

Topic: Recent Development of Climate Litigation in Taiwan

Anton Ming-Zhi GAO (高銘志)

Professor of Law, Institute of Law for Science and Technology, National Tsing Hua University (Taiwan)

Email : antongao@mx.nthu.edu.tw

Abstract:

Climate change litigation has become hot topic in recent year since the Paris agreement. Originally, most of the cases occurred in common law system. Yet recently, such wind blows to traditional continental Europe countries, such as Germany. In February 2020, a group of German youth filed a legal challenge to Germany's Federal Climate Protection Act (“Bundesklimaschutzgesetz” or “KSG”), arguing that the KSG's target of reducing GHGs 55% by 2030 from 1990 levels was insufficient. The complainants alleged that the KSG therefore violated their human rights as protected by the Basic Law, Germany's constitution.

Following such trend, climate change litigation issue is raised and heavily debated in Taiwan as well. This year (3 February 2021), Green peach jointly with Environmental Jurists association and four citizens filed an administrative lawsuit against the Ministry of Economic Affairs for setting too low obligation during promulgating sub-law for the implementation of the renewable (and storage) portfolio standards on large electricity consumers. This would not be helpful for Taiwan to achieve 20% renewable target by 2025 and also to fulfill the emission reduction duty of the large electricity users. Since then, as Taiwan is considering to revise GHG Reduction Act of 2015 to respond to the EU carbon border tax adjustment scheme, legislator jointly with NGOs proposed a public interest litigation clause in such revision.

The main purpose of the presentation is to discuss such the so called first climate litigation in Taiwan. Also, this article will provide a in depth review of the proposed climate litigation clause.