; product quality specifications for reused products; labeling; restrictions on use; warning notices; feedstock traceability information; qualifications of verification institutions and accreditation bodies referred to in the preceding paragraph; verification and accreditation procedures; verification and accreditation matters; revocation; administration; and other matters required to be complied with shall be prescribed by the central competent authority.</p> <p>The central industry competent authority shall provide guidance to reuse enterprises in improving production practices and promoting reused products, and may entrust or commission other agencies (institutions), legal persons, or organizations to undertake such matters.</p>	<p>產品或再利用製程之驗證者，其生產之再利用產品應經中央主管機關認可之驗證機構或認證機關（構）認證之驗證機構驗證後，始得出廠（場）。</p> <p>第一項再利用產品之指定、再利用產品品質規範、標示、使用限制、警語、供料履歷，及前項驗證機構與認證機關（構）資格、驗證與認證程序、驗證與認證事項、廢止、管理及其他應遵行事項之辦法，由中央主管機關定之。</p> <p>中央目的事業主管機關應輔導再利用事業進行生產之改善及推廣再利用產品，並得委託或委辦其他機關（構）、法人或團體辦理。</p>
<p>Article 39-4</p> <p>Where a reuse enterprise falls under any of the following circumstances, the competent authority may order it to cease accepting industrial waste into its factory (plant):</p> <p>I. Failure to complete industrial waste reuse operations within a specified period.</p> <p>II. Failure to complete repair of malfunctioning or abnormal reuse equipment within a specified period.</p> <p>III. Storage volume of reused products exceeding the cumulative production volume or sales volume for a specified period.</p> <p>IV. Evading, obstructing, or refusing inspections conducted by the</p>	<p>第三十九條之四</p> <p>再利用事業有下列情形之一者，主管機關得令其停止收受事業廢棄物進廠（場）：</p> <p>一、未於一定期限內完成廢棄物再利用作業。</p> <p>二、再利用設備故障或異常，未能於</p>

<p>competent authority pursuant to Paragraph 1 of Article 9, or refusing to provide information related to reuse operations.</p> <p>V. Other violations related to reuse activities as determined by the competent authority.</p> <p>Where a reuse enterprise falls under any of the following circumstances, the competent authority may order it to suspend reuse operations:</p> <p>I. Failure to conduct reuse in accordance with the methods prescribed in Paragraph 1 of Article 39.</p> <p>II. Failure to conduct verification of reused products or reuse processes in accordance with Subparagraph 2 of Paragraph 1 of Article 39-2.</p> <p>III. Failure to conduct testing of reused products in accordance with Subparagraph 3 of Paragraph 1 of Article 39-2.</p> <p>IV. Failure to install equipment designated by the central competent authority in accordance with Subparagraph 6 of Paragraph 1 of Article 39-2.</p> <p>V. Occurrence of any circumstance prescribed in Subparagraph 4 or 5 of the preceding paragraph.</p> <p>Where a reuse enterprise falls under any of the following circumstances, the competent authority may order it to cease the sale of reused products or the transport of reused products out of the factory (plant):</p> <p>I. Failure to sell reused products in accordance with Subparagraph 4 of Paragraph 1 of Article 39-2; or production of reused products prescribed in Paragraph 1 of Article 39-3 that fail to conform to product quality specifications.</p> <p>II. Provision of false testing reports or verification certification documents for reused products.</p> <p>III. Continued sale or transport of reused products despite knowledge that the user of the reused products has failed to use such products in accordance with Subparagraph 5 of Paragraph 1 of Article 39-2.</p> <p>IV. Occurrence of any circumstance prescribed in Subparagraph 4 or 5 of Paragraph 1.</p> <p>Where the competent authority has rendered a disposition pursuant to any of the preceding three paragraphs, the reuse enterprise shall</p>	<p>一定期限內完成修復。</p> <p>三、再利用率產品貯存量超過一定期間之累積產出量或銷售量。</p> <p>四、規避、妨礙、拒絕主管機關依第九條第一項規定之檢查或提供再利用有關資料。</p> <p>五、其他經主管機關認定與再利用行為相關之違法情形。</p> <p>再利用事業有下列情形之一者，主管機關得令其停止再利用運作：</p> <p>一、未依第三十九條第一項所定方式進行再利用。</p> <p>二、未依第三十九條之二第一項第二款規定進行再利用產品或製程驗證。</p> <p>三、未依第三十九條之二第一項第三款規定進行再利用產品檢測。</p> <p>四、未依第三十九條之二第一項第六款</p>
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submit documentary proof of improvement to the competent authority for approval before resuming relevant reuse activities.

The regulations governing the specified periods and durations referred to in Paragraph 1; the circumstances under which acceptance of waste into factories (plants), reuse operations, or the sale or transport of reused products out of factories (plants) shall be suspended pursuant to the preceding four paragraphs; the required particulars to be included in documentary proof of improvement; applications for approval; and other matters required to be complied with shall be prescribed by the central competent authority.

