PANORAMIC

ENVIRONMENT 2027

Contributing Editors

James M Auslander and **Brook J Detterman**

Beveridge & Diamond PC



LEXOLOGY

Environment 2027

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Panoramic guide (formerly Getting the Deal Through) enabling side-by-side comparison of local insights, including legislation and main environmental regulations; regulation of hazardous activities and substances; environmental aspects in M&A, public procurement and other transactions; environmental impact assessment; regulatory authorities; judicial proceedings; applicable international treaties and institutions; and recent trends.

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Introduction

James M Auslander and Brook J Detterman

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Environmental law – indeed the environment itself – continues to evolve at a rapid pace, with no signs of slowing. The global community is grappling with issues including climate change adaptation, sustainability and supply chains, waste and circular economy considerations, infrastructure development, oceans and species protection, management of plastics and chemicals such as per- and polyfluoroalkyl substances (PFAS) and environmental justice – all while the United States retreats from key domestic and global initiatives. Corporate, investor and non-governmental organisations (NGO) and stakeholder attention to environmental, social and governance (ESG) issues continue to rise even as an 'anti-ESG' movement also takes shape in the United States and abroad.

In the United States, the trajectory of environmental law has been anything but linear, particularly in the past year. Since taking office in January 2025, the Trump administration has advanced a deregulatory agenda that has upended long-standing regulatory frameworks. These actions have reshaped the relationship between federal and state governments, industry, and the courts, resulting in uncertainty and intensified litigation. Congress, in turn, largely followed the Administration's lead, highlighted by recent major legislation undoing key legislation provisions enacted just three years earlier that were aimed at curbing greenhouse gas emissions and deploying renewable energy and other energy technologies.

A hallmark of the second Trump administration has been the drawdown of enforcement efforts. In response, states and environmental non-governmental organisations (eNGOs) have stepped in to fill in the gap. While compliance with core environmental laws for industry remains critical, the Administration has scaled back – or in some cases dismantled – teams addressing issues like climate change, environmental justice, and renewable energy. By contrast, it continues to emphasise areas such as Superfund, PFAS, clean water and expedited environmental reviews and permitting for project development. The Administration has also taken drastic steps to amend or undo prior funding and permitting decisions for projects or initiatives that it deems inconsistent with its policy priorities.

The European Union continues to assert leadership in environmental law through measures such as the Corporate Sustainability Due Diligence Directive, the Carbon Border Adjustment Mechanism, and the expansion of the Environmental Crimes Directive. Waste management remains a critical focus, and circular economy laws have been introduced in the Netherlands, France, and Italy. France's anti-waste and circular economy regulations have been particularly stringent, often exceeding EU standards. Meanwhile, the UK is charting its path post-Brexit; the new government's approach to environmental law is yet to be fully seen.

Meanwhile, in Asia, emissions trading schemes are gaining steam. Japan and Indonesia launched their schemes in 2023, India is developing its own, and China recently expanded its scheme to cover more sectors.

Climate litigation remains a key area to watch. Courts in Switzerland and India are some of the latest to rule that environmental and climate change issues are human rights concerns, requiring lawmakers to introduce stronger regulation.

At this moment of widespread change and complexity, Beveridge & Diamond is pleased to lead the preparation of the *Lexology Panoramic: Environment & Climate Regulation* chapters at this exciting time. As the largest dedicated environmental law firm in the United States, Beveridge & Diamond is a US and global leader on all the issues discussed in these chapters. Beveridge & Diamond is also honoured by the opportunity to work with the esteemed contributing firms outside the United States and appreciates their authored additions to this valuable resource.

We hope you find this publication helpful, and we invite you to contact the contributing editors or any of the authors for additional insights.



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Indonesia

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LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

The principal legal framework governing environmental protection and management in Indonesia is Law No. 32 of 2009 on Environmental Protection and Management, as amended from time to time (the Environmental Law). Most recently, the Environmental Law was amended No. 1 of 2026 on Criminal Adjustments, which introduced amendments to align the criminal provisions under various laws, including the Environmental Law, with Indonesia's updated criminal justice framework, particularly in relation to the applicable criminal sanctions.

The Environmental Law principally regulates the following aspects:

- environmental approvals (AMDAL, UKL-UPL or SPPL) and related business licences and requirements;
- environmental quality standards;
- environmental economic instruments;
- the prevention, control, and remediation of pollution or environmental degradation;
- the management of hazardous and toxic waste (LB3);
- the rights, obligations, and prohibitions related to environmental protection;
- supervision mechanisms and administrative sanctions;
- the application of strict liability principles in specific environmental cases; and
- criminal provisions for environmental violations.

Apart from the above, environmental-related regulations in Indonesia are also addressed by a range of other laws and regulations, including:

- Law No. 41 of 1999 regarding Forestry, as lastly amended by Law No. 1 of 2026;
- Law No. 32 of 2024 regarding Natural Resources and Ecosystem Conservation, as lastly amended by Law No. 1 of 2026;
- Law No. 17 of 2019 regarding Water Resources, as lastly amended by Law No. 1 of 2026;
- Presidential Regulation No. 110 of 2025 on the Implementation of Carbon Economic Value Instruments and National Greenhouse Gas Emission Control;
- Government Regulation No. 22 of 2021 on Environmental Pollution and Management.

All of the above-mentioned laws and government regulations are further supplemented by implementing regulations issued by the Ministry of Environment (MoE) and Minister of Forestry (as relevant).

Law stated - 27 August 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

Yes. Indonesia adopts an integrated pollution prevention and control framework through a combination of environmental permitting, continuous monitoring and electronic reporting systems administered by the MoE. Key regulatory systems include:

- Continuous Industrial Emission Monitoring Information System (SISPEK): SISPEK is the primary platform for monitoring and controlling air pollution from stationary sources through the use of Continuous Emission Monitoring Systems (CEMS). Under the applicable regulations, business actors that are required to use CEMS must register through the designedportal and integrate their emission data into SISPEK. Currently, this requirement applies to ten industrial sectors, including iron and steel smelting, pulp and paper, rayon, carbon black, oil and gas, mining, thermal waste processing, cement, thermal power plants, fertiliser and ammonium nitrate.
- Electronic Reporting System for Environmental Permits for Business and Activities (SIMPEL): SIMPEL is a web-based platform used for reporting and evaluating environmental performance. The system contains emissions and wastewater (effluent) data submitted by business actors in fulfilment of their environmental reporting obligations.

In addition to the above, the Ministry of Environment administers Corporate Performance Rating Program (PROPER), which evaluates and rates the environmental performance of companies, including their management of pollution and waste. Given that PROPER does not directly monitor emissions or pollution in the same manner as SISPEK, which collects real-time emission data, it complements the overall environmental regulatory framework by:

- evaluating companies' compliance with applicable pollution control regulations, including those relating to air emissions, wastewater, hazardous waste, etc);
- encouraging continuous environmental performance improvement through a colour-coded rating system (eg, gold, green, blue, red and black); and
- promoting transparency by publicly disclosing the assessment results, thereby encouraging companies to maintain compliance through reputational pressure on companies to comply.

Law stated - 27 August 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

Soil pollution is regulated under several laws and regulations, including the Environmental Law, Law No. 37 of 2014 on Soil and Water Conservation (as amended from time to time), Government Regulation No. 22 of 2021 on Environmental Pollution and Management, and

Minister of Environment and Forestry (MoEF) Regulation No. 101 of 2018 on Guidelines for the Remediation of Land Contaminated with Hazardous and Toxic Waste (B3 Waste).

Broadly, these regulations establish soil damage quality standards used to assess whether environmental degradation has occurred, and impose obligation on business actors to carry out environmental remediation. This includes identifying contaminated land, maintaining groundwater quality, and following the prescribed stages for remediating land contaminated with B3 Waste.

Law stated - 27 August 2026

Regulation of waste

4 | What types of waste are regulated and how?

Pursuant to Law No. 18 of 2008 on Waste Management, waste is classified into three categories:

- household waste, generated from daily household activities, excluding human waste and specific waste;
- household-like waste, generated from commercial areas (such as shopping centres, markets, hotels), industrial areas, special zones, social and public facilities or other similar facilities; and
- specific waste, which includes waste containing hazardous and toxic materials (B3), B3 waste itself, disaster-related waste, construction and demolition debris, waste that current technology cannot yet treated, and waste generated on a non-routine basis.

In general, this regulation requires every individual or business entity to manage waste through reduction and handling activities. The government is authorised to provide incentives for those who actively reduce waste, and to impose disincentives on those who fail to do so. Compensation may also be paid to individuals or communities adversely affected by waste management activities, particularly those living near final disposal sites.

The regulation further requires waste management operators to obtain the necessary operating permits. Violations of these licensing requirements may result in administrative, civil or criminal sanctions, depending on the severity of the offence.

Law stated - 27 August 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

The key features of air emissions regulation in Indonesian Law vary depending on the regulatory context. Government Regulation No. 22 of 2021 on the Implementation of Environmental Protection and Management sets out a comprehensive framework for air

quality planning and control. This includes ambient air quality standards and zoning through Air Protection and Management Zones. The regulation also requires emission inventories, introduces emission quotas and trading mechanisms, and requires pollution prevention, mitigation and recovery measures. It further specifies vehicle emission testing and requires polluters to internalise the cost of emission control. These requirements apply to both mobile sources (eg, vehicles, land transport and heavy equipment) and stationary sources (eg, industrial and commercial operations).

Beyond regulations that directly target air emissions, other supporting regulations also support emissions reduction. For instance, Government Regulation No. 33 of 2023 on Energy Conservation promotes efficient energy use through energy management systems, audits, performance standards, labelling and incentive schemes across sectors, such as industry, transportation and buildings. By reducing energy consumption, these measures help lower potential emissions associated with energy production and use.

Law stated - 27 August 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Indonesian law regulates the protection and management of water resources – including freshwater, seawater and groundwater – through conservation measures, regulation of water resources utilization, and control of water's destructive power (eg, flood, water erosion and sedimentation, landslides and other water-related environmental impacts).

To protect water resources, the government has set quality standards for water, wastewater and seawater, establishing the permissible pollutant levels in aquatic environments. Individuals whose activities cause these standards to be exceeded may face administrative sanctions – including written warnings, government-imposed enforcement measures, administrative fines, and suspension or revocation of business licences, as well as criminal penalties, in the form of imprisonment and fines.

Business actors utilising water resources, whether for commercial or non-commercial purposes, must also obtain a business licence or formal approval for water use. Such licences are granted only once specific conditions are met, including compliance with technical and administrative requirements, obtaining approval from relevant stakeholders within the applicable water resource area, and fulfilling the obligations to pay water conservation fees. Failure to secure the necessary licence may result in administrative or criminal sanctions under applicable laws and regulations.

Law stated - 27 August 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

Indonesia's legal framework for protecting natural spaces and landscapes centres on conserving biological resources and their ecosystems. Law No. 5 of 1990 (as amended by Law No. 32 of 2024) set out the core principles underpinning this protection – ecosystem protection, sustainable use, and area classification. It establishes two primary categories of protected areas: *Kawasan Suaka Alam* (KSA or nature sanctuaries) and *Kawasan Pelestarian Alam* (KPA or nature preservation areas), each further divided into subtypes such as nature reserves, wildlife sanctuaries, national parks, and nature tourism parks. Collectively, these areas are intended to preserve biodiversity, maintain ecological functions and support sustainable use.

Government Regulation No. 28 of 2011, as amended, elaborates on the conservation of natural spaces and landscapes, setting out the designation, planning and management of these areas in further detail. It also addresses land-use zonation and prohibits harmful activities such as land conversion, while permitting limited use of these areas – for research, education, traditional practices and ecosystem services – subject to strict supervision. The regulation additionally covers broader conservation categories such as *Hutan Konservasi*, *Hutan Lindung*, and ecological corridors, which reinforce ecological connectivity and resilience.

Landscape conservation is also addressed under Government Regulation No. 21 of 2022, which aims, among other things, to bring order to spatial planning implementation and ensure fairness in how spatial planning is carried out. The regulation governs spatial planning, space utilisation, control of space utilisation, supervision of spatial planning, spatial planning development and the institution responsible for spatial planning.

Implementation of this framework rests with the central and regional governments, with community participation facilitated through social forestry programmes and recognition of customary rights. Protection mechanisms include habitat management, fire prevention, invasive species control and restoration efforts, with compliance enforced through licensing requirements, sanctions and corporate liability.

Law stated - 27 August 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

Law No. 5 of 1990 (as amended by Law No. 32 of 2024), provides the principal legal framework for the conservation and protection of flora and fauna in Indonesia. These include safeguarding life-supporting systems – such as springs and cliffs – maintaining forest hydrological functions and managing watersheds, all aimed at preventing ecological changes that could disrupt the balance of flora and fauna. The government also regulates both in-situ (within natural habitats) and ex-situ (outside natural habitats) conservation mechanisms for flora and fauna.

The regulation further prohibits activities within nature reserves and conservation areas that could degrade or eliminate their ecological functions. The said prohibited activities include damaging or diminishing the function of conservation areas, setting fires, introducing non-native plant and animal species, and undertaking actions that alter the

natural landscape. Individuals or corporations found in violation of these provisions may be subject to criminal sanctions under the applicable laws and regulations.

The list of protected flora and fauna species is set out in the Minister of Environment and Forestry (MoEF) Regulation No. P.106/MENLHK/SETJEN/KUM.1/12/2018.

Law stated - 27 August 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

Under the Environment Law, noise, odours and vibrations are types of disturbances or pollutant elements. Business actors are required to comply with the applicable disturbance quality standards, governing the permissible levels of such disturbance or pollutant elements arising from their business activities. Non-compliance with these standards may give rise to criminal and administrative sanctions. In addition, business actors must carry out disturbance testing through laboratories registered with the Minister of Environment or by engaging certified personnel.

The quality standard applicable to each type of disturbance are further prescribed under the following MoEF Decrees:

- MoEF Decree No. 48 of 1996 on Noise Quality Standards;
- MoEF Decree No. 49 of 1996 on Vibration Quality Standards; and
- MoEF Decree No. 50 of 1996 on Odour Quality Standards.

Law stated - 27 August 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

Under Indonesian Environmental Law, any individual or entity carrying out activities with the potential to pollute the environment must implement appropriate environmental protection and management measures. Where such activities cause harm to third parties, the responsible party must provide compensation or carry out environmental restoration, reflecting the polluter pays principle.

Indonesian Environmental Law also incorporates the principle of strict liability, under which legal responsibility is imposed without the need to prove fault. This principle applies to environmental damage resulting from activities, businesses or undertakings involving the use of hazardous and toxic substances (B3), the production and management of B3 waste, and other activities posing a serious threat to environmental sustainability. As a result, parties engaged in high-risk environmental activities bear strict liability for any resulting harm, irrespective of whether fault can be established.

Business actor who commit environmental crimes may also be held criminally liable, facing fines or imprisonment, with the type and severity of sanctions determined by the nature and seriousness of the environmental offence.

In addition to the above, business actors may face administrative sanctions for violations of business licences or approvals issued by the central or regional government, including:

- written warnings;
- enforcement actions by the government;
- administrative fines;
- suspension of business licences; or
- revocation of business licences.

However, the imposition of administrative sanctions does not relieve the responsible party of its obligation to restore the environment, nor does it preclude potential criminal liability.

Law stated - 27 August 2026

Environmental taxes

11 | Is there any type of environmental tax?

In Indonesia, environmental taxes are imposed based on the criteria of environmental impact arising from the utilisation of natural resources. Such impacts may include:

- depletion of natural resources;
- environmental pollution; and
- environmental degradation.

Types of environmental taxes regulated under prevailing laws and regulations include levies on the extraction and use of groundwater, surface water, fossil fuels and edible bird's nests. The amount of tax imposed depends on the extent of environmental damage caused, the greater the impact, the higher the tax rate applied.

In addition, Indonesia also imposes a carbon tax on the purchase of products or conduct of activities that result in carbon emissions beyond a specified threshold during a given period. The carbon tax subjects include individuals or entities that purchase carbon-containing goods or engage in carbon-emitting activities.

Law stated - 27 August 2026

Environmental reporting

12 | Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

The government requires all business actors to periodically report on the implementation of obligations attached to their environmental approval-based business licences, submitted through the Environmental Approval Reporting Information System . This reporting covers the following: (1) water pollution control; (2) air pollution control; (3) management of hazardous and toxic waste (B3); (4) environmental damage control; and (5) other matters as specified under applicable laws and regulations.

In addition, business actors carrying out activities related to climate change mitigation and adaptation must record and report their activities through the National Registry System for Climate Change Control (SRN PPI) or, specifically for carbon-related activities, at the Carbon Unity Registry System.

Relating to energy consumption, relevant regulations also require energy providers, energy source users, and energy users exceeding a specified threshold to implement energy management measures and to submit an annual report to the Minister of Energy and Mineral Resources, no later than 30 June of the following year. This report must be submitted electronically through the Ministry of Energy and Mineral Resources' energy managementreporting system.

In relation to ESG in Indonesia, corporate reporting remains largely voluntary, except for publicly listed companies and financial service institutions, which are required to submit sustainability reports covering ESG aspects. In preparing these reports, companies may draw on international standards such as the GRI Standards, Task Force on Climate-related Financial Disclosures, and ISO 26000. The Financial Services Authority also plans to adopt the International Financial Reporting Standards Sustainability Disclosure Standards from 1 January 2027, including Sustainability Disclosure Standards 1 and 2, which will cover general sustainability matters and climate-related information.

Law stated - 27 August 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

Indonesian environmental policy revolves around sustainable development, with strategic priorities including mitigating climate change to achieve a FOLU (Forestry and Other Land Use) Net Sink by 2030 and net zero emissions by 2060, transitioning to renewable energy, and managing the environment in the utilisation of natural resources.

To achieve such objectives, Indonesia has enacted and amended several key regulations, including:

- the Environmental Law;
- Government Regulation Number 40 of 2025 regarding National Energy Policy; and
- Government Regulation No. 22 of 2021 on Environmental Management, which integrates environmental considerations into the business licensing process.

Furthermore, the House of Representatives (DPR) has outlined several key environmental legislative initiatives as priorities in the National Legislation Program for the 2025–2029 period. These legislative initiatives include draft bills on climate change, waste management, forestry, prevention and eradication of forest destruction, genetic resources, and forest and land fire prevention and control. As of early 2026, these bills are still being discussed within the DPR.

In addition to general environmental protection regulations, the government is also keen to address the issue of waste management as part of the broader environmental protection regime. In 2025, the government issued Presidential Regulation No. 109 of 2025 regarding Handling of Household Waste through Waste Processing into Renewable Energy. This was furthered by the government's initiative, through Danantara (Indonesia's sovereign wealth fund), to progress waste-to-energy initiatives in major cities in Indonesia.

Law stated - 27 August 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Yes, there are specific rules governing hazardous activities. In addition to the Environmental Law, the MoEF also issues MoEF Regulation Number 6 of 2021 on the Procedures and Management of Hazardous Waste. These regulations set out the obligations of business actors whose activities generate B3 waste. Such obligations include the proper management of B3 waste, which includes the following activities:

- reduction of B3 waste;
- storage of B3 waste;
- collection of B3 waste;
- transportation of B3 waste;
- utilisation of B3 waste;
- treatment of B3 waste; and
- disposal of B3 waste.

Businesses engaged in such waste management activities must obtain a valid business licence or formal approval issued by the relevant central or regional government authority. Further, businesses are required to submit periodic reports to the appropriate regulatory body, in accordance with the terms of their Technical Approval. If businesses that generate B3 waste cannot independently manage such waste, it can delegate such management to a third party that holds the appropriate licence, qualifications and capabilities. Failure to manage B3 waste in accordance with the applicable regulations, or illegally importing B3 waste into the territory of the Republic of Indonesia, may result in criminal sanctions, such as imprisonment or monetary fines.

Please note Indonesia has a specific regulation addressing non-hazardous and non-toxic substances, which are subject to less stringent requirements.

Law stated - 27 August 2026

Regulation of hazardous products and substances

15 What are the main features of the rules governing hazardous products and substances?

The current rules on hazardous products and substances classifies B3 substances based on toxicity, flammability, reactivity and environmental impact. Furthermore, the regulation further classifies B3 into three categories of usability, namely B3 that is usable, prohibited B3, and B3 with limited use.

Under the prevailing regulation, business actors are subject to several obligations in managing B3, such as mandatory registration of B3 substances, notification for B3 import and export activities, and the proper labelling and marking of B3 containers and storage facilities. In addition, B3 management activities must comply with occupational health and safety standards. Personnel involved in the handling of B3 substance must undergo periodic medical check-ups for personnel.

Furthermore, entities managing B3 substances are also obligated to compensate for any losses arising from accidents or emergencies related to the use of B3 substances, and to restore any environmental damage or pollution resulting therefrom. Entities managing B3 are required to submit a written report on their B3 management activities at least once every six months to the relevant authorities, with copies forwarded to the governor, regent or mayor, depending on jurisdiction.

Violations of these provisions may result in administrative or criminal sanctions in accordance with prevailing laws and regulations. Business actors whose use of B3 or generation of B3 waste causes significant environmental harm may be subject to strict liability for the resulting damages.

Law stated - 27 August 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

Generally, employers and employees are subject to health and safety (K3) standards while performing their work. Under the current regulatory framework, employers are required to conduct physical and psychological health examinations of their employees according to the nature of their employees' nature of work, to provide their employees with personal protective equipment (PPE), inform of any workplace hazards, and report any incidents of workplace safety incidents that occurred to the Ministry of Manpower. Employees on the other hand are required to equip themselves with the provided PPE, to adhere towards

occupational health and safety requirements, and to raise any objections if they are instructed to perform tasks considered to be dangerous.

In addition, companies with a workforce of at least 100 employees or those exposed to significant occupational hazards are required to establish and maintain an Occupational Health and Safety Management System (SMK3). The system covers several key components, including the formulation of occupational health and safety policies, risk-based planning, implementation of safety measures, performance monitoring and assessment, and continuous review and improvement of the system. For businesses identified as having a high level of potential hazard, the effectiveness of SMK3 is subject to an audit carried out by an independent auditor designated by the Minister of Manpower. Certain industries are also subject to sector-specific safety management requirements, including the Mining Safety Management System (SMKP) for mining activities and the Electricity Safety Management System (SMK2) for the electricity industry.

Law stated - 27 August 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

During the process of a M&A transaction, parties should consider whether the target of the transaction has proper environmental documentation (such as AMDAL, UKL-UPL, or Environmental Management Statement/SPPL).

The buyer or investor must conduct a thorough assessment to ensure that the target company holds the required environmental approval and related business licences that align with its operational activities. Failure to meet this requirement may result in legal or operational consequences for the buyer, including disruption to business operations or sanctions from the relevant authorities. Therefore, to mitigate future risks, it is advisable that the buyer verifies the target company's compliance with all mandatory environmental permits prior to completing the transaction.

Furthermore, the buyer/investor should identify specific obligations that the target company must procure under its environmental approval and business licences. For example, if the target company's activities generate environmental disturbances such as noise, vibration or odour, it is required to comply with the applicable environmental quality standards, conduct disturbance testing and report to the relevant authority. Accordingly, the buyer investor should ensure that the target company has fulfilled these obligations and should seek indemnification to release the buyer from any liabilities arising from the target company's non-compliance with environmental regulations.

Law stated - 27 August 2026

Environmental aspects in other transactions

18 | Are companies legally required to consider environmental aspects in other transactions?

Similar with M&A transactions, companies undertaking IPOs or corporate financing must ensure compliance with applicable environmental approvals and licences. These transactions are typically reviewed by relevant authorities to verify that all required permits are in place and aligned with the company's operations. Non-compliance may result in fines or even failure of the transaction.

Companies should also review any existing environmental management contracts or waste management contracts with the third party, to confirm their validity and applicability. In addition, ongoing environmental reporting obligations to the relevant ministry must be taken into account as part of the due diligence process.

Law stated - 27 August 2026

Environmental aspects in public procurement

19 | Do public procurement regulations take environmental protection into consideration?

Yes, the government has implemented a Green Public Procurement (GPP) policy, aimed to reducing negative environmental impacts while economic benefits. Under this framework, government procurement of goods and services must take into account environmental considerations, including potential impacts on health, air, soil, water, and the sustainable use of natural resources, and should prioritize environmentally friendly products and technical specifications where applicable.

To further advance and realize the GPP, the government has established specific categories of environmentally friendly goods and services. These categories include: eco-labelled photocopy paper; eco-labelled file folders; legally verified timber for furniture (SVLK-certified); hybrid autoclave medical waste treatment equipment certified as Environmentally Friendly Technology (TRL); hybrid microwave medical waste treatment equipment certified as TRL; and air conditioning units certified with the Energy Efficiency Label.

Law stated - 27 August 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

The government classifies business activities based on their level of hazard, assessed through factors including health, safety, environmental impact and the utilisation and management of natural resources. The classification further serves as the basis for

determining the type of business licence that must be obtained by business actors to legally operate their activities.

Business activities are then categorised into various levels of risk, namely low, medium (subdivided into medium-low and medium-high) and high risk. Low-risk business activities are only required to obtain a Business Identification Number (NIB). Medium-risk activities require both an NIB and a Standard Certificate, while high-risk activities must secure an NIB and a specific Business Licence relevant to the nature of the activity.

For example, in the environmental sector, the landfilling of B3 waste is classified as a high-risk business activity. Accordingly, businesses undertaking such activities must obtain an NIB as well as a Business Licence for B3 Waste Management. Meanwhile, the collection of household waste and non-hazardous waste is categorised as a medium-low risk activity. Businesses conducting these activities are therefore required to only obtain an NIB and a Standard Certificate.

Further, business actors are obligated to prepare the relevant environmental documentation depending on the environmental impact of their activities, as well as obtain an Environmental Approval. An Environmental Impact Assessment (AMDAL) is mandatory for activities that pose a significant impact on the environment. For activities with less significant impact, an Environmental Management and Monitoring Effort (UKL-UPL) is required. Activities that fall outside the scope of mandatory AMDAL or UKL-UPL must obtain a Statement of Environmental Management Capability (SPPL).

Law stated - 27 August 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

The Indonesian government assesses business activities from an environmental perspective by considering various factors, including the nature and classification of the activity, its location, resource constraints, and the potential for risk volatility. The resulting risk classification provides the basis for business actors to identify the licensing obligations that apply to their respective activities. If a particular business activity does not fall within any risk category specified in Government Regulation No. 28 of 2025, the relevant business actor may consult directly with the OSS Institution under the Ministry of Investment and Downstream Industry. Alternatively, they may submit a formal request for clarification or seek to have the activity incorporated into the applicable classification through the relevant technical ministry or competent authority.

Once the required business license has been determined, business actors must fulfil basic environmental requirements, such as securing an Environmental Approval (AMDAL, UKL-UPL or SPPL) depending on the environmental impact of the proposed activity. Any application for an Environmental Approval is submitted through the OSS system.

After the application has been submitted, the government will then proceed through the following steps of assessment, which are:

-

screening of the type of environmental document and technical approval by the business actor;

- submission of a request for technical approval;
- submission of the application for Environmental Approval or amendments thereto;
- evaluation or review of the environmental documents;
- issuance of the Environmental Feasibility Decision; and
- issuance of the Environmental Approval.

Following the issuance of the Environmental Approval, the business actor will receive one of the following, depending on the activity's environmental significance:

- Environmental Feasibility Decree for activities with significant impacts requiring AMDAL;
- Statement of UKL-UPL for activities with minor impacts that fall under the UKL-UPL category; or
- Statement Letter of SPPL for activities with negligible impact not subject to AMDAL or UKL-UPL requirements.

Law stated - 27 August 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The current regulatory framework provides authority to the central government representing by the Minister of Environment as well as regional governments in the implementation of environmental protection and management. In general, both the central and regional governments are authorised to:

- issue environmental approvals and business licences required by business actors;
- conduct supervision over the compliance of business operators with environmental protection and management obligations;
- provide incentives and disincentives;
- impose environmental taxes; and
- impose administrative and criminal sanctions.

In addition, the central government is also authorised to establish national environmental policies.

In exercising their power on enforcing provisions of the environmental law, the government grants the police, public prosecutors, and certain civil servant investigators which is

tasked in the field of environmental protection powers to conduct investigations under the framework of environmental protection.

Law stated - 27 August 2026

Investigation

23 | What are the typical steps in an environmental investigation?

Environmental criminal investigations typically begin with a preliminary assessment of reports or complaints to determine whether the alleged conduct may constitute an environmental offence. Once sufficient indications exist, investigators proceed with a formal investigation by collecting documentary, testimonial and scientific evidence, including laboratory analysis and expert opinions where appropriate. Throughout the investigation, investigators may also undertake procedural measures, such as summoning relevant persons, conducting searches and seizing relevant evidence, to support the investigation. If the available evidence is insufficient or no criminal offence is established, the investigation may be discontinued.

Investigations may be carried out by designated civil servant investigators (PPNS) from government agencies responsible for environmental protection and management. PPNS investigators are vested with broad authorities, including the ability to examine suspects and witnesses, inspect relevant documents, seize evidence, conduct searches, collect environmental samples and, where authorised, arrest or detain suspects.

In carrying out investigation, PPNS investigators are required to notify and coordinate with the police investigators. The results of the investigation conducted by the PPNS investigators must be submitted to the public prosecutors. Accordingly, the enforcement of environmental criminal law is carried out in an integrated manner through coordination among PPNS investigators, the police and the public prosecutor, under the supervision of the Ministry of Environment.

Law stated - 27 August 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

An Administrative Decision (KTUN) is a written stipulation issued by an authorised body or official that contains an administrative legal act and gives rise to legal consequences for an individual or a legal entity. In the context of environmental matters, a KTUN may include environmental approvals (such as AMDAL, UKL-UPL and technical approvals), approvals of environmental management and monitoring plans (RKL-RPL), designation of protected areas, and the granting of incentives or disincentives.

The procedure for issuing a KTUN may vary depending on the type of decision. However, in general, the issuance process includes the following stages:

- preparation of administrative documents and submission of the application;
- site survey (if required);
- validation, verification and processing; and
- issuance of the KTUN.

Law stated - 27 August 2026

Sanctions and remedies

25 What are the sanctions and remedies that may be imposed by the regulator for violations?

The Indonesian environmental regulatory authorities may impose a range of administrative sanctions on business actors that fail to comply with environmental laws and regulations. Depending on the nature and seriousness of the violation, these sanctions include written warnings, government coercion, administrative fines, suspension of business licences or environmental approvals, and revocation of business licences or environmental approvals. In cases involving an imminent threat to human health or the environment, government coercive measures may be imposed immediately without a prior written warning.

In addition to administrative sanctions, the competent authority may order the responsible party to undertake measures necessary to prevent, mitigate or restore environmental damage. This may include:

- stopping the source of pollution and conducting clean-up;
- remediation;
- rehabilitation;
- restoration; or
- other appropriate measures in line with scientific and technological developments.

The imposition of administrative sanctions does not preclude civil or criminal liability. Criminal law enforcement in environmental matters observes the principle of *ultimum remedium* for certain formal offences, such as violations of wastewater quality standards, emission limits and disturbance thresholds. In such cases, criminal sanctions are considered a last resort, imposed only after administrative enforcement measures have proven ineffective.

Law stated - 27 August 2026

Appeal of regulators' decisions

26 To what extent may decisions of the regulators be appealed, and to whom?

Decisions issued by regulators, such as Environmental Approvals are classified as KTUN. While the Environmental Law itself does not directly regulate the dispute mechanism

regarding KTUN, any objection to such decisions may be addressed through the mechanism of administrative court dispute resolution.

In accordance with Law No. 5 of 1986 on Administrative Court (as amended), a party objecting to a KTUN must first pursue administrative remedies, such as filing an objection or administrative appeal. If administrative remedies are not available, or if certain statutory criteria are met, the party may proceed to submit a lawsuit to the Administrative Court (PTUN). Such lawsuit must be filed within 90 calendar days of the date the KTUN was received or publicly announced.

Upon review, PTUN may issue a ruling to cancel the KTUN or order the issuance of a new KTUN. Should any party disagree with PTUN's ruling, further legal recourse is available through:

- appeal to the High Administrative Court (PTTUN);
- cassation to the Supreme Court; and
- Judicial Review to the Supreme Court.

Law stated - 27 August 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Yes, both civil and criminal sanctions may be imposed. However, for certain formal offences (such as violations of wastewater discharge standards, emission limits and environmental disturbance thresholds) criminal sanctions serve as *ultimum remedium*, meaning they are applied only as a last option.

Law stated - 27 August 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

Civil court

Civil courts may order responsible parties to pay compensation for environmental losses and to undertake environmental restoration or other remedial measures. They may also impose penalty payments (*dwangsom*) for non-compliance with court orders. In appropriate cases, civil courts may apply the principle of strict liability to activities involving hazardous and toxic substances (B3), B3 waste or other activities posing a serious threat to the environment.

Criminal court

Criminal courts may impose imprisonment, fines and other penalties prescribed under the Environmental Law. Where the offender is a corporation, the courts may also impose additional penalties, including confiscation of profits derived from the offence, partial or total closure of business operations, an obligation to undertake specified remedial measures, and placement of the company under court-appointed management for up to three years.

Administrative court (PTUN)

The PTUN has jurisdiction to review the legality of government administrative decisions relating to environmental protection and management, including environmental approvals. The court may annul unlawful administrative decisions or order the competent authority to issue, amend or revoke an administrative decision in accordance with the applicable laws.

Law stated - 27 August 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Yes, this is permitted under the Environmental Law. Any person suffering loss as a result of an environmental infringement may bring a civil claim seeking compensation and environmental restoration. This right of legal standing is also granted to class representatives, environmental organisations and authorised government agencies.

Law stated - 27 August 2026

Defences and indemnities

30 | What defences or indemnities are available?

Compensation may be sought from business actors for environmental harm arising from activities involving the use of Hazardous and Toxic Substances (B3), the generation and management of B3 waste, or other activities that pose a serious threat to the environment. In such cases, the principle of strict liability applies, meaning that liability is imposed regardless of fault or negligence. However, business actors may be exempted from liability if they can demonstrate that the damage resulted from *force majeure* events, such as natural disasters beyond human control.

In addition to compensation, affected parties may also demand accountability measures, including restoration of the environmental functions, elimination of the pollution source and any other necessary remedial actions. In such instances, the business operator is required to demonstrate that environmental management obligations have been properly observed, appropriate preventive measures were taken and no negligence occurred in the conduct of the business activities.

Law stated - 27 August 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Yes, a director or officer may be exempt from liability if they can demonstrate that they have fulfilled their duties to ensure environmental compliance, implemented proper environmental management systems (including permitting, monitoring and risk mitigation), supervised and controlled operations in line with legal standards, as well as acted in accordance with the precautionary principle and good corporate governance.

Law stated - 27 August 2026

Appeal process

32 | What is the appeal process from trials?

In Indonesia, after the District Court judge delivers a court decision in a criminal or civil case, any dissatisfied party may file an appeal to the High Court within 14 days of the court decision. The High Court re-examines both legal and factual aspects of the case. If the party remains unsatisfied, they may then file a cassation to the Supreme Court within 14 days after receiving the High Court's decision, though the Supreme Court only reviews the application of law. As a last resort, a judicial review may be filed with the Supreme Court based on specific grounds, such as the discovery of new evidence (novum) or proven legal or procedural error.

For administrative disputes filed with the Administrative Court, a similar process applies: an appeal must be submitted to the Administrative High Court within 14 days of the decision. If still dissatisfied, the party may proceed cassation to the Supreme Courts.

Law stated - 27 August 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Yes. Indonesia is a party to a number of major international environmental treaties and agreements, which have significantly influenced its environmental legislation and policies. Key instruments include:

- United Nations Framework Convention on Climate Change (UNFCCC), together with the Kyoto Protocol and the Paris Agreement, which form the basis of Indonesia's climate change commitments;
- United Nations Conventions on the Law of the Sea (UNCLOS) which establishes obligations relating to the protection and preservation of the marine environment;

- Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal (Basel Convention), which regulates the transboundary movement and environmentally sound management of hazardous waste; and
- United Nations Convention on Biological Diversity (UNCBD), which promotes the conservation and sustainable use of biodiversity and the fair and equitable sharing of benefits arising from genetic resources.

Indonesia is also party to other international environmental treaties, including the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides, the Vienna Convention and Montreal Protocol on substances that deplete the ozone layer, and the Minamata Convention on Mercury.

These treaties have been implemented through domestic legislation and continue to shape Indonesia's legal framework and policies on climate change, biodiversity protection, hazardous waste management and pollution control.

Law stated - 27 August 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

International environmental treaties have a significant influence on Indonesia's regulatory policies, especially in shaping the framework, standards, and enforcement mechanisms of environmental protection and management. Here's how and to what extent these treaties affect national regulatory policy.

- Harmonisation of National Laws with International Commitments: Indonesia is obligated to align its domestic regulations with the provisions of ratified international treaties. This means enacting or amending laws and regulations to comply with treaty obligations. For example, the Environmental Law incorporates international principles such as the precautionary principle, sustainable development and polluter pays principle, which are reflected in many multilateral environmental agreements.
- National Action Plans and Institutional Arrangements: Indonesia is required to develop national strategies and action plans in line with treaty goals:
    - Nationally Determined Contributions under the Paris Agreement;
    - National Biodiversity Strategy and Action Plan under the UNCBD; and
    - creation of agencies or inter-ministerial bodies to oversee implementation (eg, the National Council on Climate Change (DNPI)).
- Reporting, Monitoring, and Transparency: treaties impose obligations to report on implementation, which pushes the government to:
    - improve data collection and environmental monitoring systems;
    - publish periodic national communications (eg, for UNFCCC); and

- establish Measurement, Reporting, Verification frameworks, especially in climate policy.

Law stated - 27 August 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

An emerging trend in Indonesian environmental law in 2026 is the government's stronger emphasis on environmental enforcement and climate governance. This is reflected in the issuance of Minister of Environment and Forestry (MoEF) Regulation No. 6 of 2026 on Environmental Supervision and Administrative Sanctions, which replaces MoEF Regulation No. 14 of 2024 and introduces a more structured, risk-based and integrated framework for environmental supervision and administrative enforcement. The new regulation strengthens compliance monitoring and inspections, and the imposition of administrative sanctions for environmental violations. The regulation reinforces the government's shift towards more proactive and consistent enforcement, encouraging businesses to strengthen internal environmental compliance and risk management.

The regulation introduces new mechanisms for imposing administrative sanctions. Government remedy as a form of administrative sanction may now be imposed if light environmental violations have been breached more than two times. Furthermore, administrative fines as a form of administrative sanctions may now be imposed if there are changes to technical specifications, production equipment, raw materials, and/or supporting equipment that impact the environment, area expansion of the business, and/or the addition of new business activities. Businesses may also submit an objection against an administrative sanction within seven days of receiving the sanction decision.

At the same time, Indonesia has continued to advance its climate agenda through Minister of Environment and Forestry (MoEF Regulation No. 7 of 2026 on the Implementation of Indonesia's Nationally Determined Contribution, which replaces the previous framework under MoEF Regulation No. 12 of 2024. The regulation provides a clearer framework for implementing Indonesia's climate commitments and supports more integrated monitoring and reporting of greenhouse gas mitigation and adaptation measures. Compared with the previous framework, it strengthens and consolidates requirements for emissions reporting and verification, reflecting Indonesia's broader shift towards stronger climate governance and corporate accountability. As environmental compliance increasingly intersects with climate policy and sustainability objectives, businesses are expected to adopt more comprehensive environmental governance and compliance strategies.

Law stated - 27 August 2026



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UPDATE AND TRENDS

Key developments of the past year

LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

Encouraged by international environmental trends, including the Rio de Janeiro Declaration of 1992, Japan enacted the Basic Act on the Environment in 1993. The Basic Act on the Environment sets out the basic principles of environmental conservation and clarifies the respective responsibilities of the involved parties (national and local governments, business operators and citizens).

The basic principles of the Basic Act on the Environment are: (1) to ensure that current and future generations can enjoy the blessings of the environment and pass them on to future generations; (2) to build a society that facilitates sustainable development with reduced environmental impact based on the fair allocation of roles among all people; and (3) to actively promote global environmental conservation through international cooperation. The basic guidelines for the formulation and implementation of the environmental conservation policies set forth in the Basic Act on the Environment are to ensure that (1) the atmosphere, water, soil and other natural components of the environment are maintained in good condition so as to protect human health, conserve the living environment and properly preserve the natural environment; (2) the diversity of ecosystems, wildlife species, and other biological diversity is protected, and the various types of natural environments of the forest, farmlands and water bodies, etc, are systematically conserved in accordance with the natural and social conditions of the area; and (3) people can stay in touch with the lush green nature.

The Basic Act on the Environment requires the Japanese government to prepare a basic environmental plan. The basic environmental plan establishes the basic policy of the Japanese government with respect to (1) the outline of long-term comprehensive policies for environmental conservation; and (2) the particulars required to promote the policies for environmental conservation in a comprehensive and systematic manner, in addition to those provided for in (1). In May 2024, the Sixth Basic Environmental Plan was approved at a cabinet meeting. The plan aims to improve the quality of life, happiness, well-being and economic welfare of every citizen now and in the future through environmental conservation.

