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## 英譯法規內容

法規名稱 (Title) :	Regulations Governing Determination of Reasonable Due Care Obligations of Enterprises Commissioning Waste Clearance Ch
公發布日 (Date) :	2017.11.24
法規沿革 (Legislative) :	1. Original 9 articles promulgated by Environmental Protection Administration order on November 24, 2017
法規內文 (Content) :	<p>Article 1 The Regulations are instituted in accordance with Paragraph 2 of Article 30 of the Waste Disposal Act (hereafter referred to as the Act).</p> <p>Article 2 For the enterprises defined in Subparagraph 2 of Article 28 of the Act and required to have waste disposal technicians as specified and announced by the central competent authorities, if they have adopted the following management measures in entrusting waste clearance, they shall be considered to have exercised their reasonable due care:</p> <ol style="list-style-type: none"> <li>1. The enterprises defined in Article 31 of the Act and specified as well as announced by the central competent authority attach an industrial waste clearance plan and go online to declare the waste clearance destination and honestly report actual waste clearance status.</li> <li>2. The waste is classified and stored in accordance with the Method and Facilities Standards for Storage, Clearance and Disposal of Industrial Waste prior to being entrusted for clearance.</li> <li>3. When signing a written contract for entrusting waste clearance in accordance with Article 28 or 39 of the Act, the following items are checked and confirmed: <ul style="list-style-type: none"> <li>(1) The qualification acquired by the entrusted enterprise by law for clearance of the waste - for the waste which shall be re-used as stipulated by the central competent authority or central industry competent authority, the acquisition of the re-use registration</li> </ul> </li> </ol>

inspection qualification for the re-used waste category is checked and confirmed.

(2) After completing the waste clearance, the entrusted enterprise stated in the contract should submit a written document for the record of proper clearance (the form is as per attachment 1)

(3) When entrusting clearance of the waste covered in attachment 2, the entrusted enterprise stated in the contract is should be cooperation with entrusting enterprise' s check of the waste clearance status.

4. The entitites that self-clear waste and dispose of it or reuse organizations or facilities have cleared the waste with their own vehicles or employees, or rented the business vehicles from legally registered transportation firms, in which the enterprise' s personnel escorting the waste in the vehicle shall bring the certificate documents with them.

5. Having established the waste internal self-check and audit system;

(1) Quarterly routine check and audit.

(2) Making out the check and audit record in writing which shall be properly retained for five years.

(3) Tracking the defect improvement status, and including it in the main points of the self-check and audit.

6. Having checked the entrusted enterprises receiving the waste listed in attachment 2 at least once a year to understand their operation management regarding waste storage, clearance, disposal and reuse, and having recorded the details which shall be properly retained for five years.

7. Having reported to the competent authority of the municipality or county (city) where the entrusted enterprise is located in case the entrust enterprise has any of the following circumstances.

(1) Failure in submitting the written document for the record of proper clearance in accordance with item (2) of Subparagraph 3.

(2) Failure in cooperation with the entrusting enterprise to check the waste clearance status in accordance with Item (3) of Subparagraph 3.

(3) Inconsistencies between the vehicles clearing industrial waste and the contract.

(4) Failure in complying with the Act to store, clear, dispose of and reuse waste, and likely to dump the waste or pollute the environment.

Article 3 For the enterprises not covered by the preceding Article, if they have adopted the following management measures in

entrusting waste clearance, they shall be considered to have exercised their reasonable due care:

1. Have assigned dedicated personnel to process waste clearance related businesses.
2. Have taken the measures referred to in Subparagraphs 1 to 3 and 7 of the preceding Article.

Article 4 An enterprise shall entrust the relevant association, society, professional technicians, dedicated engineering personnel or incorporation to assist in taking management measures required by Subparagraphs 1 to 3 and 6 of Article 2.

Article 5 Any member enterprise of an association may request the association to jointly check the waste disposal conducted by the entrusted enterprise or the reuse organization, and the check results shall be provided as a reference for member enterprises.

Article 6 To process enterprises' reasonable due care determination matters, the municipality or county (city) competent authority may request the concerned enterprise or related organization to provide relevant data.  
For the cross-municipality or county (city) incident of the waste not properly cleared, the determination of the reasonable due care shall be processed by the competent authority of the municipality or county (city) where the waste is cleared.

Article 7 To process the determination of the reasonable due care, the municipality or county (city) competent authority may call a discussion meeting and invite the representatives of relevant agencies or associations to attend as guests.

Article 8 To investigate distribution and quantity of the waste not properly cleared, the municipality or county (city) competent authority may request involving enterprises to submit explanation in writing along with related certificate documents.  
In the case that the enterprise does not submit the explanation in writing or related certificate documents or the distribution and quantity of the waste not properly cleared, which obviously leads to the difficulty in determination, the municipality or county (city) competent authority may determine according to the estimates.

Article 9 The Regulations shall be enforced as of the promulgation day.

圖表附件 (Attachments) :	<a href="#">attachment1.pdf</a> <a href="#">attachment2.pdf</a>
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