規定設置中央主管機關指定之設備。

五、有前項第四款或第五款規定情形。

再利用事業有下列情形之一者，主管機關得令其停止銷售或運送再利用產品出廠（場）：

一、未依第三十九條之二第一項第四款規定銷售再利用產品；或生產第三十九條之三第一項所定再利用產品，不符合產品品質規範。

二、提供不實之再利用產品檢測報告或驗證證明文件。

三、明知再利用產品之使用者未依第三十九條之二第一項第五款規定使用再利用產品，仍繼續銷售或運送。

四、有第一項第四款或第五款規定情形。

	<p>經主管機關作成前三項處分，再利用事業應檢具改善證明文件報請主管機關核准後，始得恢復再利用相關行為。</p> <p>第一項之一定期限及期間、前四項停止收受廢棄物進廠（場）、停止再利用運作、停止銷售或運送再利用產品出廠（場）之情形、改善證明文件應記載事項、核准之申請及其他應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 39-5</p> <p>An enterprise engaging in the processing and remanufacturing of reused products designated by the central competent authority (hereinafter referred to as a “processing and remanufacturing enterprise”) shall, in accordance with Paragraphs 1 through 3 of Article 31, specify the processing and remanufacturing procedures in its Industrial Waste Clearance and Disposal Plan and obtain approval upon review by the special municipality, county or city competent authority, or by an agency entrusted by the central competent authority, before commencing such activities.</p> <p>With respect to the recordkeeping and reporting obligations of processing and remanufacturing enterprises regarding processed and remanufactured reused products, product quality specifications, labeling matters, verification, establishment of professional technical personnel, suspension of processing and remanufacturing operations, suspension of sales or transport, and resumption of processing and remanufacturing-related activities, as well as the administration measures that may be adopted by the central competent authority, the provisions of Paragraphs 3 and 4 of Article 39 and Articles 39-2 through the preceding Article shall apply mutatis mutandis.</p> <p>For users of the processed and remanufactured reused products designated by the central competent authority, the provisions of</p>	<p>第三十九條之五</p> <p>加工再製中央主管機關指定之再利用產品者（以下簡稱加工再製事業），應依第三十一條第一項至第三項規定，於事業廢棄物清理計畫書載明加工再製流程，送直轄市、縣（市）主管機關或中央主管機關委託之機關審查核准後，始得為之。</p> <p>加工再製事業記錄、申報加工再製之再利用產品及產品品質規範、標示事項、驗證、專業技術人員設置與停</p>

<p>Article 39-1 shall apply mutatis mutandis with respect to recordation, reporting, preservation of proof of use, submission of environmental monitoring reports for approval, submission of environmental monitoring results reports for recordation, and disclosure of product flow and monitoring results.</p>	<p>止加工再製運作、銷售、運送與恢復加工再製相關行為及中央主管機關得對其採取之管理措施，準用第三十九條第三項、第四項、第三十九條之二至前條規定。</p> <p>經中央主管機關指定加工再製之再利用產品，其使用者記錄、申報、使用證明保存、檢具環境監測報告書申請核准與環境監測結果報告之備查、產品流向及監測結果之公開，準用第三十九條之一規定。</p>
<p>Article 41</p> <p>Enterprises that engage in waste clearance or disposal operations shall apply to the special municipality, county or city competent authority, or an agency entrusted by the central competent authority, for the issuance of a permission document for a public or private waste clearance and disposal institution before undertaking entrusted waste clearance or disposal operations. However, this restriction shall not apply under any of the following circumstances:</p> <p>I. The collection, clearance, disposal, or reuse of general waste conducted by the enforcement authority pursuant to Paragraphs 2 and 6 of Article 5 and Paragraph 1 of Article 12.</p> <p>II. Facilities or equipment designated for emergency waste clearance and disposal pursuant to Article 8.</p> <p>III. The clearance or disposal of general waste in accordance with methods publicly announced or approved by the central competent authority pursuant to Paragraph 2 of Article 14.</p> <p>IV. The collection, storage, clearance, or disposal of waste in accordance with the standards prescribed in Paragraph 1 of Article 18.</p> <p>V. Clearance machinery, disposal facilities, or equipment referred to</p>	<p>第四十一條</p> <p>從事廢棄物清除、處理業務者，應向直轄市、縣（市）主管機關或中央主管機關委託之機關申請核發公民營廢棄物清除處理機構許可文件後，始得受託清除、處理廢棄物業務。但有下列情形之一者，不在此限：</p> <p>一、執行機關依第五條第二項、第六項、第十二條第一項辦理一般廢棄物之回收、清除、處理、再利</p>

<p>in Subparagraph 2, Items 2 through 5 of Subparagraph 3, and Subparagraph 4 of Paragraph 1 of Article 28.</p> <p>VI. Disposal facilities established by the industry competent authority itself or through its guidance pursuant to Articles 33 and 34.</p> <p>VII. Facilities established by the central competent authority jointly with the central industry competent authority pursuant to Paragraph 1 of Article 35.</p> <p>VIII. Other circumstances publicly announced by the central competent authority.</p> <p>A copy of the permission document issued to the public or private waste clearance and disposal institution referred to in the preceding paragraph shall also be forwarded to the central competent authority.</p>	<p>用。</p> <p>二、依第八條規定緊急清理廢棄物所指之設施或設備。</p> <p>三、依第十四條第二項規定依中央主管機關公告或核准之方式清除、處理一般廢棄物。</p> <p>四、依第十八條第一項所定標準回收、貯存、清除、處理廢棄物。</p> <p>五、第二十八條第一項第二款、第三款第二目至第四款之清除機具、處理設施或設備。</p> <p>六、目的事業主管機關依第三十三條、第三十四條規定自行或輔導設置之處理設施。</p> <p>七、中央主管機關會同中央目的事業主管機關依第三十五條第一項設置之設施。</p> <p>八、其他經中央主管機關公</p>
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	<p>告者。</p> <p>前項公民營廢棄物清除處理機構許可文件之核發，應副知中央主管機關。</p>
<p>Article 43</p> <p>Except as otherwise approved by the central competent authority, waste testing and analysis under this Act shall be conducted by testing and analysis institutions holding permits issued by the central competent authority.</p> <p>Regulations governing the conditions and facilities required for the testing and analysis institutions referred to in the preceding paragraph, the qualification restrictions applicable to testing and analysis personnel, permit application and review procedures, permit matters, revocation, issuance and renewal of permits, suspension and resumption of operations, inspection and evaluation procedures, administration, and other matters required to be complied with shall be prescribed by the central competent authority.</p>	<p>第四十三條 廢棄物之檢驗測定，除經中央主管機關核准外，應由取得中央主管機關核發許可證之檢驗測定機構辦理。</p> <p>前項檢驗測定機構應具備之條件、設施、檢驗測定人員資格限制、許可證之申請、審查程序、許可事項、廢止、許可證核(換)發、停業、復業、查核、評鑑程序、管理及其他應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 44</p> <p>Regulations governing the qualifications of professional technical personnel referred to in Paragraphs 2 through 5 of Article 28, Subparagraph 7 of Paragraph 1 of Article 39-2, Paragraph 2 of Article 39-5, and Article 42, as well as the acquisition and revocation of qualification certificates, training, practice of professional duties, administration, and other compliance matters shall be determined by the central competent authority.</p>	<p>第四十四條 第二十八條第二項至第三十九條之二第一項第七款、第三十九條之五第二項、第四十二條所定專業技術人員之資格、合格證書取得、廢止、訓練、執行業務、管理及其他應遵行事項之辦法，由中央主管機關定之。</p>