Law stated - 3 September 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

In Japan, environmental pollution became a social problem in the 1960s, and in 1967, the Basic Act for Environmental Pollution Control was enacted, which was later incorporated into the Basic Act on the Environment. The Basic Act on the Environment defines "environmental pollution" as "air pollution, water pollution (in addition to deterioration of water quality, this includes deterioration of water conditions and the quality of

bottom sediments), soil contamination, noise, vibration, ground subsidence (excluding subsidence caused by land excavation for mineral exploitation) and offensive odours caused by business activities and human activities in a broad area, among the hindrances to environmental conservation, which cause damage to human health or the living environment (including property closely related to human life as well as flora and fauna closely related to human life and their growing environment; the same applies hereinafter)". The Basic Act on the Environment provides that prefectural governors may prepare environmental pollution control programmes based on the basic environmental plan, with the objective of implementing measures to prevent pollution in areas affected by severe pollution, in a comprehensive and systematic manner.

Law stated - 3 September 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

To combat soil pollution, the Soil Contamination Countermeasures Act was enacted in 2002. The purpose of this Act is to facilitate the implementation of countermeasures against soil contamination by formulating measures to ascertain the level of soil contamination by designated hazardous substances (lead, arsenic, trichloroethylene and other substances, but excluding radioactive substances) and measures to prevent harm to human health resulting from such contamination, thereby protecting the health of citizens.

The specific regulatory approach is as follows: if the prefectural governor or other competent authority finds that there is a risk of soil contamination following the closure of a specified facility using hazardous substances (a facility that manufactures, uses or processes designated hazardous substances) or upon receipt of a notification of changes in the form or nature of land of an area larger than a certain size, an investigation is carried out by a designated investigation institution, and land found not to be compliant with the standards specified in the ordinances of the Ministry of the Environment is designated as an area requiring action. If this is the case, under the direction of the prefectural governor or other competent authority, the owner of the land or the polluting party must prepare a plan for the removal of the contamination, carry out decontamination measures and report on the results.

Furthermore, the Act to Prevent Soil Contamination in Agricultural Land was enacted to prevent the production of agricultural and livestock products that could pose a risk to human health, or any hindrance to the growth of crops and other plants due to the specific hazardous substances present in agricultural soil.

Law stated - 3 September 2026

Regulation of waste

4 | What types of waste are regulated and how?

Japan enacted the Waste Management and Public Cleansing Act in 1970 to ensure the proper disposal of waste. This Act regulates the proper disposal of waste, the establishment of waste treatment facilities, and waste treatment business operators. In addition, the following laws have been enacted as special laws or special measures laws:

- The Act on Special Measures concerning the Handling of Environmental Pollution by Radioactive Materials, which applies only to the accident at the Tokyo Electric Power Company (TEPCO)'s Fukushima Daiichi Nuclear Power Plant.
- The Act on Special Measures concerning the Disposal of Disaster Waste.
- The Act on Special Measures concerning the Proper Treatment of Polychlorinated Biphenyl Waste.
- The Act on Promoting the Treatment of Debris that Drift Ashore concerning measures against objects drifting ashore.

To promote the efficient use of resources, the Act on the Promotion of Effective Utilization of Resources was enacted in 2000. This Act is aimed at certain business operators and regulates the reduction of by-products, the use of recyclable resources or reusable parts, and labelling to promote sorted collection. In addition, in May 2025, this Act was revised to mandate the use of recycled materials in specific products to enhance resource recycling. Producers of such products are obliged to submit plans and periodic reports on the use of recycled materials to the relevant authority. Other laws that have been enacted to implement regulations according to the nature of individual goods include: the Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging, the Home Appliance Recycling Act, the Construction Recycling Act, the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources, the Act on Recycling of End-of-Life Automobiles, and the Act on the Promotion of Recycling of Small Waste Electrical and Electronic Equipment.

Law stated - 3 September 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

Japan enacted the Air Pollution Control Act in 1968. This Act sets the emission standards for air pollutants (soot and smoke, volatile organic compounds, particulate matter and mercury) emitted or dispersed by stationary sources such as factories and workplaces by type of substance and by type and size of facility.

There are also regulations for individual problems caused by mobile sources, such as the Act Concerning Special Measures for Total Emission Reduction of Nitrogen Oxides and Particulate Matter from Automobiles in Specified Areas for automobile emissions, and the Act on the Prevention of Generation of Particulates from Studded Tyres for studded tyre dust.

Law stated - 3 September 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Japan enacted the Water Pollution Prevention Act in 1970. This Act aims to prevent water pollution in areas of public water bodies and groundwater, and promotes the regulation of wastewater discharged from factories and workplaces and the implementation of domestic wastewater measures. The Act sets effluent standards for wastewater from factories and workplaces and mandates compliance with these standards. For domestic wastewater, the Act provides that municipalities designated as important areas for domestic wastewater measures may formulate programmes to promote domestic wastewater measures and provide guidance and recommendations for wastewater dischargers.

Other enacted laws include the Act on Special Measures concerning Conservation of Lake Water Quality, which regulates enclosed water areas such as lakes and marshes, and the Basic Act on the Water Cycle, which clearly states the basic principle of maintaining or restoring a healthy water cycle and aims to promote the same in a comprehensive and integrated manner.

Law stated - 3 September 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

In Japan, conservation of the natural environment is regulated by designating certain areas of the existing natural environment and restricting development activities within these areas. Development and other activities within designated areas are regulated by the Natural Conservation Act to ensure biodiversity in areas where the conservation of the natural environment is particularly important, the Natural Parks Act to protect areas of outstanding natural beauty, and other nature conservation laws.

In addition, the Act for the Promotion of Nature Restoration was enacted in 2002, which aims not only to protect existing natural environments but also to restore ecosystems and natural environments that have been damaged in the past. The significance of this Act is that various local entities, including non-profit organisations, are involved in the conservation, restoration, and creation of natural environments such as rivers, wetlands, mudflats, seagrass beds, socio-ecological production landscapes and forests.

The Environmental Impact Assessment Act also seeks to conserve the natural environment by requiring environmental assessments for major projects that may have an impact on the environment.

Law stated - 3 September 2026

Protection of flora and fauna species

|

8 | What are the main features of the rules protecting flora and fauna species?

In Japan, the Basic Act on Biodiversity, enacted in 2008, sets out the basic principles and responsibilities of each party with respect to the conservation and sustainable use of biodiversity. Specifically, wildlife is protected by regulations that prohibit the collection of plants and animals and restrict the construction of structures in designated areas. Examples of such regulations include the Act on the Protection and Management of Wildlife, and the Optimization of Hunting, the Act on the Conservation of Endangered Species of Wild Fauna and Flora, and the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species. Other enacted laws include the Cartagena Act for the prevention of adverse impacts on biological diversity caused by the use of living modified organisms.

The Act Partially Amending the Act on the Protection and Management of Wildlife, and the Optimization of Hunting (Act No. 28 of 2025), which was enacted during the 217th Session of the Diet, established an emergency shooting scheme. This scheme authorises the use of firearms in the pursuit of bears or wild boars in inhabited areas, by individuals commissioned by the relevant local authority, and subject to conditions such as ensuring public safety. The Ministry of the Environment has published guidelines on emergency shooting, primarily intended for local authorities, and revised them in April 2026 based on actual implementation cases and other factors. Furthermore, amendments to the Order for Enforcement of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992), made in light of revisions to Appendix I of the Washington Convention, have resulted in 19 new species being designated as internationally endangered species of wild fauna and flora, and three species being removed from the list from 5 March 2026. In addition, following the opinions presented by the 17th Expert Meeting on Invasive Alien Species held in October 2025, a public consultation was initiated on 18 June 2026 regarding the draft amendments to the Order for Enforcement and the Regulations for Enforcement of the Invasive Alien Species Act, with a view to designating species such as the bluegill genus as invasive alien species.

Law stated - 3 September 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

The Noise Regulation Act, the Offensive Odour Control Act, and the Vibration Regulation Act regulate noise, odours, and vibrations mainly by designating regulated areas and setting regulatory standards.

The Noise Regulation Act sets regulatory standards for the establishment of factories and workplaces, and construction works in designated areas, and requires notifications to be filed with the competent Japanese authorities in respect of the same. In addition, the Act requires the mayor of each municipality in Japan to request the relevant public safety commission to take remedial action if vehicle noise in the designated areas exceeds the threshold as set out in this Act.

The Offensive Odour Control Act sets regulatory standards for the emission of odours by factories and workplaces in designated areas.

The Vibration Regulation Act sets regulatory standards for the establishment of factories and workplaces, and construction works in designated areas, and requires notifications to be filed with the competent Japanese authorities in respect of the same. In addition, the Act requires the mayor of each municipality in Japan to request the relevant road administrator or the relevant public safety commission to take remedial action if road traffic vibration in the designated areas exceeds the threshold as set out in the Act.

With regard to motor vehicle noise, Ministry of the Environment Public Notice No. 2 of 9 January 2026 partially amended the "Permissible Limits for Motor Vehicle Noise Levels" (Environment Agency Public Notice No. 53 of 1975), which are based on article 16, paragraph 1 of the Noise Regulation Act. These amendments have been in force since 11 January 2026. Following the revision of the relevant United Nations regulations, provisions relating to acceleration noise, proximity exhaust noise and external tyre noise from motorcycles and similar vehicles have been added or updated under this amendment.

Law stated - 3 September 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

The Basic Act on the Environment provides for the polluter-pays principle, according to which the cost of a project undertaken by a national or local government or other corporation for a public works project should be imposed in a fair and appropriate manner on the person that caused the need for the project. On the basis of this polluter-pays principle, the Act on Entrepreneurs' Bearing of the Cost of Public Pollution Control Works was enacted. This Act provides a system to make polluting business operators bear the costs of public pollution control works by national and local governments.

The Basic Act on the Environment also provides for the beneficiary-pays principle, according to which if a person obtains huge benefits from the implementation of a public works project to conserve the natural environment, the costs shall be imposed on that person in a fair and appropriate manner, up to the maximum amount of the benefit. The Basic Act on the Environment also contains provisions on public burdens, such as the provision of financial aid under article 22, paragraph 1.

Legislation enacted to deal with health hazards caused by specific pollutants includes the Act on Compensation for Pollution-related Health Damage, the Act on Special Measures Concerning Relief for Victims of Minamata Disease and Solution to the Problem of Minamata Disease, and the Act on Asbestos Health Damage Relief.

In recent years, the levels of benefits and other provisions under the compensation and relief schemes for environmental damage have been reviewed. In relation to the Act on Compensation for Pollution-related Health Damage, the following benefits have been revised and the relevant Cabinet Orders and Public Notices came into force on 1 April 2026: the basic monthly amount of standard disability compensation; the basic monthly amount of standard compensation for surviving family; the additional amount of nursing care for

disability compensation; the medical treatment allowance; and the funeral service fee. In relation to the Act on Special Measures Concerning Relief for Victims of Minamata Disease, the policy on relief measures has been revised. The amount of the medical treatment allowance was revised for April 2026 onwards, and it will be reviewed annually from the financial year 2027 onwards, taking into account fluctuations in the price level. With regard to the Asbestos Health Damage Relief Scheme, the medical treatment allowance has been increased to ¥114,950 per month with effect from April 2026, and the funeral service fee and the special funeral service fee for deaths occurring on or after 1 April 2026 have each been raised to ¥222,000.

Law stated - 3 September 2026

Environmental taxes

11 | Is there any type of environmental tax?

In Japan, a global warming tax is levied on the use of fossil fuels such as petroleum, natural gas, and coal in proportion to their CO2 emissions. The tax revenue is used for measures to reduce energy-derived CO2 emissions, including energy-saving measures, the promotion of the use of renewable energy, and the use of cleaner and more efficient fossil fuels. Specific examples of these measures include: promoting the establishment of facilities for innovative low-carbon technology-intensive industries (eg, the lithium-ion battery business) in Japan, promoting the introduction of energy-saving equipment by small and medium-sized enterprises, and promoting the introduction of renewable energy in line with characteristics of each region via the Green New Deal funds and other resources.

In addition, the Act on the Promoting Transition to the Decarbonized Growth Economic Structure (GX Promotion Act), enacted in May 2023, was amended in May 2025. In this regard, GX is an abbreviation of "green transformation", which means a transformation of the economic system to a decarbonised/circular economy. The amendment established a system to levy taxes on greenhouse gas (GHG) emissions from fossil fuel consumption, targeting business operators involved in fossil fuel extraction and import. Starting from the financial year 2028, these entities will be required to pay a fossil fuel levy.

Furthermore, the outline of the tax reforms for the financial year 2026 relating to the Ministry of the Environment, published in December 2025, confirms the Japanese government's policy of steadily implementing taxes aimed at combating global warming and allocating these taxes to measures for curbing energy-derived CO2 emissions. Additionally, the special measures regarding the tax base for fixed property tax on waste treatment facilities, sewage and waste liquid treatment facilities, and similar installations, established to prevent harm to the public, have been extended for a period of two years. Following a review of the eligible facilities and associated items, the special measures regarding the tax base for fixed property tax on renewable energy power generation facilities have also been extended for three years.

Law stated - 3 September 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

In Japan, the GHG emission calculation, reporting and disclosure system has been implemented under the Act on the Promotion of Global Warming Countermeasures (Global Warming Countermeasures Act), wherein specified emitters that produce significant amounts of GHGs are required to calculate and report their GHG emissions to the national government, and the national government compiles and publishes the reported information. This Act provides for a non-penal fine (*karyo*) for failure to report or false reporting. In April 2026, the system was amended to encourage the utilisation of waste heat in pursuit of net-zero emissions. As a result of this amendment, recipients of waste heat generated from waste incineration are no longer required to include emissions resulting from the use of such waste heat. Furthermore, certain business operators will be able to calculate changes in forest carbon stocks based on their performance records for the financial year 2026, and will be able to report these figures from the financial year 2027 onwards. In addition, under the Act on Rationalization Energy Use and Shift to Non-fossil Energy (Energy Saving Act), specified business operators that use a certain amount of energy are obliged to submit periodic reports on their energy use.

Furthermore, following the amendments to the Cabinet Office Order on Disclosure of Corporate Affairs and the Guideline for the Disclosure of Corporate Affairs in 2026, the disclosure of sustainability information, including information on climate change (such as Scope 1 and Scope 2 GHG emissions), via securities reports will become mandatory, as set out below.

- Companies listed on the Prime Market of Tokyo Stock Exchange, Inc. (TSE) with a market capitalisation of ¥3 trillion or more: from the financial year ending March 2027 onwards.
- Companies listed on the TSE Prime Market with a market capitalisation of ¥1 trillion or more: from the financial year ending March 2028 onwards.
- Companies listed on the TSE Prime Market with a market capitalisation of ¥500 billion or more: from the financial year ending March 2029 onwards.

Law stated - 3 September 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

The Japanese government is implementing various measures to achieve the following Nationally Determined Contribution that it submitted under the Paris Agreement:

- Achieving carbon neutrality by 2050 and reducing GHG emissions by 46% in financial year 2030 (compared to financial year 2013) (Japanese).

- Reducing GHG emissions by 60% in the financial year 2035 and by 73% in the financial year 2040 (compared to the financial year 2013) (Japanese).

The year 2021 saw the enactment of the amended Global Warming Countermeasures Act, which clearly states 2050 Carbon Neutrality as a basic principle.

The amended Global Warming Countermeasures Act also provides for the promotion of local renewable energy, which has been emphasised in light of the Great East Japan Earthquake in 2011 and other weather-related disasters caused by global warming. The 2024 amendments to the Act (effective 1 April 2025) provide for strengthening the implementation system of the Joint Crediting Mechanism (JCM) and expanding the system of local decarbonisation promotion projects to promote global warming countermeasures domestically and internationally. In December 2025, the Ministry of the Environment, the Ministry of Economy, Trade and Industry, the Ministry of Agriculture, Forestry and Fisheries, and the JCM Implementation Agency (JCMA) established criteria for projects eligible for the JCM.

Furthermore, the GX Promotion Act was enacted in May 2023 and took effect on 30 June 2023. The Act legislates the formulation and implementation of the Strategy for Promoting Structural Transition based on Decarbonisation (GX Promotion Strategy), the establishment of the GX Acceleration Agency (this agency was approved for establishment on 1 April 2024 and began operations in July 2024), the issuance of bonds for the transition to a decarbonised growth-oriented economic structure (GX Economic Transition Bonds) over a 10-year period starting in the financial year 2023, the introduction of a carbon levy system starting in the financial year 2028, and the introduction of distribution of allowances through auctions for power companies starting in the financial year 2033.

In May 2025, the GX Promotion Act was partially amended. Since April 2026, business operators emitting a certain amount of CO2 (direct carbon dioxide emissions (Scope 1 emissions) of 100,000 metric tons or more per year) (Large Emitters) have been required to participate in the Japanese GX emissions trading scheme (GX-ETS). Affected business operators will be obliged to calculate and report their GHG emission amounts, as well as to retire their emission allowances. Additionally, the Act now provides that a market for trading emission allowances is to be established, with the GX Acceleration Agency responsible for its operation.

Law stated - 3 September 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Environmental pollution is a typical example of the adverse effects of harmful activities. The Basic Act on the Environment clearly defines "environmental pollution" as "air pollution, water pollution, … caused by business activities and other human activities in a broad area … which causes damage to human health or the living environment". Air pollution

and water pollution caused by radioactive materials are regulated under the Atomic Energy Basic Act.

The Basic Act on the Environment empowers prefectural governors to plan environmental pollution control programmes. When implementing pollution control projects based on these programmes, prefectural governors are entitled to special financial measures with the prior consent of the Minister of the Environment.

For industrial waste that requires appropriate treatment, the Waste Management and Public Cleansing Act provides for the polluter-pays principle. According to this principle, waste-producing business operators are responsible for the proper disposal of industrial waste resulting from their business activities. In addition, certain rules must be followed when a discharging party outsources the treatment of waste to a treatment contractor (eg, a discharging operator must conclude a treatment service contract with the treatment contractor before outsourcing the treatment of industrial waste and must submit a waste management sheet (ie, a manifesto) upon delivery of the waste). A person engaged in industrial waste treatment as a business must obtain a licence from the relevant prefectural governor. Furthermore, following legislative amendments in 2026, new regulations were introduced for businesses and facilities that store and recycle used metal and plastic items (so-called scrap yards) with the aim of preventing adverse effects on the living environment, such as noise and fire.

Law stated - 3 September 2026

Regulation of hazardous products and substances

15 What are the main features of the rules governing hazardous products and substances?

Chemical substances are controlled under different laws depending on their use and toxicity type. Among the various laws, the Act on the Regulation of Manufacture and Evaluation of Chemical Substances (Chemical Substance Evaluation Act) regulates the control of chemical substances that cause long-term chronic toxicity, which is the most important in terms of environmental impact. The purpose of this Act is to prevent environmental pollution caused by chemical substances that pose a risk of harming human health or interfering with the inhabitation and growth of flora and fauna. This Act provides for the prior examination of newly manufactured or imported chemical substances, the requirement to file an ex post facto notification with the competent authority to ascertain the amount of manufactured or imported chemical substances, and the regulation of chemical substances in accordance with their respective properties.

In addition, the Act on Assessment of Releases of Specified Chemical Substances in the Environment and Promotion of Management Improvement (PRTR Act) was enacted to promote the assessment of the amount of specified chemical substances released and the voluntary control of these substances by business operators. The PRTR Act requires business operators to report the amount of chemical substances released into the environment to the national government, and further requires the national government to publish the compiled data. Following amendments to the Regulations for Enforcement of the Waste Management and Public Cleansing Act, "class I designated chemical

substances" under the PRTR Act have been added to the list of items to be included in waste management service contracts with effect from January 2026.

The Act on Control of Household Products Containing Harmful Substances prohibits the sale of household products containing harmful substances at or above the prescribed threshold levels. The Food Sanitation Act prohibits the sale of food products that contain toxic or harmful chemical substances in excess of the permissible levels and provides for the implementation of necessary measures, including the disposal of such products.

The Air Pollution Control Act defines substances that may cause damage to human health (cadmium, hydrogen fluoride, etc) as "hazardous substances" and sets emission standards. The Order for Enforcement of the Soil Contamination Countermeasures Act designates "specified hazardous substances" (eg, lead and arsenic) and the Soil Contamination Countermeasures Act prescribes soil contamination investigation and remediation measures.

The Water Pollution Prevention Act defines "hazardous substances" (eg, cadmium) and requires compliance with nationally uniform effluent standards. If these standards are not sufficient to prevent pollution, each prefecture may, by prefectural ordinance, set more stringent standards known as "add-on effluent standards".

Law stated - 3 September 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

In recent years, the existing Japanese laws and regulations governing the working environment in workplaces where chemical substances are handled (eg, the Ordinance on Industrial Safety and Health) have been significantly amended. Regardless of the type of industry or the size of the workplace, those who produce or handle certain specified chemical substances are now required to carry out risk assessments (ie, to identify the hazards and harmfulness of chemical substances and their products, to estimate the degree of danger or health hazard to workers caused by them, and to consider risk reduction measures) and take countermeasures. Business operators are required to take risk reduction measures, if any, as specified in special ordinances (eg, the Ordinance on Industrial Safety and Health and the Ordinance on the Prevention of Hazards due to Specified Chemical Substances, both under the Industrial Safety and Health Act). Other risk reduction methods include substitution with substances of lesser hazard or toxicity, changing operating conditions such as chemical reaction processes, changing the form of chemical substances handled, or a combination of these methods.

Law stated - 3 September 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

The importance of corporate social responsibility (CSR) has increased in recent years and the opportunities to investigate CSR in the course of legal due diligence (DD) for M&A transactions are expected to increase. Under the Act on the Promotion of Business Activities with Environmental Consideration by Specified Corporations, etc, by Facilitating Access to Environmental Information, and Other Measures (Environmental Consideration Promotion Act), business operators must not only provide information on the reduction of environmental impacts in their business activities but also consider information on the reduction of environmental impacts by other business operators when making investments or other transactions with these other business operators. The information to be considered includes whether these other business operators have caused environmental problems. The Environmental Consideration Promotion Act requires large companies to endeavour to publish environmental reports or otherwise disclose the status of environmental considerations in their business activities, and in recent years an increasing number of companies have published such "CSR reports".

Recently, there has been a growing interest in environmental DD. Environmental DD is particularly important for manufacturing companies with factories. Examples of required DD items include surveying and assessing soil contamination, air pollution, and wastewater treatment on the land on which factories are situated and the surrounding land, and investigating the status of environmental permits and licences, including those for the transportation and disposal of industrial waste. In May 2023, the Ministry of the Environment published a handbook on environmental DD entitled "Introductory Guide on Environmental Due Diligence along the Value Chains: Environmental Due Diligence Practices Utilising Environmental Management System (EMS)". Furthermore, the Ministry of the Environment convened a roundtable discussion with experts on the approach to environmental DD by Japanese companies. Following the discussions held at the roundtable, a summary has been published that highlights the following key points to be understood when implementing environmental DD in Japan (Ministry of the Environment, "Summary of Discussions at the Roundtable on Promoting Environmental Due Diligence by Japanese Companies" (available in Japanese only).

- A risk-based approach;
- Implementation of the appropriate measures;
- Governance by management; and
- The relationship between environmental DD and compliance with laws and regulations.

The following processes are also indicated as key to implementing environmental DD:

- identification and assessment of adverse impacts;
- meaningful dialogue with stakeholders;
- disclosure of information; and
- grievance mechanisms and remedial actions.

Law stated - 3 September 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

The key environmental issues will vary depending on the type of business or activity. For example, in a real estate transaction, property valuation reports or engineering reports will include the results of investigations into soil contamination or other environmental issues, and a review of such reports will be required.

The problem of asbestos has also emerged recently. Under the Industrial Safety and Health Act and the Ordinance on the Prevention of Health Impairment due to Asbestos, business operators are required to take measures such as removing, containing, or enclosing asbestos used in the buildings where their workers are employed if they are likely to be exposed to dust dispersed from the buildings. Furthermore, recent amendments to the rules related to the Air Pollution Control Act have gradually strengthened the regulations regarding asbestos dust dispersion during building demolition work. For instance, preliminary surveys to ascertain whether any building materials containing asbestos have not been used, a prerequisite for the execution of building demolition work, must be conducted by qualified individuals, such as those who have completed the necessary training. Since January 2026, preliminary surveys by qualified individuals have also been mandatory for the demolition of structures such as boilers and power transmission equipment.

Law stated - 3 September 2026

Environmental aspects in public procurement

19 Do public procurement regulations take environmental protection into consideration?

When awarding contracts, national and local governments, incorporated administrative agencies, national university corporations, and other public institutions are required to make a comprehensive evaluation that includes the environmental performance of the product or service to be purchased, in addition to the price, as provided in the Act on Promotion of Contracts of the State and Other Entities, Which Show Consideration for Reduction of Emissions of Greenhouse Gases, etc. Under this Act, the state and incorporated administrative agencies must establish a basic policy for promoting contracts that takes into consideration the reduction of GHGs and other emissions at their facilities. In March 2026, the basic policy was amended. In particular, the criteria for electricity procurement contracts were revised from the "cut-off threshold method" (bid qualification requirements) to the "comprehensive evaluation bidding method". Since then, a comprehensive evaluation process has been undertaken based on a range of factors, including environmental performance (both available in Japanese only)).

The Act on Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities (Green Purchasing Act), enacted in 2000, provides that the state and other public organisations should take the initiative to promote the procurement of environmentally friendly goods (ie, products and services that contribute to mitigation of negative environmental impact) with the aim of promoting the development of a society capable of sustainable development.

In addition, article 19 of the Basic Act on the Environment provides that 'the State shall take environmental conservation into consideration when formulating and implementing policies which have impacts on the environment'. This article is interpreted as having a 'cross-cutting clause effect', meaning that when the government makes administrative decisions or undertakes public works that affect the environment, it must give due consideration to the environment and conduct an environmental impact assessment in accordance with the magnitude of the impact. While the legal binding force of this provision is debatable, a ministerial disposition made without taking into account a material adverse effect on the environment simply because the specific underlying law does not contain a provision on the obligation to take the environment into account may be considered unlawful under this provision of Article 19.

Law stated - 3 September 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

The Environmental Impact Assessment Act of Japan, enacted in 1997, requires environmental impact assessments to be undertaken for large-scale projects that could have a serious impact on the environment.

Thirteen types of projects are subject to this Act: road projects, river projects, railway projects, airport projects, projects for power plants (meaning hydroelectric, thermal, geothermal, solar-battery, wind, and all nuclear power plants of a certain output level or above), industrial-waste final disposal site projects, land reclamation or drainage projects, land adjustment projects, new housing and urban development projects, industrial park development projects, new city foundation development projects, distribution business centre construction projects, and building lots (including residential lots and factory sites) development projects. These 13 types of projects are divided into Class-1 and Class-2 projects in descending order of scale and potential for significant environmental impact. While all Class-1 projects must undergo an environmental impact assessment, the need for an environmental impact assessment for Class-2 projects, which are nearly equivalent in scale to Class-1 projects, is determined on a case-by-case basis.

In addition to the above 13 project types, large-scale port plans are also subject to port environmental assessments.

Most recently, in line with the growing regulatory environment concerning the construction of mega-solar power plants, an amendment has been made to lower the minimum

output threshold at which an environmental impact assessment becomes mandatory, from 30,000kW to 15,000kW. The new threshold is scheduled to come into force in 2027.

Please note that the above is a description of the projects covered by the Environmental Impact Assessment Act and each project requires individual confirmation, as many local governments have established their own environmental impact assessment ordinances and may require environmental impact assessments even for projects smaller than the threshold provided under the Environmental Impact Assessment Act.

Law stated - 3 September 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

If a project is subject to the Environmental Impact Assessment Act, a business operator will be required to investigate, predict and assess the impact of the project on the surrounding environment and the local living environment, taking into account the views of the general public, local residents, and local authorities.

At the planning stage of a project, the business operator will prepare a document considering the impact of the project on the primary environment. Citizens, mayors, prefectural governors, or ministers can comment on this document. Based on these opinions, the business operator will formulate a plan for the project in question, finalise the items of the environmental assessment and the proposed methodology, and prepare a scoping document considering the impact on the environment. To determine the methodology of the environmental assessment, which must be carried out in accordance with the environment of each region, there is a procedure for hearing the opinions of local residents, other citizens, and local governments, called "scoping". The business operator will then present the results of the environmental assessment (survey, forecast, and evaluation) carried out in accordance with the methodology established by these procedures, and will prepare a document summarising its view on the conservation of the environment. This document, known as the draft environmental impact statement (Draft EIS), describes the measures for environmental conservation (ie, mitigation measures). The business operator will give public notice of the Draft EIS, consider comments received (if any), revise the contents of the Draft EIS, and prepare an environmental impact statement (EIS). The EIS will then be submitted to the Minister of the Environment for review. The business operator must also submit the EIS to the licensing authority because the results of the assessment will be taken into account when deciding whether or not to grant a licence, approval, permit, etc.

In addition, even after the EIS process has been completed and the project has commenced, the business operator must submit a report on any environmental conservation surveys that have been conducted.

The amendment to the Environmental Impact Assessment Act, which was promulgated on 20 June 2025, has established two key provisions. First, it has introduced a review of the assessment procedures for reconstruction projects (defined as projects involving the removal or abolition of existing structures and the construction of structures of the

same type in the same or adjacent areas). Second, it has ensured the continued public disclosure of assessment documents. Of these, the revision of the assessment procedures for reconstruction projects is scheduled to come into force within two years of promulgation, while the continued public disclosure of assessment documents has been in force since 1 April 2026. When implementing a reconstruction project, the business operator must clarify the details of the measures for environmental conservation implemented with regard to the newly constructed structures in a document on primary environmental impact consideration based on the results of surveys regarding the environmental impact of existing structures, in lieu of setting out the details of the survey, forecast, and evaluation for the selection of the project implementation area. Furthermore, even after the public inspection period (approximately one month) provided by the business operator, the assessment documents will remain publicly available for 30 years via the internet from the date on which the Minister of the Environment obtains the business operator's consent for the documents to be published. This has enabled operators of subsequent projects to use the assessment documents from previous projects in their own assessment procedures.

Law stated - 3 September 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

There is no single agency responsible for the environment in Japan. All ministries and agencies are responsible for the environment, and their respective environmental efforts can be found on the Ministry of the Environment's website (available in Japanese only). The Ministry of the Environment is the lead agency responsible for environmental policy and the release of information.

The Basic Act on the Environment clarifies the state's responsibility by providing that the state is responsible for formulating and implementing basic and comprehensive environmental conservation measures in accordance with the basic principles of environmental conservation. While the Basic Act requires the government to formulate a basic plan for environmental conservation (basic environmental plan), it is the Minister of the Environment who is responsible for proposing a draft basic environmental plan. The Minister of the Environment is also required to publish the basic environmental plan approved by the Cabinet.

The Basic Act on the Environment also clarifies the responsibilities of local governments, business operators, and citizens. Each local government is responsible for formulating and implementing environmental conservation measures in accordance with the state's policies and other measures appropriate to the natural and social conditions of the areas under its jurisdiction. Business operators have the responsibility to dispose of soot, sewage, waste, etc, and to take other measures necessary to prevent environmental pollution or to properly preserve the natural environment, while citizens must strive to reduce the burden on the environment in their daily lives.

There are no laws or regulations that generally and comprehensively define the scope of authority of each regulatory body. Such scope is defined by individual laws.

Law stated - 3 September 2026

Investigation

23 | What are the typical steps in an environmental investigation?

Investigations can be broadly divided into (1) collecting reports from and conducting on-site inspections of business operators to determine their compliance status, and (2) requiring governments to take measurements to confirm the status of the quality of the environment.

Some laws authorise certain persons (eg, regulatory authorities) to request reports from business operators to verify that they are properly complying with the regulations under each individual law. In practice, reports are often requested as administrative guidance, but in some cases an order for reports may be issued. False reports may be subject to administrative penalties. As encouraging whistleblowers to report is also an important means of investigation, the Whistleblower Protection Act is in place to protect whistleblowers.

On-site inspections by the government are permitted under many environmental laws, including the Soil Contamination Countermeasures Act, the Water Pollution Prevention Act, and the Waste Management and Public Cleansing Act. Most on-site inspections are conducted as administrative monitoring, and the law prohibits such inspections as a means of investigating crimes, whether general or administrative (usually a court warrant is required to enter the site for criminal investigations). However, an administrative officer may report to the police any violation found as a result of the on-site inspection. Upon receipt of the report, the police may conduct a compulsory investigation, if necessary, with a court warrant.

The Air Pollution Control Act and the Water Pollution Prevention Act require prefectural and certain municipal governments to measure and monitor the status of air and water pollution.

Law stated - 3 September 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

There are two main types of administrative action: non-legally binding administrative guidance and legally binding adverse dispositions. While some individual laws require administrative guidance to be issued prior to any adverse disposition, in practice, administrative guidance is often issued even in cases where individual laws do not require administrative guidance prior to an adverse disposition.

An order by a regulatory authority to improve a state of violation (order for improvement) or to take necessary measures (order to take action) is, in principle, an adverse disposition under the Administrative Procedure Act. Therefore, before imposing the disposition, the regulatory authority must provide the person subject to the disposition with an opportunity to be heard and to rebut the order. Specifically, a hearing (a procedure presided over by an official selected from among the officials of the government agency that imposes the adverse disposition, at which the person subject to the adverse disposition may orally express his or her opinion, submit documentary evidence, and ask the government officials questions) must be held for relatively serious dispositions (such as the revocation of a permit), and an opportunity for explanation (a procedure in which the person subject to the adverse disposition submits a written explanation or documentary evidence to the government agency) must be provided for other adverse dispositions.

Law stated - 3 September 2026

Sanctions and remedies

25 What are the sanctions and remedies that may be imposed by the regulator for violations?

Japan does not have a law that generally provides for the sanctions and remedies that the regulator may impose, and penalties are provided for in individual laws.

The various sanctions that exist can be broadly divided into (1) the direct penalty system, which directly punishes violators of obligations, and (2) the pre-sanction order system, which punishes violators who continue to violate even after receiving an improvement order or other adverse disposition. Another sanction similar to the pre-sanction order system is the pre-sanction administrative guidance system, which punishes violators who continue to violate even after receiving recommendations and administrative guidance.

Penalties usually include imprisonment and fines as statutory penalties. An order to suspend the use of facilities necessary for the business is another type of sanction. For example, the Forestry Act provides that administrative authorisation, in the form of a forest land development permit, is required for any development activities in forests. Persons who carry out such activities in breach of the conditions of this permit are liable to a term of imprisonment of up to three years or a fine of up to ¥3 million (this penalty provision was introduced in April 2026). In addition, if a licence or approval from the relevant authorities is required to conduct a business, such licence or approval may be revoked as a sanction against the offender.

If the party subject to an adverse disposition (such as an order to take action) issued by the regulatory authority fails to comply with the order, the regulatory authority may enforce compliance by way of administrative substitute execution (ie, where the regulatory authority steps in to correct the violation itself). However, the government can only take action under this system of administrative substitution if the obligor fails to comply with its obligation to take action.

Law stated - 3 September 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

Pursuant to the Administrative Complaint Review Act, a person who is dissatisfied with a decision of a regulatory authority may apply for a review. In principle, the competent authority to which a request for review should be submitted is the highest authority (eg, minister, governor, mayor, etc) of the relevant administrative agency that rendered the original administrative disposition (disposition agency) although the decision of such highest authority can be subject to review in a judicial procedure. If there is no such highest authority of the disposition agency, it should be filed with the disposition agency. A person who is dissatisfied with the determination concerning a request for review may request a re-examination, if the relevant individual law contains a provision to that effect. As a simpler method, the person may apply to the disposition agency itself for re-examination and review of the disposition.

As a judicial procedure, an administrative lawsuit may be filed in accordance with the Administrative Case Litigation Act. Among the various types of administrative litigation, the most important are actions to revoke an administrative disposition, actions to declare an administrative disposition null and void, and mandamus actions. The party against whom these actions may be brought is the state or the public body to which the administrative agency that has made the original administrative disposition belongs.

Some individual laws provide that an action for revocation of administrative disposition can be brought only after a decision has been made on a complaint filed.

Law stated - 3 September 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Environmental cases can be brought before both civil and criminal courts. There is no special court in Japan that deals exclusively with environmental law cases.

A violation of a criminal provision of an individual law is tried as a criminal case. If a resident seeks an injunction against a business operator's project or development activities, or seeks compensation for damage caused by the business operator's economic activities, the case is heard as a civil case.

There is no special court for administrative actions. They are a type of civil action and are, therefore, heard by an ordinary court.

Law stated - 3 September 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

A violation of a criminal provision of an individual law is tried as a criminal case.

When a business operator engages in business or development activities without obtaining a licence or approval from the government, or when its business or development activities do not meet legal standards, these incidents are generally handled within the administrative procedures. However, business operators or other interested parties who are dissatisfied with an administrative decision may initiate an administrative action to seek an order for the granting of the relevant licence or approval, or the revocation of such a licence or approval.

If anyone is harmed by the business or development activities of a business operator, the victim may file a lawsuit against the operator for damages in accordance with the provisions of the Civil Code. In addition, an injunction lawsuit may be filed as a means of preventing the business operator from conducting or continuing its business and development activities, and the court has the authority to determine the appropriateness of the injunction. Furthermore, if environmental damage is caused by the exercise or non-exercise of the authority of the national or a local government, the victim may file a claim for state compensation, and the court has the authority to make a decision on the merits of such a claim and the amount of compensation.

Law stated - 3 September 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Civil claims for breach of environmental law are possible. They can be broadly divided into claims for damages, claims for injunctive relief, and petitions for preliminary injunction.

Claims for damages are usually brought under tort liability. When filing a claim under article 709 of the Civil Code (a general provision on damages), the plaintiffs must prove that the business operator has unlawfully infringed their rights through specific intent or negligence, resulting in property damage (damnum emergens (actual/direct damages, such as medical treatment costs) and lucrum cessans (indirect damages, such as lost profits)) and moral damage (solatium). The plaintiffs are also required to prove the causal relationship between the infringement of rights and the damage suffered.

However, as it is often difficult to prove the business operator's intent or negligence in the field of environmental issues, the requirements outlined above may be modified in environmental legislation and case law.

Unlike claims for damages, injunctive actions do not have a clear legal basis. It has therefore become common practice to base injunctions on personal rights (such as the right to life and the right to body). In litigation, the primary issue is typically whether the wrongful act is found to be unlawful beyond the point of tolerance.

If the conduct of an ordinary civil action is likely to result in increased damage and it would be impossible to obtain legal redress, a petition for a provisional disposition order may be

filed under the Civil Preservation Act as a means of provisional relief pending a decision on the injunction. Such petitions are sometimes filed in cases seeking to halt the restart of nuclear power stations. However, the likelihood of such a petition being granted is relatively low.

Law stated - 3 September 2026

Defences and indemnities

30 | What defences or indemnities are available?

In order to obtain a judgment upholding a claim for damages, the plaintiff (victim) must prove (1) intent or negligence on the part of the party at fault, (2) infringement of a right and unlawfulness, (3) the occurrence of damage and (4) the causal link between the infringement of a right by the party at fault and the damage, and the defendant (the party at fault) may defend against each of these requirements.

With regard to (1), the existence of negligence is usually disputed. Meanwhile, as special laws for tort liability provided under article 709 of the Civil Code, the Water Pollution Prevention Act and the Air Pollution Control Act provide for strict liability without fault. To claim damages based on a tort under article 709 of the Civil Code, the victim seeking compensation must prove the foreseeability and avoidability of the consequences forming the basis for the negligence of the party at fault. However, under the strict liability rule, victims can obtain compensation for damages without having to prove the negligence of the party at fault if they can prove a causal relationship with the relevant health damage or other harm.

If the victim is also at fault, the principles of comparative negligence may apply. With respect to (2), unlawfulness will generally be found only where the infringement exceeds the limit of what can reasonably be tolerated, and the defendant (the party at fault) may defend itself on the ground that such limit has not been exceeded. There is also a statute of limitations for the right to claim damages based on a tort. If the victims do not exercise their rights within a certain period of time, their claims are time-barred.

Business operators can also take out environmental pollution liability insurance. This is a system under which the insured can receive insurance money if a third party suffers bodily injury or property damage as a result of environmental pollution caused by the insured's facility and a claim is made against the insured, or if the insured is required by government order or otherwise to bear the costs of cleaning up the pollution.

The following two categories are of particular interest in the context of recent trends in environmental litigation:

(1) Litigation relating to coal-fired power generation

- In Japan, coal-fired power generation is permitted. For example, co-combustion type coal-fired power stations that co-fire coal with hydrogen or ammonia are currently in operation.
-

Meanwhile, several lawsuits are pending, which are seeking (1) an injunction against operations at coal-fired power stations, and (2) damages, among other remedies caused by co-combustion type coal-fired power generation.

- At present, there have been no judgments handed down that uphold the above-mentioned claims, due to the difficulty of satisfying the evidential requirements. This underscores the challenges associated with this new type of environmental litigation.

(2) Climate justice litigation (available in Japanese only)

- In contrast to the lawsuits mentioned in (1) above, which are centred on health hazards and other issues caused by coal-fired power generation, a new trend of litigation based on the "climate justice" concept has emerged in Japan. The concept is that the failure of governments and other entities to implement proactive climate change measures in itself is unlawful.
- As climate justice litigation is a recent development, the situation remains fluid. As the theoretical basis for "climate justice" has not been established in the Constitution, the Civil Code or other laws, it is expected to take a considerable amount of time before plaintiffs' claims are upheld.

Law stated - 3 September 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Under the Companies Act, directors are liable for damage caused to the company by a failure to perform their duties (liability to the company) and for damage caused to third parties by wilful misconduct or gross negligence in the performance of their duties (liability to third parties). The wilful misconduct or gross negligence required for liability to third parties is understood to relate to the director's failure to perform their duties owed to the company. Since what is required of directors is to perform their duties with due care and diligence, directors and officers may defend themselves on the ground that they have fulfilled their duty of due care.

