

ENFORCEMENT RULES OF THE ACT ON ACCESS TO AND UTILIZATION OF GENETIC RESOURCES AND BENEFIT- SHARING

Ordinance of the Ministry of Environment No. 720, Nov. 27, 2017
Amended by Ordinance of the Ministry of Environment No. 791, Dec. 27, 2018

Article 1 (Purpose)

The purpose of this Rules is to provide for matters delegated by Act on Access to and Utilization of Genetic Resources and Benefit-Sharing (the “Act”) and its Enforcement Decree (the “Decree”) and as well as for matters necessary for the enforcement thereof.

Article 2 (Scope of Information Provided by National Focal Points)

The term "Person prescribed by an Ordinance of the Ministry of Environment" in Article 9 (1) of the Act shall apply to any of the following.

1. Corporations established pursuant to foreign laws:
2. Corporations established in accordance with the laws of the Republic of Korea which has its headquarters or main offices in foreign countries.

Article 3 (Reporting Access to Domestic Genetic Resource(s))

(1) Pursuant to Article 4 (1) of the Decree, any person who intends to report access to a domestic genetic resource(s) under Article 9 (1) of the Act shall submit a Report on Access to Domestic Genetic Resource(s) (Form 1 or Form 1-2), and if applicable, submit a copy of the agreement to share benefits from domestic genetic resource(s) (hereinafter referred to as "mutually agreed terms") prescribed by Article 11 of the Act to the head of the Competent National Authority (where the head of the Competent National Authority have been delegated or entrusted of the authority or duties thereof pursuant to Articles 13 and 14 of the

Decree, it refers to the head of the delegated or entrusted institution. The same shall apply to this Article and Article 4);

(2) Report on access to domestic genetic resource(s) pursuant to Article 4 (3) of the Decree is attached hereto as Form 2 or Form 2-2;

(3) Application form for verifying conclusion of mutually agreed terms pursuant to Article 4 (4) of the Decree is attached hereto as Form 3 or Form 3-2;

(4) Verification Certificate for the Conclusion of Mutually Agreed Terms pursuant to Article 4 (4) of the Decree is attached hereto as Form 4 or Form 4-2.

Article 4 (Reporting Changes on Access to Domestic Genetic Resource(s))

Pursuant to Article 4 (6) of the Decree, any person who intends to report changes on access to domestic genetic resource(s) prescribed by Article 9 (3) of the Act shall submit the Change Report on Access to Domestic Genetic Resource(s) (Form 5 or Form 5-2), attaching the existing Report on Access to Domestic Resource(s) (Form 1 or Form 1-2) and (if applicable) changed mutually agreed terms to the head of the Competent National Authority.

Article 5 (Procedural Compliance Reporting on Foreign Genetic Resource(s))

Pursuant to Article 6 of the Decree, any person who intends to report procedural compliance prescribed by Article 15 (1) of the Act shall submit the Procedural Compliance Reporting on Foreign Genetic Resource(s) (Form 6 or Form 6-2) to the head of the National Checkpoint (where the head the National Checkpoint has been delegated or entrusted of the authority or duties thereof pursuant to Articles 13 and 14 of the Decree, it refers to the head of the delegated or entrusted institution), attaching the following documents:

1. Document to demonstrate that he/she has been approved for access to genetic resource(s) from a country providing relevant genetic resources;
2. A copy of mutually agreed terms (if established).

Article 6 (Fees)

(1) Fees under Article 22 (1) of the Act shall be as follows:

1. Reporting access under Article 9 (1) of the Act (including reporting under Article 9 (4) of the Act): KRW 10,000;
2. Reporting changes under Article 9 (3) of the Act (including reporting under Article 9 (4) of the Act): KRW 5,000;

(2) Fees under Paragraph (1) may be paid by Electronic Revenue Stamps or through online banking system.

ADDENDUM

This Rules shall enter into force on the date “Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity” becomes effective in the Republic of Korea.