Article 46

Any person falling under any of the following circumstances shall be sentenced to imprisonment for a term of not less than one year and not more than seven years, and may additionally be fined not more than NT\$15 million:

- I. Arbitrary disposal of hazardous industrial waste.
- II. Failure by the responsible person of an enterprise or relevant personnel to store, clear, dispose of, or reuse waste in accordance with the methods prescribed by this Act, thereby likely to cause environmental pollution.
- III. Provision of land for the backfilling or piling of waste without permission from the competent authority.
- IV. Clearance, disposal, or reuse of waste without obtaining a permission document pursuant to Item 2 of Subparagraph 4 of Paragraph 1 of Article 39 or Paragraph 1 of Article 41.
- V. Storage, clearance, disposal, or reuse of waste in a manner inconsistent with the reuse methods prescribed in Paragraph 1 of Article 39, or inconsistent with the contents of a waste clearance or disposal permission document obtained pursuant to Paragraph 1 of Article 41, thereby likely to cause environmental pollution.

Where an offense referred to in the preceding paragraph is committed within ecologically sensitive areas or environmentally sensitive areas for resource utilization publicly announced by the central competent authority, the punishment shall be increased by up to one-half.

第四十六條

有下列情形之一者，處一年以上七年以下有期徒刑，得併科新臺幣一千五百萬元以下罰金：

- 一、任意棄置有害事業廢棄物。
- 二、事業負責人或相關人員未依本法規定之方式貯存、清除、處理或再利用廢棄物，足以生污染環境。
- 三、未經主管機關許可，提供土地回填、堆置廢棄物。
- 四、未依第三十九條第一項第四款第二目或第四十一條第一項規定取得許可文件，從事廢棄物清除、處理或再利用。
- 五、未依第三十九條第一項所定再利用方式或未依第四十一條第一項取得之廢棄物清除、處理許可文件內容

	<p>貯存、清除、處理或再利用，足以生污染環境。</p> <p>於中央主管機關公告之生態、資源利用環境敏感地區內，犯前項之罪者，加重其刑至二分之一。</p>
<p>Article 46-1</p> <p>Any person falling under any of the following circumstances shall be sentenced to imprisonment for a term of not less than six months and not more than five years, and may additionally be fined not more than NT\$10 million:</p> <p>I. Personnel of an enforcement authority who entrust an illegal waste clearance, disposal, or reuse enterprise to clear, dispose of, or reuse waste; or who entrust an entrusted party to do so despite being aware that the entrusted party is illegally clearing, disposing of, or reusing waste.</p> <p>II. The responsible person or relevant personnel of a public or private waste disposal institution, joint disposal institution, reuse institution, or disposal facility referred to in Items 3 through 6 of Subparagraph 3 of Paragraph 1 of Article 28, or personnel of an enforcement authority, who issue false certificates for waste that has not been disposed of or reused.</p>	<p>第四十六條之一</p> <p>有下列情形之一者，處六月以上五年以下有期徒刑，得併科新臺幣一十萬元以下罰金：</p> <p>一、執行機關之人員委託非法清除、處理或再利用業者，清除、處理或再利用廢棄物；或明知受託人非法清除、處理或再利用而仍委託。</p> <p>二、公民營廢棄物處理機構、共同處理機構、再利用機構或第二十八條第一項第三款第三目至第六目之處理設施負責人或相關人員、執行機關之人員未</p>

	處理或再利用廢棄物，開具虛偽證明。
<p>Article 50</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$1,200 and not more than NT\$100,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation:</p> <p>I. Failure to clear general waste in accordance with Subparagraphs 1 through 7 of Article 11.</p> <p>II. Violation of the regulations prescribed pursuant to Paragraph 1 of Article 12 regarding the transportation, classification, storage, discharge, methods, equipment, or reuse during the collection, clearance, or disposal of general waste; or violating the classification, storage, or discharge requirements under Paragraph 2 of the same Article.</p> <p>III. Commission of any of the acts prescribed in the subparagraphs of Article 27.</p> <p>Where a driver or passenger of a motor vehicle falls under any of the circumstances referred to in Subparagraph 2 or 3 of the preceding paragraph, the penalty shall be imposed on the offender or the owner of the vehicle. However, where the vehicle owner submits relevant evidence and supporting documents identifying the person liable within the period specified in the notice issued by the enforcement authority or the special municipality, county or city competent authority, the vehicle owner shall be exempt from punishment. The same shall apply where a passenger transportation enterprise has fulfilled its obligation to provide notice to passengers, but the passenger nevertheless violates the relevant provisions.</p>	<p>第五十條</p> <p>有下列情形之一者，處新臺幣一千二百元以上十萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰：</p> <p>一、不依第十一條第一款至第七款規定清除一般廢棄物。</p> <p>二、違反依第十二條第一項所定辦法有關一般廢棄物回收、清除、處理之運輸、分類、貯存、排出、方法、設備或再利用之規定；或同條第二項之分類、貯存、排出規定。</p> <p>三、為第二十七條各款行為之一。</p> <p>動力車輛駕駛人或乘客有前項第二款、第三款情形，處罰行為人或車輛所有人。但車輛所有人於執行機關或直轄市、縣（市）</p>