In determining whether directors have discharged their duty of care, if there was no carelessness in their perception of the facts and in their decision-making process under the circumstances at the time of the decision, it can be said that their business judgement was within the directors' discretion and they will be deemed not to have breached their duty of care (the "business judgement rule"). As such, directors may be able to defend themselves on the basis of there being no negligence in their fact-finding or decision-making process. A director also has a duty to monitor and supervise the other directors and to establish the systems necessary to ensure the proper conduct of the company's business (ie, internal control system). In these respects, directors can also defend themselves on the basis that they have fulfilled their duty of care. In a lawsuit concerning the liability of some former TEPCO directors to shareholders in relation to the Fukushima nuclear accident,

the reasonableness of the former directors' business judgement was disputed. The court of first instance ruled that the former directors' judgement was extremely unreasonable, stating that they left the situation as it was without taking any tsunami countermeasures, even though there was no continuing expectation that a possible tsunami would not reach the Fukushima nuclear plant site, and thus failed to take and postponed taking any safety measures against tsunamis. However, the court of second instance ruled that the scale of the tsunami caused by the Great East Japan Earthquake could not have been foreseen, and denied the legal liability of the directors (Tokyo High Court judgment of 6 June 2025). The shareholders have filed a petition for a final appeal against the judgment, and the case is pending before the Supreme Court as of July 2026. In contrast to the aforementioned case, there are views that actively affirm directors' obligations to take measures regarding climate change and similar issues. However, it is recognised that these views do not yet represent the prevailing opinion.

Law stated - 3 September 2026

Appeal process

32 | What is the appeal process from trials?

The Code of Civil Procedure provides that an appeal may be lodged in civil cases within 14 days from the day following the date of service of the judgment. An appeal may be lodged with the competent high court against the judgment of the district court of first instance, and a final appeal may be lodged with the Supreme Court against the judgment of the high court of second instance.

In the case of a criminal trial for violation of any criminal provision of an individual law, an appeal may be lodged within 14 days of the day following the pronouncement of the judgment of the court of first instance. An appeal may be lodged only on the grounds set out in the Code of Criminal Procedure (eg, unlawful proceedings). A party dissatisfied with the decision of the court of appeal may appeal to the Supreme Court, but the grounds for this final appeal are also limited.

Law stated - 3 September 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Japan is a party to treaties and conventions relating to environmental issues such as protection of the marine environment, transboundary movements of chemical substances and hazardous wastes, the protection of the ozone layer, biological diversity, wild fauna and flora, forests and desertification, and climate change. Major environmental conventions to which Japan is a party include the United Nations Framework Convention on

Climate Change, the Convention on Biological Diversity, the Montreal Protocol, the Basel Convention, the Washington Convention, the Ramsar Convention, and the United Nations Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction.

Law stated - 3 September 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

Under the Japanese Constitution, treaties have domestic legal force once they are promulgated. However, there are several ways to ensure that the rights and obligations under the treaties are implemented domestically, including responding with the existing Japanese laws, amending or repealing existing laws that are inconsistent with the treaties, and enacting new laws.

For example, to implement the Basel Convention domestically, the Waste Management and Public Cleansing Act, an existing law, was partially amended and the Act on the Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes (Basel Act) was newly enacted. Furthermore, in recent years, amendments to legislation such as the Global Warming Countermeasures Act and the enactment of the GX Promotion Act have been pursued with the aim of implementing the Paris Agreement through the development of domestic law.

Law stated - 3 September 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

In recent years, there has been an increasing emphasis on companies actively indicating their carbon footprints of products (CFP) and promoting communication with consumers through such indications. In response, the Ministry of the Environment published the "Carbon Footprints Indication Guide" in February 2025. This guide outlines the basic principles of CFP indication, namely, (1) reliability and credibility, (2) life cycle, (3) comparability, (4) transparency and (5) territoriality, and provides essential considerations for CFP indications. This is expected to contribute to the prevention of greenwashing in Japan. Furthermore, the Act against Unjustifiable Premiums and Misleading Representations is anticipated to serve as a measure to regulate greenwashing, despite not being a specific law that directly addresses this issue.

Another hot topic is the partial amendments to the GX Promotion Act and the Resource Efficiency Promotion Act, enacted in May 2025, as previously mentioned.

In light of the initiatives set out in the Fifth Fundamental Plan for Establishing a Sound Material-Cycle Society, which was approved by the Japanese government in August 2024,

four meetings of the Ministerial Council on Circular Economy were held between July 2024 and April 2026. The Council adopted the "Circular Economy Action Plan" in April 2026. This plan aims to advance the transition to a circular economy through the recycling of critical mineral and metal resources and the utilisation of recycled materials as a national strategy, while also taking into account the issue of economic security. Specifically, it sets out a number of concrete measures, including key pillars such as strengthening the supply chain for recycled resources relating to critical metal resources, establishing an international resource circulation network with Japan as a hub, and revitalising regional areas through the utilisation of local recycled resources.

Furthermore, in recent years, certain new developments have emerged in relation to the motor vehicle recycling system. More than 20 years have passed since the Act on the Recycling of End-of-Life Automobiles came into force in 2005, and numerous challenges have come to light that cannot be adequately addressed within the framework of this Act. These include the rapid increase in exports of used cars and end-of-life vehicle scrap, as well as the problem of the large-scale disposal of used vehicle batteries (such as lithium-ion batteries) resulting from the widespread adoption of electric vehicles and similar vehicles. In response, the Automobile Recycling Working Group of the Subcommittee on Resource Circulation Economy of the Innovation and Environment Committee of the Industrial Structure Council (a joint council of the Ministry of Economy, Trade and Industry and the Ministry of the Environment) compiled a "Report on the Evaluation and Review of the Implementation Status of the Automobile Recycling System" in 2021 and has continued to conduct follow-up work since then. In a report published by the Working Group in June 2026, while acknowledging the achievements of the current system (eg, a sharp decline in large-scale illegal dumping, the attainment of a 97% recycling rate for ASR (automotive shredder residue) and the proper treatment of fluorocarbons and airbags), the group also made specific recommendations, including securing appropriate disposal routes for end-of-life vehicles, strengthening regulations on dismantlers and exporters, establishing a legal framework for the proper collection and recycling of lithium-ion batteries, and initiatives to encourage the private sector's utilisation of the "Resource Recovery Incentive System" launched in April 2026. It is anticipated that the future automotive recycling system is expected to evolve from a framework focused solely on the proper disposal of waste into a national resource circulation infrastructure that takes into account requirements relating to economic security, such as carbon neutrality and the domestic securing of critical minerals.

Law stated - 3 September 2026

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UPDATE AND TRENDS

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LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

The main statute relating to the environment in Malaysia is the Environmental Quality Act 1974 (EQA) and the numerous regulations made thereunder.

Law stated - 31 July 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

There is none.

Law stated - 31 July 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

Section 24 of the EQA restricts pollution to any soil, or surface of any land in contravention of the acceptable conditions, unless licensed. Soil is defined as including earth, sand, rock, shale, minerals and vegetation in the soil. Pursuant to section 47 of the EQA, anyone contravening this provision may be held liable for the clean-up costs and expenses incurred in connection therewith.

Law stated - 31 July 2026

Regulation of waste

4 | What types of waste are regulated and how?

Waste is regulated under the Environmental Quality (Scheduled Wastes) Regulations 2005. 'Scheduled wastes' is defined to mean any waste falling within the categories of waste listed in the First Schedule.

Every waste generator is obliged to notify the Department of Environment (DOE) of any new categories and quantities of scheduled wastes generated. Scheduled wastes shall be disposed at prescribed premises only and treated at prescribed premises or on-site treatment facilities only.

Every waste generator is also responsible for ensuring that scheduled waste generated by them is properly stored, treated on site, recovered on site for material or product from

scheduled wastes and ensures that every scheduled waste subjected to movement is packaged, labelled and transported in accordance with the guidelines prescribed by DOE.

Under the newly passed Environmental Quality (Amendment) Act 2026, a new subsection 1(3) has been inserted into the EQA empowering the Minister to suspend operation of the whole provision of the EQA in different parts of Malaysia. This amendment paves the way for Sabah and Sarawak to assume legislative and regulatory control over scheduled waste management within their respective territories.

Law stated - 31 July 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

Section 22of the EQA restricts pollution to the atmosphere in contravention of the accepted standards, unless licensed.

Specifically, the Environmental Quality (Clean Air) Regulations 2014 (Clean Air Regulations) regulate air emissions in Malaysia. The Clean Air Regulations are applicable to any premises used for any industrial or trade purposes, or on which matter is burnt in connection with any industrial or trade purposes; any other premises or processes that discharge or are capable of discharging air pollutants into open air; any industrial plant; and any fuel burning equipment.

An owner or occupier of a premises involved in any activity or industry listed in the First Schedule such as, among others, fuel burning, iron and steel mills, oil and gas, glass and ceramic manufacturing, shall incorporate measures to reduce the emission of air pollutants to the atmosphere in accordance with the Best Available Techniques Economically Achievable determined by the Director General. The limit values and technical standards that the owner or occupier of a premises involved in the listed activity or industry or set out based on the activity or industry.

Apart from the Clean Air Regulations, there are also other regulations to control motor vehicle smoke emissions as well as ozone-depleting substances.

Law stated - 31 July 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

They are protected by the EQA. Section 25 of the EQA prohibits the emission, discharge or deposit of any environmentally hazardous substances, pollutants or waste into any inland waters (ie, reservoir, pond, lake, river, stream, canal, drain), unless licensed. Section 27 of the EQA prohibits the discharge of oil or spill of any mixture containing oil into Malaysian waters in contravention of the acceptable conditions, unless licensed. Section 29 of the

EQA prohibits the discharge of any environmentally hazardous substances, pollutants or waste into Malaysian water in contravention of the acceptable conditions, unless licensed.

Further, the Environmental Quality (Industrial Effluent) Regulations 2009 sets out the standards of the discharge or release of industrial effluent or mixed effluent into, among others, any inland waters or Malaysian waters.

Law stated - 31 July 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

There are different forms and classes of protection for natural spaces and landscapes in Malaysia, which are governed by multiple statutes such as the National Forestry Act 1984 (NFA), the National Parks Act 1980, the Sarawak Forest Ordinance (1954) and the Sabah Forestry Enactment (1968), the Town and Country Planning Act 1976 and the Marine Parks Act 1994.

Under the NFA, a state authority may declare parts of land as a permanent reserved forest (PRF). A licence is then needed to take forest produce from a PRF. Additionally, a permit is required to carry out activities such as:

- research;
- education;
- recreation;
- use of water resources;
- cultivation of vegetables and fodder crops;
- establishment of conversion plants; and
- establishment of logging infrastructure.
-

Law stated - 31 July 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

There are different forms and classes of flora and fauna protection in Malaysia. The primary legislation aimed at protecting flora and fauna is the Wildlife Conservation Act 2010 (WCA). Other legislation includes the Sabah Wildlife Conservation Enactment 1997, the Wildlife Protection Ordinance 1998 (Cap 26) Sarawak and the Fisheries Act 1985.

Under the WCA, a licence is needed should any person wish to hunt, take or keep, or collect bird's nests, carry out the business of dealing, and import, export or re-export protected

and controlled wildlife. As for totally protected wildlife, a special permit is required to carry out the same activities.

Law stated - 31 July 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

Section 23 of the EQA provides that no person shall emit noise greater in volume, intensity or quality in contravention of any acceptable conditions, unless licensed. The Environmental Quality (Motor Vehicle Noise) Regulations 1987 deal specifically with the sound level permitted for motor vehicles. Additionally, the Occupational Safety and Health (Noise Exposure) Regulations 2019 set out the acceptable standard or limit of noise exposure at workplaces.

With regard to vibrations, the DOE has issued several Guidelines on noise and vibration limits and control.

As for odours, section 22(2)(b) of the EQA is a particular provision governing obnoxious or offensive odours.

Law stated - 31 July 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

There is no such general regime on liability for environmental damage. It is likely that any person seeking to attribute liability for environmental damage will have to bring a claim in the civil courts for the usual causes of action such as negligence, nuisance, trespass on land, etc. That said, section 46E of the EQA provides that after a person has been convicted for an offence under the EQA or any regulations made thereunder, the court, in addition to imposing a penalty for the offence, may, where it appears to the court that any other person has, by reason of the commission of, or the omission resulting in the offence, suffered loss or damage to any property, order the person so convicted to pay the other person the costs and expenses incurred or compensation for loss or damage to the property and any other costs, in the amount as the court considers fit.

Law stated - 31 July 2026

Environmental taxes

11 | Is there any type of environmental tax?

Malaysia has not yet introduced a formal carbon tax, but discussions are ongoing regarding the potential for a tax on carbon emissions. The government has shown interest in aligning with global trends to reduce greenhouse gas emissions and may introduce this tax to meet its climate commitments. One was planned for 2026 (targeting energy, iron and steel first), but as of the latest reporting, the government has paused that plan in favour of building out carbon market infrastructure and the Climate Change Bill first.

Law stated - 31 July 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

The Energy Efficiency and Conservation Act requires energy consumers to whom the Energy Efficiency and Conservation Act applies to prepare an energy efficiency and conservation report detailing the energy management system, energy consumption and measures for energy efficiency and conservation.

Listed companies are also required under Bursa Malaysia's Sustainability Reporting Framework to report on ESG indicators, including disclosure on issues such as waste management and emissions. These reports are to be published annually and must align with the International Financial Reporting Standards Sustainability Disclosure Standards.

Law stated - 31 July 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

The general government policy towards environmental issues is relatively robust and proactive. The government recently launched the National Climate Change Policy 2.0, which outlined a framework for Malaysia's transition to a low-carbon economy. The policy aims to reduce carbon intensity by 45% by 2030 and achieve net-zero greenhouse gas emissions by 2050.

Malaysia also plans to, among other things, introduce carbon pricing instruments such as a carbon tax and a domestic emissions trading scheme and a premium for energy data centres.

Environmental protection goals have led to stringent legislation such as the EQA, which requires industries to comply with pollution control measures and conduct environmental assessments. Green technology financing schemes and investment incentives have also been introduced to encourage the adoption of clean technologies and reduce the carbon footprint of businesses.

Law stated - 31 July 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Hazardous activities are generally governed by the Occupational Safety and Health Act 1994 (OSHA) and the regulations made thereunder including the Occupational Safety and Health (Control of Industrial Major Accident Hazards) Regulations 1996 (CIMAH) . Such activities do not require a licence. The OSHA requires all employers, self-employed persons, principals, occupiers, etc, to ensure the safety and health of employees and persons at their workplaces. Under CIMAH, facilities handling hazardous substances above certain threshold quantities are classified as either Major Hazard Installations (MHI) or Non-Major Hazard Installations (NMHI), and MHIs in particular face substantive obligations: preparing a safety report, an on-site emergency response plan, and notifying the Director General of the Department of Occupational Safety and Health.

Law stated - 31 July 2026

Regulation of hazardous products and substances

15 | What are the main features of the rules governing hazardous products and substances?

The Occupational Safety and Health (Use and Standards of Exposure of Chemical Hazardous to Health) Regulations 2000 (USECHH) is the main regulation on hazardous products and substances.

USECHH, among other regulations, imposes obligations for employer to keep a register of chemicals hazardous to health (Regulation 5), permissible exposure limit, assessment of risk to health, action to control exposure, labelling and relabelling, information, instruction and training, monitoring of exposure at the place of work, health surveillance, warning signs and record-keeping.

Law stated - 31 July 2026

Industrial accidents

16 | What are the regulatory requirements regarding the prevention of industrial accidents?

Prevention of industrial accidents are subject to the safety and health measures set out in the OSHA. OSHA also specifies all the various duties and responsibilities that aim to prevent and militate against industrial accidents.

Law stated - 31 July 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

Depending on the target's industry, environmental due diligence may be conducted to assess the target's compliance with environmental laws and to identify their existing environmental liabilities or past violations. Long-term liabilities are also assessed including environmental issues affecting employees, such as exposure to hazardous materials.

For acquisition of assets in particular, if such assets are subject to any environmental permits or licences, the buyer may need to apply for transfer of those permits before operating.

Law stated - 31 July 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

Banks and financial institutions in Malaysia are increasingly adopting ESG frameworks to assess the environmental impact of projects and businesses. These assessments may involve examining the environmental risks associated with a company's operations, supply chain and compliance with local environmental regulations.

Law stated - 31 July 2026

Environmental aspects in public procurement

19 Do public procurement regulations take environmental protection into consideration?

Environmental protection is considered in public procurement requirements in Malaysia, but it may not always be the central criterion. In sectors with significant environmental impacts such as energy, construction, manufacturing and transportation, public procurement requirements are more likely to impose stringent environmental requirements and the adoption of green building standards or sustainable solutions.

Law stated - 31 July 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

The types of activities that are subjected to an environmental impact assessment (EIA) report in Peninsular Malaysia are listed in the Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015. They include, among others:

- agriculture;
- aerodrome;
- drainage and irrigation;
- fisheries;
- forestry;
- industry;
- and reclamation;
- mining;
- petroleum;
- ports;
- power generation and transmission;
- development in coastal and hill areas;
- development in slope area;
- waste treatment and disposal;
- dredging;
- housing;
- industrial estate development;
- new townships;
- quarries;
- roads;
- water supply; development in coastal areas, national park and state parks;
- development in sloping areas;
- construction of dams;
- transportation; and
- radioactive materials and radioactive waste.

With regard to the state of Sabah, the types of activities are listed in the Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order 2005 and Environment Protection (Prescribed Activities) Order 2005, requiring a proposal for mitigation measures and/or an EIA report, and they are:

- agriculture;
- forestry;
- housing, commercial and industrial estate;

- fisheries and aquaculture;
- quarries;
- resorts and recreational development;
- drainage and irrigation;
- land reclamation;
- mining;
- power generation;
- water supply; and
- any other activities that may damage or have an adverse impact on the quality of the environment.

As for the state of Sarawak, the Natural Resources and Environment (Prescribed Activities) Order 1994 (Sarawak) stipulates that the types of activities that require an EIA Report are:

- agricultural development;
- logging;
- development of commercial industrial and housing estates;
- activities that may pollute inland water or affect sources of water supply;
- fisheries and activities that may endanger marine or aquatic life, plants in inland waters or erosion of river banks;
- extraction and removal of rock materials and mining;
- facilities for disposal and treatment waste; and
- any other activities that may damage or have an adverse impact on quality of environment or natural resources of the state.

Law stated - 31 July 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

An EIA report has to be prepared in accordance with the Environmental Impact Assessment Guideline 2016 issued by the Department of Environment (DOE) (EIA Guideline). The EIA Guideline is not applicable to Sabah and Sarawak. The environmental assessment process is divided into three stages: (1) the pre-submission stage; (2) the submission stage; and (3) the post-submission stage.

During the pre-submission stage, a screening and scoping exercise first has to be carried out. The screening process determines whether a proposed project falls under a prescribed activity. The scoping process is the process of identifying key environmental issues. For prescribed activities, an Environmental Scoping Information (ESI) that determines the terms of reference (TOR) would first have to be submitted to the DOE. The adequacy of the ESI and TOR formulated would then be decided in a Terms of Reference Adequacy

Check meeting. At the meeting, the TOR may be accepted or agreed upon or may require revision within a stipulated timeline.

On top of the TOR, the project proponent also has to conduct a site suitability assessment, baseline studies, impact assessment and evaluation of significance, identification of mitigation measures and an EIA Report preparation.

During the submission stage, the EIA report will be submitted to the State DOE, whereas an EIA report involving certain prescribed activities and multiple states would have to be submitted to DOE HQ.

The review of an EIA report by the State DOE will be checked for Report Adequacy (RAC) by the EIA Technical Review Committee (TRC). An EIA report that does not pass would be rejected. An EIA Report that passes would be reviewed by the TRC. The EIA report would also be distributed to the relevant government agencies for written comments. The final outcome of the EIA report would be decided by the DOE State Director after taking into consideration of the views of the TRC.

For reviews by DOE HQ, the EIA report would be checked for RAC by the TRC. An EIA report that passes would have to be publicly displayed for public comments. For projects in Sabah and Sarawak, a notification must be placed in at least one regional newspaper. The EIA report shall be displayed for 30 days from the date of announcement and the public will have 45 days to submit their comments to DOE.

The TRC would then review the EIA report. Once the review process is completed, the State Director of DOE or the Director General of DOE (DG) may either approve the EIA report with or without conditions or not approve the EIA report, in which the State Director of the DOE or the DG must give reasons for the non-approval.

Although the State Director of DOE or DG will make the final decision, certain government agencies are also sometimes tasked with deciding, such as the National Development Planning Committee for Federal Government Sponsored projects; the State Executive Council for State Government sponsored projects; the various local authorities or the regional development authorities with respect to planning approval within their respective areas; and/or the Ministry of International Trade and Industry for industrial projects.

Any person aggrieved by any decision may file an appeal with the Appeal Board within 30 days of the date of the decision being communicated.

For the post-submission stage, monitoring activities are divided into three categories: (1) impact monitoring; (2) compliance monitoring; and (3) performance monitoring.

Law stated - 31 July 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The primary authority at the national level responsible for regulating and enforcing the environmental laws of Malaysia, specifically the Environmental Quality Act 1974 (EQA) and the regulations made thereunder, is the Department of Environment (DOE), which is headed by its Director General (DG). There are the various state DOEs headed by the respective State DGs.

Following the Environmental Quality (Amendment) Act 2026, Sabah and Sarawak are set to assume their own legislative and regulatory authority over scheduled waste management, separate from the DOE's jurisdiction under the EQA. This devolution will take effect once the respective state enactments or ordinances are brought into force, at which point the corresponding EQA provisions on scheduled waste will be suspended in those states.

In addition, specific to water, there are other agencies that also have regulatory powers, such as the National Water Services Commission and the Water Management Authority of the State of Selangor, for instance.

In recent times, the police have also been investigating environment-related offences found in the Penal Code, such as section 430 (i.e., mischief by injury to works of irrigation or by wrongfully diverting water).

Law stated - 31 July 2026

Investigation

23 | What are the typical steps in an environmental investigation?

Regulatory authorities especially the DOE has wide powers of investigations as provided under the EQA. The DOE is also conferred with all necessary powers in relation to police investigation in seizable cases given by the Criminal Procedure Code, such as the powers of arrest, stop, board, inspect, search, seize, forfeit, examine persons acquainted with the case, require attendance of persons acquainted with the case, etc.

In an investigation, the DOE would typically present themselves at an alleged offender's premises for inspection to take samples, photographs, documents and records. This would then be followed by taking and recording of formal statements of persons involved in the case.

Law stated - 31 July 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

The procedure for making administrative decisions is guided by principles of natural justice and procedural fairness.

Law stated - 31 July 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

The sanctions and remedies that the DOE may impose for violations include issuing a written notice requiring certain actions to be done (eg, installing or repairing any equipment; adopting any measure to reduce or mitigate pollution), a prohibition order (i.e., to prohibit the operation of an industrial plant or process until requirements to make remedy as directed have been complied with), and compounds and fines.

Law stated - 31 July 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

Decisions of the DG are appealable to the Appeal Board and may be filed within 30 days the decision is communicated.

Law stated - 31 July 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Environmental law proceedings may be before the criminal, civil or administrative courts. If coming before the criminal courts, it will be in the form of a prosecution for an alleged offence by the public prosecutor against an alleged offence, If before the civil courts, it could be a claim by any person for loss and damage suffered arising from an alleged offence. If before the administrative courts, a judicial review can be commenced by any person aggrieved by an administrative decision made by the Director General.

Law stated - 31 July 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

In the event of any infringement of environmental law (ie, the Environmental Quality Act (EQA) or any regulations made thereunder), the courts (the criminal courts to be exact) have the power to mete out the appropriate punishment.

Law stated - 31 July 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

There is no prohibition as to civil claims, be it contractual or non-contractual arising from infringements of environmental law.

Law stated - 31 July 2026

Defences and indemnities

30 | What defences or indemnities are available?

Strict liability

Offences under the EQA are on strict liability basis. This means that the prosecution does not need to prove intent to establish liability for the offence. Instead, it is sufficient to prove that the prohibited act or omission occurred. Certain defences are usually applicable and can be relied upon, circumstances permitting, such as demonstrating that all reasonable measures were taken to prevent the offence, establishing that the act occurred beyond the control of the accused (for instance, sabotage) or showing that the act was conducted within the terms of a valid licence issued under the EQA.

Joint or several liability

Companies can be held liable for environmental offences and directors or officers may share liability if they authorised or failed to prevent the offence.

Limitation

The statutes of limitation do not apply to environmental offences under the EQA.

Law stated - 31 July 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Directors or officers are afforded a specific and explicit defence under the EQA where if they could prove to the satisfaction of the court that the offence was committed without their knowledge or consent or that they had exercised all due diligence to prevent the same and

to ensure observance of the relevant provisions, they will not be held equally liable as the company.

Law stated - 31 July 2026

Appeal process

32 | What is the appeal process from trials?

Generally, there are three level of appeal. For criminal matters, the proceedings of the first instance are usually conducted at the subordinate courts (ie, the Magistrates' or Sessions Court). If the parties are dissatisfied with the decision of the subordinate courts, they may appeal to the High Court, and subsequently the Court of Appeal. However, leave is required for an appeal against the decision of the High Court on any criminal matters that originated from the Magistrates' Court. The Federal Court, which is the apex court in Malaysia, shall have jurisdiction to hear and determine any appeal from any decision of the Court of Appeal in its appellate jurisdiction in respect of any criminal matter decided by the High Court in its original jurisdiction.

Law stated - 31 July 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Malaysia is a contracting state to multiple environmental treaties. Among others, it acceded to the Convention on International Trade in Endangered Species of Wild Flora and Fauna on 20 October 1977, ratified the Convention on Biological Diversity on 24 June 1994, ratified the Cartagena Protocol on 3 September 2003 and acceded to the Nagoya Protocol on 5 November 2018.

Malaysia has also ratified the International Tropical Timber Agreement on 28 September 2007, and is a member of the International Tropical Timber Organization, International Towing Tank Conference as well as the United Nations Forum on Forests. Malaysia joined the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation Program in 2012.

Law stated - 31 July 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

Malaysia has aligned several of its national environmental laws with international standards set by these treaties. For example, under the Convention on Biological Diversity, Malaysia has enhanced its wildlife protection laws to include stricter enforcement against poaching and illegal trade as observed in Malaysia's Wildlife Conservation Act 2010.

Law stated - 31 July 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

The Ministry of Investment, Trade and Industry introduced the National Industry Environmental, Social and Governance Framework (i-ESG) in October 2023 to support industries in integrating ESG standards. The i-ESG Framework operates in two phases – "Just Transition" (2024–2026) and "Accelerating ESG Practices" (2027–2030), with the latter phase bringing more rigorous ESG requirements for industry.

Amendments were made to the Environmental Quality Act in 2024 to impose heavier penalties for environmental violations. These amendments reinforce the country's commitment to protecting its environment, and businesses are now investing in robust environmental management systems to mitigate the risk of non-compliance.

In addition, the DOE published a consultation paper in relation to its Proposed Amendments to the Environmental Quality Act 1974, inviting stakeholder comments from 13 May 2025 to 16 June 2025. Among the key proposed amendments are the implementation of Green Industry Practices, an obligation on premise owners to establish an Environmental Compliance Monitoring Committee to monitor the implementation and effectiveness of their organisation's environmental policies, a review of the environmental impact assessment approval process, a review of the use of the Environmental Fund, a review of existing and new fees, and improvement of pollution control management.

Beyond the Environmental Quality Act, several other regulatory developments are shaping Malaysia's environmental law landscape. In April 2026, the government launched its National Carbon Market Policy, establishing a framework for trading carbon credits generated from Malaysian projects and aligning with the National Climate Change Policy 2.0 and the forthcoming Climate Change Act; this followed the government's decision to put its previously announced carbon tax (targeting the energy, iron and steel sectors) on hold. Separately, Malaysia is progressing toward a mandatory Extended Producer Responsibility (regime for plastic packaging, targeted for 2026, which would require producers to finance and organise the collection, recycling and environmentally sound disposal of post-consumer plastic waste through designated Producer Responsibility Organisations. A broader Circular Economy Bill is also being developed to harmonise fragmented waste and circular economy legislation across states into a single umbrella framework.

Law stated - 31 July 2026



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Malta

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UPDATE AND TRENDS

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LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

Malta has a substantial body of environmental law, which is regulated primarily by the Environment Protection Act (EPA) (Chapter 549 of the Laws of Malta). The various aspects of environmental law are then regulated by the Act's subsidiary legislation. Key regulations include:

- Environmental Impact Assessment Regulations (SL549.46);
- Environmental Permitting (Procedure for Applications and their Determination) Regulations (SL549.172);
- Prevention and Remedying of Environmental Damage Regulations (SL549.97);
- Waste Regulations (SL549.63);
- Water Policy Framework Regulations (SL549.100); and
- Flora, Fauna and Natural Habitats Protection Regulations (SL549.44).

Environmental law is heavily influenced by EU law and policy.

Law stated - 4 August 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

Malta has a system of integrated pollution prevention and control (IPPC) established primarily through the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (IPPC Regulations) (SL549.77), which aim to prevent, reduce and control pollution from various point sources and set out principles for the permitting and control of activities of industrial installations, based on an integrated approach and the best available techniques (BAT).

In terms of the IPPC Regulations, installations that release emissions to land, water and air are subject to a prior review by the competent authority and must obtain a permit to operate. These regulated facilities include stationary installations in which the following activities are carried out: energy, waste management, production and processing of metals, chemicals and minerals, paper productions, slaughterhouses, etc.

To obtain a permit under the IPPC regime, industrial activities will need to comply with BAT. The permit would generally contain, among other details, a description of the installation, materials and energy used and generated, the sources and nature of foreseeable emissions as well as the measures planned to monitor such emissions. It additionally establishes emission limit values for polluting substances and imposes monitoring obligations on the operator, who must provide certain data to the authority, at

regular intervals, enabling it to check the operator's compliance with emission levels and other permit conditions. Permit conditions are set on the basis of BATs, ensuring that the installation is operated in accordance with the most advanced and proven techniques for the prevention and control of industrial emissions and the wider environmental impact.

Law stated - 4 August 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

While there is no specific regulation governing soil pollution, this is managed through various avenues, including the environmental impact assessment regime and environmental permitting. With respect to liability for soil pollution, this is covered by the Prevention and Remedying of Environmental Damage Regulations (SL549.97), which address all types of environmental damage, including damage to land, and the Crimes Against the Environment Act (Chapter 522 of the laws of Malta), under which it is an offence to discharge or introduce harmful substances into the soil that are likely to cause substantial damage to the quality of the soil.

Law stated - 4 August 2026

Regulation of waste

4 | What types of waste are regulated and how?

Waste is primarily governed by the EPA, the Waste Regulations (SL549.63) and the Waste Management (Activity Registration) Regulations (SL549.45). Additional regulations are also in place to manage specific areas of waste management in Malta.

Waste is defined, broadly, under the EPA as "any thing, substance or object which the holder discards or intends to discard, or is required to keep in order to discard…", and requires the competent authorities to ensure that waste is managed in a sustainable manner and that its reduction, proper use, reuse and recovery is promoted. Waste is also defined in the Waste Regulations as "any substance or object which the holder discards or intends or is required to discard".

The Waste Regulations qualify the definition in that by-products, which are substances or objects resulting from production processes, are not regarded as waste, as long as the following conditions are met:

- further use of the substance or object is certain;
- the substance or object can be used directly without any further processing other than normal industrial practice;
- the substance or object is produced as an integral part of a production process; and
-

further use is lawful, in other words, the substance or object fulfils all relevant product, environment and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

Classification of waste in Malta is largely based on whether it contains hazardous properties listed in the Waste Framework Directive (2008/98/EC) and that establishes a code for each type of waste. Hazardous wastes are subject to a strict control regime covering their entire life cycle, from generation to final disposal or recovery. The Waste Regulations include specific obligations concerning labelling and packaging of hazardous waste, record keeping, and monitoring and control procedures on transfers of such waste within Malta.

The bulk of waste legislation concerns waste management. Under the Waste Regulations (SL549.63) permits from the competent authority are required by any person wishing to carry out any waste management activity, and in some cases by producers of waste intending to store or dispose of, on site, the waste it produces.

The various waste streams have specific legal regimes. For instance, packaging waste is dealt with in the Waste Management (Packaging and Packaging Waste) Regulations (SL549.43), which oblige producers of packaging waste to collect, recover and recycle such waste. Regimes are also in place to manage waste electrical and electronic equipment, waste batteries, construction and demolition waste, end-of-life vehicles and bio-waste. Additionally, single-use plastic waste is also regulated through a separate regime. The Single-Use Plastic Framework Regulations (SL549.149) impose on producers and distributors certain product and marking requirements. Further, the importation, production, sale and distribution of certain single-use plastic items is prohibited under Maltese law.

Waste legislation and policy imposes a general requirement to comply with the waste hierarchy, which is:

- prevention;
- preparing for reuse;
- recycling;
- other recovery; and
- disposal.

The Waste Regulations impose a duty of care on any person producing or handling waste (with the exception of domestic waste), to ensure that no waste escapes such person's control and that waste is managed by persons in possession of the relevant permits.

Law stated - 4 August 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

Air emissions are governed primarily by the IPPC Regulations and the Ambient Air Quality Regulations (SL549.59). The latter impose certain obligations on the competent authority with respect to implementation, monitoring and control of air emissions. More specifically, the authority must, among other things, establish limit values and alert thresholds for ambient air, carry out assessments of ambient air quality, and implement measures in zones where levels are higher than the limit value.

In addition, the Limitation of Emissions of Certain Atmospheric Pollutants Regulations (SL549.124) set the maximum amounts of certain substances (including sulphur dioxide and nitrogen oxides) that can be emitted within Malta. Moreover, the Regulations impose a duty on Malta to achieve emission reductions by 2020 and 2030.

Air discharges from regulated industrial activities are managed and controlled through the IPPC Regulations, which impose an obligation on operators of these installations to obtain a permit and to operate the installation in accordance with best available techniques.

In June 2026, the Environment and Resources Authority (ERA) launched a public consultation on the first update of Malta's National Air Pollution Control Programme (NAPCP). The NAPCP is the principal governance tool required under Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, which has been transposed into Maltese law through the Limitation of Emissions of Certain Atmospheric Pollutants Regulations (S.L. 549.124).

The updated NAPCP is intended to support Malta's compliance with its 2020 and 2030 national emission-reduction commitments for nitrogen oxides (NOx), sulphur dioxide (SO), non-methane volatile organic compounds (NMVOCs), ammonia (NH) and fine particulate matter (PM .), as well as to contribute to compliance with applicable ambient air-quality standards. The update is based on historical emissions and air-quality data and includes projections for 2030 under both a baseline scenario and a scenario incorporating additional planned measures. Transport is identified as the principal source of NOx emissions in Malta, and the programme consequently places particular emphasis on measures targeting transport-related emissions.

Law stated - 4 August 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Fresh water is protected under the Protection of Groundwater against Pollution and Deterioration Regulations (SL549.53), the Groundwater (Prohibition of Discharge to Groundwater Bodies) Regulations (SL549.155), and the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations (SL549.10). These regulations are both preventative and remedial in nature and essentially tackle pollution of groundwater from point as well as diffuse sources as they regulate direct and indirect discharges. Pollution caused to groundwater by nitrates from agricultural sources is also regulated under Maltese law. Contamination of fresh water sources by any person will give rise to criminal liability.

Extraction, whether for private or public use, is subject to strict controls and permitting requirements by the competent authority. The filling of pools is also regulated and must be done with fresh water to avoid harmful leakage of seawater into the groundwater.

The Water Policy Framework Regulations (SL549.100) establish an action plan for protecting inland waters, coastal waters and groundwater. These regulations attempt to adopt a holistic approach with respect to the entire field of water management. Essentially, the aim is to promote sustainable water use based on the long-term protection of available water resources; and to enhance the protection and improvement of the aquatic environment through specific measures for the progressive reduction and phasing out of discharges, emissions and losses of hazardous substances.

Law stated - 4 August 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

Over 20% of Malta's land area has protection status under the EU's Birds and Habitats Directives. Moreover, several sites have been designated as special areas of conservation under the Flora, Fauna and Natural Habitats Protection Regulations (SL 549.44) and as special protection areas under the Conservation of Wild Birds Regulations (SL 549.42). Among these protected sites are the woodlands in Buskett and Comino, which have also been designated by the European Commission as sites of Community importance. These protected areas form part of the coherent European ecological network of special areas of conservation established under Natura 2000. Generally, within these protected areas, no operations or activities may be carried out unless consent has been given by the competent authority. Also, before granting such consent, the authority will, where it appears that such activity is likely to have a significant effect on the protected site, carry out, or require the applicant to carry out, an environmental assessment of the implications of the activity on the site.

Additionally, the Environment and Resources Authority (ERA) is empowered, under the EPA, to issue conservation orders to protect areas that are deemed important from a landscape perspective. Once an area is "protected" for conservation, the ERA may take such measures as it deems necessary to protect the status of the area and prevent any deterioration thereof.

Law stated - 4 August 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

The overall protection of species is governed by the Flora, Fauna and Natural Habitats Protection Regulations (SL549.44). The Regulations prohibit persons from, among other things, disturbing, capturing, killing, destroying, transporting and selling protected species

without first obtaining a permit. They also contemplate measures to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest, taking account of the economic, social and cultural requirements and regional and local characteristics. Moreover, the Regulations impose obligations on the competent authority in terms of developing national strategies and other action plans and programmes aimed at the conservation and sustainable use of biodiversity.

The Schedules to the Regulations identify the habitats and species that are given protection status, specifying the level of protection. Natural habitats whose conservation requires protection are designated as Special Areas of Conservation, and this includes areas of both national and international importance. Similarly, species of animals and plants of both Community and national interest are also designated as Special Areas of Conservation. The Regulations also identify animal and plant species of Community and national interest that need of strict protection.

Other legislation governing the protection of flora and fauna include the Trade in Species of Fauna and Flora Regulations (SL549.38), the Trees and Woodlands Protection Regulations (SL549.64) and the Conservation of Wild Birds Regulations (SL549.42). In addition, there are various other pieces of legislation under Maltese law regulating the protection of a specific species or a defined protected area.

In the marine environment, flora and fauna are afforded protection under additional legislation, including the Marine Mammals Protection Regulations (SL549.35) and the Marine Policy Framework Regulations (SL549.35), which require Malta to take the necessary measures to achieve and maintain a 'good environmental status' in the marine environment.

Additionally, Malta's marine Natura 2000 network encompasses 18 sites and covers over 4,100 square kilometres, equivalent to more than 35% of Malta's Fisheries Management Zone, and was established over a period of 10 years, for the conservation of important habitats and species. The network comprises Special Areas of Conservation, designated for the protection of marine habitats and species pursuant to the EU Habitats Directive, and Special Protected Areas designated for the protection of seabirds under the EU Birds Directive. In 2018, the network was extended, leading to a further three inshore and five offshore areas being proposed for the protection of cave and reef habitats.

Law stated - 4 August 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

Environmental noise is mainly regulated under the Assessment and Management of Environmental Noise Regulations (SL549.37) which define environmental noise as unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic and air traffic, and from sites of industrial activity. The Regulations aim to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. To this end, the Regulations seek to:

- determine the exposure to environmental noise through noise mapping;
- ensure that information on environmental noise and its effects are made available to the public; and
- adopt action plans based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and preserving environmental noise quality where it is good.

Implementation of the regulations is the responsibility of the ERA.

Noise arising from construction activities is also regulated under Maltese law. In terms of the Construction Management Site Regulations (SL623.08), construction activity generating noise may only be carried out during certain hours of the day or week. The Regulations also prescribe the permissible noise levels.

Vibrations are, in effect, regulated under the Industrial Emissions (Framework) Regulations (SL549.76) and are included in the definitions of "pollution" and "emissions"; and odours are controlled by the competent authorities through general permitting requirements, including trading licences and environmental permits.

Law stated - 4 August 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

Liability for environmental damage may be imposed through various regimes. Liability may be civil, administrative or criminal. Generally, in terms of the EPA, it is an offence to carry out any activity or operation affecting the environment without a permit. Likewise, failure to comply with the conditions of a permit is also an offence. However, in cases of breach, the competent authority may choose to take administrative action such as the issuance of fines and enforcement notices.

Administrative liability is mainly governed by the Prevention and Remedying of Environmental Damage Regulations (SL549.97), which establish a framework of environmental liability based on the polluter pays principle, to prevent and remedy environmental damage. Environmental damage is defined as damage to protected species and natural habitats, damage to water and damage to land.

The Regulations impose strict liability on operators for environmental damage resulting from any of the occupational activities listed in Schedule III. Operators carrying out other occupational activities than those listed in Schedule III are liable for fault-based damage to protected species or natural habitats. However, establishing a causal link between the activity and the damage is always required. The Regulations impose the following obligations on operators responsible for the damage (or immediate threat thereof):

- prevention in the case of an imminent threat of damage;
- immediate limitation measures; and

- remediation measures, including primary, complementary and compensatory remediation.

The Crimes Against the Environment Act imposes criminal liability on persons carrying out activities that breach specific environmental legislation. The Act criminalises activities that cause significant harm or risk to the environment and human health, including:

- the illegal emission or discharge of substances into air, water or soil;
- the illegal trade in wildlife;
- the illegal trade in ozone-depleting substances; and
- the illegal shipment or dumping of waste.

