

Soil Pollution and Groundwater Pollution Remediation Fund Revenues and Expenditures, Safekeeping, and Utilization Regulations

Announced by Executive Yuan order on June 11, 2001

Article 1

In order to prevent and remediate soil and groundwater pollution, to ensure the sustained use of soil and groundwater resources, to improve the living environment, and to promote public health, the Soil Pollution and Groundwater Pollution Remediation Fund (herein referred to as "the Fund") has been established pursuant to Article 22, Paragraph 1 of the Soil and Groundwater Pollution Remediation Act (herein referred to as "this Act"). Moreover these Regulations have been determined pursuant to the same Article and Article 21 of the Budget Act.

Article 2

The revenues and expenditures, safekeeping, and utilization of this Fund shall be conducted pursuant to these Regulations unless determined otherwise by laws and regulations.

Article 3

Pursuant to Article 4, Paragraph 1, Item 2 of the Budget Act the Fund is a special fund that prepares a budget for its subordinate units and takes the Environmental Protection Administration, Executive Yuan (herein referred to as "the EPA") as its competent authority.

Article 4

The Fund's income sources are as follows:

1. Income from soil and groundwater pollution remediation charges
2. The amounts paid by the polluters or the interested persons of the polluted land pursuant to Article 38 and Article 39 of this Act.
3. The amounts paid by land developers pursuant to Article 46, Paragraph 3 of this Act.
4. Interest income accrued from the Fund
5. The appropriation of funds by the central competent authority of this Act in compliance with the budget procedure
6. The partial allocation of funds by environmental protection related funds
7. The partial allocation of funds from criminal and administrative fines for environmental pollution
8. Other relevant income

Article 5

The Fund's income sources are as follows:

1. To defray the costs from expenditures by the competent authorities at all levels of this Act pursuant to Article 12, Article 13, Article 16, Article 17, and Article 21 of this Act.
2. To cover necessary legal costs of the Fund
3. To cover personnel, administrative and management costs of the Fund.
4. To cover other costs for relevant soil or groundwater pollution remediation approved by the central competent authority of this Act. (Note to the editor: the Chinese wording of Article 4 and Article 5 is almost identical with Article 22 and Article 23 of the Soil and Groundwater Pollution Remediation Act. But since the Act's English translation does not reflect the standard lexical terminology, I did not adopt that translation word by word)

Article 6

The safekeeping and utilization of this Fund shall emphasize profitability and safety, and its deposits shall be handled pursuant to the regulations of the National Treasury Act and relevant laws and regulations.

Article 7

In order to meet operational needs the Fund may purchase government bonds, treasury bill, or other short-term notes.

Article 8

The revenues and expenditures, safekeeping, and utilization of the Fund shall be handled by the Soil and Groundwater Pollution Remediation Fund Management Committee.

Article 9

The composition and execution of budgets and the preparation of financial statements related to the Fund shall be handled pursuant to the regulations of the Budget Act, Accounting Act, Final Financial Statement Act, Audit Act and other relevant laws and regulations.

Article 10

The Fund's accounting affairs shall be handled in accordance with the regulation-determined accounting system.

Article 11

Should the Fund's annual financial statement show a surplus, the surplus may be used to replenish the Fund following the budget procedure or disposed of as undistributed surplus.

Article 12

When the Fund is terminated, it shall be liquidated and its residual equity shall be transferred to the National Treasury.

Article 13

These regulations shall take effect on the date of promulgation.