	<p>主管機關通知期限內檢附相關資料證明應歸責之人；或客運業於載客時已盡告知義務，乘客仍違反該規定者，車輛所有人免予處罰。</p>
<p>Article 51</p> <p>Any person who fails to pay recycling, clearance, and disposal fees within the prescribed period pursuant to the regulations prescribed pursuant to Paragraph 4 of Article 16-1 shall pay a delinquent fee, assessed at a rate of 0.5% of the overdue amount for each day overdue, together with the payable fees. Any person who still fails to make payment thirty days after the deadline shall be referred for compulsory enforcement. Interest shall accrue daily on the recycling, clearance, and disposal fees payable from the day following the expiration of the overdue payment period to the date of payment, based on the fixed annual interest rate for a one-year time deposit with the Postal Savings System on the date of payment.</p> <p>For recycling, clearance, and disposal fees payable pursuant to Paragraph 1 of Article 16 and Paragraph 1 of Article 16-1, where any person underreports or fails to report information related to the calculation of such fees by falsification, alteration, or other improper means, the central competent authority may directly calculate the amount payable at twice the applicable recycling, clearance, and disposal fee rate based on the inspection results. In addition to calculating and collecting the evaded recycling, clearance, and disposal fees in accordance with the preceding paragraph, the central competent authority shall also recover the payable amount for the preceding five years. Where the fees have been levied for less than five years, the recoverable payable amount shall be calculated from the initial levy date. Interest shall accrue daily on the recoverable payable amount from the day following the payment deadline notified by the central competent authority or from the date on which the evasion of recycling, clearance, and disposal fees occurred to the date of payment, based on the fixed annual interest rate for a one-year time deposit with the Postal Savings System on the date of payment.</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$60,000 and not more than NT\$300,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation. Where the circumstances are serious, an order for suspension of business for a period of not less</p>	<p>第五十一條</p> <p>未依第十六條之一第四項所定辦法，於期限內繳納回收清除處理費者，每逾一日按滯納之金額加徵百分之零點五滯納金，一併繳納；逾期三十日仍未繳納者，移送強制執行。其應繳納之回收清除處理費，應自滯納期限屆滿之次日起，至繳納之日止，依繳納當日郵政儲金一年期定期存款固定利率按日加計利息。</p> <p>依第十六條第一項及第十六條之一第一項規定應繳納回收清除處理費，有偽造、變造或其他不正當方式短報或漏報與回收清除處理費計算有關資料者，中央主管機關得逕依查核結果，以回收清除處理費費率之二倍計算其應繳費額。中央主管機關除依前項計算及徵收逃漏之回收清除處理費外，</p>

<p>than one month and not more than one year may also be imposed, or an order may be issued for partial or complete suspension of work:</p> <p>I. Violation of the regulations prescribed pursuant to Paragraph 4 of Article 16-1 or Paragraph 3 of Article 18 regarding registration, reporting, or administration.</p> <p>II. Violation of the standards prescribed pursuant to Paragraph 1 of Article 18 regarding methods or facilities.</p> <p>III. Violation of the regulations prescribed pursuant to Paragraph 5 of Article 18 regarding auditing and certification.</p> <p>IV. Violation of the public announcement prescribed pursuant to Paragraph 1 of Article 19 regarding recycling labels or labeling.</p> <p>V. Violation of the public announcement prescribed pursuant to Paragraph 2 of Article 19 regarding the installation of resource recycling facilities or the performance of collection work.</p> <p>VI. Evading, obstructing, or refusing checks, or refusing to provide information under Article 20.</p> <p>VII. Violation of the provisions concerning payment of recycling incentives prescribed in the public announcement under Paragraph 1 of Article 22.</p>	<p>並追繳最近五年內之應繳費額；起徵未滿五年者，自起徵日起計算追繳應繳費額。其追繳應繳費額，應自中央主管機關通知限期繳納截止日之次日或逃漏回收清除處理費發生日起，至繳納之日止，依繳納當日郵政儲金一年期定期存款固定利率按日加計利息。</p> <p>有下列情形之一者，處新臺幣六萬元以上三十萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰；情節重大者，並得處一個月以上一年以下停業處分，或令其部分或全部停工：</p> <p>一、違反依第十六條之一第四項或第十八條第三項所定辦法有關登記、申報或管理之規定。</p> <p>二、違反依第十八條第一項所定標準有關方法或設施之規定。</p> <p>三、違反依第十八條第五項所定辦法有關稽核認證</p>
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	<p>之規定。</p> <p>四、違反依第十九條第一項所定公告有關回收標誌或標示之規定。</p> <p>五、違反依第十九條第二項所定公告有關回收設施設置或回收工作執行之規定。</p> <p>六、規避、妨礙或拒絕依第二十條之查核或提供資料。</p> <p>七、違反依第二十二條第一項所定公告有關回收獎勵金支付規定。</p>
<p>Article 52</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$6,000 and not more than NT\$3,000,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation:</p> <p>I. Failure to clear and dispose of industrial waste in accordance with the methods prescribed in Paragraph 1 of Article 28.</p> <p>II. Violation of the regulations prescribed pursuant to Paragraph 2 of Article 29 regarding conditions, permit matters, validity periods, or management.</p> <p>III. Failure to obtain approval for, or approval of modifications to, an Industrial Waste Clearance and Disposal Plan pursuant to Subparagraph 1 of Paragraph 1 of Article 31, Subparagraph 3 of Paragraph 1 of Article 39, Paragraph 2 of the same Article, or Paragraph 1 of Article 39-5; or violation of the regulations</p>	<p>第五十二條</p> <p>有下列情形之一者，處新臺幣六千元以上三百萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰：</p> <p>一、未依第二十八條第一項規定方式清理事業廢棄物。</p> <p>二、違反依第二十九條第二項所定辦法有關提供條</p>