General principles of civil law may also be relied upon in instances of environmental damage. Persons may be held liable in tort for damages caused towards a third party who actually suffers a related loss. Under the Maltese legal system, compensation can be sought for material (or real) damage or loss, including loss of future profits, by the person who suffers the harm.

Law stated - 4 August 2026

Environmental taxes

11 | Is there any type of environmental tax?

Malta has introduced a number of fiscal instruments, mainly environmental taxes, to discourage the use of environmentally damaging activities such as the burning of fossil fuels, while promoting other alternative and more efficient energy sources. Overall, these taxes can be grouped into three categories: energy, transportation, and pollution and resources. In terms of energy, the taxes comprise:

- carbon taxes and taxes on energy products for transportation such as diesel and petrol;
- taxes on energy products for stationary use (coal, oil products, electricity, natural gas); and
- taxes on greenhouse gases.

With respect to transport, taxes comprise road usage tax and taxes on the import, sale and registration of motor vehicles. Policies allowing favourable tax rates for lower emission levels have been implemented. The rate of registration tax levied varies depending on the carbon dioxide emission value and age of the vehicle, among other contributing factors. The Annual Circulation Tax also takes into account the age of the vehicle and specifications such as vehicle weight or engine capacity, depending on the type of vehicle in consideration.

To incentivise cleaner modes of transport, tax rebates exist for purchases of bicycles and electronic bicycles. Additionally, plug-in hybrid vehicles with an electric range of not less than 50km will be exempt from the payment of registration tax. The annual circulation

licence fee shall remain free of charge for the first five years for the same category of vehicles.

Law stated - 4 August 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

Sectors of industry covered by the Emissions Trading System (ETS) are subject to reporting obligations. Under the ETS regime, installation and aircraft operators must submit a monitoring plan describing the measures by which annual emissions from the installation will be monitored and reported. The monitoring plan must be approved by the national competent authority and will serve as the accepted methodology for monitoring in that installation. On an annual basis, the operator of the installation must submit verified emissions reports to the competent authority. The reports must first be verified by a competent, independent accredited verifier before being submitted to the competent authority. A verification report issued by the verifier must accompany the emissions report when this is submitted to the authority.

ESG reporting is not yet a regulatory requirement under Maltese law. However, this will change with the adoption of the Corporate Sustainability Reporting Directive (CSRD) by the EU, which will apply to all member states, including Malta. The CSRD, which was adopted at EU level in January 2023, will require certain large companies to report on sustainability from 2024, while listed small and medium-sized enterprises (SMEs) will have until the 2026 financial year to comply.

The EU Commission set in place compulsory reporting requirements for large companies, of which there are approximately 50,000 in Europe. A large company is defined as fulfilling two of these three criteria: €40 million in net turnover, €20 million in assets or 250 or more employees. Separate, proportionate standards will be introduced for listed SMEs, which will have to report in a like manner.

It must be noted, however, that at present, there is a non-financial reporting obligation on large public interest companies with more than 500 employees. This obligation stems from the Non-Financial Reporting Directive (Directive 2014/95/EU), which was transposed into Maltese law through an amendment to the Maltese Companies Act (Chapter 386 of the laws of Malta).

Law stated - 4 August 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

National environmental policy covers all environmental sectors and natural resources, including air, waste, water, land, soil, climate, biodiversity, coastal and marine areas, noise, chemicals and mineral resources. It covers, but is not restricted to, obligations stemming from the European Union environment acquis. The Environment and Resources Authority has formulated and implemented several policies and action plans to serve as a framework to guide environmental protection initiatives and to support the various legislation.

Law stated - 4 August 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

The primary legislation governing hazardous activities is the Control of Major Accident Hazards Regulations (SL424.19), which implements Directive 2012/18/EU (COMAH). The COMAH regime regulates the use of dangerous substances rather than specific activities, and primarily aims to regulate those sites that store, produce or make use of dangerous substances in sufficient quantities and that could constitute a serious health, safety or environmental risk. It predominantly applies to chemical and petrochemical-related activities, and fuel storage and distribution.

There are no licensing requirements for operators carrying out activities covered by these Regulations; however, operators are required to notify the competent authority of the activities carried out in the establishment, specifying the dangerous substances present and the quantities of each substance. Operators are also required to describe the immediate environment of the establishment and factors likely to cause a major accident or to aggravate the consequences thereof including, where available, details of neighbouring establishments.

Management of hazardous waste, as well as the transport of hazardous substances, are governed by specific regimes.

Law stated - 4 August 2026

Regulation of hazardous products and substances

15 | What are the main features of the rules governing hazardous products and substances?

With regard to hazardous products and substances, regulations are aimed at protecting the environment and creating common standards to protect consumers, ensuring the free circulation of goods among member states without damage to the environment or human health. In fact, the Dangerous Substance Regulations (SL427.14) were issued under the Product Safety Act (Chapter 427). The Regulations define substances as chemical elements and their compounds in the natural state or obtained by any production process. Further, the Regulations list a number of substances that are considered to be 'dangerous',

such as explosive and extremely and highly flammable substances and preparations. The main obligations on the importer and producer under these Regulations relate to labelling and packaging.

Maltese legislation concerning hazardous products and packages is mainly made up of EU Regulations, namely Regulation (EC) No. 1272/2008 on the classification, labelling and packaging of substances and mixtures (as amended by Commission Regulation (EU) 2018/1480 for the purpose of its adaptation to technical and scientific progress); and Regulation (EC) No. 1907/2006 on the registration, evaluation, authorisation and restriction of chemicals (REACH). The latter is designed to ensure a high level of protection of human health and the environment from risks that can be posed by chemicals. REACH makes the industry responsible for assessing and managing the risks posed by chemicals and providing appropriate safety information to their users.

Other potentially dangerous and hazardous substances, such as pesticides, explosives and fertilisers, are regulated under Maltese law by substance-specific legislation.

Law stated - 4 August 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

Health and Safety legislation sets out general duties on employers to safeguard the health and safety of employees in the workplace. Among other duties, employers are required to assess and review work-related risks faced by employees, and put in place preventive and protective measures. Additional health and safety regimes exist for specific activities such as underground mineral extraction and construction activity.

The COMAH regime also applies to prevent major accidents in the workplace. Operators of upper-tier establishments are required to prepare safety reports, establish safety management systems and emergency plans. The competent authorities also have various obligations directly related to COMAH establishments, such as inspections of the installation and review of the safety report or major accident prevention policy, and obligations relating to emergency planning and land use planning.

Law stated - 4 August 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

The main environmental aspect in M&A transactions would be environmental liability. Where a company acquires shares in another company that would have committed an environmental wrongdoing prior to the acquisition, the acquiring company (as shareholder)

would not, except in very limited circumstances, be liable unless it had also participated in such wrongdoing. The purchaser of the shares does not itself take on the environmental liability of the company.

Consideration should also be given to permitting issues. In a case where a company operates under an environmental permit that risks being revoked by the competent authority due to non-compliance with environmental regulations, shareholders may not want to acquire shares in such company. For this reason, investigations and due diligence exercises should always be carried out to ensure that any environmental-related issues are disclosed prior to the acquisition.

Law stated - 4 August 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

In real estate transactions, issues of possible soil pollution and other environmental considerations would certainly be of interest to a new owner because, although such owner would not be held liable for environmental damage caused prior to the acquisition, the competent authorities could nevertheless, in certain cases, impound the property. In transactions regarding financing, environmental due diligence will, in general, be similar to that of an M&A transaction.

Law stated - 4 August 2026

Environmental aspects in public procurement

19 Do public procurement regulations take environmental protection into consideration?

The Public Procurement Regulations (SL 601.03) do not formulate any absolute environmental criteria. They do, however, provide that the conditions governing the performance of a contract may concern environmental considerations. The Regulations further provide that contracting authorities are to establish technical specifications for public contracts, such specifications may include environmental characteristics. When laying down such environmental characteristics in terms of performance or functional requirements, contracting authorities may use the detailed specifications or parts thereof as defined by European, national or multinational eco-labels or any other eco-label. The contracting authority may be required by the Director of Contracts to provide information to the tenderer or candidate as to its obligations, including those relating to environmental protection that shall be applicable to the works or services executed during the performance of the contract.

Law stated - 4 August 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

The main types of environmental assessment insofar as developments and projects are concerned are the environmental impact assessment (EIA) and the appropriate assessment (AA). These assessments are not licences in themselves, but they do form part of the development permitting process.

The Environmental Impact Assessment Regulations (SL549.46) cover large-scale projects (or activities) likely to have a significant impact on the environment. These activities are listed in Schedule I of the Regulations and include construction of roads and motorways, airports, power plants and wastewater treatment plants, among others. Projects of a smaller scale may be subject to an AA if the site of the development falls within, or is relatively close to, a Natura 2000 or other protected site or area, and is likely to have an adverse effect on the protected site.

Additionally, governmental plans and programmes that are likely to have a significant effect on the environment are subject to a Strategic Environmental Assessment in accordance with the Strategic Environmental Assessment Regulations (SL549.61).

Law stated - 4 August 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

Before consent is granted for a development, a screening process must take place to determine whether the development qualifies for mandatory assessments, such as the AA and the EIA. If an AA is required, the case is processed in accordance with the Flora, Fauna and Natural Habitats Protection Regulations (SL549.44), and if an EIA is required, in accordance with the EIA Regulations (SL549.46). It is important to note that these two assessments are not exclusive of each other and in some cases both may be required.

An AA is required where the proposed development is not directly connected with or necessary to the management of the protected site, and where it appears to the Environment and Resources Authority (ERA) that such activity is likely to have a significant effect on the protected site. The information gathered for this assessment will enable the ERA to make an informed decision as to whether or not to grant development consent. Developments that are relatively complex will usually require detailed assessments. However, it is possible that even with detailed assessments, the impacts remain unclear and therefore cannot be excluded. In this case, a full-blown study, similar to an EIA, would be required. With regard to the actual content of the AA, this would depend very much on the complexity and nature of the activities to be carried out and the location or site of the activities. At the very least, the assessment would have to include a description of the project and the land and marine environments affected by the activities, the elements

of the project that are likely to have environmental impacts, the potential impacts on the habitats and/or species listed in the Schedules to SL549.44, and mitigation measures. Once the relevant information has been gathered and the report is submitted to the ERA, the adverse effects on the integrity of the site have to be assessed by the ERA. If the impact is considered insignificant or likely to be significant or unclear but can be rendered insignificant through mitigation measures, the proposed activity can proceed. If, on the other hand, the mitigation measures are insufficient such that significant impacts would remain, then the proposal may be refused.

With regard to EIAs, all developments listed in Schedule I of the EIA Regulations require either a full EIA or screening in accordance with Schedule III by the ERA, depending on whether they fall within Category I or II. Developments not listed in the Schedule would not require an EIA or screening unless, in the opinion of the ERA, they are likely to have significant impacts on the environment.

Where the ERA indicates that a project or development falls within Schedule I, the permit application must be accompanied by a Project Description Statement in accordance with Schedule II. This provides the ERA with the necessary information to conduct a screening of the proposed development (not falling in Category I – as the latter automatically requires a full EIA) and to decide whether an EIA is required. The decision is communicated to the applicant within 30 calendar days and is made available to the public. Following screening, if a proposed development requires an EIA, project-specific Terms of Reference (TOR) are formulated by the ERA following a 30-day consultation period with government agencies, non-government organisations, affected local councils and the public. These TORs will determine the content of the EIA Report. An EIA coordinator and independent consultants are then appointed by the developer to conduct the studies required and to assess the likely impacts of the environmental parameters established in the TORs. The EIA findings are compiled into an EIA report. Once the report is complete, the developer must publish a notice in local newspapers, informing the public that an EIA report has been submitted to the ERA and is available for public consultation. A digital copy of the report is made available on the ERA's website for a 30-day consultation period. Concurrently, consultation is undertaken with government entities, local councils and NGOs. For Category I projects (those automatically requiring a full EIA), a public hearing is organised at the cost of the developer within or after the consultation period. All comments, queries and requests made during the consultation period and public hearing are referred to the EIA coordinator for a reply, and the EIA report may be revised accordingly. The ERA will examine the final EIA report and prepare its final assessment thereon, which will have a bearing on the decision on whether to approve the development permit or not. Should it be approved, then specific conditions and post-permit monitoring will apply.

Law stated - 4 August 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The Environment and Resources Authority (ERA) is the main body responsible for ensuring compliance with environmental legislation. The ERA's primary functions are to:

- formulate and implement policies relating to the protection and management of the environment, and the sustainable management of natural resources;
- permit, assess, investigate, audit, monitor and take action on any activity, intervention, project, operation or land use that may have an effect on the environment; and
- carry out, review or request others to carry out environmental assessments, environmental audits and environmental monitoring of activities and works having an impact on the environment.

The ERA has the power to revoke or modify any authorisation or permit granted where environmental damage or risk is concerned. Additionally, the ERA has the power to carry out investigations and inspections. The ERA may issue stop notices and compliance orders and may impose administrative fines.

Law stated - 4 August 2026

Investigation

23 | What are the typical steps in an environmental investigation?

Regulatory authorities may monitor and investigate any issues and complaints brought to their attention. In certain cases, the relevant regulator or competent authority will have the power to take any action that it may deem necessary and enforce it in accordance with relevant laws. When an investigation is being carried out, apart from assessing the complaint and the facts of the case, the authorities may also carry out on-site inspections, collect documentation and evidence, carry out inquiries and invite any interested parties to make any submissions. Interim measures may also be invoked to safeguard rights.

Law stated - 4 August 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

Generally, when an administrative decision is to be made, consultation, oral or written, will occur, after which parties are invited to make submissions. The procedures for making such decisions are usually subject to any relevant policies and guidelines that may be issued by authorities.

Law stated - 4 August 2026

Sanctions and remedies

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25 What are the sanctions and remedies that may be imposed by the regulator for violations?

Violations may amount to offences, rendering the offender criminally liable. In such cases, offenders may face imprisonment, revocation of a licence or permit, or a fine. Administrative penalties may also be imposed, as well as warnings or substantial fines, as the situation may be. The range of sanctions and remedies for environmental breaches is broad and includes:

- suspensions or revocation of permits or modification of permit conditions;
- enforcement and stop notices, and compliance orders;
- financial guarantees to secure remediation in the case of environmental damage or loss; and
- step-in powers for competent authorities to carry out remedial works.

Law stated - 4 August 2026

Appeal of regulators' decisions

26 To what extent may decisions of the regulators be appealed, and to whom?

Decisions of public authorities are generally subject to appeal. Decisions as to environment assessments, access to environmental information and the prevention and remedying of environmental damage taken by the ERA, for instance, may be appealed before the Environment and Planning Review Tribunal. From such decisions, further, albeit limited, recourse may be had to the Court of Appeal (Inferior Jurisdiction). It is also possible to have an administrative action reviewed judicially when claimed to be ultra vires.

Recourse may also be had to the ombudsman, which, however, may only result in a recommendation in one's favour.

Law stated - 4 August 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 Are environmental law proceedings in court civil, criminal or both?

Court proceedings concerning environmental law matters may be civil, administrative or criminal, depending on the nature and type of claim. Proceedings must be brought within prescribed time frames.

Law stated - 4 August 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

At the request of an appellant, which must be made simultaneously with the appeal application, the Environment and Planning Review Tribunal (Tribunal) may suspend any development from being carried out pending its decision. Such suspension will be made under terms, conditions and any other measures the Tribunal may deem fit.

The court, in criminal proceedings, is empowered to order imprisonment or may impose fines and penalties. In civil proceedings, it may award damages or order that any wrongful action be remedied.

Law stated - 4 August 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Non-contractual claims would generally be brought under the basic principles of tort found in the Civil Code, while contractual claims could be brought on the basis of breach of contract.

Law stated - 4 August 2026

Defences and indemnities

30 | What defences or indemnities are available?

The general principle at law is that the person liable for any wrongdoing must answer for any damage caused up to that degree. Therefore, all defences provided generally by law shall apply. The statute of limitations in the Civil Code can be used as a defence to an action for damages suffered due to a wrongful act carried out in relation to the environment. Such a claim would be time-barred after a period of two years, which starts to run from the time the wrongful act is committed. In certain cases, set out in the Civil Code, several and joint liability applies, for instance, where two or more persons, acting maliciously, have caused environmental damage.

Defences are also available under the Prevention and Remedying of Environmental Damage Regulations. An operator shall not be held financially liable if he or she proves that the damage was caused by a third party (provided appropriate safety measures were in place), or if he or she proves that the damage resulted from compliance with an order or instruction from a public authority. In addition, the following defences may be invoked in cases where environmental damage results from an event where the operator acted fully in accordance with the conditions of the authorisation; or one that was not considered likely to

cause environmental damage according to the state of scientific and technical knowledge at the time the activity took place.

Law stated - 4 August 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

In cases of civil liability for damage committed by a company or corporate entity, the director or any other officer of the company cannot be held responsible for such damage.

In terms of criminal liability, directors and similar officers may be held personally liable for the offence. However, in such cases, a defence is that the offence was carried out without the director's or officer's knowledge, and that all due diligence had been exercised to prevent the commission of the offence.

Law stated - 4 August 2026

Appeal process

32 | What is the appeal process from trials?

Civil actions and criminal offences can be appealed before the relevant court of appeal. The decision of the latter would be final. Where there is a claim for a breach of a constitutional right, the court may refer the matter to the civil court, having constitutional jurisdiction, to be decided. An appeal from this decision may be brought before the constitutional court.

Law stated - 4 August 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Malta is a signatory to various international environmental treaties, primarily UN conventions, both directly and via the EU. Among the most notable are:

- the International Convention on Civil Liability for Oil Pollution Damage;
- the UN Convention on the Law of the Sea;
- the Convention on the Prevention of Marine Pollution by Dumping of Wastes at Sea and other Matter;
- the Geneva Convention on Long-Range Transboundary Air Pollution;
-

the Basel Convention for the Transboundary Movement of Hazardous Wastes and their Disposal;

- the Vienna Convention on the Protection of the Ozone Layer; and
- the Aarhus Convention on Access to Information and Access to Justice in Environmental Matters.

Law stated - 4 August 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

These conventions influence both Maltese law and policy, so much so that, when ratified, such international treaties or conventions become part of Maltese law.

Law stated - 4 August 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

Environmental law continues to change and evolve as new regulations and policies are adopted and subsequently implemented. At present, the Environment and Resources Authority is formulating the National Strategy for the Environment 2050 (NSE), which seeks to create an overarching framework for Malta's existing environmental strategies and plans. The NSE is built on eight key pillars, referred to as strategic goals. These address traditional environmental facets complemented with pillars that focus on key environmental challenges that Malta faces, while also laying down the road map to enable and empower changes necessary to support the required green transition.

In 2026, Malta consulted on the introduction of a new Extended Producer Responsibility (EPR) scheme for certain non-packaging paper products, including photocopy paper, newspapers and periodicals, advertising and commercial printed materials and various stationery products. The proposed scheme would require producers placing these products on the Maltese market to assume responsibility for the costs associated with their separate collection, transport, treatment, awareness-raising and related data reporting, with obligations to be fulfilled through existing Producer Responsibility Organisations. The measure would therefore extend the financial and organisational responsibilities of producers and importers beyond the waste streams currently subject to EPR in Malta.

Law stated - 4 August 2026



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UPDATE AND TRENDS

Key developments of the past year

LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

Singapore's Environmental Protection and Management Act 1999 (EPMA) serves as the main legislation regulating pollution. Specifically, the EPMA regulates air emissions, water pollution, land pollution, hazardous substances, and noise pollution. The EPMA also governs licenses, pollution control requirements for controlled works, pollution control measures, greenhouse gases, and contains provisions relating to compensation, damages, criminal offences and penalties.

Law stated - 24 August 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

Singapore's National Environment Agency (NEA) has three working groups on environmental protection:

- The Clean Environment Group: responsible for pollution control, from front-end development control and licensing work to downstream environmental monitoring and hazardous substance control.
- The Infrastructure and Engineering Group: oversees all infrastructure planning and development in NEA and serves as NEA's engineering centre of excellence for waste management facilities, hawker centres and after-death facilities.
- The Resource and Sustainability Group: implements regulations, programmes and incentives that serve to mitigate greenhouse gas emissions, ensures sustainable waste-to-resource management systems, and enhances resource efficiency in the public and private sectors.

Law stated - 24 August 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

The EPMA empowers the NEA to issue regulations regarding the pollution of land.

Law stated - 24 August 2026

Regulation of waste

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4 | What types of waste are regulated and how?

The Environmental Public Health Act 1987 regulates waste collection and disposal by setting out laws on public cleansing, waste management, and the district pneumatic waste conveyance system. Hazardous Substances are also regulated under Part 7 of the EPMA and the Hazardous Waste (Control of Export, Import and Transit) Act 1997.

Law stated - 24 August 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

Air emissions are regulated under Parts 4 and 10A of the EPMA, which regulate air pollution and greenhouse gases (GHGs) respectively. In relation to GHGs, the EPMA: restricts the supply of GHG goods (ie, goods that require any greenhouse gas for their use or operation), and requires the registration of suppliers of GHG goods. In addition, the Road Traffic Act 1961 regulates vehicular emissions, the Transboundary Haze Pollution Act 2014 regulates conduct causing or contributing to haze pollution, and the Carbon Pricing Act 2018 (CPA) imposes taxes on heavy emitters of GHGs.

Law stated - 24 August 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Water pollution is regulated under Part 5 of the EPMA, which makes it an offence to cause or permit to be discharged, any trade effluent, oil, chemical, sewage or other polluting matter into any drain or land. In addition, the Public Utilities Act 2001 regulates reservoirs and waterways, and the Prevention of Pollution of the Sea Act 1990 regulates the pollution of the sea and pollution from ships.

Law stated - 24 August 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

The protection of natural spaces and landscapes is regulated under the Planning Act 1998, which designates conservation areas wherein works cannot be carried out without permission.

Law stated - 24 August 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

The protection of fauna is regulated under the Animals and Birds Act 1965, Wildlife Act 1965, and the Endangered Species (Import and Export) Act 2006. The protection of flora is regulated under the Parks and Trees Act 2005 (which provides for the conservation of trees and plants).

Law stated - 24 August 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

Noise pollution is regulated under Part 8 of the EPMA, which regulates noise from construction of building and other works, or from any workplace.

Law stated - 24 August 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

The EPMA contains provisions that deem certain acts and/or breaches of the EPMA to be an offence, and prescribes penalties. Where an offence is committed by a body corporate, both the body corporate and the officer of which the offence is attributable shall be guilty of the offence.

Law stated - 24 August 2026

Environmental taxes

11 | Is there any type of environmental tax?

The CPA imposes taxes on heavy emitters of GHGs when the total amount of reckonable GHG emissions of a business facility has a carbon dioxide equivalence that exceeds an emissions threshold in any year. The Road Traffic Act 1961 also regulates vehicular emissions through vehicular emissions tax.

Law stated - 24 August 2026

Environmental reporting

12 | Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

The CPA sets out reporting requirements for registered persons (ie, persons possessing operational control over business facilities that are heavy emitters of GHGs).

Law stated - 24 August 2026

Government policy

13 | How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

The Singapore Green Plan 2030 sets periodic targets to achieve net zero emissions by 2050. As a result, various amendments were made to the CPA in 2022, including introducing the International Carbon Credits Framework.

Law stated - 24 August 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Activities relating to toxic industrial waste (TIW) are regulated by the Environmental Public Health (Toxic Industrial Waste) Regulations. A list of what constitutes TIW can be found in The Schedule to the Regulations and may be defined as waste that is potentially detrimental to human health and/or the environment based on its nature and quality.

A generator of TIW must, where possible, treat their waste in-house in an approved treatment plant or at a landfill site approved by the NEA. Alternatively, they can engage a licensed TIW collector to collect their waste for treatment and disposal. The collection, storage, treatment and disposal of TIW must comply with the requirements set out in the SS603 Code of Practice for Hazardous Waste Management.

The transport of TIW on Singapore land must comply with the SS586 Specification for Hazard Communication for Hazardous Chemicals and Dangerous Goods. Transport of TIW exceeding the specified quantities in the Regulations require written approval from NEA and must be done at specific timings along approved routes. Transboundary movement of TIW such as the import, export and transit of TIW is further regulated by the Hazardous Waste (Control of Export, Import and Transit) Regulations 1998 and permits from the NEA are required for such activities.

Law stated - 24 August 2026

Regulation of hazardous products and substances

15 What are the main features of the rules governing hazardous products and substances?

The Environmental Protection and Management Act 1999 (EPMA) controls the importation, manufacture, and sale of hazardous substances listed in Part 1 of the Second Schedule of the EPMA. Any person who wishes to conduct such activities must obtain a licence and satisfy certain conditions, such as showing proof of safe storage, passing the Management of Hazardous Substances Course, and possessing the relevant academic qualifications. Further, the importation and exportation of hazardous substances is regulated by the Environmental Protection and Management (Hazardous Substances) Regulations and the Environmental Protection and Management (Ozone Depleting Substances) Regulations.

Law stated - 24 August 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

Where hazardous substances are being stored or transported, the Environmental Protection and Management (Hazardous Substances) Regulations mandate an emergency action plan to be implemented in the event of any spillage, leakage, release, accident or emergency. The emergency action plan must cover off-site impact, identify likely accident scenarios, and be submitted to the Director-General of Environmental Protection for approval, among other requirements. If hazardous substances are accidentally released, immediate actions and mitigants must be taken according to the emergency action plan and reported to the Director-General as soon as practicable.

The Workplace Safety and Health Act 2006 (WSH) places duties on employers to ensure that reasonably practicable measures are implemented to prevent employees from being exposed to hazards at work. Risk assessments should be conducted to evaluate the probability and consequences of injury arising from exposure to hazards and determining that appropriate risk control measures are in place. Information about the safe use of the substances, precautions to be taken, and health hazards associated with the substances, must be made available.

The Workplace Safety and Health (General Provisions) Regulations and Workplace Safety and Health (Major Hazard Installations) Regulations 2017 complement the WSH, setting out specific requirements regarding equipment containing hazardous or dangerous substances and adequate warning notices or labels.

Employers have a duty to report dangerous occurrences, injuries, occupational diseases or death at the workplace to the Commissioner for Workplace Safety and Health as soon as reasonably practicable. Any contravention of the above legislation can result in a fine and/or imprisonment term.

Law stated - 24 August 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

There is no general statutory requirement under Singapore law requiring parties to consider environmental aspects in M&A transactions. In practice, environmental matters may be relevant as part of a buyer's due diligence and risk allocation exercise, particularly where the target's business or assets may be exposed to environmental liabilities.

Law stated - 24 August 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

As with M&A, Singapore law does not generally impose a duty to consider environmental aspects in other transactions.

Law stated - 24 August 2026

Environmental aspects in public procurement

19 Do public procurement regulations take environmental protection into consideration?

Yes. Public procurement in Singapore is regulated by the Government Procurement Act 1997 and its subsidiary legislation, principally the Government Procurement Regulations 2014 (GPR). The GPR provides that a government authority may consider, among other factors, "environmental characteristics" in awarding tenders.

Environmental considerations have also been incorporated into the Singapore government's GreenGov.SG initiative. For example, sustainability criteria are applied in certain public-sector procurement exercises, including large construction and ICT tenders.

Law stated - 24 August 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 Which types of activities are subject to environmental assessment?

Under the Planning Act 1998, any building, engineering works or a material change of use of land, whether industrial or non-industrial, requires planning permission from the Urban Redevelopment Authority (URA). In evaluating an application, the URA considers the project's likely impact on traffic, public health, heritage and the environment. While an environmental assessment does not operate as a licence, planning approvals are granted to development proposals only when they have met the regulatory requirements.

In relation to industrial sites, land occupiers are also required to conduct a JTC Environmental Site Assessment (ESA), an intrusive soil and groundwater investigation, to determine the suitability of the site's intended usage.

Additionally, certain building developments are subject to environmental sustainability requirements under the Building Control Act 1989 (BCA) and the Building Control (Environmental Sustainability) Regulations 2008.

Law stated - 24 August 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

Development proposals are expected to meet existing regulatory standards, including under the Environmental Protection and Management Act 1999 and the Wildlife Act 1965. The URA consults relevant technical agencies to determine whether a detailed environmental study is required, especially for projects near environmentally sensitive areas or those with potential transboundary impact. Any environmental study findings are first considered by the technical agencies in consultation with community stakeholders, and then assessed by Ministry of National Development and URA in relation to the extent of potential impact and adequacy of mitigation measures before planning approvals are granted.

For industrial sites, an entry ESA is required when companies obtain, renew or extend their tenancy, or change usage to include pollutive activities. Additionally, an exit ESA is required upon vacating the site. Such ESAs are conducted by a qualified ESA consultant and typically take four months to complete.

For developments subject to the BCA Green Mark certification requirements, the process involves (1) the submission of supporting documents; (2) assessment of the building's design against Green Mark criteria; and (3) site verification upon project completion before the certificate is issued.

For buildings subject to the minimum environmental sustainability requirements, the environmental sustainability requirements are integrated into the building plan approval process.

Law stated - 24 August 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 | Which authorities are responsible for the environment and what is the scope of each regulator's authority?

Environmental regulation in Singapore is overseen by the Ministry of Sustainability and the Environment, with implementation carried out by statutory boards. The National Environmental Agency is the principal environmental regulator, administering key legislation, environmental licences, and the carbon tax regime. The Public Utilities Board regulates water resources, sewerage, drainage and trade effluent discharges. The Building and Construction Authority oversees environmental sustainability requirements for buildings, including energy-efficiency standards such as the Green Mark Certification Scheme. The National Parks Board administers biodiversity conservation, wildlife and protected-area regulations. The Energy Market Authority regulates the electricity sector and supports decarbonisation initiatives, with powers to issue licences, directions and enforcement penalties.

Law stated - 24 August 2026

Investigation

23 | What are the typical steps in an environmental investigation?

The procedure and powers for environmental investigations depend on the regulator and the applicable legislation. Under the EPMA, the National Environment Agency (NEA) may enter premises, take samples and conduct tests, measurements and examinations to investigate pollution and hazardous-substance matters. The EPMA also empowers the appointed director-general to require remedial works, pollution-control measures and the provision of information, and obliges certain regulated premises to facilitate inspections and testing.

Under the Resource Sustainability Act 2019 (RSA), officers may inspect premises, documents and activities, obtain electronic information, take recordings and seize evidence. PUB officers have similar inspection powers under the Sewerage and Drainage Act. Investigative actions and resulting enforcement decisions may be challenged through statutory appeals or judicial review.

Law stated - 24 August 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

The decision-making process depends on the regulator, the applicable legislation and the nature of the decision. The NEA, for example, may approve or refuse registrations and licences in relation to pest control, public cleanliness and air emissions, and may impose

conditions on approval. Affected parties may have a right to be heard where this is required by statute or the common-law duty of procedural fairness, which generally requires notice of the case against them and an opportunity to respond. Decisions may be challenged through any representations, reconsideration or statutory appeal mechanisms, or by judicial review.

Law stated - 24 August 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

Under the EPMA, the director-general may require remedial measures, including the installation or repair of pollution-control equipment, pollution abatement, clean-up works and the removal of hazardous substances. Violations may attract significant fines and, in some cases, imprisonment. Where no offence-specific penalty applies, the EPMA provides general penalties, including enhanced sanctions for repeat and continuing offences, and courts may order offenders to reimburse enforcement costs.

Law stated - 24 August 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

Under the EPMA, persons aggrieved by licensing decisions, certain notices, orders or pollution-control clearance certificate decisions may appeal to the minister within 14 days, following any prescribed review process. Under the RSA, NEA must give a producer responsibility scheme licensee notice and an opportunity to be heard before revoking a licence, and the licensee may appeal a revocation decision to the minister within 14 days.

Law stated - 24 August 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Proceedings can be civil or criminal.

Law stated - 24 August 2026

Powers of courts

28 What are the powers of courts in relation to infringements of environmental law?

In criminal actions, courts can impose penalties prescribed by statute, which generally include fines and/or imprisonment. For example, a general worker was fined S$8,000 for disposing household and renovation waste at an unauthorised spot. Some offences (eg, littering) attract corrective work orders.

In civil matters, courts may grant interim relief (eg, injunctions), and/or final remedies such as damages, permanent injunctions, and/or specific performance.

Law stated - 24 August 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Yes. Claims regarding infringements of environmental law may arise where a party breaches contractual obligations, such as obligations relating to environmental impact assessments or regulatory compliance. In *Animal Concerns Research & Education Society v ANA Contractor Pte Ltd and another,* the claimant engaged a contractor to construct a shelter, who used woodchips as landfill. The woodchips caused environmental contamination and resulted in loss to the claimant, in breach of the contract between the claimant and the contractor.

Claims may fail, however, in the absence of contractual or other relationships. In *Ok Tedi Fly River Development Foundation Ltd and others v PNG Sustainable Development Program Ltd*, the respondent held shares in a mining company whose operations outside Singapore harmed surrounding communities. The court rejected the communities' fiduciary duty claim: given the specific contractual framework the respondent was in, it was untenable that the respondent owed separate and equivalent fiduciary duties to the communities absent any contractual relationship between them.

Tortious claims may arise where pollution or environmental damage is caused negligently. In *Animal Concerns Research & Education Society v Tan Boon Kwee*, the claimant successfully sued the site supervisor in negligence after the court found that he owed and breached a duty of care that resulted in pollution and loss to the claimant.

In addition, statutes such as the Transboundary Haze Pollution Act 2014 may impose statutory duties, the breach of which can give rise to civil liability.

Law stated - 24 August 2026

Defences and indemnities

30 | What defences or indemnities are available?

Available defences depend on the offence or claim. For instance, civil claims may be subject to statutory limitation periods, but not criminal offences. For claims in negligence, defendants may rely on contributory negligence. Some environmental offences attract strict

liability, and defences relating to state of mind are not applicable. Parties may allocate liability or provide indemnities contractually.

Law stated - 24 August 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

The officers of a body corporate may avoid criminal liability for offences committed by the body corporate under the Environmental Protection and Management Act by showing that the offence took place without their consent or knowledge, and is not attributable to any act on their part.

Law stated - 24 August 2026

Appeal process

32 | What is the appeal process from trials?

Appeals generally require a notice of appeal filed and served within a stipulated deadline, and, in some cases, leave of court.

Civil matters may involve up to three levels of appeal, depending on where the matter was initiated and the issues involved. A decision of the State Courts may be appealed to the General Division of the High Court; a further appeal may then lie to the Appellate Division of the High Court or, for certain prescribed categories, the Court of Appeal. In exceptional circumstances, a further appeal may lie from the Appellate Division to the Court of Appeal, which is the apex court in Singapore in most cases, such as where it raises a point of law of public importance.

Criminal cases generally only have one tier of appeal. However, the Court of Appeal has the inherent power to reopen a concluded criminal appeal where there is sufficient material to show a miscarriage of justice.

Law stated - 24 August 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

In relation to chemical and hazardous waste, Singapore is a party to the Basel Convention on transboundary movements of hazardous wastes, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on prior informed consent for

hazardous chemicals and pesticides, the Minamata Convention on Mercury, and the Montreal Protocol on Substances that Deplete the Ozone Layer.

In the area of radiation and nuclear safety, Singapore is a party to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment.

In relation to biodiversity conservation, Singapore has also acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and ratified the Convention on Biological Diversity.

Law stated - 24 August 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

The Basel Convention is given effect through the Hazardous Waste (Control of Export, Import and Transit) Act 1997, which makes express reference to the Basel Convention. Additionally, the Act empowers the Minister to make regulations to give effect to the Convention and to any accepted amendment or protocol.

Singapore also gives effect to CITES through the Endangered Species (Import and Export) Act 2006. The Act regulates the import, export and transhipment of listed species and implements Singapore's obligations under CITES to prohibit trade in specific species listed therein.

Law stated - 24 August 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

Singapore’s environment law landscape appears to be moving from disclosure-based obligations to mandatory operational compliance. For example, the Coastal Protection and Other Amendments Bill passed in March 2026 requires landowners and long-term lessees of prescribed coastal segments to implement coastal protection measures by stipulated deadlines. Non-compliance may attract fines of up to S$200,000 and/or imprisonment of up to two years.

Singapore is also supporting carbon markets and low-carbon technologies through new guidance and funding initiatives, such as the S$800 million investment under the Decarbonisation Research, Innovation and Enterprise Grand Challenge announced in Budget 2026, and the publication of the Guidance on the Role of Carbon Credits in Corporate Decarbonisation in October 2025.

Law stated - 24 August 2026

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UPDATE AND TRENDS

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LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

The Framework Act on Environmental Policy is a framework statue that governs individual environmental statutes and sets forth the major principles regarding environmental policy. These principles consist of the responsibility of the national and local governments to establish and implement environmental plans, the responsibility of businesses to participate in and cooperate with environmental conservation policies, and the obligation to cooperate with citizens' environmental rights and environmental conservation policies.

Environmental pollution offences follow the provisions on punishment set forth in each individual statue (eg, Water Environment Conservation Act, Clean Air Conservation Act, etc) as a matter of principle, and in cases where the degree of pollution is severe, there is aggravated punishment in accordance with the Act on the Control and Aggravated Punishment of Environmental Offenses (Environmental Offenses Control Act). For example, if a business operator illegally discharges wastewater in the course of their business, they will be punished according to the Water Environment Conservation Act, but if the illegal discharge results in pollution to an ocean or river beyond a set standard, then they would be subject to aggravated punishment in accordance with the Environmental Offenses Control Act.

In terms of liability for environmental pollution, the Act on Liability for Environmental Damage and Relief Thereof (Environmental Damage Relief Act) sets forth the liability of a business for its pollution emitting facilities in accordance with the principle of having the polluter take responsibility, and claims can also be brought against a polluter through tort liability under the Civil Act. There is also the possibility of having the relevant committee mediate an environmental dispute between parties in accordance with the Act on Environmental Dispute Mediation and Environmental Damage Remedy (Environmental Dispute Mediation Act).

Law stated - 12 August 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

From the 1990s, individual statutes regarding the land, water, and air addressed pollution in their respective areas, but in order to adopt an integrated approach to the management of the environment, the Act on the Integrated Control of Pollutant-Discharging Facilities (Environmental Pollutant Facilities Act) was enacted in 2015. The purpose of this Act was to integrate and manage existing facilities that discharge pollutants on a per-site basis, as opposed to the previous method where approvals were conducted on a pollutant basis.

In accordance with the Environmental Pollutant Facilities Act, integrated permits from the Ministry of Climate, Energy and Environment (MCEE) are required for businesses

in 20 industries that have a significant impact on the environment, including those in the waste disposal, chemical product manufacturing, steel manufacturing, and electronic and automobile parts manufacturing industries, that generated more than 20 tons of air pollutants annually or discharged more than 700m^3 of wastewater per day

Businesses that are not subject to such integrated permits must obtain approvals in accordance with the individual statues on each type of pollutant.

Law stated - 12 August 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

The Soil Environment Conservation Act, which was enacted in 1995, applies with respect to soil pollution. This act mainly covers soil contamination investigation, designation of an entity responsible for clean-up, establishment of soil conservation plan, and continuous measurement and management of contamination levels. Specifically, the government issues order to perform a detailed soil analysis and remediation, and to clean-up such contamination if the contamination that exceeds the standard for concern is found. Such liability for soil pollution under this act rests with (1) the entity that caused the soil pollution, (2) the owner, controller, or operator of the facility that caused the pollution, and (3) the entity that had owned, or is currently owning or controlling, the land where the pollution occurred.

In addition, if harm was caused as a result of soil pollution, then the entity that caused such pollution has a duty to provide compensation and remediation.

Law stated - 12 August 2026

Regulation of waste

4 | What types of waste are regulated and how?

The Wastes Control Act defines waste as "garbage, burnt refuse, sludge, waste oil, (…) which have become no longer useful for human life or business activities", and further defines specific types of wastes and sets standards on handling them. Business operators bear greater obligations to businesses that operate pollutant emitting facilities or sites that emit waste beyond a certain level, and businesses that emit certain designated waste (eg, medical waste), have a duty to report before or after the emission of said waste.

The Framework Act on Resources Circulation was enacted in 2016 and then comprehensively revised in 2022 as the Act on Promotion of Transition to Circular Economy and Society, laying the foundation for the promotion of circular use at all stages of product production, distribution, and consumption. In addition, specific obligations are imposed on manufacturers, etc through individual laws. For example, under the Act on the Promotion of Saving and Recycling of Resources (Resource Recycling Act) manufacturers have a

duty to recycle beyond a certain scope, and are subject to recycling fines if this duty is not performed.

Law stated - 12 August 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

The Clean Air Conservation Act regulates the emission of air pollutants from sites by requiring installation permits for facilities that emit air pollutants and the installation of facilities to prevent air pollution. The statute also sets emission standards and imposes fines when said standards are violated.

In terms of greenhouse gases (GHG), the Act on the Allocation and Trading of Greenhouse-Gas Emission Permits (Emission Permit Trading Act) applies. Its goal is to manage GHG emission, allowing them to emit them up to their allocation, and to evaluate the actual GHG emissions so that excess allocation can be traded to other businesses. The Emission Permit Trading Act was also amended for the fourth trading period (promulgated on 28 October 2025 and effective from 29 April 2026). This amendment introduces grounds to cancel the designation of a company subject to allocation if its emissions decrease significantly, removes the cap on penalty surcharges (100,000 won per ton) for failing to submit emission permits, and prohibits unfair profit-making, such as price-fixing, in the emission permit market.

Law stated - 12 August 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Rivers, lakes, coastal waters, and other waters used for public purposes are managed in accordance with the Water Environment Conservation Act. The government manages the quality of public waters, and requires separate permission for the occupation of public waters. Wastewater emission is strictly prohibited for public waters, and violations are subject to criminal prosecution.

