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A Review of the Legal System of Chemical Substances in Taiwan: From the Perspective of the Observation on the German Law

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Abstract

The legal system of chemicals involves the control of pollution, the regulation of product safety, and the protection of consumers as well as labours. In addition it also means a legal system of risk management of chemicals. As a result, the legal system of chemicals is not in essence a specific law field, but belongs staggered to different law fields. With an administrative court judgment as example, we will realize that the relationship between the Act of toxic chemicals and the Act of the protection against air pollution in Taiwan is not distinct to understand. Through the study on the legal system in Germany, the difference of the two Acts will be clearer. The influences of the American law and the European REACH Directive on the Act of toxic chemicals in Taiwan are clarified through the examination of its legislation and amendments. The Act of toxic chemicals should play a predominant role theoretically for the gathering, analysis and management of informations of

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chemicals. Unfortunately the essence of the Act of toxic chemicals is not properly met. On the other hand, the faults are not improved in the amendment draft 2012. Even the importance of the environmental information disclosure for the legal system of chemicals is still not met. All of these can cause allegations against the amendment draft 2012. In order to improve the legal system, the author notes in this essay the faults of the Act of toxic chemicals in Taiwan and point out the way for the next amendment.

Keywords: German Act of Chemicals, Act of Toxic Chemicals, Residual Risk, Precautionary Principle, Environmental Information Disclosure