<p>prescribed pursuant to Paragraph 3 of Article 31 regarding approved matters or modifications.</p> <p>IV. Violation of the reporting requirements prescribed in Subparagraph 2 of Paragraph 1 or Paragraph 5 of Article 31.</p> <p>V. Failure to install a real-time tracking system or maintain the normal operation thereof pursuant to Subparagraph 3 of Paragraph 1 of Article 31.</p> <p>VI. Failure to dispose of industrial waste in accordance with Article 34.</p> <p>VII. Violation of the standards prescribed pursuant to Paragraph 2 of Article 36 regarding the methods or facilities for the storage, clearance, or disposal.</p> <p>VIII. Violation of the regulations prescribed pursuant to Paragraph 4 of Article 39, or applied mutatis mutandis pursuant to Paragraph 2 of Article 39-5, regarding management methods, inspection and verification, permit matters, recordkeeping, reporting, or management.</p> <p>IX. Violation of the regulations prescribed pursuant to Paragraph 3 of Article 39-1, or applied mutatis mutandis pursuant to Paragraph 3 of Article 39-5, regarding the items and frequency of recordkeeping and reporting for reused products, retention of proof of use, approval matters for environmental monitoring plans, records of sampling and monitoring results, or recordation of environmental monitoring results reports.</p> <p>X. Violation of the regulations prescribed pursuant to Paragraph 2 of Article 39-2, or applied mutatis mutandis pursuant to Paragraph 2 of Article 39-5, regarding required contractual matters, verification matters, testing matters, required contents of testing reports, sales recipients, permitted uses or methods of use, installation of equipment and personnel, specifications for surveillance systems and browsing servers, or other management measures.</p> <p>XI. Violation of the regulations prescribed pursuant to Paragraph 3 of Article 39-3, or applied mutatis mutandis pursuant to Paragraph 2 of Article 39-5, regarding product quality specifications, labeling, restrictions on use, warning notices, feedstock traceability information, verification, accreditation matters, or management.</p> <p>XII. Violation of the regulations prescribed pursuant to Paragraph 5 of Article 39-4, or applied mutatis mutandis pursuant to Paragraph 2 of Article 39-5, regarding suspension of</p>	<p>件、許可事項、期限或管理之規定。</p> <p>三、未依第三十一條第一項第一款、第三十九條第一項第三款、同條第三項、第三十九條之五第一項規定，取得事業廢棄物清理計畫書之核准或變更；違反第三十一條第三項所定辦法有關核准事項或變更之規定。</p> <p>四、違反第三十一條第一項第二款或同條第五項申報規定。</p> <p>五、未依第三十一條第一項第三款規定裝置即時追蹤系統或維持正常運作。</p> <p>六、未依第三十四條規定處理事業廢棄物。</p> <p>七、違反依第三十六條第二項所定標準有關貯存、清除或處理</p>
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acceptance, suspension of reuse operations, suspension of sales or transportation, or approved matters.

方法、設施之規定。

八、違反依第三十九條第四項、第三十九條第五項準用第三十九條第四項所定辦法有關管理方式、檢核、許可事項、記錄、申報或管理之規定。

九、違反依第三十九條之一第三項、第三十九條之五第三項準用第三十九條之一第三項所定辦法有關再利用產品之記錄與申報項目、頻率、使用證明保存、環境監測計畫書核准事項、採樣與監測結果紀錄或環境監測結果報告備查之規定。

十、違反依第三十九條之二第二項、第三十九條之五第二項準用第三十九條之二第二項所定辦法

有關契約書應記載事項、驗證事項、檢測事項、檢測報告應具備內容、銷售對象、使用用途或方式、設備與人員設置、監視系統及瀏覽伺服規格或其他管理措施之規定。

十一、違反第三十九條第三項、第三十九條之五第二項第三十九條之三第三項所有辦法所定產品品質規範、標示、使用限制、警語、供料履歷、驗證事項或管理之規定。

十二、違反第三十九條第四項、第三十九條之五第二項第三十九條之

	<p>四第五項 所定辦法 有關停止 收受、再 利用運 作、銷 售、運 送、核准 事項之規 定。</p>
<p>Article 53</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$60,000 and not more than NT\$10,000,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation. Where the circumstances are serious, an order for suspension of work or business may also be imposed:</p> <p>I. Occurrence of any of the circumstances specified in the subparagraphs of the preceding Article in connection with the storage, clearance, disposal, or reuse of hazardous industrial waste, or the use, processing, or remanufacturing of reused products derived therefrom.</p> <p>II. Clearance or disposal of hazardous industrial waste in violation of Paragraph 7 of Article 28.</p> <p>III. Importing, exporting, transiting, or transshipping industrial waste without obtaining a permit pursuant to Paragraph 1 of Article 38; violating the regulations prescribed pursuant to Paragraph 2 of the same Article regarding the export of hazardous industrial waste; violating the regulations prescribed pursuant to Paragraph 3 of the same Article regarding permits, permit validity periods, or management; violating the prohibition on importation under Paragraph 4 of the same Article; or, with respect to general waste regulated under international conventions, violating Paragraphs 1 through 4 of the same Article applied mutatis mutandis pursuant to Paragraph 5 of the same Article.</p>	<p>第五十三條</p> <p>有下列情形之一者，處新臺幣六萬元以上一十萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰；情節重大者，並得令其停工或停業：</p> <p>一、貯存、清除、處理、再利用有害事業廢棄物或其再利用產品使用、加工再製，有前條各款情形之一。</p> <p>二、清除、處理有害事業廢棄物，違反第二十八條第七項規定。</p> <p>三、輸入、輸出、過境、轉口事業廢棄物，未依第三十八條第一項規定取得許可，或違反同條</p>

	<p>第二項有害事業廢棄物輸出規定、同條第三項所定辦法有關許可、許可期限或管理之規定或同條第四項禁止輸入規定；或國際公約列管之一般廢棄物違反第三十八條第五項準用同條第一項至第四項規定。</p>
<p>Article 55</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$6,000 and not more than NT\$3,000,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation:</p> <p>I. A public or private waste clearance and disposal institution that violates the regulations prescribed pursuant to Paragraph 1 of Article 12 regarding the transportation, classification, storage, methods, equipment, or reuse during the collection, clearance, or disposal of general waste, or the classification and storage requirements under Paragraph 2 of the same Article; or violates the regulations prescribed pursuant to Article 42 regarding self-owned facilities, employment of professional technical personnel, permits, permit validity periods, or management.</p> <p>II. A designated and publicly announced enterprise that fails to employ professional technical personnel pursuant to Paragraph 2 of Article 28; or that, in conducting self-clearance and disposal of industrial waste, violates the regulations prescribed pursuant to Paragraph 2 of Article 28 regarding the required conditions for clearance machinery, disposal facilities or equipment, permits, permit validity periods, or management.</p> <p>III. A joint waste clearance and disposal institution, or a state-owned enterprise or private institution operating clearance and disposal</p>	<p>第五十五條</p> <p>有下列情形之一者，處新臺幣六千元以上三百萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰：</p> <p>一、公民營廢棄物清除處理機構違反第十二條第一項所定辦法有關一般廢棄物回收、清除、處理之運輸、分類、貯存、方法、設備或再利用規定，或同條第二項之分類、貯存規定或違反依</p>

facilities, that violates the regulations prescribed pursuant to Paragraphs 3 through 5 of Article 28 regarding permits, permit validity periods, employment of professional technical personnel, operations, operational records, or management.