Water source and supply is generally managed by the government, however, developing spring water or groundwater by private entity may be allowed with certain approvals. When attempting to manufacture drinking spring water in particular, a separate environmental impact study is required.

The River Act is of particular relevance to the proper management of rivers. The River Act provides for the designation, management, use, and conservation, etc, of rivers for the promotion of benefits of river use, the environmentally friendly maintenance and conservation of rivers in consideration of the ecological water environment and the prevention of any flood damage caused by climate change, etc. River zones shall be secured as state property or public property. In addition, any person seeking to carry out

river works, to occupy land or other property within a river zone, to use river water, or otherwise to engage in specified acts that may hinder the preservation and maintenance of rivers shall obtain permission from the river management authority. The River Act also prohibits specified acts that obstruct the flow of a river or cause pollution thereof, such as impounding the flowing river water or dumping soil, stones, tree debris, etc, into a river. Violations of these restrictions may result in criminal punishment.

For deep seawater, such development may only be carried out in designated intake areas according to the Development and Management of Deep Sea Water Act and a separate licence is required.

Law stated - 12 August 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

The Natural Environment Conservation Act designates areas that require special conservation of their ecology or scenery as ecological and scenery conservation areas, which limits acts that may harm the conservation of the natural environment, such as the construction of structures.

The Land Planning Act categorises land use into urban areas, control areas, agricultural and forest areas, and natural environment conservation areas, with each area being restricted in terms of how the land can be used. For example, in natural environment conservation areas, the construction of buildings is restricted with the exception of some buildings not causing water pollution or damage to the landscape such as farms, fisheries and elementary schools, while in agricultural and forest areas, a wider variety of buildings can be constructed such as power generation facilities, warehouses, etc.

Law stated - 12 August 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

In 2012, the Act on the Conservation and Use of Biological Diversity was enacted in order to promote the comprehensive and systematic conservation of biodiversity and sustainable use of biological resources while also setting forth the matters related to the implementation of the Convention on Biological Diversity. When biodiversity is seriously impacted by a natural disaster or development, emergency measures (eg, emergency restoration) may be taken. In contrast, introduced organisms are managed by evaluating their risk and accordingly designating them as either ecosystem disruptors or organisms of concern, thereby limiting their importation, etc.

The Wildlife Protection and Management Act sets forth conservation measures by classifying endangered wildlife into Class I, Class II and internationally endangered

species, and designates special protection districts for wildlife where development is restricted in order to conserve endangered wildlife.

Law stated - 12 August 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

The Noise and Vibration Control Act was enacted to properly manage noise and vibration while preventing harm from the noise and vibration caused by factories, construction sites, roads, railways, etc. To construct facilities that generate noise and vibration, a prior report must be made, and preventative facilities must be installed. When operating facilities that generate noise and vibration, the relevant emission standards must be followed. These emission standards vary depending on the type of noise or vibration, the area, the time of day, etc. For example, there are strict standards for factory noise in residential areas during nighttime, while the standards are relaxed in industrial areas during daytime. Violations may result in a suspension of business or even an order to close in severe cases.

The Malodour Prevention Act defines malodour as an odour that causes displeasure and disgust to people by stimulating their olfactory sense with pungent substances. Certain areas may be designated as malodour control areas (eg, industrial complex where malodour complaints occur en masse). Those who wish to install facilities that generate malodour within such an area must report such to the local government. Much like noise, etc, the allowable emission standards vary depending on the malodorous substance and area.

Law stated - 12 August 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

The Framework Act on Environmental Policy sets forth the principles of having polluters bear liability and beneficiaries bear some of the costs. This means that any entity that causes environmental pollution or environmental damage due to its business or activities shall be liable for recovering and restoring the polluted or damaged environment, as well as bearing the expenses incurred in restoring the damage resulting from the environmental pollution or environmental damage. In addition, if an entity other than the state or local government obtains significant benefits from an environmental conservation project, said beneficiary may be required to bear all or part of the cost of the environmental conservation project in question.

The Environmental Damage Relief Act defines environmental damage as damage that is inflicted on the life, body or property of any other person by air pollution, water pollution (…) that occurs from installing and operating a facility (pollution-emitting facility, waste handling facility, etc). When environmental damage results from the installation or operation of such

facility, the business owner of the facility is liable for the damage. In such cases, if it was significantly likely that the facility would cause environmental damage, a causal relationship is presumed and the business owner is subject to strict liability.

Amendments to the Environmental Damage Relief Act and its subordinate regulations took effect from 12 May 2026. The amendment places the environmental liability insurance system under the administration of MCEE, reflects the results of environmental safety management surveys in calculating insurance premiums, and introduces a legal basis for environmental damage reserves against large-scale pollution incidents. In particular, insurers are required to accumulate an environmental damage reserve, at a rate prescribed by Presidential Decree within the scope of the net premiums of environmental liability insurance, in preparation for the payment of insurance proceeds arising from the risk of large-scale environmental damage.

Law stated - 12 August 2026

Environmental taxes

11 | Is there any type of environmental tax?

The Traffic, Energy and Environment Act imposed a temporary tax only on gasoline and diesel. The entities that manufacture and export gasoline and diesel are the payers, and the period of validity of this tax has been extended to 31 December 2027.

There are systems in place for charges such as water quality improvement charges, sewage source charges, water use charges, discharge charges, environmental improvement charges and waste disposal charges.

The costs associated with carbon emissions are also expected to increase under the National Emission Permits Allocation Plan for the fourth trading period (2026–2030), which was finalised in November 2025. Under this plan, the paid allocation ratio for the power generation sector will be raised to 15% in 2026 to 50% in 2030 (ie, 15% in 2026, 20% in 2027, 30% in 2028, 40% in 2029, and 50% in 2030). For the non-power generation sector, the paid allocation ratio will increase to 15%, except for sectors exposed to carbon leakage and certain special industries, which will continue to receive free allocations. The total emission cap was also reduced by approximately 16.8% compared to the third trading period.

Law stated - 12 August 2026

Environmental reporting

12 | Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

Individual statutes set forth their own reporting obligations. For example, under the Emission Permit Trading Act, businesses that are allocated GHG emission permits must prepare a statement on the actual GHG emissions of all of their business sites in the

relevant year based on their emissions calculation plan and report this statement to the competent authority. Under the Energy Use Rationalization Act, energy-intensive businesses whose energy usage exceeds the standard must report their quarterly energy usage, product production volume, energy use rationalisation performance, and quarterly plans to the local governors who have jurisdiction over the area where their facilities are located.

Individual environmental statutes also set forth obligations to measures and report pollutants. For example, a business that operates facilities that emit air pollution must self-measures pollutants at least twice a year and submit the results to the relevant local governor.

Mandatory sustainability (ESG) disclosure has now been institutionalised. In February 2026, the Korea Sustainability Standards Board (KSSB) adopted the final Korean sustainability disclosure standards, which are modelled on the standards of the International Sustainability Standards Board, and the Financial Services Commission published a draft roadmap for phasing in the disclosure obligation. On 8 July 2026, the government and the ruling party announced the final institutionalisation plan, which accelerates and broadens the draft.

Under the final plan, mandatory disclosure will start with KOSPI-listed companies whose consolidated assets are 10 trillion won or more. The companies will be required to make sustainability disclosures from fiscal year 2027, to be disclosed in 2028. The threshold will be lowered to 5 trillion won in 2029, with a further expansion to 2 trillion won to be reviewed for 2030. Disclosures will take the form of statutory disclosures in business reports from the outset, and an amendment bill to the Capital Markets Act is to be prepared within 2026. For the first three years, liability under the Capital Markets Act will be comprehensively exempted except for intentional greenwashing, third-party assurance will become mandatory from 2030, and the disclosure of Scope 3 emissions will be deferred for three years for each group of covered companies.

Law stated - 12 August 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

The Ministry of Environment, which had been the ministry that handled the environment related matters, was expanded and restructured into MCEE as of 1 October 2025. Previously, the Ministry of Environment's climate policy and the Ministry of Trade, Industry and Energy's energy policy were pursued separately, but the integrated ministry is now able to consistently advance its response to the climate crisis and expansion of renewable energy. Accordingly, the Korean government is strengthening its climate and energy-focused policies regarding environmental issues, and during the first parliamentary audit of MCEE in 2025, the minister designated energy transition, climate disaster response, and environmental rights protection as its three core policy priorities.

In addition, the presidential 2050 Carbon Neutrality and Green Growth Commission was reorganised into the National Climate Crisis Response Commission on 1 January 2026 pursuant to an amendment to the Framework Act on Carbon Neutrality and Green Growth. Its mandate now covers not only carbon neutrality but also climate change prediction and climate disaster response.

Law stated - 12 August 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Work involving high-pressure gas, electrical equipment, construction machinery, etc, is classified as hazardous work and is allowed to be performed only by persons with the proper qualifications, licences, experience and capabilities. Employers must not permit unlicensed persons to perform hazardous work and violations may be subject to criminal prosecution.

Law stated - 12 August 2026

Regulation of hazardous products and substances

15 | What are the main features of the rules governing hazardous products and substances?

The storage, manufacture, import, handling, and other activities involving hazardous materials, chemical substances, and other hazardous products and substances are regulated under individual statutes according to the type of substance such as the Act on the Safety Control of Hazardous Substances (Hazardous Substances Control Act), the Chemicals Substances Control Act, and the Act on Registration and Evaluation of Chemical Substances (Chemical Registration and Evaluation Act).

Under Hazardous Substances Control Act, hazardous substances are defined as substances with properties such as flammability or ignitability, and are classified as oxidising solids, combustible solids, pyrophoric substances and water-reactive substances, flammable liquids, self-reactive substances and oxidising liquids. Hazardous substance facilities such as manufacturing and storage facilities may be installed with the proper permits.

The Chemical Registration and Evaluation Act classifies chemical substances into toxic substances, substances subject to permission, restricted substances and prohibited substances according to their harmfulness, and imposes an obligation to register chemical substances in advance when manufacturing or importing chemical substances.

The Chemical Substances Control Act designates and controls chemicals that pose a high acute hazard, have explosive properties, or have similar characteristics that have a

high likelihood of causing a chemical accident or are likely to cause extensive damage in the event of a chemical accident as substances requiring preparation for accidents. Substances that are harmful to human health or the ecosystem are classified and controlled as hazardous chemical substances. To operate hazardous chemical substances business (eg, manufacturing, sales, etc), operators must obtain a prior business permit under the act and comply with the standards on handling such substances. In addition, operators must prepare and submit a chemical accident prevention management plan and fulfil obligations including the appointment of a hazardous chemical substance manager and safety training. When selling hazardous chemical substances, there is an obligation to display hazard/risk statements and precautionary statements on the containers or packaging of such hazardous chemical substances, and to notify purchasers of designated matters including restrictions on use and standards for handling the substance in question.

Under an amendment to the Chemical Substances Control Act promulgated on 7 April 2026, no person may display or advertise any information indicating that a hallucinogenic substance (ie, substances such as toluene and butane gas that are prone to inhalant abuse) or a product containing such substance may be used for the purpose of inducing excitement, hallucination, or anaesthesia, or any information as to the method of such use, nor post any such information on an information and communication network. The MCEE may investigate whether any such display, advertisement, or posting has been made, and may order a violator to take necessary measures such as disposal or removal, or request the relevant authorities to take necessary measures such as deletion of the posting. A violation is punishable by imprisonment for up to six months or a fine of up to 5 million won. The amended provisions take effect on 8 October 2026.

Law stated - 12 August 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

In terms of industrial accidents, the Occupational Safety and Health Act (OSHA) and the Serious Accidents Punishment Act (SAPA) apply. In particular, OSHA defines chemical substances and physical agents that cause health impairment to workers as ‘hazardous factors’ and establishes standards for the classification of hazardous factors through subordinate statutes, requiring the evaluation and management of the hazards and risks that such factors pose to workers’ health.

Under OSHA, employers are required to maintain workplace exposure concentrations of hazardous substances, including carcinogenic materials and other agents that may cause serious health impairments, at or below the permissible exposure limits.

If three or more cases of occupational illness such as acute poisoning occur within one year due to the same hazardous factor, this constitutes a serious industrial accident under SAPA. If a business owner fails to fulfil their duty to ensure safety and health, they shall be subject to imprisonment for not more than seven years or a fine not exceeding 100 million won, and under the joint penalty provisions, the relevant corporation or institution shall be subject to a fine.

Law stated - 12 August 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

In connection with an M&A transaction, there is no statutory or legal requirement to consider or reflect environmental matters as a mandatory component of the transaction. However, in practice, where an acquisition involves an environmental business, it is essential to take into account any legal and regulatory issues relating to environmental matters. For example, sites that emit pollutants such as air pollutants and water pollutants are subject to licensing requirements regarding their facilities. When acquiring or merging with a company that operates such facilities, it is necessary to verify that the requisite permits and licenses are in place and that there are no defects in terms of the validity of such permits and licences. Further, violations of permit compliance requirements may result in operational risks, including business suspension or closure of facilities. As such, it is advisable to conduct due diligence in advance to identify any compliance violations before the transaction.

In case of a simple stock acquisition, no special procedures such as change permits are required. However, in the event of a merger, the rights and obligations related to the existing business operator's licences and permits are transferred to the successor entity, and procedures for changing the name on the relevant licences or permits may be required. Therefore, the relevant procedures must be checked in advance, especially in the case of a merger transaction.

Law stated - 12 August 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

In general, there is no statutory or legal requirement to consider or reflect environmental matters as a mandatory component of the transaction. However, in practice, important environmental factors may vary depending on the specific nature of the transaction. For instance, environmental issues have become particularly significant in real estate transactions and development projects. As the Soil Environment Conservation Act states that it is not only polluters, but also landowners that are subject to administrative orders, the purchaser may be subject to a remediation order as an owner of the land if unexpected soil contamination is discovered on purchased land. Remediation typically requires several months or more, creating the risk of damages from project delays and soil remediation costs that may reach hundreds of millions of won. In particular, when project financing is utilised for real estate development, the financial costs stemming from such delays are

substantial; accordingly, parties must exercise due diligence regarding soil contamination risks in real estate transactions.

Law stated - 12 August 2026

Environmental aspects in public procurement

19 | Do public procurement regulations take environmental protection into consideration?

Since 2010, the Public Procurement Service has operated a minimum green standard procurement system to support carbon neutrality and the development of green industries. This system incorporates standby power consumption, energy efficiency ratings, renewable energy equipment certification, environmental labelling certification, GHG emissions levels, and recycled product requirements into procurement specifications, permitting entry into the procurement market only upon compliance with these established criteria.

In the case of environment-related public procurement (eg, the selection of waste disposal contractors), a history of administrative sanctions such as business suspension orders for violations of environmental regulations may be taken into consideration during the public bidding process.

Law stated - 12 August 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

Environmental impact assessments primarily cover development projects such as urban development projects, industrial site and industrial complex development projects, energy development projects and port construction projects, which must perform environmental impact assessments. Even if a project is not subject to an environmental impact assessment under relevant statutes, an environmental impact assessment may nevertheless be required pursuant to the municipal ordinances of the relevant city or province.

Law stated - 12 August 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

Environmental impact assessments can be broadly divided into the following stages: preliminary preparation, preparation of the assessment report, consultation on the assessment report and notification of results of consultation.

- In the preliminary preparation stage, the project proponent (ie, business operator for such project) must prepare an assessment preparation document to determine the areas subject to the environmental impact assessment, alternatives for environmental conservation measures, and the assessment items, scope and methodology prior to conducting the assessment.
- Once the assessment items are determined, the project proponent prepares a draft environmental impact assessment report in accordance with such items, solicits public comment from residents and publicly discloses the results of such consultation.
- When the project proponent submits an assessment report to the approving authority, the approving authority requests consultation with the Ministry of Climate, Energy and Environment (MCEE), that serves as the consultative authority. MCEE reviews the contents of the report and may, where necessary, seek opinions from expert institutions or commission field investigations. MCEE can request supplementation and adjustment of the project plan up to two times during the review process.
- Once the review is completed, MCEE notifies the approving authority of the results of the consultation; these results consist of approval, disapproval or conditional approval. If there is disapproval, the project may not proceed, and if there is conditional approval, the project may proceed only when the specified conditions are met. These results are promptly notified to the project operator.

Law stated - 12 August 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

Environmental regulation is overseen by the Ministry of Climate, Energy and Environment (MCEE) as the competent authority, with the four regional river basin environmental offices and local environmental offices that are under its jurisdiction being responsible for implementing related regulatory measures. Specifically, the environmental monitoring units within these environmental offices are responsible for conducting special supervision, inspections and investigations of environmental violations involving facilities that emit environmental pollution.

Permits and administrative sanctions for facilities that emit environmental pollution are also within the authority of MCEE; however, such authority is delegated to the heads of local governments such as provincial governors and mayors/county heads/district heads.

Law stated - 12 August 2026

Investigation

23 | What are the typical steps in an environmental investigation?

In accordance with applicable statutes and regulations, public officials are authorised to enter facilities or business premises with unlawful emission to collect samples of pollutants or to inspect relevant documents, facilities, equipment, and other materials for the purpose of verifying whether there have been violations of environmental statutes. They may direct businesses to submit necessary reports or provide requested documentation. Failure to comply with a regulatory agency's request for reporting or submission of data may result in the imposition of administrative fines.

Administrative decisions may be filed based on the results of investigations, which can be challenged by administrative appeal or litigation.

Law stated - 12 August 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

When a violation is discovered, the relevant administrative agency notifies the business in writing of the intended administrative action and provides an opportunity to submit an opinion. Involved parties may submit their opinions within the prescribed deadline for the submission of opinions, and the relevant administrative agency takes such opinions into consideration when determining whether to impose an administrative sanction.

If the contemplated sanction would cause serious harm to the business (ie, an order for closure), hearing procedures are mandatory in accordance with the relevant statutes. For instance, under the Water Environment Conservation Act, if water pollution emitted from a facility that discharges wastewater cannot reasonably be expected to meet the permissible discharge standards, a closure order for the relevant facility will be issued, but in such cases, a hearing procedure must be followed prior to such an order being issued.

Law stated - 12 August 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

Administrative sanctions for violations include administrative fines, order to implement improvements, warnings, suspension of operations, permit revocation and closure orders, with more severe sanctions being imposed depending on the severity and frequency of the violations.

Some statutes contain provisions that permit the imposition of monetary administrative sanctions in lieu of the suspension of operations/business in cases where such suspension is deemed likely to cause a substantial detriment to the public interest. However, even if such monetary sanction provisions exist, some cases are excluded from being eligible for such monetary sanctions where there has been repeated violation or there has been a serious violation involving an order to suspend business for 30 days or more.

If criminal penalty provisions exist, separate criminal charges may be filed independently of the aforementioned administrative sanctions, which can result in imprisonment or fine.

Law stated - 12 August 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

With respect to administrative sanctions such as suspensions of business and monetary administrative sanctions, an administrative appeal may be filed with an administrative appeals commission pursuant to the Administrative Appeals Act, or administrative litigation may be pursued in court pursuant to the Administrative Litigation Act to contest such sanctions.

- Administrative appeals are handled by administrative appeals commissions that are composed of public officials, attorneys and experts in the relevant field. Administrative appeals commissions review the legality and propriety of administrative sanctions and grant such claims and order the revocation, nullification or modification of the sanction in question. Administrative appeal decisions must be rendered within 60 days of the petition for appeal being filed, and the relevant administrative agency is bound by the administrative appeal decision.
- If an administrative appeals commission dismisses an appeal, a lawsuit seeking cancellation may be filed in court. It is also possible to file litigation in court immediately without undergoing an administrative appeal. Such litigation is handled by the administrative courts, but unlike administrative appeals, the court may only determine whether to revoke or nullify a sanction based on whether it is unlawful; it cannot render an order modifying a sanction. Administrative litigation follows a three-tier system; therefore, either party may appeal the decision of lower courts.

Law stated - 12 August 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Lawsuits seeking the cancellation and nullification of an administrative sanction for a violation constitutes an administrative lawsuit that is under the jurisdiction of the administrative courts.

Litigation concerning environmental crimes is handled by criminal courts as criminal proceedings, and civil litigation for damages arising from environmental pollution and similar harm is conducted in civil courts.

Law stated - 12 August 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

In cases where an action for revocation is filed in connection with violations of environmental statutes, the court may stay the execution of the administrative sanction for suspension of execution. If procedural or substantive defects are found in the administrative sanction, the sanction may be revoked in whole or in part by the court.

Law stated - 12 August 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Claims for damages arising from environmental pollution caused by the installation and operation of facilities such as facilities emitting air pollution or wastewater, and facilities handling hazardous chemical substances may be brought under the Environmental Damage Relief Act. In such cases, the business' liability constitutes strict liability that does not require proof of the business' negligence, unlike tort liability, and the victim's burden of proving causation is reduced to the standard of significant likelihood.

There are also cases where individual statutes contain provisions on liability. The Soil Environment Conservation Act contains provisions on strict liability for a party that causes soil contamination. For oil pollution incidents involving vessels such as tankers, the extent of shipowner liability is determined under the Compensation for Oil Pollution Damage Guarantee Act.

Law stated - 12 August 2026

Defences and indemnities

30 | What defences or indemnities are available?

Various environmental statutes, including the Environmental Damage Relief Act, establish the principle of joint and several liability by providing that, if there are two or more parties

that are responsible for environmental pollution or environmental damage and it cannot be determined which party caused the harm, each responsible party shall be jointly and severally liable.

However, if the damage results from the concurrence of natural forces in addition to the perpetrator's actions, the contribution of natural forces may be considered in determining the scope of damages subject to compensation in the interest of equitable apportionment, or may constitute grounds for exemption from liability.

On the other hand, if there is a substantial likelihood that emitting facilities or similar installations have contributed to the occurrence of environmental pollution related damage, such damage shall be presumed to have been caused by those facilities. However, this presumption is rebutted if facility owners prove that the pollution damage was caused by other factors, or that the business fulfilled its duties by complying with all of its obligations under the relevant environmental regulations.

Law stated - 12 August 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

The Environmental Offenses Control Act and individual environmental statutes contain joint penalty provisions that prescribe punishment for both corporations and individual actors, essentially stating that "where a representative of a corporation (…) commits an offence in connection with the affairs of such corporation or business, not only shall such offender be punished, but the corporation also shall be punished by a fine under the relevant provisions". However, if a corporation exercised due care and supervision with respect to the relevant duties to prevent such violations, the aforementioned penalties will be waived.

Law stated - 12 August 2026

Appeal process

32 | What is the appeal process from trials?

Civil, criminal, and administrative matters all operate under a three-tier system. In civil and administrative litigation, a notice of appeal/petition for final appeal must be filed within two weeks from the date of receipt of the judgment, and in criminal litigation, a notice of appeal/petition for final appeal must be filed within seven days of the date the judgment is rendered.

The first and second instances involve fact-finding instances where factual issues may be contested, but the third instance only involves a review of the law that determines whether there has been an error in the application of the law based on the facts established by the lower instances.

Law stated - 12 August 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

South Korea has entered into numerous international environmental treaties and agreements, including the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity, the Basel Convention and the Ramsar Convention.

Law stated - 12 August 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

The Constitution stipulates that treaties that are concluded and promulgated, in addition to generally recognised rules of international law, have the same force as domestic law, so no separate legislative measures are required for the application of domestic law in principle. However, if legislative measures are required for the implementation of a treaty, domestic laws are enacted or amended to implement the treaty.

Law stated - 12 August 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

In November 2025, the government finalised the 2035 Nationally Determined Contribution (NDC), the GHG reduction target that each party to the Paris Agreement must submit every five years. The 2035 NDC targets a 53% to 61% reduction in GHG emissions by 2035 compared to 2018 net emissions, and was announced at the 30th Conference of the Parties (COP30) on 18 November 2025 before being submitted to the United Nations. The government plans to establish the Korea Green Transformation (K-GX) strategy for fostering green industries in the first half of 2026.

Recent amendments to environmental statutes have focused on measures to reduce GHG, including the transition to renewable energy, mandatory use of renewable raw materials, and reforms to the emissions trading system. In particular, as the Ministry of Environment, which was the previous authority that handled environmental matters, was expanded and reorganised into the Ministry of Climate, Energy and Environment effective 1 October 2025, policies addressing environmental issues from a climate and energy perspective are being strengthened.

Given that the government has declared the energy transition focusing on renewable energy and the realisation of carbon neutrality as national policy priorities, it is anticipated that the development of related policy and regulatory frameworks, including the transition to new and renewable energy sources and the expanded use of renewable materials, will accelerate.

Law stated - 12 August 2026

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Switzerland

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UPDATE AND TRENDS

Key developments of the past year

LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

The key pieces of environmental legislation are based on article 74 et seq of the Federal Constitution of the Swiss Confederation (SFC). The Swiss Parliament has enacted a wide range of federal statutes to protect natural resources; the Federal Council enacts the complementing ordinances. Additionally, regulations are in place at the cantonal and communal levels to implement the federal statutes and set forth the competences and organisation of the authorities.

The principal federal statutes relating to the environment include the following acts:

- Environmental Protection Act of 1983 (EPA);
- Spatial Planning Act of 1979;
- Water Protection Act of 1991 (WPA);
- Act on the Protection of Nature and Cultural Heritage of 1966;
- Forest Act of 1991;
- Agriculture Act of 1998;
- Hunting and Protection of Wild Mammals and Birds Act of 1986;
- Fishing Act of 1991;
- Act on Non-Human Gene Technology of 2003;
- Act on the Reduction of CO2 Emissions of 2011 (significant revisions entered into force on 1 January 2025); and
- Act on Climate Protection Goals, Innovation, and Strengthening Energy Security of 2022 (in force as of 1 January 2025 alongside an implementing ordinance).

Further, the Swiss Civil Code of 1907 (CC) includes provisions relevant to the abatement of nuisances such as water pollution, air pollution and noise. Articles 679 and 684 of the CC outline the liability of landowners in this context.

In Switzerland, environmental protection law focuses on preventing environmentally harmful activities as well as on abating and remediating environmental harms. Further, several federal statutes (such as the EPA and the WPA) provide criminal sanctions (fines or imprisonment) for deliberate or negligent infringement of specific duties under the relevant statutes. Both natural persons and legal entities can be sanctioned.

The SFC and international agreements ratified by Switzerland, such as the European Convention on Human Rights and the United Nations Covenant on Civil and Political Rights, incorporate rights relevant to environmental cases, such as the right to life or the right to privacy.

Law stated - 31 August 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

The construction or modification of any installation or building requires a planning approval and a building permit, which is subject to compliance with environmental regulations, among other conditions, such as air quality, water management, waste disposal and noise abatement. Further, the construction of industrial facilities or large infrastructures, such as power lines, railways and waterways, is subject to an environmental impact assessment designed to verify the project's compatibility with all environmental aspects and regulations.

Law stated - 31 August 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

Regulatory regime

The Federal Law on Environmental Protection (EPA) and the Ordinance on the Remediation of Contaminated Sites of 1998 (CSO) provide for comprehensive qualitative and quantitative protection and remediation of soil contamination. Swiss law distinguishes between polluted sites and contaminated sites. A site is considered polluted if (based on past activities on the site) the soil is likely to be contaminated by waste. If the polluted site threatens or affects groundwater, surface water, soil fertility or air, it is considered contaminated and must be remediated. The levels of contamination that trigger remediation or monitoring are specified in the CSO for specific hazardous substances or determined by the authorities on a case-by-case basis.

As a rule, investigation and remediation obligations follow a procedure in several steps under the CSO (although in urgent cases, some of these steps can be omitted):

- recording of the site in a public register;
- assessment of the need for monitoring and remediation by means of investigation within a reasonable period of time;
- assessment of the objectives and urgency of remediation; and
- decision on monitoring or on objectives of remediation.

The objective of remediation can be achieved by measures that enable environmentally hazardous substances to be eliminated (decontamination) or prevent the diffusion of hazardous substances into the environment (securing).

Any person who wilfully fails to comply with remediation orders is liable to a fine not exceeding 20,000 Swiss francs.

Liability regime

In general, the owner or operator of the site must perform the necessary investigation, monitoring and remediation. The obligation to carry out the remediation must be distinguished from the obligation to bear the costs of the remediation. The costs are to be borne by the persons responsible for the pollution and are to be apportioned among them in proportion to their causal contribution to the pollution (article 32d of the EPA). The canton or the Confederation must bear the share of the costs of a responsible party who cannot be identified or who is unable to pay. The authority may require the person liable for all or part of the costs to provide adequate financial security to cover their probable share of the costs (article 32d-bis of the EPA). The current "polluter by situation" (the person who legally or actually controls the site and the installations (ie, the owner, operator or tenant)) must bear part of the costs (usually between 5 and 20%), even if they did not cause the pollution, unless they did not or could not have any knowledge of the pollution at the time they acquired the property. Previous operators or occupiers are liable for the costs to the extent that they were liable for the pollution by their actions or omissions (polluters by behaviour). This liability is not subject to a limitation period. The lender can be liable if they control the site and can be deemed "polluter by situation", or if they cause the pollution to occur. However, the financial risks for the lender can be mitigated by a valid indemnity clause in the agreement with the site owner.

Environmental liabilities under article 32d of the EPA are based on public law and cannot validly be excluded towards the authorities. Provisions to the contrary inserted in purchase agreements or other contracts do not bind the authorities.

Law stated - 31 August 2026

Regulation of waste

4 | What types of waste are regulated and how?

Waste is regulated by the EPA and complemented by several Ordinances, including the Ordinance on Avoidance and Disposal of Waste of 2015 (replacing the Technical Ordinance on Waste of 1990), the Ordinance on Movement of Waste of 2005, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 1989.

Three principles guide the regulation on waste: (1) The generation of waste should be avoided as far as possible; (2) waste must be recycled as far as possible; and (3) waste must be disposed of in an environmentally friendly manner and, as far as possible and reasonable, domestically (article 30 of the EPA).

Waste is any movable material that the owner disposes of or the disposal of which is required in the public interest (article 7 (6) of the EPA). The Ordinance distinguishes between municipal waste from households, other waste, which includes construction waste in particular, and hazardous waste (ie, waste whose environmentally sound disposal requires specific precautions).

The cantons must draw up waste plans and determine their needs for waste facilities, avoid overcapacity and select the locations of waste facilities. Waste can only be disposed of in certain categories of landfill. The construction and operation of a landfill is subject to

specific planning requirements and authorisation by the competent cantonal authority. The export of waste requires a permit from the Federal Office for the Environment (FOEN). It is prohibited to permanently store waste anywhere other than in one of the five types of landfill, which are subject to various construction and operational conditions and permits. It is also forbidden to mix waste in order to reduce its toxicity by dilution.

Due to limited landfill capacity for incineration residues in certain regions, the Waste Ordinance (VVEA) has been amended with effect in 2025 in coordination with the Water Protection Ordinance. Under the new provisions, existing landfills located within usable groundwater zones may be expanded in exceptional cases – provided that water protection is ensured and no alternative sites outside groundwater protection areas are available. This amendment aims to relieve pressure particularly in regions facing critical landfill shortages.

Among other obligations, the operator of a landfill must:

- require and obtain a construction permit and operating licence;
- prevent as far as possible any harmful or nuisance effects on the environment;
- employ qualified personnel;
- ensure that only allowed waste is being disposed of;
- keep a register of the waste;
- document the filling and upgrading of the landfill;
- regularly control the installations and their impact on the groundwater; and inform the authorities twice a year about the results of groundwater samplings; and
- guarantee the coverage of the costs necessary to close the landfill and to conduct monitoring and potential remediation measures after its operation has ended.

With regard to the obligation to dispose of waste, a distinction is made between municipal waste and other waste: Municipal waste must be disposed of by the cantons, while other waste must be disposed of by the holder. However, a general rule applies with regard to the bearing of costs: The holder of the waste bears the costs of disposal, unless otherwise specified. If the holder cannot be identified or is unable to fulfil this obligation due to insolvency, the cantons bear the costs of disposal (article 32 of the EPA). With regard to municipal waste disposal costs, the cantons shall ensure that they are passed on to the polluters in the form of fees or other charges to the extent that they are responsible for them (article 32a of the EPA). This is an application of the polluter-pays principle.

Specific rules are applicable to hazardous waste, which:

- must be marked as such for transfer within Switzerland as well as for import, export and transit;
- can only be exported with authorisation from the FOEN; and
- can only be accepted or imported by companies with authorisation from the canton.

Article 60 et seq of the EPA contain criminal liability provisions. A person is liable to a custodial sentence not exceeding three years or a monetary penalty if they:

- wilfully construct or operate a landfill without authorisation;
-

fail to mark special waste as such for transfer, or hand it over to an undertaking that does not hold the relevant authorisation;

- accept, import or export special waste without authorisation; or
- infringe regulations on waste or on the movement of special waste.

A person is liable to a fine not exceeding 20,000 Swiss francs if they:

- wilfully burn waste illegally outside installations;
- deposit waste outside authorised landfills;
- infringe the reporting duties in connection with waste;
- infringe the regulation on waste;
- infringe the regulations on the movement of other forms of waste; or
- fail to guarantee coverage of the costs of closing and remediation of a landfill.

A significant legislative revision to strengthen the circular economy was adopted by Parliament in March 2024. Most provisions entered into force on 1 January 2025. The reform is designed to promote resource conservation, boost recycling efforts and reduce environmental impact.

Key elements of the amendment include:

- the introduction of a new chapter in the EPA, which is dedicated to conserving resources and promoting the circular economy;
- an updated waste treatment hierarchy to prioritise reuse or recycling over incineration, emphasising the importance of reusing materials and reducing waste generation;
- a new provision in the EPA, which empowers the Federal Council to issue detailed regulations to set requirements for products and packaging based on their environmental impact;
- a new provision in the EPA, which empowers the Federal Council to establish detailed regulations to set requirements regarding the use of environmentally friendly construction materials and elements, construction materials derived from the recycling of demolition waste, regarding the reversibility of buildings and the reuse of construction elements in new buildings;
- an amendment of the Energy Act: Cantonal authorities must set limit values on grey energy for new buildings and major renovations, helping to reduce the embedded environmental footprint of construction; and
- an amendment of the Public Procurement Act (PPA), which obliges the contracting authority, where appropriate, to stipulate technical specifications for the conservation of natural resources or the protection of the environment.

Law stated - 31 August 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

Air pollution is regulated by the EPA and the Ordinance on Air Pollution Control of 1985 (OAPC). As a rule, air emissions must be limited at their respective source using state-of-the-art technology, provided the costs of doing this are not excessive. Stricter abatement measures must be taken if the air pollution is harmful to health (article 11 of the EPA).

Anyone who operates or wishes to construct an installation that causes air pollution must provide the cantonal authorities with information on:

- type and level of emissions; and
- release location, release height and time course of emissions.

Existing and new facilities must comply with the emissions limitation standards provided by the OAPC or the construction and operating permits, or both. Emission standards are amended from time to time to reflect new scientific developments and knowledge. If the emissions due to combined sources of air pollution exceed exposure thresholds, the competent authorities will order stricter abatement measures.

It is prohibited to operate new or existing stationary installations in such a way that they cause emissions exceeding the threshold limits defined in the OAPC. Further, it is prohibited to incinerate waste except in the facilities specified in the OAPC's annex.

Stationary installations that do not meet the OAPC requirements must be retrofitted or can be shut down.

Any person who wilfully puts substances into circulation which they know or must assume may present a danger to the environment (or indirectly endanger people when used in a certain manner) is liable to a custodial sentence not exceeding three years or a monetary penalty. In addition, any person who wilfully fails to comply with emissions limitations or with remediation orders is liable to a fine not exceeding 20,000 francs. If the person acts negligently, the sentence is a monetary penalty or a fine.

Law stated - 31 August 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

The Water Protection Act (WPA), supplemented by ordinances, applies to all public and private surface and ground waters. Recently, the Federal Council revised the Water Protection Ordinance to define the criteria for when the authorisation of a pesticide must be reviewed. This will improve the protection of drinking water and surface waters from pesticides. The revisions came into force on 1 February 2023. The Federal Fishing Act of 1991 (FFA) includes further water protection provisions.

The WPA states a duty of care and a prohibition on pollution: Everyone is obliged to exercise all due care required by the circumstances to avoid detrimental effects on the waters (article 3 of the WPA). It is prohibited to introduce substances that may pollute

water directly or indirectly into a water body or to allow them, or to deposit or spread such substances outside a water body if this creates a specific risk of water pollution (article 6 of the WPA). The cantonal authorities can grant exceptions and discharge permits based on strict statutory requirements.

The following activities require a permit issued by the competent cantonal authorities:

- discharging or infiltrating polluted wastewater into a body of water;
- constructing and converting buildings and installations (including operations such as excavations, earthworks and similar works) in areas that are particularly vulnerable, if they may pose a risk to the waters;
- drawing water from a watercourse with permanent flow (if the activity goes beyond normal use);
- drawing water from a lake or groundwater body, which significantly affects the water flow of a watercourse with a permanent water flow (if the activity goes beyond normal use);
- flushing out and emptying impoundments; and
- extracting gravel, sand and other materials.

When withdrawals occur from a watercourse with permanent flow, the permit is subject to a minimal residual flow as defined by the statute. The cantons determine the appropriate residual flow rate separately for each water body and withdrawal site, subject to specific exceptions provided by the statute. The same provisions apply if water is withdrawn from lakes or groundwater resources and the rate of flow of watercourses is substantially affected by the activity (article 29 et seq of the WPA).

A cantonal permit is necessary in particular for intervention in waters, the use of hydropower, the creation of artificial streams, the withdrawal of water and the exploitation of gravel and sand in waters (FFA).

Under the WPA, the polluter pays principle applies (article 3a of the WPA). Based thereon, the authorities can impose on both the operator and the owner of an installation that causes a pollution all necessary measures to prevent an immediate threat to waters and to assess and repair the effects of a pollution. In an emergency, the competent authorities can carry out the necessary measures themselves. The costs of the remediation measures will then be imposed on the persons responsible for the pollution (be it by operating or owning the installation).

The WPA provides for criminal sanctions in the form of fines or a prison term of up to three years for deliberate or negligent infringement of specific duties enumerated in the Act (article 70 et seq of the WPA). In addition, the Swiss Criminal Code (SCC) imposes a custodial sentence of up to five years or a fine on any person who wilfully contaminates drinking water intended for people or domestic animals with substances that are harmful to health. If the person acts negligently, the penalty is a custodial sentence of up to three years or a fine (article 234 of the SCC).

Law stated - 31 August 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

The protection of natural spaces (habitats) and landscapes is regulated by the Federal Act on the Protection of Nature and Cultural Heritage (NCHA) and its ordinances. The cantons also have autonomous competences to protect specific elements of nature and cultural heritage and have enacted their own legislation. Further, the Federal Spatial Planning Act stipulates that the natural foundations of life such as soil, air, water and forests must be protected, and the landscape should be preserved.

The Federal and Cantonal legislation imposes a large array of measures and obligations that must be taken into consideration when planning development projects. The requirements and level of protection vary depending on the affected sites. As an example, article 3 of the NCHA provides that in the fulfilment of federal tasks, the Confederation, its institutions and enterprises, and the cantons must ensure that heritage landscapes and sites of local character, historical sites and natural and cultural monuments are carefully managed and, where there is an overriding public interest, preserved undiminished. This obligation can be fulfilled by suitably designing and maintaining their own buildings and installations, or by foregoing their construction altogether; or by imposing conditions or requirements on the issue of licences and authorisations or refusing to issue them.

In addition, the Federal Council shall draw up inventories of local landscape and townscape, historical sites and natural and cultural monuments that are of national importance (article 5 (1) of the NCHA). Based thereon, the Federal Council has adopted three federal inventories to date: Federal Inventory of Landscapes and Natural Monuments; Federal Inventory of Sites worthy of Protection in Switzerland; and Federal Inventory of Historic Transport Routes in Switzerland. Objects contained in these inventories enjoy a higher level of protection than non-inventoried protected local landscape and townscape, historical sites and natural and cultural monuments (article 6 of the NCHA).

Compliance with the above-mentioned legal requirements is reviewed as part of the impact assessment for projects subject to them and for others, in the spatial planning procedure or as a requirement for the granting of a building permit.

Law stated - 31 August 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

The protection of flora and fauna species is governed by the NCHA and its ordinances. Important rules are also contained in the Hunting Act and the FFA. Switzerland has also ratified several international treaties such as the Convention on Biological Diversity, the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Nagoya Protocol.

The NCHA provides that the extinction of native animal and plant species must be counteracted by maintaining sufficiently large habitats (biotopes) and other suitable measures. The Federal Council shall designate biotopes of national importance (article 18 to18a of the NCHA). Based thereon, the Federal Council has determined inventories to protect raised bogs and transition bogs, floodplains, fenlands, amphibian spawning grounds and dry meadow regulations.

Despite the above, according to the Federal Office for the Environment, biodiversity in Switzerland is under pressure as a result of the intensive use and loss of soil, fragmentation and dissection of habitats by settlements and infrastructure, and excessive nitrogen and pesticide inputs. One third of all species and half of all habitat types are in danger.

In September 2024, Swiss voters decisively rejected a biodiversity initiative that aimed to expand protected habitats and enhance safeguards for endangered ecosystems – more than 60%voted against it. This reflected resistance to higher costs and perceived constraints on agriculture and development. Meanwhile, the Federal Council extended the Swiss Biodiversity Strategy and its Action Plan through 2030, launching Phase II (2025–2030) with 15 new measures focused on addressing climate impacts, insect decline and habitat connectivity.

