



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

REPUBLIC OF CHINA (TAIWAN)

We were not able to locate specific court cases in Taiwan on waste producer liability. The national provisions that affect waste producer liability are set out below.

Summary of National Law

Article 30 of the [Waste Disposal Act of 2017](#) sets out the liability of an industrial waste generator:

When an enterprise commissions clearance and disposal of its waste, it shall take up joint liability with the commissioned agency for the clearance of the waste. If the commissioned agency fails to properly clear the waste and the commissioning enterprise does not exercise its due care, the commissioning enterprise and commissioned agency shall be liable for joint environmental clearance and improvement in terms of the waste.

The determined elements of the exercise of the due care of the commissioning enterprise referred to in the foregoing paragraph, precautions, management measures and other related matters shall be enacted by the central competent authority.

The standard in Taiwan for waste generators is due care under the Act. The latest amendment may be viewed as walking back a bit [the 2006 law](#), which referred to joint and several liability and did not use the due care language.¹

¹ “The enterprise entrusted to clean up its waste shall be jointly and severally responsible for cleaning up the waste with the trustee. As trustee who is not properly cleaned and trust business entirely devoted considerable attention to these obligations, the trustee should trust business to bear the associated waste cleanup and environmental improvement responsibilities.”

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607-339012, Europe@chwmeq.org.

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Rev 0 July 26, 2020