IV. Violating the provisions concerning testing items, methods, frequency, or management prescribed in the regulations promulgated pursuant to Paragraph 2 of Article 37 in the operation and testing relating to the storage, clearance, or disposal of hazardous industrial waste.

第四十二條
所定辦法有
關自有設
施、專業技
術人員設
置、許可、
許可期限或
管理之規
定。

二、指定公告之
事業未依第
二十八條第
二項規定置
專業技術人
員；或自行
清除處理事
業廢棄物違
反依第二十
八條第二項
所定辦法有
關清除機
具、處理設
施或設備應
具備之條
件、許可、
許可期限或
管理之規
定。

三、廢棄物共同
清除處理機
構，清除處
理設施所屬
之公營事業
或民間機構
違反依第二
十八條第三
項至第五項
所定辦法有
關許可、許
可期限、專
業技術人員
設置、營
運、操作紀
錄或管理之

	<p>規定。</p> <p>四、有害事業廢棄物貯存、清除、處理之操作及檢測違反依第三十七條第二項所定辦法有關檢測之項目、方法、頻率或管理之規定。</p>
<p>Article 58</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$60,000 and not more than NT\$1,000,000 imposed by the central competent authority, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation:</p> <p>I. Conducting testing and analysis without obtaining a permit pursuant to Paragraph 1 of Article 43.</p> <p>II. Violation of the regulations prescribed pursuant to Paragraph 2 of Article 43 regarding the conditions and facilities required for testing and analysis institutions, qualification restrictions for testing and analysis personnel, permit matters, or management.</p> <p>Waste professional technical personnel who violate the regulations prescribed pursuant to Article 44 regarding qualifications, qualification certificates, training, practice of professional duties, or management shall be subject to a fine of not less than NT\$10,000 and not more than NT\$100,000.</p>	<p>第五十八條</p> <p>有下列情形之一者，由中央主管機關處新臺幣六萬元以上一百萬元以下罰鍰，並得通知限期改善，屆期仍未完成改善者，按次處罰：</p> <p>一、未依第四十三條第一項規定取得許可證，逕行辦理檢驗測定。</p> <p>二、違反依第四十三條第二項所定辦法有關檢驗測定機構應具備之條件、設施、檢驗測定人員資格限制、許可事項或管理之規定。</p> <p>廢棄物專業技術人員違反依第四十四條所定辦法有關資</p>

	格、合格證書、訓練、執行業務或管理之規定，處新臺幣一萬元以上十萬元以下罰鍰。
<p>Article 58-1</p> <p>Any person falling under any of the following circumstances shall be subject to a fine of not less than NT\$60,000 and not more than NT\$300,000, and may be notified to make improvements within a specified period. Failure to complete such improvements within the prescribed period shall result in penalties being imposed consecutively for each violation:</p> <p>I. Violation of an order issued by the special municipality, county or city competent authority or enforcement authority pursuant to Paragraph 1 of Article 71, by failing, upon expiration of the prescribed period, to conduct clearance, disposal, and environmental improvement of waste, submit a remediation plan, or make required supplements or corrections; failing to comply with applicable requirements after supplements or corrections have been made; or failing to implement the remediation plan in accordance with the approved schedule or contents.</p> <p>II. Evading, obstructing, or refusing, without justifiable reason, to comply with the matters required under Paragraph 1 of Article 71-2.</p>	<p>第五十八條之一</p> <p>有下列情形之一者，處新臺幣六萬元以上三十萬元以下罰鍰，並得通知限期改善；屆期仍未完成改善者，按次處罰：</p> <p>一、違反直轄市、縣（市）主管機關或執行機關依第七十一條第一項規定所為命令，屆期不為清除、處理、改善環境，或屆期未提出處置計畫書、未補正、經補正後仍不符規定或未依核定期程、內容執行。</p> <p>二、無正當理由規避、妨礙或拒絕第七十一條之第二項第一項規定應配合事項。</p>
<p>Article 63</p> <p>Unless otherwise provided in this Act, the penalties prescribed herein shall be imposed by the enforcement authority; where the enforcement authority fails to act when it is required to do so, the</p>	<p>第六十三條</p> <p>本法所定之處罰，除另有規定外，由</p>

<p>higher competent authority may act on its behalf.</p> <p>The competent authority or enforcement authority may disclose, on a website designated by the central competent authority, individual and statistical information concerning inspections and dispositions involving enterprises, public or private waste clearance and disposal institutions or facilities, professional technical personnel, and testing and analysis institutions.</p>	<p>執行機關為之；執行機關應作為而不作為時，得由上級主管機關為之。</p> <p>主管機關或執行機關得於中央主管機關指定之網站，公開對事業、公民營廢棄物清除處理機構或設施、專業技術人員、檢驗測定機構查核、處分之個別及統計資訊。</p>
<p>Article 63-1</p> <p>The amount of administrative fines imposed pursuant to this Act shall be determined according to the degree, characteristics, and severity of pollution; regulations governing the criteria for the imposition of such administrative fines shall be prescribed by the central competent authority.</p> <p>Where a person obtains benefits from an act in violation of obligations under this Act, in addition to the imposition of a prescribed fine pursuant to this Act, such benefits may be recovered within the scope of the benefits obtained.</p> <p>Where a person commits an act for the benefit of another, thereby causing such other person to become subject to punishment for violating obligations under this Act, and the actor has obtained pecuniary benefits from such act without being punished, such pecuniary benefits may be recovered within the scope of the value of the benefits obtained.</p> <p>Where a person becomes subject to punishment for violating obligations under this Act, and another person obtains pecuniary benefits from such act without being punished, such pecuniary benefits may be recovered within the scope of the value of the benefits obtained.</p> <p>The recovery referred to in the preceding three paragraphs shall be imposed by the sanctioning authority by means of an administrative disposition. The term “benefits” referred to herein includes both positive benefits and passive benefits consisting of expenditures that should have been incurred but were not incurred, or expenditures that were reduced. Regulations governing the calculation and estimation thereof shall be prescribed by the central competent authority.</p>	<p>第六十三條之一</p> <p>依本法處罰鍰者，其額度應依污染程度、特性及危害程度裁處；其裁罰準則，由中央主管機關定之。</p> <p>違反本法義務行為而有所得利益者，除應依本法規定裁處一定金額之罰鍰外，並得於所得利益之範圍內，予以追繳。</p> <p>為他人利益而實施行為，致使他人違反本法上義務應受處罰者，該行為人因其行為受有財產上利益而未受處罰時，得於其所受財產上利益價值範圍內，予以追繳。</p> <p>行為人違反本法上義務應受處罰，他人因該行為受有財</p>