Law stated - 31 August 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

In addition to the protection against emissions provided by private law to neighbouring properties (articles 679 and 684 of the CC), the EPA and its ordinances regulate the protection against noise, odour and vibration emissions.

The concept of emission limitation contained in the EPA is two-stepped (article 11 of the EPA): first, air pollution, noise, vibration, and radiation are limited by measures taken at their source (emission limitation). Irrespective of existing pollution, emissions are limited as a precautionary measure to the extent that technology and operating conditions allow, provided this is economically bearable. Second, emissions are more strictly limited if, taking into account the existing level of environmental pollution, harmful or annoying effects are observed or expected (ie, if they exceed the immission limit values). The Federal Council has defined immission limit values in the Noise Abatement Ordinance, the Ordinance on Air Pollution Control and the Ordinance on Protection against Non-Ionizing Radiation. Where the Federal Council has not yet set immission limit values (eg, in the case of vibrations, these are determined on a case-by-case basis by the administrative authorities applying the law in accordance with certain criteria laid down in the law (article 13 to 15 of the EPA)).

A reform adopted in autumn 2024 (not yet in force) modifies articles 22 and 24 of the EPA governing building permits in noise-impacted locations. Previously, noise limits (immission thresholds) had to be respected at every window of every noise-sensitive room; under the new rules, compliance is required only at one window per apartment, or alternatively a cooling or controlled ventilation system must be installed – and at least half of those rooms must meet the window standard. The implementing federal regulation is still pending and

must clarify details such as which rooms or windows to test. Its adoption may be delayed into 2026.

In a ruling of April 2025, the Federal Supreme Court upheld the approval of a daycare centre in a residential zone in Olten, ruling that the planned facility is compatible with local zoning laws. It found that children's daytime noise is generally acceptable in such areas and that the minimal increase in disturbance does not violate planning regulations.

Law stated - 31 August 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

The EPA contains two provisions on civil liability: general liability for environmental damage under article 59a of the EPA and special liability for damage caused by pathogenic organisms under article 59a-bis of the EPA. Other liability regimes apply to specific installations (eg, article 30 et seq of the Law on the Use of Gene Technology in the Non-Human Sphere, which regulates liability for damage caused by the use of genetically modified organisms; the Radiation Protection Act, as well as federal laws with more stringent provisions, such as the Federal Act on Pipeline Installations for the Transport of Liquid or Gaseous Fuels).

Article 59a of the EPA provides for the strict liability of the owner of an enterprise or facility that presents a particular danger to the environment for damage resulting from the realisation of this danger. The conditions for liability under article 59a of the EPA are as follows: the damage (defined as an involuntary reduction in assets) must be caused by an enterprise or facility that presents a particular danger to the environment. Article 59a (2) of the EPA defines certain installations that present such a danger and are subject to special safety provisions. It is only intended as a guideline, to be adapted to technical developments.

The damage must be a concrete manifestation of this danger, result from its realisation and be caused by the harmful effects or nuisances defined in article 7 of the EPA. There must be a causal link between the actualisation of the risk presented by the company and the damage. Liability is independent of fault; force majeure, gross negligence of a third party or of the injured party may be grounds for exoneration.

Purely environmental damage (ie, damage to natural resources that are not subject to property rights or the sovereign powers of the cantons) is not compensated under civil law, including article 59a of the EPA, unless a specific legal provision provides otherwise (eg, article 15 of the FFA).

Law stated - 31 August 2026

Environmental taxes

11 | Is there any type of environmental tax?

Taxes are levied on volatile organic compounds (VOC), extra light heating oil and thermal fuels. Biofuels can be exempted from tax on request. The persons liable to pay the environmental taxes are defined in the Customs Act and Petroleum Tax Act. They are, usually, importers, producers and manufacturers in Switzerland.

The following tax rates apply (as examples):

- volatile organic compounds: 3 francs per kilogramme of VOCs;
- extra light heating oil: 0.3 centimes per litre;
- unleaded petrol: 76.82 centimes per litre;
- diesel: 79.57 centimes per litre; and
- coal and other fossil fuels: 120 francs per tonne of carbon dioxide.

Law stated - 31 August 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

Reporting obligations

In recent years, new transparency obligations have been enacted in Switzerland (article 964a et seq of the Swiss Code of Obligations (CO)). Companies that meet certain criteria must prepare a report on non-financial matters, covering, inter alia, environmental matters (in particular, but not exclusively, carbon dioxide targets). The first report for the first full business year 2023 had to be published and submitted for approval in 2024. The Ordinance on Reporting on Climate-Related Matters, entered into force on 1 January 2024, specifies the reporting obligations on climate-related matters as part of environmental matters, pursuant to article 964b CO. The ordinance implements the recommendations of the Task Force on Climate Related Financial Disclosures.

In 2024, the Federal Council initiated consultations on amending the provisions of the CO as well as the Ordinance on Reporting on Climate-Related Matters to adapt to the latest international developments. However, after the publication of the EU Omnibus package, the Federal Council decided to suspend the revision process to wait the outcome of the EU legislative process. In 2026, in response to the EU's adoption of the revised CSRD and CSDDD, the Federal Council published a draft Federal Act on Corporate Sustainability. The proposal seeks to align Swiss law with the European framework on sustainability reporting and corporate due diligence. The draft legislation is undergoing consultation.

Public registers

Various environmental laws require that information on air and water emissions and discharges to the environment be made available to the authorities. In addition, the Federal Ordinance on the Register of Pollutant Releases and the Transfer of Waste and of Pollutants

in Waste Water ensures public access to information on pollutants released into water, air or soil by listed facilities. Reporting is done on an annual basis. In addition, government agencies maintain publicly accessible registers of polluted sites.

Third-party procedures

The Federal Act on Freedom of Information in the Administration of 2004 seeks to promote transparency with regard to the federal administration's activities. Any person can inspect, in principle, official documents and obtain information from the federal authorities. Similar rules apply at the cantonal level. Further, in 2014, Switzerland ratified the Aarhus Convention, which seeks to improve access to environmental information. Citizens can review official documents with environmental content.

Environmental auditing

Everyone is obliged to provide the authorities (on request) with the information required to enforce the EPA and, if necessary, to conduct or acquiesce in the conduct of enquiries (article 46 (1) of the EPA).

There is no general duty to report environmental incidents under the EPA. However, several statutory provisions provide for such an obligation regarding specific incidents (eg, a leak of liquids that may pollute the waters or the occurrence of a hazardous accident).

Climate

Next to the obligations under the Ordinance on Reporting on Climate-Related Matters, the CO2 Act requires operators of installations and aircraft to report their greenhouse gas emissions annually to the federal government (article 20).

Law stated - 31 August 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

Switzerland is known for its environmentally conscious ethos, underscored by a steadfast commitment to sustainability within its environmental policy framework. In particular, the country places a growing emphasis on renewable energy, reflecting its commitment to conservation and sustainable development. Certain regions, particularly those with increased tourism impacts, are taking additional measures to protect the environment.

The Swiss government takes a comprehensive approach to environmental concerns, addressing issues such as biodiversity, climate change and pollution. Key facets of Swiss environmental policy include:

- Sustainability: In its 2030 Sustainable Development Strategy (2030 SDS), the Federal Council outlines the priorities it intends to set to implement the 2030 Agenda

over the next 10 years, combined with a 2024–2027 Action Plan. The 2030 SDS sets out the guidelines for the Federal Council's sustainability policy and establishes sustainable development as an important requirement for all federal policy areas. The 2030 Agenda for Sustainable Development (2030 Agenda) with its 17 global Sustainable Development Goals provides the reference framework.

- Climate change mitigation: Switzerland is actively engaged in efforts to reduce greenhouse gas emissions in accordance with its international commitment under the Paris Agreement. The country has set emission reduction targets and aims to increase the use of renewable energy sources. The recently enacted Climate Act requires the federal government to achieve net-zero greenhouse gas emissions by 2050.
- Conservation of biodiversity: measures include the preservation of natural habitats, wildlife management and support for conservation initiatives.
- Energy policy: Switzerland is committed to transitioning to renewable energy sources, promoting hydropower, wind power and solar power through a combination of financial incentives and regulatory measures. At the same time, the government is committed to improving energy efficiency.
- Waste management: Switzerland has a comprehensive waste management system that includes recycling and waste reduction initiatives.

The implementation of the amendments to the EPA to strengthen the circular economy will result in several amendments to legislation with the aim of creating obligations and incentives to avoid waste wherever possible, or to recycle and reuse it, with the involvement of the economy.

Law stated - 31 August 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

The Federal Law on Environmental Protection (EPA) is a central legislative instrument that addresses a range of environmental issues, particularly those related to hazardous activities. It articulates the basic principles of environmental protection and measures to prevent and control pollution. In addition, activities involving hazardous substances, particularly those with potential environmental impacts, may require the obtaining of permits or authorisations. The permitting framework is structured to ensure that activities that pose a risk to the environment or public health are conducted with minimal harm. Different regulatory regimes apply to activities such as industrial processes, waste management, chemical handling and operations that have the potential to discharge pollutants into the air, water or land. The specific regulatory landscape for a hazardous activity depends on its inherent nature. Additionally, Switzerland has signed several international conventions in this field.

Law stated - 31 August 2026

Regulation of hazardous products and substances

15 What are the main features of the rules governing hazardous products and substances?

The purpose of the Chemicals Act (Federal Act on Protection against Dangerous Substances and Preparations of 2000) is to protect human life and health by reducing the harmful effects of substances and preparations. The Federal Council has defined the specific properties that are considered hazardous and has prescribed corresponding hazard classifications. Manufacturers and distributors are required to comply with regulatory measures that include registration and self-monitoring requirements, information and documentation obligations, and due diligence standards. Specific ordinances have been promulgated to regulate certain substances and procedures, such as public swimming pool disinfection, pest control, pesticides, wood preservatives, refrigerants, international trade in chemicals and fertilisers. Additionally, the Ordinance on the Reduction of Risks relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles (Chemical Risk Reduction Ordinance) of 2005 prohibits or restricts the use of the particularly dangerous substances, preparations and articles set out in its annexes, and specifies the personal and professional qualifications required for the use of such hazardous products and substances.

With the amendment to the Chemical Risk Reduction Ordinance (ChemRRV), the placing on the market of three cyclic siloxanes – substances that may have adverse effects on human health and the environment – will be prohibited in Switzerland, and their use, for example in cosmetic products, will be restricted. The ChemRRV is thereby being aligned with the revised EU regulation. As a result, the transition costs for affected parties in Switzerland will be comparable to those in the rest of Europe. The amendments entered into force on 1 January 2025.

Law stated - 31 August 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

Article 10 of the EPA aims to protect people, animals and plants against serious damage caused by installations following an extraordinary event outside the normal operation of the installation. Article 10 (1) of the EPA requires the owner of a dangerous installation to take measures "to ensure the protection of the population and the environment", such as the selection of a suitable site, the maintenance of the necessary safety distances, the implementation of technical safety measures, the monitoring of the installation and the organisation of an alarm system. This provision is supplemented by the 1991 Ordinance on the Protection against Major Accidents (OPAM), which provides guidance on how the operator is to meet his obligations and how the protection objective is to be achieved. The regulation also indicates how the risk of major accidents is to be assessed and what documentation is required in this respect.

Urban development in the vicinity of hazardous facilities increases the risk of major accidents. The obligation to keep the risk at an acceptable level rests with the owner of the installation, who does not always have control over the sphere of influence of dangerous installations. Article 11a of the OPAM, which came into force in 2013, now requires the cantons to coordinate major accident protection with land-use planning measures.

Additionally, Switzerland is a signatory to international conventions, including the Convention on the Transboundary Effects of Industrial Accidents and the Convention on Assistance in the Case of a Nuclear Accident or Radiation-related Emergencies, further underscoring its commitment to addressing cross-border and nuclear-related incident management.

Law stated - 31 August 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

Pre-acquisition

In asset sales, because some environmental liabilities are tied to the facility or industrial site itself, environmental risks or liabilities may be transferred to the buyer in asset deals. In addition, liabilities associated with past operations or activities may be transferred to the acquiring entity in a business transfer, even if no liability claim is pending or known at the time of the transfer. Particular attention must be paid to possible contamination of soil and groundwater and to waste disposal. The buyer must ensure that the seller has complied with environmental laws relating to the assets in question. The buyer will typically require warranties and indemnities to cover these risks.

In a share deal, the environmental liabilities remain with the target company and therefore the buyer indirectly acquires these risks. The buyer (shareholder) can only be directly liable to the extent that the corporate veil is pierced, which can only occur in exceptional circumstances as an application of the abuse of rights theory. Share purchase agreements often contain representations and warranties and indemnification obligations relating to environmental matters.

Post-acquisition

In the case of asset sales, some environmental liabilities are not linked to the assets themselves (the ‘property of production’), but to specific conduct (operational activities). In these cases, the seller remains liable (except in the case of a merger or transfer of assets and liabilities, or where the competent authorities agree to the transfer of liabilities to the buyer).

In a share deal, the seller may retain its environmental liability if it is considered a polluter by behaviour and has contributed to the contamination together with the target company.

Disclosure of environmental information

In an asset deal, such as a real estate transaction, it is generally recognised that the seller must disclose environmental information to the buyer, unless both are professionals. From the buyer's perspective, it is usually important to require representations and warranties, along with indemnification, from the seller.

Environmental due diligence

The environmental issues that need to be considered in M&A transactions depend on the specific activities that the target company engages in or has engaged in. It is common practice to conduct environmental due diligence. Particular attention should be paid to existing and past enforcement or compliance procedures, especially in the areas of air pollution, noise abatement, soil contamination and remediation, waste disposal and prevention of hazardous accidents. The buyer should carefully analyse the liabilities associated with past and present activities under both public and private law.

An environmental due diligence includes the following assessments.

- System boundary (scope). The scope of the property to be acquired must be precisely defined. This includes former sites of the property where contamination may have occurred.
- Surrounding area. The surrounding area is of particular importance in environmental due diligence. On the one hand, the operation may be affected by environmental impacts. On the other hand, impacts of the operation on the environment must be considered.
- Company history. The history of the company is of special importance, especially with regard to possible contamination of the building structure or subsoil caused by past activities and processes. The history of the company is recorded by means of the land register, the commercial register, interviews with long-time employees, a review of the company archives, old plans and national maps as well as old aerial photographs.
- Environmental aspects. Among others, the following environmental aspects are of importance and are checked on site:
    - consumption of resources (energy, water);
    - emissions of polluting substances into the air; and
    - loads in the subsoil, soil and building fabric (contaminated sites).

The results of the assessments are summarised, and the cost risks are estimated.

Law stated - 31 August 2026

Environmental aspects in other transactions

Are companies legally required to consider environmental aspects in other transactions?

Environmental considerations play a significant role in various transactions, including financing, initial public offerings, real-estate transactions, corporate restructuring and bankruptcy proceedings. Key environmental aspects that stakeholders and legal professionals should consider include:

- environmental due diligence: assessing potential environmental liabilities associated with the target company, property or investment; identifying any historical contamination, potential pollution sources or non-compliance with environmental regulations; review adherence to zoning and land use regulations;
- regulatory compliance: understanding and ensuring compliance with environmental laws and regulations related to, inter alia, carbon dioxide certificates, water management, waste disposal and hazardous substances;
- permitting and licensing: ensuring that all environmental permits and licences required for the business are in place and will not expire soon and that no change of control clauses are triggered by the transaction;
- climate change considerations: assessing the impact of climate change and potential regulatory changes related to carbon emissions; and
- corporate social responsibility (CSR): considering and disclosing environmental initiatives, sustainability practices and overall CSR efforts. Transparent reporting on environmental performance can impact investor perception.

Law stated - 31 August 2026

Environmental aspects in public procurement

19 Do public procurement regulations take environmental protection into consideration?

Public procurement is governed by the Federal Law on Public Procurement (relevant for procurements of federal authorities) and an agreement between the cantons on public procurement (relevant for all procurement of cantonal authorities and municipalities), which sets out the procedures and principles governing public procurement at the federal level. According to federal law, the award of a public contract is subject to the bidder's compliance with the legal provisions governing the protection of the environment and the conservation of natural resources at the place of performance. These regulations include Swiss environmental laws and international conventions on environmental protection ratified by Switzerland.

These regulations aim at and require sustainable procurement. In addition, environmental considerations are increasingly being routinely integrated into public procurement processes as part of broader sustainability initiatives. Procurement legislation empowers public authorities to take environmental criteria into account when awarding contracts

or to include specific conditions relating to environmental performance at the contract performance stage.

According to the newly enacted article 30 (4) of the PPA, the contracting authority must, where appropriate, stipulate technical specifications for the conservation of natural resources or the protection of the environment. The circumstances in which such specifications are appropriate have yet to be defined. The positive environmental impact of this amendment will depend largely on how the authorities apply and incorporate this provision into their practices. Further, the new climate protection legislation obliges the federal government and encourages the cantons to act as role models in this respect and to monitor and influence supply chains for the purpose of climate protection.

Law stated - 31 August 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

Construction or planning projects for facilities or transportation infrastructure that may have a significant impact on the environment are subject to an environmental impact assessment (EIA). EIAs are regulated by the Environmental Impact Assessment Act and the Federal Ordinance on Environmental Impact Assessment of 1988, which contains a list of specific construction and infrastructure projects that are subject to EIA if they meet certain thresholds. The purpose of an EIA is to assess the project's compliance with all relevant federal, cantonal and communal regulations. The EIA is not a licence, but part of the (preliminary) procedure for obtaining a construction permit. The final decision (including the EIA) is published.

Law stated - 31 August 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

The applicant must conduct a preliminary study to determine whether the project is likely to have significant adverse effects on the environment. If so, they must prepare an environmental report that includes a description of the environmental baseline, details of the project, the adverse effects that are likely to remain, and measures that could reduce those adverse effects. The report must then be evaluated by the relevant cantonal or federal authorities, depending on the project. The report and the authorities' assessment of the report must be submitted with the application for a project permit in order to allow for public consultation during a period that varies from canton to canton (usually 30 days). Any person or entity with an interest, as well as designated environmental organisations, may submit observations or objections or become a party to the permitting procedure. The competent authority must assess the environmental impact of the project on the basis of

the environmental report, the recommendations and comments of the other authorities, and the comments and objections of all interested parties. It may require any additional measures or conditions necessary to ensure compliance with environmental legislation.

Certain non-government organisations have a legal right to appeal against building permits or zoning plans issued for projects subject to an EIA. They can also appeal against the approval of a project if an EIA was required but not carried out. Failure to conduct an EIA will result in denial of the construction permit or revocation of the permit by the court.

Law stated - 31 August 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 | Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The cantons are responsible for implementing the federal statutes and ordinances, except where the law attributes this duty to the Confederation. The cantons enact the appropriate legislation.

Law stated - 31 August 2026

Investigation

23 | What are the typical steps in an environmental investigation?

The intensity of enforcement may vary from canton to canton, but in general environmental legislation is strictly enforced at both federal and cantonal levels. The Federal Office for the Environment and the cantonal authorities are constantly striving to increase the level of enforcement. For enforcement purposes, the administrative authorities can request all necessary information from operators and can also rely on the usual data and information collected in the course of monitoring compliance. They may issue injunctions and orders, which may be challenged in court.

Law stated - 31 August 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

In administrative proceedings, the authority shall establish the facts of the case ex officio and obtain evidence by means of official documents, information from the parties, information, or testimony from third parties, inspection, expert opinions (article 12 of the Federal Act on Administrative Procedure (APA)). The parties are obliged to cooperate in establishing the facts of the case if they have initiated the proceedings on their own

application, in any other proceedings if they make their own independent applications, and if they are subject to a more extensive duty to provide information or duty of disclosure under a federal law (article 13 of the APA). The parties have a right to be heard by the authority before the authority issues a decision. However, there might be exceptions, such rulings in which the authority grants the application of the parties in full or interim orders that cannot be contested separately by appeal (article 29-30 of the APA).

Law stated - 31 August 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

There are different sanctions and remedies available in Swiss administrative law in general and in environmental laws in particular. They range from subjecting orders or decisions to certain conditions, authorisation or licence withdrawal, ordering of substitute measures undertaken by the state and the decommissioning of an installation, to criminal sanctions, including monetary penalties, imprisonment and fines.

Law stated - 31 August 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

In environmental law matters, the decisions of the last cantonal instance (Cantonal Administrative Court) and the Federal Administrative Court (first appeal instance) may be appealed to the Federal Supreme Court using the "appeal in matters of public law", unless the Federal Administrative Court has jurisdiction (article 82 et seq of the Federal Supreme Court Act (FSCA)). The grounds of appeal include violation of federal law, international law, cantonal constitutional rights and inter-cantonal law (article 95 of the FSCA).

Law stated - 31 August 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

In general, environmental proceedings in Switzerland are conducted by public law courts. Criminal law provisions, such as article 60 et seq of the Federal Law on Environmental Protection (EPA), are applied and enforced by the criminal courts, while civil law provisions, such as articles 679 and 684 of the Swiss Civil Code (CC) (liability of landowners), article

41 of the Code of Obligations (CO) (tort), and article 59a of the EPA (general environmental liability) are applied and enforced by the civil courts.

Law stated - 31 August 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

With respect to violations of environmental law, the court may, depending on the applicable substantive law, issue an injunction, a performance order or a declaratory judgment. Courts may order the sanctions mentioned above. Depending on the applicable procedural law, provisional and interim measures, such as suspensive effect, may be ordered.

Law stated - 31 August 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Pollution can cause damage to health, property and natural resources. A person injured by pollution may seek financial compensation for the damage suffered under tort law. The relevant provisions are contained in the EPA (strict liability for installations posing a particular risk to the environment and liability for pathogenic organisms), the CO (general rule on civil liability arising from tort and liability of the owner for construction or maintenance defects) and the CC (liability of landowners).

Strict liability provisions are also found in specific statutes, such as the Nuclear Civil Liability Act of 1983.

Regardless of the legal cause of action, the plaintiff must prove that they have suffered damage, that the tortfeasor committed a wrongful act or omission, and that there is a causal connection between the damage and the wrongful act. Purely environmental damage (ie, damage to natural resources that are not subject to property rights or the sovereign powers of the cantons) is not compensated under civil law, unless a specific legal provision provides otherwise (eg, article 15 of the Federal Fishing Act).

Law stated - 31 August 2026

Defences and indemnities

30 | What defences or indemnities are available?

The rules on the allocation of liability, on the limitation periods or on joint or several liability applicable to a particular civil claim relating to infringements of environmental law generally depend on the law applicable in the specific case. These may, for example, provide for

special limitation periods or refer to the general provisions of the Swiss Code of Obligations. For instance, claims for compensation for damage arising from impacts in connection with an operation or installation that poses a particular risk to the environment are time-barred in accordance with article 60 of the Swiss Code of Obligations. If the loss or damage occurs due to the handling of pathogenic organisms, the right to damages prescribes three years after the injured person obtains knowledge of the loss or damage and of the identity of the person liable, but at the latest 30 years after the event that caused the loss or damage occurred in the establishment or in the installation or came to an end; or the pathogenic organisms were put into circulation (see article 59a of the EPA).

Law stated - 31 August 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Not applicable.

Law stated - 31 August 2026

Appeal process

32 | What is the appeal process from trials?

In matters of environmental law, judgments of the last cantonal instances that are not subject to appeal by the Federal Administrative Court, as well as judgments of the Federal Administrative Court, may be appealed to the Federal Supreme Court by filing an "appeal in matters of public law" (article 82 et seq of the FSCA). If the matter is being decided in civil or criminal proceedings, the respective appeal process is based on the relevant civil or criminal procedural regulations.

Law stated - 31 August 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Switzerland ratified the United Nations Framework Convention on Climate Change on 10 December 1993, the Kyoto Protocol on 9 July 2003 and the Paris Agreement on 6 October 2017. It is also a contracting party to the Vienna Convention for the Protection of the Ozone Layer, ratified on 17 December 1987, and ratified all following protocols, including the Montreal Protocol on Substances that Deplete the Ozone Layer, on 28 December 1988.

European Union (EU) environmental regulations do not directly apply to Switzerland, as Switzerland is not a member of the EU. However, Switzerland maintains extensive cooperative relations with the EU, including with regard to the harmonisation of environmental legislation. On 23 November 2017, Switzerland and the EU concluded a bilateral agreement that links the Emissions Trading Systems of the two legal orders.

Law stated - 31 August 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

Switzerland takes a monist approach to international law. Accordingly, upon its entry into force for Switzerland, international law is directly valid within the Swiss legal order without any need for further incorporation. Depending on the nature of the international legal norm in question, domestic implementing legislation is required. International environmental treaties regularly affect Swiss domestic environmental regulatory policy. Switzerland must ensure that its domestic law is such that Switzerland can meet its obligations under international law. For instance, the CO2 Act is currently being revised to enable Switzerland to meet its obligations and voluntary commitments under the Paris Agreement. Another example are the respective provisions of the Chemical Risk Reduction Ordinance, in particular its Annexes 1.4 and 1.5, which implement the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987.

Law stated - 31 August 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

Switzerland's new Climate and Innovation Act and its implementing Climate Protection Ordinance (CPO) became fully effective on 1 January 2025. They legally anchor net-zero greenhouse gas emissions by 2050, with mandatory interim reduction targets (64% by 2040; 89 % by 2050) and require all companies (excluding agriculture) to develop transition plans in line with national goals. Large firms subject to mandatory sustainability reporting must produce such plans starting in 2025.

In the popular vote on 9 June 2024, the Swiss electorate approved the Electricity Supply Security Act by a large majority. The amendment to the Electricity Supply and Energy Act is intended to quickly generate more electricity from renewable sources, especially in winter, and to tap into new storage sources. Following full passage of the revised Energy Act and Electricity Supply Act, the Federal Council adopted implementing ordinances on 13 November 2024, and divided enforcement into two packages: the first package entered into force on 1 January 2025, while the second package entered into force on 1 January 2026. The first package introduces immediate measures such as harmonised

procurement tariffs for renewable energy, grid-based electricity communities (vZEVs), suppliers' take up obligations, a mandatory winter hydropower reserve and expansion of preselected hydropower projects. The second package – covering topics such as virtual power communities, detailed metering and tariff reforms, flexibility mechanisms and billing rules – allows smooth industry adaptation. Besides, a new article 24 ter has been added to the Spatial Planning Act, allowing electrolysers and PtX plants to be licensed outside traditional building zones, removing key permitting barriers. Further reforms will speed up approvals, harmonise definitions ("renewable", "CO -neutral" and "'ow-carbon" hydrogen), support hydrogen clusters and introduce subsidy and state-aid schemes aligned with evolving EU rules.

In December 2024, the Swiss Federal Council adopted its National Hydrogen Strategy, which outlines a comprehensive framework for developing a domestic hydrogen and power to X (PtX) market. The strategy focuses on using climate-neutral hydrogen for applications where direct electrification is impractical – such as high-temperature industrial heat, reserve power, heavy transport, aviation and shipping – and envisions stronger integration with emerging European hydrogen infrastructure over time.

In September 2024, Swiss voters decisively rejected a biodiversity initiative that aimed to expand protected habitats and enhance safeguards for endangered ecosystems – more than 60% voted against it. This reflected resistance to higher costs and perceived constraints on agriculture and development. Meanwhile, the Federal Council extended the Swiss Biodiversity Strategy and its Action Plan through 2030, launching Phase II (2025–2030) with 15 new measures focused on addressing climate impacts, insect decline and habitat connectivity.

This legislative overhaul will result in several amendments to ordinances, scheduled for implementation in multiple phases between now and 2027. The first phase began in June 2025 with a public consultation on several environmental ordinances. Key proposals include amendments to the Ordinance on Avoidance and Disposal of Waste and the introduction of a new Packaging Ordinance, which will replace the existing Beverage Containers Ordinance. The amendments to the Waste Avoidance and Disposal Ordinance will:

- clarify the newly defined waste hierarchy set out in the EPA;
- establish the provisions necessary to implement the littering ban;
- classify combustion residues from household waste incineration plants as municipal waste, with the aim of recovering valuable metals from filter ash, which is mandatory from 2026 (article 32 (2) let. g and article 54 (3) of the Ordinance on Avoidance and Disposal of Waste).

The new Packaging Ordinance will regulate all types of containers, not just beverage containers, which currently account for 25% of the packaging used in Switzerland. It will introduce the following non-exhaustive provisions:

- general sustainability requirements for packaging as much as technology and operating conditions allow and provided that this is economically acceptable;
- a subsidiary obligation for retailers and manufacturers supplying beverage cartons and single-use plastics to end users. Those not affiliated with an industry organisation – or not making a financial contribution to such an organisation – must

ensure the collection and proper disposal of the beverage cartons and single-use plastics they supply; and

- a prepaid disposal charge for glass packaging.

Law stated - 31 August 2026



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UPDATE AND TRENDS

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LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

In the UK, regulation of the environment is largely a "devolved matter". Generally, environmental laws for England are made by the UK Parliament, with environmental laws for Scotland, Wales and Northern Ireland made by the Scottish Parliament, the Welsh Parliament (Senedd) and Northern Ireland Assembly respectively. However, some aspects of environmental law are reserved for the UK Parliament, and in many areas, a common approach or framework is sought across the UK.

The main Acts of Parliament creating environmental frameworks are the Environmental Protection Act 1990 (EPA 1990), the Water Resources Act 1991 (WRA 1991), the Environment Act 1995 (EA 1995), the Pollution Prevention and Control Act 1999 (PPCA 1999), and the Environment Act 2021 (EA 2021). The EPA 1990 establishes the framework for waste regulation, the management of contaminated land (inserted by the EA 1995), statutory nuisances and genetically modified organisms. The WRA 1991 establishes the framework for the regulation of water pollution and the management of water resources. The EA 1995 established the principle of environmental regulators in England, Wales and Scotland. The PPCA 1999 contains wide powers for government ministers to make environmental regulations. The EA 2021 covers a wide range of areas such as waste and resource efficiency measures (including extended producer responsibility), measures to improve air quality and the introduction of mandatory biodiversity protections into the planning system.

Most environmental legislation across the UK is now contained in secondary legislation, such as the Environmental Permitting (England and Wales) Regulations 2016 (EPR), which provide for the regime regulating activities requiring an environmental permit in England and Wales. Many regulations implement the requirements of EU legislation deriving from the UK's former membership of the EU.

Law stated - 2 September 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

Yes, the UK has a system of integrated pollution control. It is primarily governed by the EPR in England and Wales and equivalent legislation in Scotland and Northern Ireland. The EPR provide for an integrated environmental permitting regime for activities resulting in discharges to land, air or water. The EPR sets out which types of activities require an environmental permit, and which can be undertaken under an exemption. Permit conditions require operators to use Best Available Techniques (BAT) to prevent and reduce pollution to air, land and water.

Law stated - 2 September 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

Most contaminated sites in the UK are cleaned up (remediated) through the planning system as and when they are redeveloped. Local planning authorities will normally impose conditions on any planning permission for the redevelopment of brownfield land, requiring the land to be investigated and, if necessary, remediated. The developer is responsible for the remediation, regardless of who caused the contamination originally, unless it can agree contractually with another person (such as a former owner) that the other person will bear the responsibility.

Significantly contaminated sites that are unlikely to be redeveloped in the foreseeable future can be remediated under the contaminated land regime provided for in Part 2A of the EPA 1990. Local authorities are responsible for identifying such sites and the "'appropriate persons" liable for their remediation. Broadly, any persons who have caused or knowingly permitted contamination (known as Class A persons) are primarily liable for remediating it, but where no such persons can be found, then the current owners or occupiers (known as Class B persons) are liable. There is a complex set of tests whereby Class A persons may be excluded from liability – for example, if they sell the land to another Class A person with sufficient information to make the new owner aware of the contamination.

Law stated - 2 September 2026

Regulation of waste

4 | What types of waste are regulated and how?

The key waste legislation in the UK is primarily the Environmental Protection Act 1990 (EPA), which establishes a 'duty of care' for waste management and outlines responsibilities for preventing pollution from waste. Anyone who produces or handles waste has an overarching statutory duty of care under the EPA to ensure the safe management of that waste to protect human health and the environment. The Environmental Permitting (England and Wales) Regulations 2016 (EPR) (and equivalents in Scotland and Northern Ireland) provide for the permitting regime relevant to businesses that use, recycle, treat, store or dispose of waste.

Waste is broadly regulated under the EPA 1990 and the EPR. The types of waste and how they are regulated are subject to specific rules and include the following.

- Controlled waste. This includes household, industrial, and commercial waste. Under the EPA 1990, controlled waste must be managed and disposed of safely. Broadly, in England businesses must register as a carrier if they transport waste, as a dealer if they buy, sell or dispose of waste or as a broker if they arrange for someone else to buy, sell or dispose of waste. Different registration processes apply in Northern Ireland, Scotland and Wales.
-

Hazardous waste. Defined under the Hazardous Waste (England and Wales) Regulations 2005 (and equivalent legislation), hazardous waste poses a risk to human health or the environment. Producers and handlers of hazardous waste must comply with specific requirements, including proper classification, storage and disposal, and must complete consignment notes.

- Waste Electrical and Electronic Equipment (WEEE). Regulated under the WEEE Regulations 2013 (as amended) which cover waste electrical and electronic equipment. Producers under the regime are responsible for financing the collection, treatment and recycling of WEEE.
- Packaging waste. Regulated under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024. Businesses that produce or handle 25 tonnes of packaging and have a turnover exceeding £1 million must comply with packaging waste recycling and recovery obligations.
- Batteries. Regulated by the Waste Batteries and Accumulators Regulations 2009. Battery producers in the UK are responsible for the costs associated with waste battery collection, treatment, recycling and disposal of those batteries. There are also obligations placed on distributors and end-users of batteries.

Businesses and households that produce waste are required to comply with various other statutory requirements depending on the source and nature of that waste.

Law stated - 2 September 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

The Environmental Permitting regime provides the primary framework for regulating air emissions from industrial processes. Operators of regulated facilities must obtain permits that set conditions controlling emissions to air. Conditions are based on the use of BAT to minimise emissions and environmental harm.

Aside from the Environmental Permitting regime, emissions of specific pollutants are regulated under various laws, including:

- Clean Air Act 1993, which controls smoke, grit and dust emissions, particularly in Smoke Control Areas;
- Climate Change Act 2008, which targets greenhouse gas emissions, setting legally binding carbon budgets to reduce the UK's contribution to climate change; and
- National Emissions Ceilings Regulations 2018, which set national limits for emissions of ammonia, nitrogen oxides (NOx), non-methane volatile organic compounds, sulphur dioxide (SO2), and fine particulate matter (PM2.5).

Certain businesses are also required to report their greenhouse gas (GHG) emissions under the Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013. The Streamlined Energy and Carbon Reporting (SECR) framework was introduced

in 2019 and requires large UK companies to report on their GHG emissions. The UK Emissions Trading Scheme (UK ETS) also applies to energy-intensive industries, power generation, maritime activities and aviation. The scheme requires participants to monitor, report and verify their emissions annually and surrender allowances equivalent to their emissions.

Law stated - 2 September 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

Freshwater and seawater, along with their associated land, are protected in the UK through legislation such as the Water Resources Act 1991, Marine and Coastal Access Act 2009, and Wildlife and Countryside Act 1981. Regulatory bodies like the Environment Agency, Marine Management Organisation and Natural England oversee water quality, pollution and habitat conservation. Protections include designated areas (eg, Sites of Special Scientific Interest (SSSIs), Ramsar Sites and Marine Conservation Zones), compliance with the retained Water Framework Directive, and permits for discharges under the Environmental Permitting regime. Planning controls and fisheries regulations further safeguard these environments.

Law stated - 2 September 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

The main features of the rules protecting natural spaces and landscapes in the UK include:

- Wildlife and Countryside Act 1981. This statute is in place to protect SSSIs, prohibit damage to protected species and habitats, and designates National Nature Reserves.
- Conservation of Habitats and Species Regulations 2017. Special Areas of Conservation are designated under these regulations, which also protect Special Protection Areas as part of the UK's National Site Network.
- The Environment Act 2021 introduces a framework for improving biodiversity, including mandatory biodiversity net gain for developments. The Act also establishes Local Nature Recovery Strategies, which aim to identify locations for nature recovery, alongside strengthening protections for natural spaces through long-term environmental targets.

Law stated - 2 September 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

The main features of the rules protecting flora and fauna species in the UK include the following.

- Wildlife and Countryside Act 1981. This Act protects species from harm, prohibits the destruction of certain plants (such as the Bluebell, which is protected from sale or trade) and regulates non-native species (including Japanese knotweed).
- Conservation of Habitats and Species Regulations 2017. The regulations aim to protect European species and habitats, such as bats and common otters. They also function to prohibit activities that harm these species or habitats without a European Protected Species Licence.
- The Environment Act 2021 has introduced measures to enhance biodiversity through long-term strategies.
- The UK implements the Convention on International Trade in Endangered Species (CITES) through the Wildlife Trade Regulations and the Control of Trade in Endangered Species Regulations 2018. CITES regulates international trade in endangered species to ensure their survival. Trade in listed species requires permits or certificates.
- There are certain rules for specific species of animals, including the Protection of Badgers Act 1992, which safeguards badgers and their setts.
- The Marina and Coastal Access Act 2009 protects marine species and habitats via Marine Conservation Zones (MCZs). MCZs aim to conserve biodiversity, protect ecosystems, and contribute to a network of Marine Protected Areas that safeguard the marine environment.

Law stated - 2 September 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

The Environmental Permitting regime provides the framework for governing noise, odours and vibrations in regulating emissions from activities requiring an environmental permit. Operators must be able to use Best Available Techniques (BAT) to minimise impacts. The UK's planning system also dictates that planning applications must consider the impacts of noise, odours, and vibrations. These can be deemed "statutory nuisances" if they materially affect the use or enjoyment of property. Local authorities have powers to serve abatement notices to stop or restrict the nuisance.

The Control of Pollution Act 1974 is also relevant here, given it regulates construction noise and vibrations. Councils can impose requirements on how construction works are undertaken, specifying plant, hours of operation and noise levels.

Law stated - 2 September 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

In the UK, the general regime for environmental damage liability is primarily governed by the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 in England and equivalent legislation in Wales, Scotland and Northern Ireland. The Environmental Damage regime implements the requirements of the EU Environmental Liability Directive and aims to ensure operators of certain activities both prevent and remediate environmental damage based on a "polluter pays" principle.

There are also specific regimes that deal with liability for environmental damage. For instance, under Part 2A of the EPA, the contaminated land regime empowers local authorities to identify and require remediation of contaminated sites. The Environmental Permitting regime requires permits for activities with potential harm. The Environment Agency (or national equivalent) enforces these regulations, ensuring compliance and addressing breaches. The regulator also has the power to prosecute, in serious cases.

Law stated - 2 September 2026

Environmental taxes

11 | Is there any type of environmental tax?

Yes, there are several types of environmental tax in the UK, including the following.

- Climate Change Levy (CCL). The CCL is an environmental tax charged on the energy that businesses use. Main rates of the CCL apply to businesses in either the industrial, commercial, agricultural or public services sectors. The main rates are paid on electricity, gas, and solid fuels (such as coal, lignite, coke, and petroleum coke). Businesses can get a reduction on the main rates of CCL if they are an energy-intensive business and have entered into a climate change agreement with the government. There are also carbon price support rates that encourage industries to use low-carbon technology for producing electricity and are paid on gas consumption, LPG, coal and other solid fossil fuels. These are paid by owners of electricity generating stations and operators of combined heat and power (CHP) stations.
- Landfill tax. This tax is paid in addition to normal landfill fees if a business disposes of waste using landfill sites. It is charged by weight. ‘Inactive waste’, such as rocks or soil, is paid at a lower rate of £8.65 per tonne (as at 1 April 2026). The standard rate for other items is £130.75 per tonne (as at 1 April 2026). Certain activities are exempt from landfill tax, including quarrying and mining.
- Plastic packaging tax (PPT). The tax was introduced on 1 April 2022 and aims to incentivise the use of recycled plastic and to increase plastic recycling collection rates. The tax is imposed on plastic packaging components that contain less than 30% recycled plastic. The current rate is £228.82 per tonne (as at 1 April 2026).

Certain types of packaging are exempt from PPT, such as those used for the immediate packaging of licensed human medicine.

- The UK Carbon Border Adjustment Mechanism (UK CBAM) is a proposed levy on the carbon emissions embedded in specified imported goods. It is intended to prevent "carbon leakage" by ensuring imported products bear a carbon cost broadly equivalent to that faced by UK producers. The UK CBAM is expected to be legislated through the Finance Bill 2025–26 and is due to come into force on 1 January 2027.

Law stated - 2 September 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

Yes, there are various environmental reporting requirements in the UK, including the following.

- Streamlined Energy and Carbon Reporting (SECR). Under SECR quoted companies and "large" unquoted companies and LLPs (i.e. those which meet at least two of the following criteria: (1) more than 250 employees; (2) annual turnover exceeding £36 million; and (3) a balance sheet total of more than £18 million) are required to report on their GHG emissions. Disclosures involved under SECR include information about energy consumption and associated carbon emissions, such as total energy use, greenhouse gas (GHG) emissions, an energy efficiency narrative and an intensity ratio (energy consumption per unit of activity).
- Publicly quoted companies and businesses with more than 500 employees and a turnover that exceeds £500 million are required to make climate-related financial disclosures, which are based on the Task Force on Climate-related Financial Disclosures recommendations. Material disclosures are required to be made in annual reports and should cover how climate change is addressed in corporate governance; the impacts on strategy; how climate-related risks and opportunities are managed; and the performance measures and targets applied in managing these issues. These disclosure requirements were introduced under the Companies (Strategic Report) (Climate-related Financial Disclosures) Regulations 2022 and the Limited Liability Partnerships (Climate-related Financial Disclosures) Regulations 2022.
- The main energy efficiency auditing regime in the UK is the Energy Saving Opportunity Scheme (ESOS), introduced under the Energy Saving Opportunity Scheme Regulations 2014. The ESOS regime is mandatory and requires 'large undertakings' and groups of undertakings that contain a large undertaking to carry out an energy audit every four years and notify the appropriate regulator of their compliance. In-scope businesses are also required to develop an Action Plan for implementing energy savings and to report on progress against the Action Plan on an annual basis. A "large undertaking" means a business that employs 250 of more

people or has an annual turnover exceeding £44 million and an annual balance sheet exceeding £38 million. The ESOS regime is currently in Phase 4 and the next energy audit deadline is 5 December 2027.