	<p>產上利益而未受處罰時，得於其所受財產上利益價值範圍內，予以追繳。</p> <p>前三項追繳，由裁處機關以行政處分為之；所稱利益得包括積極利益及應支出而未支出或減少支出之消極利益，其核算及推估之辦法，由中央主管機關定之。</p>
<p>Article 71</p> <p>Where the special municipality, county or city competent authority or enforcement authority discovers waste that has been cleared or disposed of in violation of applicable regulations, it may issue a written order requiring any of the following obligated persons to complete waste clearance, disposal, and environmental improvement within a specified period:</p> <p>I. Enterprises.</p> <p>II. Persons entrusted to clear or dispose of waste.</p> <p>III. Agents for the illegal clearance or disposal of waste.</p> <p>IV. Landowners, administrators, or users who permit, or through gross negligence cause, waste to be illegally backfilled or piled on their land.</p> <p>Such written order shall specify therein that substituted performance for such clearance, disposal, and environmental improvement (hereinafter referred to as “substituted performance”) will be undertaken in the event of noncompliance within the prescribed period, together with the estimated amount of substituted performance costs. Where necessary, the competent authority or enforcement authority may additionally order, in writing and within a specified period, the obligated person to submit a remediation plan and implement such plan in accordance with the schedule and contents approved by the special municipality, county or city competent authority or enforcement authority, and shall specify therein the relevant matters concerning failure to comply within the prescribed period.</p> <p>To avoid the occurrence of pollution hazards or prevent the expansion of pollution, the special municipality, county or city</p>	<p>第七十一條</p> <p>直轄市、縣（市）主管機關或執行機關發現不依規定清除、處理之廢棄物，得以書面令下列處置義務人限期清除、處理及改善環境，並載明不依限履行將代為清除、處理、改善環境（以下簡稱代履行）之意旨及估計之代履行費用數額；必要時，得以書面限期令處置義務人提出處置計畫書及依直轄市、縣（市）主管機關或執行機關核定之期程、內容執行，並載明上開不依限履行之相關事項：</p> <p>一、事業。</p> <p>二、受託清除、處理廢棄物者。</p> <p>三、仲介非法清除、處理廢</p>

<p>competent authority or enforcement authority may, prior to issuing the administrative disposition referred to in the preceding paragraph, directly adopt emergency response measures. The necessary expenses arising from sampling, testing, clearance, disposal, and other related actions may be imposed on the obligated person by written order.</p> <p>After service of the written administrative dispositions referred to in the preceding two paragraphs, the special municipality, county or city competent authority or enforcement authority may apply to the administrative court for provisional attachment without providing collateral. After provisional attachment has been implemented, the special municipality, county or city competent authority or enforcement authority shall lift such preservative measures under any of the following circumstances:</p> <p>I. The obligated person has independently provided, or caused a third party to provide, adequate security.</p> <p>II. The obligated person has completed waste clearance, disposal, and environmental improvement, or has implemented the approved remediation plan to a certain extent.</p> <p>Under any of the following circumstances, the special municipality, county or city competent authority or enforcement authority may directly undertake substituted performance:</p> <p>I. The obligated person lacks the willingness or capability to undertake such actions.</p> <p>II. The obligated person fails to complete waste clearance, disposal, and environmental improvement within the period prescribed pursuant to Paragraph 1, or fails to submit a remediation plan within the prescribed period.</p> <p>III. The submitted remediation plan fails to comply with applicable requirements or contains deficiencies, and the obligated person fails to make supplements or corrections within the prescribed period after being notified to do so by the special municipality, county or city competent authority or enforcement authority, or the supplemented or corrected submission still fails to comply with applicable requirements.</p> <p>IV. The obligated person fails to implement the remediation plan in accordance with the schedule and contents approved by the special municipality, county or city competent authority or enforcement authority.</p> <p>The regulations governing the estimation of substituted performance costs referred to in Paragraphs 1, 2, and the preceding paragraph;</p>	<p>棄物者。</p> <p><u>四、容許或因重大過失致廢棄物遭非法回填、堆置於其土地之所有人、管理人或使用人。</u></p> <p>為避免污染危害發生或防止污染擴大，直轄市、縣（市）主管機關或執行機關得於前項處分作成前，逕行採取應變措施；所生採樣、檢測、清除、處理等必要費用，得以書面令處置義務人負擔。</p> <p>直轄市、縣（市）主管機關或執行機關得於前二項書面行政處分送達後，免提供擔保向行政法院聲請假扣押；實施假扣押後，有下列情形之一者，直轄市、縣（市）主管機關或執行機關應辦理該保全措施之解除：</p> <p>一、處置義務人已自行或由第三人提供相當擔保。</p> <p>二、處置義務人已清除、處理及改善環境或依核准之處置計畫書執行達一</p>
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<p>the scope of necessary expenses for emergency response measures; the format, required particulars, supporting documents, supplements or corrections, review, approval, revocation, and administration of remediation plans; the standards governing the exercise of discretion for applications for provisional attachment under Paragraph 3; the methods and amount of security; the determination of completion of waste clearance, disposal, and environmental improvement or implementation of an approved remediation plan to a certain extent; and other compliance matters shall be prescribed by the central competent authority.</p>	<p>定程度。</p> <p>處置義務人有下列情形之一者，直轄市、縣（市）主管機關或執行機關得逕為代履行：</p> <p><u>一</u>、無處置意願或能力。</p> <p><u>二</u>、未於直轄市、縣（市）主管機關或執行機關依第一項所定期限內完成清除、處理及改善環境，或未於期限內提出處置計畫書。</p> <p><u>三</u>、提出之處置計畫書不符規定或內容有欠缺，經直轄市、縣（市）主管機關或執行機關通知限期補正，屆期未補正或補正後仍不符規定。</p> <p><u>四</u>、未依直轄市、縣（市）主管機關或執行機關核定之處置計畫書期程、內容執行。</p> <p>第一項、第二項及前項代履行費用之</p>
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	<p>估算、應變措施必要費用之範圍、處置計畫書之格式、應載明事項、應檢附文件、補正、審查、核定、廢止、管理、第三項聲請假扣押之裁量基準、擔保之方式、數額與清除、處理及改善環境或依核准之處置計畫書執行達一定程度之認定及其他應遵行事項之辦法，由中央主管機關定之。</p>
<p>Article 71-1</p> <p>Where there are multiple obligated persons with respect to land on which waste has been illegally backfilled or piled, such persons shall, with respect to such waste, bear joint and several liability for clearance, disposal, and environmental improvement, and shall also bear joint and several liability for payment of substituted performance costs and necessary expenses for emergency response measures.</p> <p>Where an obligated person is organized as a company, the special municipality, county or city competent authority or enforcement authority may order, within a specified period, its responsible person, or any company or shareholder holding more than one-half of its total issued voting shares or total capital, or directly or indirectly controlling its personnel affairs, financial affairs, or business operations, to pay the substituted performance costs and necessary expenses for emergency response measures referred to in the preceding Article. The same shall apply where the obligated person ceases to exist due to merger, spin-off, or any other cause.</p> <p>Except for persons who permit waste to be illegally backfilled or piled on their land, landowners, administrators, or users who have paid substituted performance costs or necessary expenses for emergency response measures referred to in the preceding Article may seek compensation from other obligated persons.</p> <p>Creditor rights for substituted performance costs and necessary expenses for emergency response measures shall take priority over all creditor rights and mortgage rights, and shall not be subject to the effect of prohibitions on disposition arising from attachment. The right to claim such creditor rights shall be extinguished if not</p>	<p>第七十一條之一</p> <p>土地遭非法回填、堆置廢棄物之處置義務人有數人者，應就該廢棄物負連帶清除、處理及改善環境責任，並就代履行費用、應變措施必要費用負連帶清償責任。</p> <p>處置義務人為公司組織者，直轄市、縣（市）主管機關或執行機關得限期令其負責人、持有超過其已發行有表決權之股份總數或資本總額半數或直接或間接控制其人事、財務或業務經營之公司或股東繳納前條代履行及應變措施必要費用；處置義務人因合併、分割或其他事由消滅時，亦同。</p>

<p>exercised within ten years.</p>	<p>除因容許致廢棄物遭非法回填、堆置於其土地者外，土地所有人、管理人或使用人支出前條代履行及應變措施必要費用，得向其他處置義務人求償。</p> <p>代履行及應變措施必要費用之債權，優先於一切債權及抵押權受償，且不受扣押禁止處分效力之拘束；該債權請求權因十年間不行使而消滅。</p>
<p>Article 71-2</p> <p>Landowners, administrators, or users shall cooperate with substituted performance, emergency response measures, sampling, testing, and other related measures conducted by the special municipality, county or city competent authority or enforcement authority, as well as acts performed by obligated persons in accordance with an approved remediation plan, and shall not evade, obstruct, or refuse such actions.</p> <p>Where the special municipality, county or city competent authority or enforcement authority conducts substituted performance or adopts emergency response measures, it may entrust an appropriate waste clearance, disposal, or reuse institution, or a waste clearance and disposal facility, to carry out such actions. Upon approval by the authority originally issuing the permit or consent, such waste clearance, disposal, or reuse institution or waste clearance and disposal facility may be exempt from restrictions concerning the categories, quantity, or other matters specified in its permit, consent, or designation documents. Where the relevant facility or institution has been approved pursuant to the Environmental Impact Assessment Act, it shall likewise not be subject to restrictions set forth in the environmental impact statement, environmental impact assessment report, or review conclusions.</p> <p>The special municipality, county or city competent authority or enforcement authority may disclose the location of land on which waste has been illegally backfilled or piled, the categories and</p>	<p>第七十一條之二</p> <p>土地所有人、管理人或使用人應配合直轄市、縣（市）主管機關或執行機關代履行、採取應變措施、進行採樣、檢測等相關措施，及處置義務人依處置計畫書執行之行為，不得規避、妨礙或拒絕。</p> <p>直轄市、縣（市）主管機關或執行機關代履行或採取應變措施，得委託適當廢棄物清除、處理、再利用機構或清除處理設施為之；該廢棄物清除、處理、再利用機構或清除處理設施經原核發許可或</p>

<p>quantities of waste involved, and other pollution conditions, and may request the land registration authority to annotate the relevant cadastral registration records accordingly. After the waste has been properly cleared and disposed of, the annotation shall be removed upon request.</p>	<p>同意之機關核准後，得不受其許可或同意、指定文件項目、數量之限制；屬依環境影響評估法審查通過者，亦不受環境影響說明書、環境影響評估書及審查結論記載之限制。</p> <p>直轄市、縣（市）主管機關或執行機關得公開遭非法回填、堆置廢棄物之土地位置、廢棄物種類、數量及其他受污染情形，並囑託土地登記主管機關關於相關地籍資料註記；於廢棄物經妥善清理後，囑託塗銷註記。</p>
<p>Article 77</p> <p>This Act shall enter into force on the date of promulgation.</p> <p>This Act was amended on May 5, 2006, and the amended provisions shall enter into force on July 1, 2006.</p> <p>This Act was amended on November 13, 2012, and the amended provisions shall enter into force on September 6, 2012.</p> <p>Articles 39 through 39-5 and the related penalty provisions in Chapter V of this Act, as amended on ○ ○, ○○○, shall enter into force two years after the date of promulgation.</p>	<p>第七十七條</p> <p>本法自公布日施行。</p> <p>本法中華民國九十五年五月五日修正之條文，自九十五年七月一日施行。</p> <p>本法中華民國一百零一年十一月十三日修正之條文，自一百零一年九月六日施行。</p> <p>本法中華民國○年○月○日修正之第三十九條至第三十九條之五及第五章有關上開條文之處</p>

	罰規定，自公布後 二年施行。
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