Law stated - 2 September 2026

Government policy

13 | How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

The UK Government's general policy on environmental issues is centred around achieving net-zero emissions by 2050, improving environmental quality (such as air and water quality), and enhancing biodiversity (including the aim to halt the decline of biodiversity by 2030).

Environmental policy objectives influence the legislative agenda by ensuring that legally binding targets are imposed on various environmental aspects, which then requires the government to take action to meet these goals.

Law stated - 2 September 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

Yes. In the UK, there are specific regulations and wider legislation in place that govern hazardous activities. The overarching focus surrounds the control of risks associated with dangerous substances and potential associated hazards. The aim of the rules are to prevent accidents and ensure the health, safety and welfare of workers and the general public who might be affected by the activities. The primary legislation is the Health and Safety at Work etc. Act 1974, which is underpinned by various regulations including but not limited to the Management of Health and Safety at Work Regulations 1999 (MHSWR) and the Control of Substances Hazardous to Health Regulations 2002 (COSHH).

Law stated - 2 September 2026

Regulation of hazardous products and substances

15 | What are the main features of the rules governing hazardous products and substances?

In the UK, hazardous products and substances must be stored safely to minimise the risks of leaks, spills or other incidents. The rules focus on ensuring safety in their use, handling, storage, transportation and disposal. Below are key features of the rules.

- The REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation. REACH requires manufacturers and importers to assess and manage the risks posed by chemicals and to provide safety information to users. It ensures that hazardous substances are registered with the Health and Safety Executive and evaluated, with restrictions applied (where necessary) to protect human health and the environment.
- The CLP (Classification, Labelling and Packaging) Regulation. CLP ensures that hazardous substances are classified and labelled consistently to communicate their risks effectively. This includes the use of standardised hazard pictograms (symbols), signal words and precautionary statements.
- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Reg ulations 2009 (as amended) govern the safe transportation of hazardous substances by road, rail and inland waterways. They align with international agreements, such as ADR (which is the European Agreement concerning the International Carriage of Dangerous Goods by Road), which regulates the safe international transport of dangerous goods (including explosives, flammable gases, and corrosive substances) by road.
- The Control of Asbestos Regulations 2012 sets out requirements for managing asbestos risks, including identifying asbestos-containing materials, assessing risks and implementing control measures to protect workers and others from exposure. Certain work that involves handling asbestos will require a licence before the work may commence.

Law stated - 2 September 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

In the UK, the prevention of industrial accidents is governed by a framework designed to protect workers, the public and the environment. The key regulatory requirements include the following.

- The Health & Safety at Work regime which imposes a general duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of employees and others who may be affected by their activities (including the public, if applicable). This includes identifying risks, implementing control measures and maintaining safe systems of work to prevent industrial accidents.
- The Control of Major Accident Hazards Regulations 2015, which apply to establishments where dangerous substances are present in quantities above specified thresholds. Site operators are required to implement safety management

systems and preventative measures to minimise the likelihood and impact of accidents.

- The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR), which apply to workplaces where dangerous substances are present and could cause fires, explosions or corrosion. DSEAR requires employers to assess risks, implement control measures and classify areas where explosive atmospheres may occur, ensuring appropriate controls are in place.

Law stated - 2 September 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

This largely depends on whether the transaction is a share sale or asset sale.

On a share sale, any environmental liabilities of the company being sold will remain with the company, so a buyer will inherit those liabilities. If the buyer wants to protect itself against those liabilities, it will have to seek alternative protection, such as an indemnity from the seller, a purchase price retention, or environmental insurance. It should be noted, however, that as a general rule, the courts in the UK will not typically enforce indemnities against criminal fines, for public policy reasons.

On an asset sale, any environmental liabilities relating to the seller's period of ownership of the assets will normally remain with the seller, and so a buyer will not inherit those liabilities. However, some environmental liabilities (such as liability for contaminated land under Part 2A of the EPA 1990) can be transferred by contract.

Law stated - 2 September 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

Regardless of the type of transaction, assessing potential liabilities associated with contamination, pollution or breaches of environmental legislation is critical. This would usually include undertaking due diligence to identify any existing or historic environmental risks. Other areas of regulatory compliance would involve verifying the existence of any necessary permits, licences, and consents for the operations or assets involved. Other considerations would include addressing any obligations regarding the proper handling, storage and disposal of waste, alongside climate change and sustainability commitments, such as obligations under the UK Emissions Trading Scheme (UK ETS).

Law stated - 2 September 2026

Environmental aspects in public procurement

19 | Do public procurement regulations take environmental protection into consideration?

The Procurement Act 2023 requires public bodies to consider the environmental impact of their procurement decisions to maximise public benefit when awarding contracts. The Act also promotes sustainability in encouraging the minimisation of negative environmental impacts throughout the life cycle of goods and services.

Law stated - 2 September 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

In the UK, certain developments (rather than specific activities) are subject to environmental assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) where they are likely to have a significant effect on the environment. Schedule 1 of the EIA Regulations lists developments where an EIA is mandatory, for example:

- large-scale energy projects, such as nuclear power stations or oil refineries;
- waste disposal installations, including hazardous waste facilities;
- large-scale infrastructure projects, such as motorways or airports; and
- extractive industries, such as quarries or open-cast mining.

Schedule 2 of the EIA Regulations lists developments that may require an EIA if they are likely to have a significant environmental effect due to factors such as size, nature or location.

Law stated - 2 September 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

Environmental impact assessments involve several key steps to ensure that the environmental impacts of a proposed development are properly identified, assessed and considered before development consent is granted. Below are the main steps.

- Screening: which determines whether the proposed development requires an EIA.
-

Scoping: which identifies the key environmental issues and impacts that need to be assessed in the EIA.

- Preparation of an Environmental Statement: which is a detailed document outlining the potential environmental impacts of the proposed development.
- Submission and public consultation: the Environmental Statement is submitted alongside the planning application to the relevant authority. The public, statutory consultees and other stakeholders are then invited to review and comment on the Statement during a consultation period.
- Review: the Environmental Statement is then reviewed by the relevant authority, which will decide whether to grant or refuse development consent. The developer can also be required to monitor environmental impacts of the development both during and after implementation.

Law stated - 2 September 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The Environment Agency (EA) regulates environmental issues in England, including pollution control, water resources, flood risk management, waste management and contaminated land. In the devolved administrations, Natural Resources Wales, the Scottish Environment Protection Agency and the Northern Ireland Environment Agency (NIEA) carry out equivalent enforcement and regulatory functions.

The Health and Safety Executive regulates workplace health and safety, which includes hazardous substances (such as asbestos and its licensing regime) and major accident hazards under COMAH and DSEAR.

Local authorities are responsible for air quality monitoring, noise control, contaminated land identification and the enforcement of certain environmental permits.

Natural England focuses on biodiversity, habitat conservation, protected species and Sites of Special Scientific Interest. NatureScot, Natural Resources Wales and the NIEA carry out equivalent functions in the devolved administrations.

The Marine Management Organisation is an executive non-departmental public body of the Department for Environment, Food and Rural Affairs. It licenses and regulates marine activities in the seas around England and Wales, including fisheries management and marine conservation zones.

Law stated - 2 September 2026

Investigation

I

23 | What are the typical steps in an environmental investigation?

Although the Environment Agency and its equivalents in the devolved administrations routinely conduct inspections of regulated facilities, most regulatory compliance issues will be resolved without a comprehensive investigation being initiated. Many compliance issues, whether self-disclosed or identified as a result of an agency inspection, are resolved on an informal basis, without the use of formal enforcement powers. If agency inspectors identify non-compliance through a review of a regulated facility's records or an onsite inspection, in most cases agency personnel will initially discuss the alleged violations with facility personnel.

If a regulatory agency initiates either a comprehensive or limited investigation into non-compliance, it will typically require sites to provide responses to questions relating to the facility's compliance and the potential issue, which may take the form of a interview under caution (either in person or in writing). It may also make a site inspection and undertake testing, sampling or similar activities. If there is sufficient evidence of an offence having been committed, the regulatory authority will make a decision on the level of enforcement action which has to be appropriate and proportionate to the issue. If a regulator does not pursue a full criminal prosecution, it may still provide written advice or a written warning requiring the facility to come into compliance.

For some regimes, the regulator will have access to a range of civil sanctions, which can include monetary penalties. Regulators can impose these sanctions without going to court or bringing a criminal prosecution and so these are relatively commonly used where they are available.

Law stated - 2 September 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

The process begins with the submission of an application or proposal to the relevant authority. The authority will review the application to ensure that it meets procedural and legal requirements. Often, public and stakeholder consultation is required, particularly for decisions with significant environmental impact. The authority will then assess the application against the relevant legal and policy frameworks, and will base its decision on legal criteria, evidence provided, and (if applicable) consultant feedback. The decision is then communicated to the applicant and other relevant parties.

Law stated - 2 September 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

Regulators have the power to impose criminal sanctions or civil penalties. Many breaches of environmental law in the UK are criminal offences and are prosecuted in the courts. Penalties can include fines (which can be unlimited for serious offences) and imprisonment for any culpable directors or senior officers.

Some environmental regimes also provide for the use of civil enforcement powers that include fixed and variable monetary penalties, compliance notices (requiring steps to remedy or prevent further breaches), restoration notices (requiring the offender to restore environmental damage) and stop notices (requiring an offending activity to stop immediately).

Other remedies that may be imposed include Enforcement Undertakings, which are voluntary undertakings from offenders to take specific actions to remedy harm, ensure compliance, or provide compensation to affected parties. These are increasingly used as an alternative to prosecution.

These civil enforcement powers have been used, for example, under the Environmental Permitting regime, the Energy Savings Opportunity Scheme and the packaging waste regime.

Environmental regulators often choose to publicise enforcement actions, which can also have a deterrent effect on future non-compliance and damage the offender's reputation.

Law stated - 2 September 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

Decisions by regulators to impose civil sanctions can generally be appealed. Appeals are made to the First-tier Tribunal (General Regulatory Chamber). Grounds for appeal may include that the sanction was not lawfully imposed, that the decision was unreasonable or disproportionate, or that there was a procedural error in the decision-making process.

If a criminal prosecution results in a conviction, the offender may appeal to the Crown Court or higher courts, depending on the nature of the offence.

Where no statutory right of appeal exists, decisions of regulators may still be challenged through judicial review in the High Court. Judicial review examines whether the decision was lawful, rational and procedurally fair, rather than re-assessing the merits of the decision.

Law stated - 2 September 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Environmental law proceedings in the UK can be civil, criminal or both, depending on the nature of the breach and the enforcement route chosen by the regulator.

Law stated - 2 September 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

Courts can impose fines for environmental offences, which can be unlimited in cases of serious breaches. The level of fine is determined by courts based on sentencing guidelines that consider the seriousness of the offence, the offender's culpability and the financial circumstances of the offender.

Courts also have the power to impose custodial sentences. Under the Environment Protection Act 1990, the maximum custodial sentence is five years.

Courts can also issue: (1) confiscation orders to recover financial benefits gained from environmental crimes; (2) community orders, requiring individual offenders to carry out unpaid work; or (3) restitution orders, which obligate offenders to pay compensation to victims or cover the costs of remediation.

Courts also have the ability to grant injunctions and award damages through civil proceedings.

Law stated - 2 September 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

In certain circumstances, civil claims can be brought if the affected persons have suffered harm, loss or damage resulting from an environmental infringement. Key avenues for civil claims include: (1) public or private nuisance claims; (2) negligence claims, if the defendant owed the claimant a duty of care which was breached; and (3) statutory claims – for example, under legislation such as the Water Resources Act 1991 where individuals can claim damages for harm caused by unlawful water pollution. Claimants are required to demonstrate that the defendant's actions caused the harm or damage.

Law stated - 2 September 2026

Defences and indemnities

30 | What defences or indemnities are available?

This varies from regime to regime. Some environmental offences provide a statutory defence where the defendant can prove it took all reasonable precautions and exercised

all due diligence to avoid committing the offence. For example, under the Environmental Protection Act 1990, this defence may apply to certain waste offences.

For statutory nuisance claims, it may be a defence to prove that the defendant used "best practicable means" to prevent or counteract the nuisance. In common law nuisance, an "act of God" can also be a defence, but this tends to be a narrow exception.

Environmental indemnities are available in contractual agreements that oblige one party to compensate another for losses or liabilities arising from a breach of environmental law.

Law stated - 2 September 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Generally, most environmental regimes provide that directors and officers of the company will only be liable for environmental offences where the company has committed the offence and it was either:

- committed with the consent or connivance of the director or officer; or
- attributable to the neglect of the director or other officer.

As a result of the offence needing to have been committed with the consent, connivance or neglect of the directors or officers, prosecution of directors and officers most commonly occurs in the case of small companies where the directors are closely involved in the day-to-day operations of the business. There are generally no specific "defences" and, instead, individuals would need to argue that the offence did not take place with their consent, connivance or neglect. This could be, for example, by showing that they delegated responsibility for environmental compliance to a competent individual within the company and took reasonable steps to monitor and review compliance.

Law stated - 2 September 2026

Appeal process

32 | What is the appeal process from trials?

The appeal process for environmental law cases in the UK depends on the court or tribunal involved. Magistrates' Court decisions can be appealed to the Crown Court or High Court (Administrative Court) on points of law. Crown Court cases go to the Court of Appeal (Criminal Division). Administrative Court decisions can be appealed to the Court of Appeal (Civil Division) and, with permission, to the Supreme Court (although this is rare). Tribunal decisions (through the Planning Inspectorate) are appealed to the Upper Tribunal, then the Court of Appeal, and potentially the Supreme Court. Appeals require permission and are usually limited to points of law.

Law stated - 2 September 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 | Is your country a contracting state to any international environmental treaties, or similar agreements?

Yes, the UK is party to numerous international environmental treaties, which reflect its commitment to global environmental protection and sustainability. These include:

- United Nations Framework Convention on Climate Change (UNFCCC), which sets the framework for international cooperation on climate change;
- the Paris Agreement, which covers climate change mitigations, adaptation and financing; and
- the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which is a multilateral environmental agreement to protect human health and the environment against the adverse effects resulting from the generation, transboundary movements and management of hazardous wastes and other wastes.

Annex B of the International environmental protection report (published on 29 April 2025 by the Department for Environment, Food and Rural Affairs) provides links to other multilateral agreements, treaties and trade agreements the UK is party to.

Law stated - 2 September 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

UK regulatory policy is significantly influenced by international environmental treaties, such as the UNFCCC and the Paris Agreement. These treaties create binding obligations, shaping domestic laws such as the Climate Change Act 2008 and policies such as the Net Zero by 2050 target. The UK aligns its policies with treaty goals, submits progress reports and demonstrates global leadership. While international commitments drive regulatory frameworks, domestic priorities and economic considerations also play a role in implementation.

Law stated - 2 September 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

PFAS

Per- and polyfluoroalkyl substances (PFAS) are commonly known as "forever chemicals". Some PFAS fall within the scope of the UK REACH and CLP regimes. This is a particularly hot topic given recent media coverage of the prevalence of PFAS in common household products such as non-stick pans. On 3 February 2026, the UK government published its PFAS Plan, which sets out a framework for reducing the risks posed by PFAS and supporting a transition to safer alternatives. The Plan is structured around three core objectives: improving understanding of PFAS sources, disrupting pathways through which PFAS enter the environment, and reducing ongoing human and environmental exposure. The Plan also confirms that the Government intends to consult later in 2026 on the introduction of a statutory limit for PFAS in drinking water in England and to publish its position on potential restrictions on PFAS-containing firefighting foams. Although the Plan does not introduce immediate restrictions or bans, it signals a clear direction of travel towards increased regulation. As a result, PFAS are likely to remain a significant area of focus for regulators, businesses and other stakeholders in the coming years.

Circular economy

Extended Producer Responsibility schemes have been introduced, requiring companies to manage product life cycles, including disposal. Measures like the Plastic Packaging Tax and stricter recycling targets are driving waste reduction and sustainable product design. The UK government's Circular Economy Taskforce, an independent expert advisory group, is currently developing the Circular Economy Growth Plan, which is expected to be published later in 2026. This plan sets the framework for the UK's transition from a linear economy to a circular economy.

ESG

Corporate sustainability reporting requirements continue to evolve. Mandatory climate disclosures under the Task Force on Climate-Related Financial Disclosures now apply to many large UK companies, with biodiversity and natural capital gaining focus.

On 25 February 2026, the UK government published the final UK Sustainability Reporting Standards (UK SRS):

- UK SRS S1 (General Requirements for Disclosure of Sustainability related Financial Information); and
- UK SRS S2 (Climate-related Disclosures).

The standards are available for voluntary adoption, further aligning the UK's reporting framework with the standards developed by the International Sustainability Standards Board. The Financial Conduct Authority has also consulted on updating the Listing Rules to incorporate references to the UK SRS. A Policy Statement is expected in autumn 2026, with the revised rules anticipated to take effect from 1 January 2027.

Alongside developments in reporting requirements, regulators are increasing scrutiny of ESG claims. In particular, authorities such as the Competition and Markets Authority continue to take action against misleading environmental claims and greenwashing.

Businesses should therefore ensure that sustainability-related statements are accurate, evidence-based and appropriately substantiated. At the same time, supply chain due diligence is becoming an increasingly important component of ESG risk management and corporate governance.

Law stated - 2 September 2026

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UPDATE AND TRENDS

Key developments of the past year

LEGISLATION

Main environmental regulations

1 | What are the main statutes and regulations relating to the environment?

The National Environmental Policy Act (NEPA) is the umbrella procedural statute that requires federal agencies to consider the environmental impacts of their actions and involve the public.

Several substantive statutes are media-specific:

- the Clean Air Act (CAA) regulates air quality and emissions, including through the establishment of National Ambient Air Quality Standards (NAAQS), New Source Performance Standards (NSPS), hazardous air pollutants (HAPs), and the Renewable Fuel Standard (RFS);
- the Clean Water Act (CWA) regulates water quality and discharges, including through the National Pollutant Discharge Elimination System (NPDES);
- the Safe Drinking Water Act authorises the EPA to set National Primary Drinking Water Regulations for tap water and underground injection rules;
- the Resource Conservation and Recovery Act (RCRA) regulates hazardous and solid waste management;
- the Comprehensive Environmental Response, Compensation and Liability Act (also known as Superfund or CERCLA) addresses remediation of legacy disposal sites and release reporting; and
- the Oil Pollution Act provides for oil spill prevention and response.

Other statutes are resource-specific. The Endangered Species Act (ESA) protects listed endangered and threatened species and critical habitat. Other statutes protect certain species, including the Migratory Bird Treaty Act, the Lacey Act, the Bald and Golden Eagle Protection Act and the Marine Mammal Protection Act.

Other statutes govern natural resource planning and development on federal lands onshore and on the Outer Continental Shelf, including:

- the Mineral Leasing Act;
- the Outer Continental Shelf Lands Act;
- the Federal Land Policy and Management Act;
- the Mining Law of 1872;
- the National Forest Management Act;
- the National Park Service Organic Act;
- the Wild and Scenic Rivers Act;
- the National Wildlife Refuge System Administration Act;
- the Rivers and Harbors Act;
-

the Marine Protection, Research, and Sanctuaries Act (ie, Ocean Dumping Act); and

- the Coastal Zone Management Act.

Additional statutes cover certain products or wastes:

- the Toxic Substances Control Act (TSCA) regulates new and existing chemicals and products that contain these chemicals;
- the Pollution Prevention Act creates a national policy to reduce pollution at the source by changing production, operation and raw materials;
- the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) regulates pesticides; and
- the Federal Food, Drug and Cosmetic Act regulates food, drugs and cosmetics.

Still more statutes focus on human health and safety:

- the Hazardous Materials Transportation Act (HMTA) regulates transportation of hazardous materials;
- the Occupational Safety and Health Act regulates hazards in the workplace; and
- the Emergency Planning and Community Right-to-Know Act provides emergency planning and notification for hazardous and toxic chemicals.

The US Environmental Protection Agency (EPA) offers high-level summaries and citations for key US environmental laws.

Nearly all of these statutes have implementing regulations issued and administered by federal agencies vested with jurisdiction. The federal and state governments share authority to administer some federal environmental programmes (eg, the CAA and the CWA). States also have their own, sometimes more stringent, environmental laws, such as groundwater protection schemes, additional recycling and extended producer responsibility requirements, and state equivalents of the NEPA. Counties, cities and other local government entities may have their own requirements as well.

Law stated - 17 September 2026

Integrated pollution prevention and control

2 | Is there a system of integrated control of pollution?

There is no general system providing integrated pollution prevention and control. The EPA administers most of the national environmental statutes and regulations, but other federal agencies also have jurisdiction over federal lands, wildlife, or specific activity types. The EPA is permitted, however, under 40 C.F.R. Part 124 to combine specific permit applications together for the same facility (ie, RCRA permits, Underground Injection Control permits, Prevention of Significant Deterioration permits under the CWA, and National Pollutant Discharge Elimination System permits under the CWA. Moreover, certain permits are consolidated for a particular environmental statute, such as Title V permits under the CAA

or Section 402(s) permits under the CWA. A current federal government initiative is to consolidate and increase efficiency for permit applications and processing, particularly for data centre projects, but such orders still are not completely integrated pollution controls. State and local authorities generally may impose additional requirements where not pre-empted by federal law. In some cases, the federal system is a delegated programme where states implement minimum federal standards but can impose more stringent requirements.

Law stated - 17 September 2026

Soil pollution

3 | What are the main characteristics of the rules applicable to soil pollution?

Superfund's remediation authorities extend to pollution of soil and other media. The EPA lists sites on the National Priority List based on a hazard ranking system. The EPA also maintains a list of hazardous substances that are subject to such authorities. Liability under the act and state laws is typically strict, joint and several, and retroactive, even to legacy contamination sites. Potentially responsible parties (PRPs) liable for remediation under Superfund include entities that arrange or arranged for the disposal of hazardous substances, transporters, and current and former owners and operators of contaminated sites. These PRPs may be strictly and retroactively liable for investigation, evaluation and remedial action, which is generally selected by the EPA in compliance with the National Contingency Plan. Superfund also provides that federal and state "trustees" can recover from PRPs the costs associated with the injury to, destruction of or loss of natural resources. Pursuant to section 121(d) of CERCLA, remedial actions at Superfund sites must comply with the applicable or relevant and appropriate requirements from other federal environmental laws. Contamination levels for when liability applies vary by substance. For example, the EPA issued guidance for lead contamination in October 2025 to begin screening lead in residential areas at around 200 ppm and begin removal actions at 600 ppm. The EPA in September 2025 decided to maintain its 2024 classification of perfluorooctanoic acid and perfluorooctanesulfonic acid (PFOS) as CERCLA hazardous substances under section 102(a) of CERCLA, and the DC Circuit Court of Appeals affirmed that determination in August 2026. States also implement brownfield and voluntary response programmes aimed at remediating and reusing legacy contaminated soil sites. While Superfund covers soil pollution after the release of hazardous substances, the RCRA aims to prevent soil pollution in the first place by implementing a cradle-to-grave approach to hazardous waste management and monitoring, and also provides redress for releases that create an "imminent and substantial endangerment" to the environment.

Law stated - 17 September 2026

Regulation of waste

4 | What types of waste are regulated and how?

The RCRA defines "solid waste" as "any garbage, refuse, sludge…and other discarded material". Under that law, "solid" wastes include solid, liquid, semisolid or contained gaseous material. Solid wastes classified as "hazardous wastes" under Subtitle C of RCRA include:

- certain specifically listed wastes;
- wastes that fail generic characteristics of toxicity, reactivity, corrosivity or flammability;
- certain mixtures of hazardous wastes and other solid wastes, and residues from treatment of hazardous waste; and
- media (eg, soil and debris) that contain hazardous waste.

Obligations for generators of hazardous waste vary based on the quantity of waste produced each month, with three classifications available, including Large Quantity Generators (LQG), Small Quantity Generators (SQG), and Very Small Quantity Generators (VSQG). Generator classification is based on the level of acute hazardous waste, non-acute hazardous waste, or the level of acute hazardous waste cleanup residue.

Some states have adopted additional provisions that expand the generic characteristics of hazardous waste or the list of wastes identified as hazardous in that state.

The RCRA creates a cradle-to-grave regulatory scheme, including detailed requirements for generators and transporters of hazardous wastes, as well as detailed design and operating standards for treatment, storage and disposal facilities, which generally require state or federal permits. The RCRA requires that certain hazardous wastes meet treatment standards (incineration, stabilisation) before landfill disposal. Certain treatment standards are numerical and others require the use of certain treatment technologies.

"Universal" wastes, including batteries, certain suspended or cancelled pesticides, aerosol cans, lamps and mercury-containing equipment (some states have expanded this list), are subject to streamlined hazardous waste storage, labelling and transportation requirements. Municipal solid wastes and medical and infectious wastes are generally subject to state transportation and disposal requirements. The Act also imposes record-keeping requirements on disposers of hazardous waste. For hazardous waste storage, depending on the size and type of facility, RCRA regulations may impose accumulation time limits and technical standards (eg, for containers, tanks, drip pads or containment buildings), as well as training requirements, air emission limitations and the development of contingency plans and emergency procedures. Under the HMTA, transporters of hazardous waste must obtain an EPA identification number and comply with the EPA's hazardous waste manifest system. Exemptions exist for transporters of certain recycled or reclaimed hazardous wastes generated by small-quantity generators. Transporters must take certain actions in response to discharges or spills of hazardous waste. Transporters must also comply with applicable Department of Transportation regulations that apply to the transport of hazardous materials by rail, aircraft, water vessel or truck. These include record-keeping, training, manifest, labelling and packaging requirements. RCRA also restricts the export and import of hazardous waste.

In line with increasing efforts to regulate per- and polyfluoroalkyl substances (PFAS), in February 2024, the EPA proposed a rule to add nine PFAS to the list of "hazardous

constituents" under the RCRA. This marks the first time since 2005 that the EPA has considered listing a hazardous constituent. Notably, this rule would not list PFAS as "hazardous waste" subject to the cradle-to-grave regulatory scheme. However, it would still bring PFAS into the RCRA corrective action programme, which imposes requirements on facility owners and operators for releases of hazardous wastes or constituents. If the rule is adopted, it may eventually lead to full hazardous waste regulations for certain PFAS wastes. The final rule has yet to be adopted.

The RCRA and implementing EPA regulations and guidance exempt certain recyclable materials (including some by-products) and recycling activities from its hazardous waste regulations, generally if specified conditions are met. Recycling standards under the RCRA range from full regulation to full exemption from regulation. Federal law does not mandate a circular economy or waste recycling in lieu of disposal. Under a growing number of state laws (especially in California), extended producer responsibility requirements (including various recycling targets and obligations to pay fees to support a Producer Responsibility Organization) may apply for certain categories of products, such as packaging materials, pharmaceuticals and batteries.

Law stated - 17 September 2026

Regulation of air emissions

5 | What are the main features of the rules governing air emissions?

The CAA regulates air emissions from stationary and mobile sources and obliges the government to regulate air pollutants it determines may endanger public welfare. One of the main provisions of the CAA authorises EPA to establish National Ambient Air Quality Standards (NAAQS). To date, the EPA has established NAAQS for six pollutants: particulate matter (coarse and fine), ozone, sulphur dioxide, nitrogen dioxide, carbon monoxide and lead. States must adopt state implementation plans (SIPs) to achieve the NAAQS and to control emissions of criteria and hazardous pollutants within their boundaries. The CAA also requires the EPA to regulate emissions of listed HAPs and to address ozone-depleting substances, acid rain and regional haze.

Most facilities that produce air emissions are likely to be regulated by the CAA and must comply with federal and state requirements to meet or maintain the NAAQS. The act requires new or modified sources of air pollutants to obtain pre-construction approval. The pre-construction permit programme requires project proponents to demonstrate that emissions from the new or modified sources will not cause or contribute to an increase in air pollutants that would degrade air quality and require installation of certain levels of pollution control equipment depending on the area's air quality. Following construction, new or modified sources must obtain operating permits, which require compliance with equipment standards (eg, best available pollution control equipment) and emissions limits. These standards and limits vary based on facility type and the nature of emissions. Permitting thresholds, emissions limits and equipment standards are generally more stringent for sources emitting HAPs or located in NAAQS non-attainment areas. For certain actions, federal agencies must also demonstrate general conformity or transportation conformity

to approved SIPs, thereby ensuring that those actions will not create or worsen air quality violations under the NAAQS.

Although EPA issues permits in some circumstances, most permits are issued by state or local air pollution control agencies under their delegated SIP authority (with EPA oversight). Operating permits are generally required for larger sources and sources that are subject to new source performance standards, HAP standards and acid rain control requirements. Operating permits typically last for five years and include enforceable emissions standards and limitations (which vary by industry or source category), compliance schedules, and monitoring and reporting requirements.

Following a challenge from three states as well as several companies and trade associations, in June 2024 the Supreme Court granted a temporary stay of the EPA's Good Neighbour air pollution rule. That rule would require "upwind" states to implement air pollution control measures to limit pollution in states "downwind" of them. In *Ohio v EPA*, the Supreme Court reasoned that although the rule could improve air quality in "downwind" states, it would unduly interfere with the ability of individual states to manage their own industries and citizens. Moreover, compliance with the rule would impose a significant monetary burden on the challengers. The D.C. Circuit in April 2025 granted EPA's request to stay litigation while EPA reviewed the rule.

In *Oklahoma v EPA*, the Supreme Court further restricted the scope of the Good Neighbour rule by holding that states can contest EPA's decisions to disapprove "good neighbour plans" in regional appellate courts rather in the DC Circuit Court of Appeals where nationally applicable rules are generally challenged. Further, the EPA issued a proposed rule on January 30, 2026 seeking to limit its ability to apply the "good neighbor plan" in the future, with an intent to eventually further revise the plan in future actions. To date, there has not been issuance of a final rule.

In August 2015, EPA introduced the Clean Power Plan (CPP) to set national standards to reduce carbon dioxide pollution from stationary power plants. In June 2019, the EPA formally withdrew the CPP and replaced it with the Affordable Clean Energy (ACE) rule. In June 2022, the Supreme Court reviewed the DC Circuit's decision to vacate the ACE rule, which would have opened the door for further regulatory action by the Biden administration on power plant greenhouse gas (GHG) emissions. In *West Virginia v EPA*, the Supreme Court, relying on the "major questions doctrine", concluded that Congress did not grant EPA the authority to devise emission caps based on a goal to shift power generation from coal to renewable energy and natural gas. The EPA thus exceeded its power by enacting the CPP. Congress must now provide clear direction to the EPA in its delegation of authority before the agency can regulate GHG emissions as attempted in the CPP. In April 2024, the EPA issued a final rule under the CAA that repealed the ACE rule. That same final rule also revised new source performance standards for GHG emissions from certain new and reconstructed fossil fuel-fired electric-generating units (EGUs), and finalised emission guidelines for GHG emissions from existing fossil fuel-fired steam-generating EGUs. In line with the Biden administration's commitment to addressing climate change and environmental justice, during the United Nations Climate Change Conference (COP27) in December 2023, the EPA announced a final CAA rule intended to reduce methane and other pollutants in the oil and gas industry. The rule consists of new source performance standards regulating methane and volatile organic compound emissions as well as first-time emissions guidelines that direct state plans to

address existing sources' methane emissions. Moreover, in April 2024, the EPA announced a suite of final rules intended to reduce air, water and land pollution from fossil fuel-fired power plants. Most notably, the rules include significant limits on coal-fired and new natural gas-fired power plants. The rules also consist of tightened mercury and air toxics standards, stronger limits on water pollution from power plants, and requirements for the safe management of coal ash. On 17 June 2025, the EPA issued a proposed rule to repeal all GHG emission standards for fossil fuel-fired power plants. On 17 September 2026, EPA finalised the repeal of most 2024 GHG standards for fossil-fired power plants based on reconsideration of best system of emission reduction (BSER) determinations, and issued a supplemental proposal to repeal all GHG emissions standards based on EPA's statutory authority to regulate GHGs from power plants, following EPA's 18 February 2026 rescission of its GHG endangerment finding for mobile sources.

Beyond stationary sources, the EPA has broad authority over mobile sources including aircraft, on-road vehicles and non-road engines and equipment. It sets emission standards for vehicles, imposes testing and certification for engines, and controls fuel formulations and additives. Passenger cars and light-duty trucks must meet tailpipe emission standards for various air pollutants and GHGs. In recent years, the unique ability of California to set stricter vehicle emissions standards, which other states may then adopt in lieu of federal standards, has been in flux. In September 2019, the EPA formally revoked California's unique ability to set stricter vehicle emissions standards, which are followed by about a dozen other states, but then reinstated California's authority in March 2022. In December 2021, following a re-evaluation of standards previously set, the EPA issued new stricter standards for tailpipe carbon dioxide emissions for passenger cars and light-duty trucks for model years 2023 to 2026. The Department of Transportation followed by strengthening corporate average fuel economy standards in April 2022 for model year 2026. In March 2021, the EPA issued a final "phase 3" rule that created stricter GHG emission standards for heavy-duty vocational vehicles, set to apply in model year 2027. However, in June 2025, Congress purported to adopt three Congressional Review Act (CRA) resolutions to invalidate stricter California standards for certain emissions and to compel zero-emission truck sales. In June 2026, EPA sent four additional waivers to Congress for CRA review involving stricter emissions standards for cars, trucks, and lawn-and-garden equipment, which remain pending in Congress. Those EPA actions are the subject of litigation. In September 2026, in a challenge by California and other states involving the latest four waivers, a federal district court preliminarily enjoined EPA from taking further action to reclassify preemption waiver orders as "rules" under the CRA; the federal government has appealed.

In addition, for aircraft, in August 2016, the EPA finalised a finding that GHG emissions from certain classes of aircraft endanger human health and welfare. On 11 January 2021, the EPA issued the first-ever CAA GHG emission standards for aircraft. Those standards apply to manufacturers of new aircraft and new aircraft engines, with compliance determined as part of the Federal Aviation Administration's airworthiness certification process. In November 2021, the Federal Aviation Administration published the US Aviation Climate Action Plan, which outlines the government's approach to achieving net-zero emissions by 2050. The plan relies on more efficient aircraft and engine technologies, production and use of sustainable aviation fuels, advancements in airport operations, international cooperation, and support for climate science research. Several states, including Florida

and Tennessee, have begun to issue bans on emitting any chemicals intentionally into the atmosphere for the express purpose of affecting temperature, weather or sunlight.

The US currently has no federal law setting energy efficiency standards or requiring energy audits for buildings. The US Department of Energy (DOE) establishes and implements minimum energy conservation standards for residential, commercial and industrial equipment and appliances used in buildings under the Energy Policy and Conservation Act of 1975, as amended by the National Appliance Energy Conservation Act, the Energy Policy Acts of 1992 and 2005 and the Energy Independence and Security Act of 2007. On 12 May 2025, the DOE published several proposed rules that would roll back some of its energy-efficiency regulations. As part of the Inflation Reduction Act of 2022, the government offers incentives for energy efficiency such as 179D Commercial Building Energy-Efficiency Tax Deduction. New federal commercial buildings were expected to begin complying with fossil fuel consumption standards beginning on May 5, 2025, but the Trump administration has issued stays on compliance with that requirement until 1 March 2027. States and localities have promulgated green building standards, which, generally, are voluntary, and are exploring other means to make buildings more energy efficient. However, as of 4 July 2025, President Trump signed the One Big Beautiful Bill Act into law, which repeals portions of the tax credits provided under the Inflation Reduction Act of 2022.

Additionally, in March 2025, EPA Administrator Lee Zeldin issued a policy in which corporations can "request exemptions" from CAA standards based on "national security" or "lack of available technology" justifications. Presently, coal power plants across 23 states have made use of this exemption and litigation has ensued.

On 1 August 2025, the EPA proposed rescinding the GHG "endangerment finding" under the CAA, which has formed the backbone of regulation of certain greenhouse gas emissions since 2009 and was upheld by the Supreme Court. As of 20 April 2026, the endangerment finding is no longer in effect, and the EPA now maintains the stance that emissions from new vehicles do not impact health in any material way. EPA has also proposed that same rationale for GHG deregulation of power plant stationary sources. This is part of a broader agenda to undo climate regulations and is almost certain to trigger additional litigation.

Law stated - 17 September 2026

Protection of fresh water and seawater

6 | How are fresh water and seawater, and their associated land, protected?

The CWA requires a permit for any person or entity to discharge either pollutants or dredged or fill material to waters of the US. The EPA oversees the former; the US Army Corps of Engineers oversees the latter (subject to EPA veto). In June 2023, in its *Sackett v EPA* decision, the Supreme Court substantially narrowed the definition of "waters of the US", a decades-long debate and the subject of numerous agency rulemakings and court decisions. In particular, the Supreme Court held that waters of the US include jurisdictional wetlands with a continuous surface connection to relatively permanent bodies of water. In August 2023, the Corps and the EPA issued a final rule implementing the revised definition

of "waters of the US" in *Sackett*. That latest rule and prior rules remain in litigation. On 12 March 2025, the EPA and the Corps issued post-*Sackett* guidance and commenced a new rulemaking effort.

The issue of groundwater discharges has also caught the attention of the Supreme Court. In March 2020, in *County of Maui, Hawaii v Hawaii Wildlife Fund*, the Supreme Court established the "functional equivalent" test to determine whether facilities need a permit to discharge pollutants to a water of the US through groundwater. The EPA is in the process of issuing its interpretation of the test in *Maui*.

Individual states maintain their own programmes regulating these discharges to surface waters, and may be delegated authority to implement the act within their borders. Industrial and municipal "discharges" of wastewater and designated discharges of storm water to these waters that pass through a "point source" and "discharges" of fill material are subject to permitting. Permits must contain the more stringent of technology-based effluent limitations reflecting uniform national standards or effluent limitations designed to protect the water quality of the specific water body to which the discharge is made. States also issue water quality certifications under section 401 of the CWA, which remains the subject of ongoing regulatory changes and litigation aimed to balance state interests and expeditious permitting. Although the Trump administration substantially limited state authority under Section 401, the Biden administration largely restored it. On 15 January 2026, the issued a proposed rule to revisit section 401 implementation, but no final rule has yet been implemented. The EPA also regulates the transportation and deposit of waste by a vessel within coastal waters through the Shore Protection Act and Marine Protection, Research and Sanctuaries Act (also known as the Ocean Dumping Act). In addition, coastal waters are protected through the Coastal Zone Management Act, the Wild and Scenic Rivers Act, and regulations establishing the National Estuarine Research Reserve System. The EPA sets standards for different contaminants in drinking water through the Safe Drinking Water Act and monitors states, local authorities and water suppliers who enforce those standards. State law governs the extraction of water for consumptive use. In April 2024, the EPA finalised the first-ever National Drinking Dater Standard for six PFAS. The Biden administration also provided US$10 billion in funding through the Infrastructure Investment and Jobs Act of 2021 (Bipartisan Infrastructure Law) to assist states, territories and owners of private wells in addressing PFAS contamination. The Make America Healthy Again (MAHA) Commission reported on 28 May 2025, that the EPA is evaluating its position on regulating the use of fluoride in drinking water, which could pose future regulations surrounding drinking water. On 28 January 2026, the EPA published for public comment a draft *Preliminary Assessment Plan and Literature Survey* in support of its toxicity assessment for fluoride.

On 4 March 2025, in *City and County of San Francisco v EPA*, the Supreme Court struck down EPA's ability to impose generic prohibitions on CWA section 402 discharge permits that do not have clearly articulated limits to which discharges must conform.

Law stated - 17 September 2026

Protection of natural spaces and landscapes

7 | What rules are in place to protect natural spaces and landscapes?

Several categories of federally owned and managed lands are set aside for conservation and recreational purposes and are under various agencies' jurisdiction. Such designations are usually made by Congress pursuant to an organic statute and a site-specific statute. One exception is Antiquities Act providing for presidential designations of national monuments. The ability of subsequent presidents to modify prior Antiquities Act designations is presently uncertain and in litigation. Other categories of protected areas include national parks, national wildlife refuges, national forests, wild and scenic rivers, and wilderness areas. Each type of designation entails balancing predominant or multiple uses. For example, the ESA requires protection for designated critical habitat areas, while the Land and Water Conservation Fund (LWCF) invests earnings from offshore oil and gas leasing to conserve parks, wildlife refuges, forests, open spaces, trails and wildlife habitat. Under section 6(f) of the LWCF Act, projects supported by LWCF funds that convert areas to non-recreational uses property generally must receive approval from the US National Park Service and provide replacement lands or other mitigation.

The Department of the Interior manages most public lands, including both onshore and the 3.2 billion acres of the Outer Continental Shelf. The Department of Agriculture manages national forests and grasslands. Designated wilderness areas receive the most protection. Individual states and localities also have systems of protected areas. In recent years, the Department of the Interior has issued several new rules intended to prioritise conservation and curtail certain energy development of federally managed lands. For example, in May 2024, the Bureau of Land Management finalised a Conservation and Land Health rule that includes new authority to issue conservation leases. The Trump administration rescinded that rule on 12 May 2026.. The future of this trajectory remains uncertain and subject to the policy priorities of the Executive Branch, as the Trump administration attempts to balance conservation (such as the 3 July 2025 creation of the Make America Beautiful Again Commission) with aggressive energy development on public lands.

Transportation (road, transit or rail) projects must additionally comply with section 4(f) of the US Department of Transportation Act of 1966. This section precludes the use of parks, recreation lands, wildlife refuges and historic sites for transportation projects unless there is no feasible and prudent avoidance alternative. Additionally, the project must include all possible planning to minimise harm to section 4(f) properties or demonstrate that the project only has a minimal impact on section 4(f) properties.

Law stated - 17 September 2026

Protection of flora and fauna species

8 | What are the main features of the rules protecting flora and fauna species?

The ESA provides for the protection and recovery of listed endangered and threatened plants and animals and the habitats upon which they depend. Absent a "no effect" determination, each federal agency must engage in consultation to ensure that its actions are not likely to jeopardise the continued existence of the species or result in destruction or adverse modification of the species' designated critical habitat. The ESA further prohibits anyone from "taking" a listed species and from engaging in commerce in listed animals or plants or parts thereof. "Taking" is broadly defined to include killing, capturing or destroying

habitat. Some states have enacted legislation to protect endangered and threatened plants and animals (in addition to the federal ESA list) within those states. The Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and their respective regulations, also protect against certain actions, including "taking" migratory birds and eagles.

The US Fish and Wildlife Service (FWS) and National Marine Fisheries Service (the Services) remain engaged in review and potential further revision of regulations implementing the ESA, which in recent years have vacillated between fewer and greater protections. In 2016, the Services amended their rules to broaden key ESA terms and make it harder to delist species. In August 2019, the Services sought to reform and narrow ESA implementation, including the rules for listing species, designating critical habitat, conducting interagency consultation and removing the automatic extension of take prohibitions to listed threatened species under the jurisdiction of the US Fish and Wildlife Service. Separately, the Services in June 2022 reversed a December 2020 rule that had narrowed the definition of "habitat" for purposes of designating critical habitat. In May 2024, the Services issued three final rules that primarily undo the 2019 regulatory amendments. Like their predecessors, these latest rules have generated litigation. In April 2025, the Services proposed to remove the regulatory definition of "harm" implementing ESA section 9 to exempt impacts on habitat, and in July 2026 finalised that rule. Also in July 2026, FWS finalised two other rules, again eliminating FWS's "blanket rule" providing endangered species protections to species newly listed as threatened, and increasing FWS's ability to exclude particular areas from designated critical habitat. All three rules have generated litigation. On 23 April 2025, based on a "national energy emergency" of indefinite length declared by the President, the Department of the Interior announced "alternative procedures" for informal ESA section 7 consultations for qualifying energy projects. That effort is also in litigation. On 9 June 2025, the FWS issued a request for information seeking to simplify the ESA section 10(a) permitting process, which provides incidental take protection for certain non-federal activities.

Beyond the ESA, on 4 October 2021, the FWS reversed a January 2021 rule that had excluded incidental take from prohibition under the Migratory Bird Treaty Act, thereby again subjecting incidental take of migratory birds to prosecutorial discretion for enforcement. TFWS also proposed a new broader definition of incidental take and creation of an incidental take permitting programme for migratory birds. On 21 April 2025, the FWS withdrew that proposal. In February 2024, the FWS issued a final rule that created general permits under the Bald and Golden Eagle Protection Act to authorise incidental take of bald and golden eagles associated with wind energy, power lines and certain other projects.

Law stated - 17 September 2026

Noise, odours and vibrations

9 | What are the main features of the rules governing noise, odours and vibrations?

Noise, odours and vibrations are primarily regulated, if at all, at the local or state level. Many states have noise pollution programmes, which vary widely. Local zoning laws and allowed activities also vary widely. Under the CAA, Noise Control Act of 1972, and Quiet Communities Act of 1977, the EPA retains authority to investigate, study and respond to

questions about noise pollution and adverse health impacts. Federal noise regulations cover standards for transportation equipment, air and motor carriers, low noise emission products and construction equipment, and are enforced by the EPA or other designated federal or state and local agencies such as the Federal Railroad Administration. Workplace exposure to noise, odours and vibrations is regulated by the US Occupational Safety and Health Administration. Additionally, the aviation industry may soon see new noise regulations by the beginning of 2026 based on a "Leading the World in Supersonic Flight" executive order that encourages the FAA to establish aircraft noise certifications and acceptable noise thresholds for takeoff, landing and supersonic operations. The FAA also maintains regulations pertaining to airport noise exposure mapping. Under common law tort principles, private parties may bring nuisance actions for excessive noise, odours and vibrations. State agencies are also dedicating increasing attention to these issues via environmental justice initiatives. Federal agencies used to utilise environmental justice initiatives as they pertained to these issues, but the Trump administration has since revoked many key environmental justice executive orders, including via the "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" executive order that ended the Clinton-era Executive Order12898, which systematically directed federal agencies to consider environmental justice in their activities.

Law stated - 17 September 2026

Liability for damage to the environment

10 | Is there a general regime on liability for environmental damage?

There is no US generalised regime for environmental damages. Statutes, regulations and common law can impose various types of liability, including administrative, civil and criminal. Courts in turn establish precedent for liability in cases arising under various environmental laws. Alleged violators may face government administrative actions, civil suits or citizen suits. Only the government can prosecute criminal liability in court.

The government generally follows proportional enforcement. Minor offences may trigger administrative or civil sanctions; more serious and intentional violations trigger more severe sanctions or even criminal charges. The government's burden of proof is highest in criminal cases. Some programmes, like Superfund and the Oil Pollution Act, impose strict liability based on party status. The RCRA authorises the government or private parties to seek relief for "imminent and substantial" endangerment to the environment.

Law stated - 17 September 2026

Environmental taxes

11 | Is there any type of environmental tax?

Most US environmental programmes are regulation based, not tax based. Some environmental tax programmes do exist. For example, the Oil Pollution Act established a federal trust fund to clean up oil spills (the Oil Spill Liability Trust Fund), financed by

a per-barrel tax collected from the oil industry (eg, section 4611 of the Internal Revenue Code). However, after the end of 2025, the tax was not extended, though the Fund remains available. An underground storage tank trust fund is funded by taxes on certain motor fuels. A federal tax also applies to use or import ozone-depleting chemicals (eg, section 4681 of the Internal Revenue Code). The Surface Mine Control and Reclamation Act authorises a reclamation programme for abandoned mine land, which is funded by a coal tax. Environmental taxes are more prevalent on the state and local levels, including taxes relating to waste and battery disposal, chemicals, petroleum, tyres, air emissions, oil spill response, litter control and water quality.

Law stated - 17 September 2026

Environmental reporting

12 Are there any notable environmental reporting requirements (eg, regarding emissions, energy consumption or related environmental reporting obligations)?

Since approximately 2010, the EPA has required certain large emitters (eg, fuel and industrial gas suppliers, carbon dioxide injection sites) to annually report their GHG emissions data using specified methodologies and the EPA's electronic reporting tool (see the EPA's Greenhouse Gas Reporting Program, codified at 40 CFR Part 98). Following the EPA's multi-step verification process, the annual data is then made available to the public. On 15 September 2025, the EPA proposed to end this programme, but no final rule removing the programme has occurred to this point

There is currently no general system for comprehensive ESG reporting in the US, although more targeted reporting requirements have been established within the social dimension of ESG, such as the Securities and Exchange Commission's (SEC) conflict minerals rule, the SEC's rule on disclosures relating to human capital management and the State of California's Transparency in Supply Chains Act. To date, most companies voluntarily reporting ESG information have been driven by customer, investor, NGO and other stakeholder expectations. However, the DOE has recently closed comments to a proposed rule that would end that programme. The US currently seems unlikely to transition to mandatory ESG reporting obligations. In March 2024, the SEC adopted new disclosure and reporting requirements for investors concerning registered funds' and advisers' incorporation of ESG factors. The acting SEC Chairman issued a statement in February 2025 questioning what the next steps are for the SEC towards actually adopting the rule and whether the rule is necessary or permissible under the Commission's delegated authority. This follows an executive order on 8 April 2025 for the Attorney General to identify all ESG initiatives and take action to stop all such ESG activities that hinder domestic energy resource activities. On 3 June 2026, the SEC formally issued a proposed rule rescinding the 2024 regulations. Moreover, the Trump administration issued Executive Order 14154 on 20 January 2025, which directs the EPA to eliminate the use of the social cost of carbon in federal permitting and regulatory decisions.

Meanwhile, Congress remains divided on ESG issues and legislation has remained elusive. For example, in 2021, Congress considered legislation that would require disclosures relating to climate, ESG, political spending, tax havens and offshoring. By contrast, in

March 2023, Congress voted to overturn the US Department of Labor's ESG rule that enabled fiduciaries to consider ESG factors when selecting investments for retirement plans. President Biden vetoed the resolution. Certain states have pursued similar actions to limit ESG considerations in investing. Nevertheless, other states, like California, have taken steps to further require climate disclosures across corporate entities.

Law stated - 17 September 2026

Government policy

13 How would you describe the general government policy for environmental issues? How are environmental policy objectives influencing the legislative agenda?

Environmental policy is often a function of the presidential administration in power, which changes every four to eight years. Current environmental policy under the Trump administration is largely focused on deregulation and encouraging domestic energy production, particularly fossil fuels. There also are concerted legislative and Trump administration efforts to undo the overall expansion in environmental policy of the prior Biden administration, including on climate change, renewable energy, the NEPA review process and tax benefits under the IRA. These environmental policy objectives have manifested earliest in a series of executive orders issued as early as day one on 20 January 2025. Executive orders declared the US to be in a national energy emergency and urged the expansion of domestic production of energy. Subsequent actions by the Department of the Interior and other agencies have since invoked this declared emergency to apply streamlined review and permitting procedures to certain energy projects. At the same time, the Trump administration has taken several actions to stop or deter wind and solar energy projects. The Council on Environmental Quality and other federal agencies have also largely revoked their regulations implementing NEPA, in favour of guidance and handbooks. The Trump administration has also prioritised shrinking and consolidation of environmental agencies and federal employee staffing across the government. Whether this approach will improve application and consistency in agency decision-making is to be determined.

On the legislative front, Congress has prioritised the Trump administration's stated objectives. Several environmental objectives that cannot be achieved via bipartisan legislation have been pursued via the budget reconciliation process, which is exempt from the 60-vote supermajority requirement in the Senate to overcome a filibuster. Most recently, the One Big Beautiful Bill Act (OBBBA), among other things, repealed many climate change-based policies and tax credits under the Inflation Reduction Act of 2022, including for electric vehicles and renewable energy. It also resumed semi-annual leasing of the Outer Continental Shelf for oil and gas leasing. The Fiscal Responsibility Act of 2023 (FRA), in relevant part, modified and expedited the NEPA process, which the OBBBA further expedited for certain projects that pay federal agencies 110% of the cost to prepare or oversee preparation of NEPA documents. Congress continues to consider various bills to further reform and expedite federal environmental permitting, including the House in December 2025 (but not yet the Senate) passing the SPEED Act, which, among other things, would further modify NEPA to streamline environmental reviews.

Law stated - 17 September 2026

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous activities

14 | Are there specific rules governing hazardous activities?

See the Resource Conservation and Recovery Act (RCRA) regarding the generation, treatment, storage, disposal and management of hazardous wastes; the Hazardous Materials Transportation Act for transport and handling of hazardous materials; the CERCLA for release of hazardous substances; the TSCA for production, importation, use, and disposal of specific chemicals; the Atomic Energy Act (AEA) for possession of nuclear materials; Emergency Planning and Community-Right-to-Know Act for emergency planning at facilities handling hazardous substances; and the 1970 Occupational Safety and Health Act (OSHA) for worker safety at facilities. OSHA also establishes specific standards for the construction, maritime, and agriculture industries, designed to reduce on-the-job injuries and to limit workers' risks of developing occupational diseases from exposure to various air contaminants, asbestos and other substances.

Law stated - 17 September 2026

Regulation of hazardous products and substances

15 | What are the main features of the rules governing hazardous products and substances?

Under the Toxic Substances Control Act (TSCA), reporting, record-keeping and other requirements may apply to manufacturers (including importers), processors, distributors and users of chemical substances. Manufacturing a non-exempt new chemical substance (not on the inventory under the Act) is prohibited unless and until the Environmental Protection Agency (EPA) makes an affirmative finding either that a chemical is not likely to present an unreasonable risk or that a manufacturer may begin subject to a compliance order imposing restrictions on the new chemical. Designated 'significant' new uses of approximately 2,800 chemicals are subject to similar notification and review requirements.

Following amendments to the act passed in 2016, EPA also has authority to:

- prioritise chemicals for in-depth review;
- conduct risk evaluations of high-priority chemicals; and
- regulate those chemicals found to present an unreasonable risk under the conditions of use.

The EPA further may issue either orders or rules requiring testing by manufacturers and processors. For new chemicals (ie, not in the inventory), the EPA must now make affirmative findings (eg, whether a chemical is likely to present an unreasonable risk under the conditions of use) with an order to follow if the "likely to present" finding is made.

EPA actions may pre-empt certain state restrictions on chemicals. Based on chemical manufacturer, importer and processor submissions, the EPA updates its inventory, which identifies those chemical substances that are considered to be active. Pursuant to the 2016 statutory amendments to the act, in December 2023, the EPA initiated the prioritisation process for acetaldehyde, acrylonitrile, benzenamine (aniline), vinyl chloride and MBOCA, which makes these chemicals candidates for high-priority designation. In October 2024, the EPA finalised changes to the existing regulations governing testing, risk evaluation, reporting and significant new uses of chemical substances under TSCA to align these regulations with revisions to OSHA's Hazard Communications Standard.

The Consumer Product Safety Improvement Act 2008, implemented by the Consumer Product Safety Commission (CPSC), limits the levels of lead, phthalates and certain chemicals allowed in children's products. The CPSC also administers the Federal Hazardous Substances Act, which requires precautionary labelling to alert consumers to certain products' potential hazards. Moreover, the Federal Trade Commission has established 'green guides' for environmental marketing claims. States additionally have imposed requirements to regulate and restrict the sale of certain products containing specified hazardous substances.

Many of these regulations for chemical products may be subject to change during the current administration. On 28 May 2025, the Make America Healthy Again (MAHA) Commission submitted an assessment that pushes for further policy action to regulate several items to protect the health of children in the US – PFAS, microplastics, fluoride, electromagnetic radiation, phthalates, bisphenols and pesticides. On 9 September 2025, the MAHA Commission issued a strategy with more than 120 initiatives.

Law stated - 17 September 2026

Industrial accidents

16 What are the regulatory requirements regarding the prevention of industrial accidents?

Under the "general duty" clause of OSHA, each employer is required to provide employees with a place of employment free from recognised hazards. The US OSHA has promulgated numerous standards for industrial processes, establishing specific workplace practices as well as imposing training requirements. For instance, OSHA's process safety management standard addresses hazards from the use of highly hazardous chemicals. OSHA's hazardous waste operations and emergency response standard requires training and control measures for clean-up operations.

The Emergency Planning and Community Right-to-Know Act requires facilities to report chemical storage and release information, and also requires state and local governments to undertake emergency planning activities. The EPA, in October 2024, proposed a new rule to include 16 individual PFAS and 15 categories of PFAS to the Toxic Release Inventory (TRI) under that Act. The agency has yet to promulgate a final rule on the matter. In addition, under the CAA, facilities that produce, handle, process, distribute or store certain chemicals must prepare and submit a risk management plan to the EPA. Certain facilities

are also required to prepare, develop and implement oil spill prevention, control and countermeasure plans.

Law stated - 17 September 2026

ENVIRONMENTAL ASPECTS IN TRANSACTIONS AND PUBLIC PROCUREMENT

Environmental aspects in M&A transactions

17 Are companies legally required to consider environmental aspects in M&A transactions?

Purchasers should:

- check the target facilities' regulatory compliance;
- conduct "all appropriate inquiries", including evaluating the facilities' environmental conditions and potential liability and costs for onsite remediation; and
- evaluate potential liabilities associated with the current and historic generation and offsite disposal of wastes from the target's operations.

A share purchaser generally acquires all the corporate target's assets and liabilities, including the predecessor's environmental liabilities. Purchasers might also be at risk of becoming a potentially responsible party under the Comprehensive Environmental Response, Compensation and Liability Act if the transaction involves a qualifying contaminated site. An asset purchaser may be able to acquire the assets free of environmental liabilities arising from pre-closing regulatory non-compliance by the target and from historic offsite disposal.

The Trump administration has signalled a desire to reduce federal oversight, potentially making M&A transactions easier for corporation. At the same time, it has also signalled a protectionist stance, including on energy and resource development, which could affect transactions involving foreign-based entities.

Law stated - 17 September 2026

Environmental aspects in other transactions

18 Are companies legally required to consider environmental aspects in other transactions?

The scope of many environmental laws has been interpreted quite broadly to impose liability on entities beyond the actual owner of a facility or business. For instance, lenders have been held liable in some circumstances for their borrower's environmental liabilities (although there are some defences and "safe harbours" available for lenders). The Trump administration has made efforts to reduce environmental considerations for financial institutions, including through the 18 November 2025 rescission of climate-related financial risk management principles under the Federal Deposit Insurance Corporation for large financial institutions. Nevertheless, publicly traded companies are still subject to certain

environmental disclosure requirements set by SEC Regulation S-K. An entity acquiring contaminated real property (whether through a purchase, foreclosure or corporate restructuring) will be liable for the remediation of such contamination, even if the acquirer had nothing to do with the cause. The acquirer may have contractual indemnity or statutory rights of contribution from one or more prior owners, but government enforcement authorities can choose to seek recourse against the current owner. Transactions involving entities in bankruptcy present unique environmental issues. Environmental claims that "continue" after a transaction or even after an entity emerges from bankruptcy, such as obligations to correct ongoing non-compliance and to remediate contaminated property, often are not discharged in the bankruptcy.

Law stated - 17 September 2026

Environmental aspects in public procurement

19 | Do public procurement regulations take environmental protection into consideration?

Federal regulations require the US government to take into account certain environmentally preferable products in the procurement process. Some state and local governments also have procurement policies that favour environmentally preferable products. Though not procurement-based, agencies have included increasingly stringent environmental conditions (eg, community benefit plans) as conditions of awarding federal financial assistance under recent legislation encouraging certain infrastructure development. Moreover, certain environmental violations may result in a company being suspended or debarred from doing business with the US, state or local government.

On 16 April 2025, the White House previewed an overhaul of the federal procurement policy "in order to increase competition and efficiency while decreasing costs". In the statement, the White House signalled that it would be rewriting the Federal Acquisition Regulations (FAR) to lower compliance costs and reduce regulatory buildup. While the statement did not explicitly mention any changes to environmental aspects in the FAR, it is an area to watch due to the Administration's broader goals of environmental deregulation. In addition, the administration has aggressively cancelled and clawed back previously approved federal funding for various projects, including those based on previously agreed environmental objectives and conditions. Many of those efforts are in litigation.

Law stated - 17 September 2026

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

20 | Which types of activities are subject to environmental assessment?

The National Environmental Policy Act (NEPA) requires environmental review of most discretionary federal agency actions, including approving, financing, assisting or

conducting plans, projects or programmes, whether regional or site-specific. However, NEPA does not restrict any industrial activity or mandate particular environmental outcomes. Many NEPA documents address the federal government's natural resource management decisions. Certain actions are categorically exempt from NEPA, such as ministerial agency actions or where potentially duplicative environmental reviews are required. In some "small handles" situations where only a small component or minor approval involves a federal nexus, NEPA might not apply to the larger project. Other projects may warrant completion of an environmental assessment (EA) or a more detailed environmental impact statement (EIS). Certain states have laws analogous to NEPA, which vary significantly.

Between 1978 and 2025, the CEQ had binding federal government-wide regulations implementing NEPA. Following court decisions finding that CEQ has no regulatory authority, and in furtherance of Trump administration directives such as Executive Order 14514 "Unleashing American Energy", on 19 February 2025, the CEQ issued an "Interim Final Rule" rescinding its regulations, effective 11 April 2025. Subsequently, multiple agencies have issued interim final rules rescinding most of their NEPA regulations and have instead issued guidance. Prior to that, Congress codified several components of the CEQ's regulations in the 2023 Fiscal Responsibility Act, including by clearly allowing applicants to prepare draft NEPA documents, imposing hard time and page limits on studies, requiring the designation of a lead agency and limiting analysis to those environmental impacts that are reasonably foreseeable. On 23 April 2025, based on a "national energy emergency" of indefinite length declared by the President, the Department of the Interior announced "alternative arrangements for NEPA compliance" for qualifying energy projects purporting to complete NEPA reviews in 14 to 28 days. On 29 May 2025, the US Supreme Court's decision in *Seven County Infrastructure Coalition v Eagle County-* narrowed the scope of judicial review and expanded deference to agencies' NEPA reviews. Both subsequent agency actions and court decisions have widely cited *Seven County* in addressing procedural NEPA obligations.

Law stated - 17 September 2026

Environmental assessment process

21 | What are the main steps of the environmental assessment process?

The NEPA requires an environmental impact statement (EIS) for "proposals for… major federal actions significantly affecting the quality of the human environment". A less detailed environmental assessment (EA) may suffice for a federal agency action with insignificant or unclear impacts. Finally, categorical exclusions (CEs) apply to categories of agency actions that do not significantly affect the environment individually or cumulatively. An agency can perform a more detailed review under the NEPA than legally required and is guided by agency-specific regula tions implementing the NEPA.

The lead federal agency is responsible for the NEPA review and may invite assistance by cooperating or participating with federal, state, tribal and local agencies with jurisdiction or special expertise. The lead agency may also hire and supervise third-party consultants, typically funded by the project proponent, to prepare the NEPA analysis. For an EIS,

and sometimes an EA, the lead agency will publish a notice of intent for the proposed action, conduct scoping of affected resources or values, prepare a draft analysis and then finalise its analysis and decision. The project proponent and public may submit information and comments during this process. The adequacy of the final impact state ment may be challenged in court. There is increasing legislative and regulatory focus on facilitating and expediting the NEPA reviews, including by integrating the NEPA with early planning efforts and other environmental requirements for a given project. As described above, however, those rules remain somewhat in flux as of this writing.

Law stated - 17 September 2026

REGULATORY AUTHORITIES

Regulatory authorities

22 | Which authorities are responsible for the environment and what is the scope of each regulator's authority?

The Environmental Protection Agency (EPA) implements most national environmental statutes. The Department of the Interior and the US Forest Service implement a variety of laws addressing environmental review, wildlife and cultural and historic resources. The Clean Water Act (CWA wetlands fill permits are issued by the US Army Corps of Engineers with EPA oversight. The US Department of Justice litigates cases arising under federal environmental and natural resources laws. The Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement, recombined into the new Marine Minerals Administration in July 2026, oversee offshore energy, mineral leasing, and legal enforcement on the Outer Continental Shelf. The Federal Energy Regulatory Commission regulates interstate natural gas/oil pipelines and wholesale sale of electricity. State agencies issue most operations permits pursuant to authority delegated by the EPA, and also share enforcement authority. States generally take the lead under the CAA, the CWA and the Resource Conservation and Recovery Act on inspections and enforcement, with the EPA retaining significant "overfiling" enforcement authority with regard to violations of these statutes at individual facilities. In other areas (eg, the TSCA, the FIFRA and the Emergency Planning and Community Right-to-Know Act), the EPA generally takes the lead on enforcement.

Law stated - 17 September 2026

Investigation

23 | What are the typical steps in an environmental investigation?

Although state and federal environmental agencies routinely conduct inspections of regulated facilities, comprehensive governmental investigations are not usually initiated as a result of most regulatory compliance issues. Many compliance issues, whether self-disclosed or identified as a result of an agency inspection, are resolved informally. If agency inspectors identify non-compliance through review of a regulated facility's

records or an onsite inspection, under most circumstances agency personnel will initially discuss the alleged violations with facility personnel. If a regulatory agency initiates a comprehensive or even a limited investigation, it will typically make a site inspection, undertake testing, sampling or similar activities, conduct interviews of facility personnel and prepare a written report and notice of violation identifying the practices or events constituting alleged non-compliance. The facility is entitled to obtain split samples of materials removed by the agency for testing, to retain copies of records requested by the agency and to be represented by counsel throughout the investigation.

Environmental agencies also have the power to initiate criminal investigations, which are generally brought when "serious" environmental violations (which pose actual environmental harm or substantial risks of harm) are committed "knowingly" or "intentionally". These criminal charges can be brought against the company, culpable or responsible individuals or both. If criminal charges are brought against individuals in the federal system, the risks of an active prison sentence are real. With regard to companies, apart from substantial fines, the biggest adverse impact can arise from suspension or debarment from public contracting, which can also spill over into contractual bars imposed by the compliance requirements of larger corporations, which prohibit them from using vendors with corporate criminal records.

Law stated - 17 September 2026

Administrative decisions

24 | What is the procedure for making administrative decisions?

Most administrative decision-making processes are supposed to be open and allow for participation by interested parties and the general public. The procedural aspects of administrative decision-making vary based on a number of factors, including the agency involved (eg, federal or state), the type of decision (eg, individual permit or variance, enforcement) and the environmental statute under which the decision is made. Some administrative processes resemble a formal trial. More informal proceedings are decided based on written submissions. Although procedures vary, the parties typically may use any type of evidence they deem relevant in administrative proceedings. There are also means to seal confidential information if applicable. Any subsequent court challenge to a final agency action is typically based on and limited to the same administrative record as before the agency. The current administration, in the name of efficiency and other factors, has placed less of a priority on public involvement and pursued a large number of interim final rules and decisions with immediate effect.

Law stated - 17 September 2026

Sanctions and remedies

25 | What are the sanctions and remedies that may be imposed by the regulator for violations?

Federal and state agencies may pursue injunctive relief and require the abatement or cessation of permit violations or environmental harm. Remedial steps may include installing equipment to control emissions, ceasing certain activities or revoking a permit or shutting down a facility. Some statutes even authorise barring a non-compliant entity from contracting further with the federal government. Many environmental statutes also authorise civil and criminal penalties, often calculated on a per-day, per-violation basis. Agencies may – and sometimes must – issue warnings or notices of violations before taking more severe enforcement actions. An agency typically may pursue an administrative enforcement action or sue the violator in federal court.

Law stated - 17 September 2026

Appeal of regulators' decisions

26 | To what extent may decisions of the regulators be appealed, and to whom?

Nearly all formal administrative decisions from environmental agencies can be appealed by the recipient. Appeals can be based on factual findings and legal conclusions and can also challenge the extent of the remedy imposed by the decision-maker. Administrative appeal procedures differ among agencies, including potential proceedings before an administrative law judge or an agency appeals board. These appeal procedures may or may not be mandatory to exhaust of administrative remedies before proceeding to court, depending on the applicable statute and regulations and whether the challenged decision has immediate effect. A final agency action (ie, once all other agency remedies have been exhausted if necessary) may be appealed to a US district court, or in some instances directly to a US court of appeals. These cases typically proceed based on governing law and the administrative record filed by the agency, and generally do not involve discovery or trial. Judicial review follows the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure and individual courts' local rules.

Law stated - 17 September 2026

JUDICIAL PROCEEDINGS

Judicial proceedings

27 | Are environmental law proceedings in court civil, criminal or both?

Both. Most violations trigger administrative or civil enforcement. In addition, a party may be prosecuted in a criminal case if that party has committed a knowing violation of the law or a permit (or in some cases, even a negligent violation). Civil regulators and criminal prosecutors have substantial discretion about whether and which charges to bring in response to environmental violations, but typically seek remedies commensurate with the underlying offence. Since the consequences associated with criminal charges are more severe, US law imposes a higher burden of proof for crimes (eg, beyond a reasonable doubt) as opposed to civil violations (eg, preponderance of the evidence or more probable than not). A party challenging a federal agency action on environmental grounds may bring

a civil case in a proper federal district court or a specific (eg, appellate) court if the relevant statute so directs.

Under the Trump administration, environmental law proceedings may increasingly take place in civil rather than criminal court. On 9 May 2025, Executive Order No. 14294, "Fighting Overcriminalization in Federal Regulations", ordered federal agencies to explicitly describe the conduct subject to criminal enforcement and took aim at strict liability criminal offences, describing them as "absurd and unjust". To that end, it directs federal agencies to assess whether they can adopt a background *mens rea* standard for all existing regulations. This and other actions driven by deregulation policies may narrow criminal enforcement of environmental regulations, with civil enforcement potentially filling the gap.

Law stated - 17 September 2026

Powers of courts

28 | What are the powers of courts in relation to infringements of environmental law?

In civil cases brought by governmental entities or citizen plaintiffs to enforce environmental laws, courts are generally authorised to require violators of environmental legal requirements to pay penalties and to undertake injunctive relief to abate the violation or address the environmental impacts of the violation. In a criminal case, individual defendants who plead guilty or are convicted at trial can generally be ordered to pay a higher fine and serve time in prison. The primary factors that the US courts consider in imposing such a sentence include:

- the level of harm or danger imposed;
- the degree of the violations;
- the duration of the violations; and
- whether the violations required a substantial clean-up.

Under Federal Rule of Civil Procedure 65 and similar court rules and case law, courts may also grant a preliminary injunction or other interim relief to, for example, stay a challenged agency action or prevent a project from going forward during the litigation. Plaintiffs must satisfy the four-factor test in *Winter v Natural Resources Defense Council*: (1) their likelihood of success on the merits, (2) their likelihood of irreparable harm absent preliminary relief, (3) whether the balance of equities tips in favor of interim relief, and (4) whether interim relief is in the public interest. An 11 March 2025 Presidential Memorandum directs the US Department of Justice to aggressively pursue plaintiffs' posting of security for preliminary injunctive relief, which security otherwise is often waived or nominal.

Rulings of the Supreme Court, in the 2024 and 2025 terms, have diminished the power of agencies and increased the power of courts in resolving alleged violations of environmental law by agencies or by regulated entities. First, *Loper Bright Enterprises v Raimondo* overruled the Supreme Court's longstanding *Chevron* standard, under which courts had generally deferred to reasonable agency interpretations of ambiguous provisions in their governing statutes. Second, *Corner Post, Inc. v Board of Governors of the Federal Reserve Systemm>* may enable facial challenges to longstanding regulations by holding that the

general six-year statute of limitations does not run until the specific plaintiff is harmed. Third, in *Securities and Exchange Commission v Jarkesy*, the Supreme Court curtailed at least one agency' s authority to issue penalties without a court jury trial. And on 27 June 2025, in *Trump v CASA*, the Supreme Court generally limited the scope of injunctive relief that lower courts may order, thereby curtailing the increasing trend of universal or nationwide injunctions against agency actions found to be unlawful.

Law stated - 17 September 2026

Civil claims

29 | Are civil claims allowed regarding infringements of environmental law?

Certain environmental statutes (eg, the US CAA, the CWA and the RCRA) contain "citizen suit" provisions authorising non-governmental entities to sue third parties for injunctive relief for violations. A private party claiming injury from hazardous activities also may seek damages or injunctive relief in a tort action. No contractual relationship among the private parties is necessary, but contracts can create obligations for compliance with environmental laws. The Administrative Procedure Act also generally enables citizen plaintiffs to file civil lawsuits challenging final agency actions, or omissions in some circumstances, as arbitrary and capricious. The Act also permits lawsuits for a federal agency's failure to comply with procedural or substantive requirements of other laws.

Law stated - 17 September 2026

Defences and indemnities

30 | What defences or indemnities are available?

In civil cases, potential defences frequently include:

- statutes of limitations (up to five years is common);
- ambiguity of statutory or regulatory language;
- compliance with a valid permit;
- factual defences;
- agency overreach/lack of authority; and
- limited statutory defences.

In criminal cases, additional defences often may include:

- lack of knowledge;
- the government's failure to meet its heightened burden of proof; and
- other constitutional arguments unique to criminal cases (eg, lack of fair notice or void for vagueness).

A liable party could have indemnity rights against other parties or be a party to contracts with other parties under which the violator in turn may seek recovery, but such indemnities do not shield the violator from liability to the government. In Superfund litigation, in which multiple parties can be liable, courts have generally held that liability is strict and joint and several (subject to potential "divisibility" defences).

Law stated - 17 September 2026

Directors' or officers' defences

31 | Are there specific defences in the case of directors' or officers' liability?

Routine environmental violations generally do not create officer and director liability. However, some federal environmental statutes, including the CAA, specifically state that an "operator" or '"responsible corporate officer" can include "any person who is senior management personnel or a corporate officer". In addition, a number of reports submitted to the US Environmental Protection Agency and state agencies are required to include formal certifications (under oath) with regard to the accuracy of the information contained therein, which can provide the basis for claims against corporate officers.

More often, various theories under laws governing the internal governance of corporations and other business enterprises can support personal liability of corporate directors and officers under environmental and other public health laws – for example:

- the corporate veil is pierced;
- the director or officer personally participated in the improper activity; or
- the director or officer personally exercised substantial control and supervision over the activity in question.

US law generally does not permit liability based only on the corporate position or job title of director or officer. However, federal prosecutors can rely on a range of surrogates to prove the executive's knowledge. Therefore, criminal charges can be pursued when the directors or officers:

- are personally aware of, or involved in, the commission of a crime;
- aid and abet a crime;
- fail to prevent the commission of a crime by others within the corporation by either turning "wilfully blind" or negligently supervising the conduct of those subject to their control; or;
- fail to implement preventive measures to ensure that violations do not occur.

Directors' and officers' liability insurance and corporate indemnification can mitigate such liability.

Law stated - 17 September 2026

Appeal process

32 What is the appeal process from trials?

From a circuit court of appeals, a party may petition the US Supreme Court to hear an appeal, but the Supreme Court's jurisdiction is discretionary and rarely exercised. The Supreme Court recently increased the use of its "shadow docket" to decide interlocutory appeals of lower courts' preliminary injunctions.

Each of the 50 states has its own court system, but generally there is a right of review from the trial level to an intermediate appellate court and then to the state's highest court. In many states, the highest court's jurisdiction is discretionary. State court systems vary as to the possible levels of appeal, but there are typically two or three levels of courts (although the jurisdiction of some courts of appeal may be discretionary).

Law stated - 17 September 2026

INTERNATIONAL TREATIES AND INSTITUTIONS

International treaties

33 Is your country a contracting state to any international environmental treaties, or similar agreements?

Yes. For example, regionally, the US and Canada have a bilateral Air Quality Agreement. The US is also party to the North American Agreement on Environmental Cooperation and the North American Free Trade Agreement and its side agreements, which have environmental aspects.

Multilaterally, the US is party to, among other agreements: the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora; and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. The State Department maintains a complete list of international agreements to which the US is party. The US is not a party to a number of other multilateral environmental agreements, generally for lack of certain domestic authority for which new legislation would be required before the US could join, including: the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 1989; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade 1998; and the Stockholm Convention on Persistent Organic Pollutants 2001.

In an effort to address global plastics pollution, the US is currently involved in negotiations with other countries for a legally binding international treaty that would apply to the entire life cycle of plastics. If adopted, the treaty may impose legal requirements that would essentially govern plastics use in all products. The most recent (sixth) round of negotiations (INC-5.3) was held in February 2026, but still yielded no final agreement. The next round of negotiations is set to take place in September 2026.

However, the current administration is generally sceptical of international environmental treaties. A 20 January 2025 executive order withdrew the US from the Paris Climate Agreement to "prioritize US economic and energy interests". However, as of the time of publication, the US remains party to the parent agreement, the United Nations Framework Convention on Climate Change (UNFCCC), which governs the Paris Agreement. As a result, the US is still able to vote on UNFCCC resolutions and has GHG reporting obligations. The current Administration's desire to enter into various new international trade agreements may also be a vehicle for changes to environmental obligations.

Law stated - 17 September 2026

International treaties and regulatory policy

34 | To what extent is regulatory policy affected by these treaties?

With few exceptions, treaties are generally not given direct effect in US law. The US has generally implemented its treaty obligations under multinational environmental agreements through national statutes and regulations. In some cases, this domestic authority has predated the US international obligations and US law and policy make no direct reference to treaties. In other cases, however, the US has enacted new legislation expressly to satisfy international obligations, and US policy under such laws is closely keyed to the developments under international agreements. As a general matter, federal agencies that are responsible for developing, implementing and enforcing US environmental regulatory policy are conscious of US obligations under international agreements, as well as of developments under agreements to which the US is not yet a party.

States, however, in some cases have taken the lead to act consistent with international treaties and laws. For example, the states that have adopted carbon credit systems have adhered to the model of the European Union Emissions Trading System. Additionally, foreign treaties may influence environmental best practices adopted by transnational corporations operating in the US.

Law stated - 17 September 2026

UPDATE AND TRENDS

Key developments of the past year

35 | Are there any emerging trends or hot topics in environment law in your jurisdiction?

The re-election of President Trump in November 2024 unified Republican control of the Executive and Congress, and a conservative supermajority on the US Supreme Court heralded a sea change in environmental law in the US, just as the Biden and first Trump administrations had heralded sea changes four and eight years earlier. The severity of these policy swings has increased over time, with the current Trump administration focused on not only promoting its favoured policies going forward but also eviscerating prior actions

taken by its predecessor, including re-evaluation and withdrawal of prior approvals for complex infrastructure projects.

Overall, the emerging environmental law trend is deregulation. Largely through a litany of unilateral executive orders, as well as corresponding individual agency directives, the Trump administration has indicated a desire to greatly increase domestic industrial and certain energy development by curtailing the breadth of environmental regulations and time frames that companies must endure. In particular, there is a strong emphasis on de-emphasising climate change and environmental justice initiatives. Individual agencies are actively identifying regulations and even whole divisions or offices to amend or rescind. At the same time, the federal workforce has decreased significantly, posing challenges for implementation and enforcement of environmental and natural resources laws. The current administration is also looking to make it more difficult for subsequent administrations to reimpose rescinded regulations.

Further, criminal cases for alleged environmental crimes have slowed in the past year. In reaction to federal environmental law developments, and those that can be reasonably expected in the future, additional environmental statutory and regulatory protection, as well as environmental enforcement, can be expected at the state and local levels, subject to their budgeting constraints. In addition, increased numbers of citizen suits by non-environmental and public health organisations likely will continue to be filed. The extent to which such non-federal efforts can fill their perceived gap in federal efforts is unclear.

At the same time, the judicial branch of government wields increasingly significant influence and power over environmental and climate policy. Many regulatory efforts and policy reversals have triggered significant amounts of litigation across the country, particularly under the Administrative Procedure Act (APA). In several instances, ongoing challenges to Obama, Trump or Biden administration rules have been mooted or stayed to accommodate new litigation on superseding Trump administration regulatory actions. In some cases where new actions were struck down in court, the original challenges subsequently resumed. Other cases seek broad relief from industry for climate change impacts under common law theories. These cases will continue for the foreseeable future. Meanwhile, the *Corner Post* decision may reopen older agency actions to fresh challenges. The Supreme Court‘s and other federal courts' increasing scrutiny of federal agency actions in the environmental arena marks a shift of power from agencies to courts. In particular, the Supreme Court‘s 30 June 2022 decision in *West Virginia v EPA* narrowed the Biden administration‘s ability to meet its environmental and climate goals by prohibiting EPA from mandating generation-shifting (from coal-fired power to renewable energy generation) measures under the existing CAA. In doing so, the Supreme Court relied upon a "major questions" doctrine that could form the basis for further challenges to environment-related actions by agencies. In addition, the Supreme Court‘s 25 May 2023 decision in *Sackett v EPA* narrowed the scope of federal jurisdiction over wetlands under the CWA by requiring wetlands to have a "continuous surface connection to bodies that are waters of the US in their own right". In June 2024, the Supreme Court issued three major decisions that further impede on agency decision-making power. *Loper Bright Enterprises v Raimondo* overturned the basic *Chevron* standard of deference to federal agencies in reviewing their interpretations of ambiguous governing statutes, and affirmed courts’ role in determining "the best reading" of a statute. *Ohio v EPA* stayed the EPA‘s Good Neighbour rule, which would have imposed obligations on states whose air pollution impacts states "downwind" of them. *SEC v Jarkesy* limited the Securities and Exchange Commission's administrative

adjudication authority, raising the question of whether other agencies (including those involved in environmental rules and policies) can seek civil penalties through administrative proceedings in the future. And the June 2025 decision in *CASA v EPA* largely removed nationwide injunctions as a means to preliminarily or permanently delay new agency initiatives. Meanwhile, the Supreme Court's *Loper* and *Seven County* decisions reaffirm deference owed to agencies under the APA on factual or technical issues. These cases and the outcome of upcoming environmental and administrative law cases applying the Supreme Court's new precedent will further erode or bolster the ability of federal agencies to pursue environmental objectives.

The Trump administration has also started to dismantle elements of the nation's air pollution regulatory scheme, including with the rescission of the EPA's GHG endangerment finding. At the same time, while federal-level air regulations might be negatively impacted by the current administration's policies, many states have continued to enforce their state-level clean air act laws. Moreover, states have also continued to adopt new, stricter environmental regulations, including extended producer responsibility laws and climate change Superfund laws. The federal government has taken the offensive in challenging such laws, and federal-state conflicts are likely to continue in the coming years.

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