

ACT ON SECURING, MANAGEMENT, USE, ETC. OF MARINE BIO-RESOURCES

Amended by Act No. 11478, jun. 1, 2012

Article 1 (Purpose)

The purpose of this Act is to promote efficient and sustainable use of marine bio-resources, strengthen sovereignty over marine bio-resources, ensure competitiveness of marine biotechnology, and contribute to development of the national economy by prescribing matters necessary to secure, manage, and use marine bio-resources comprehensively and systematically.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "marine bio-resource" means a resource that falls under any of the following items, among resources with real or potential value for research on marine biotechnology or related industries: Provided, That bio-resources and living resources for agriculture and fisheries as defined in subparagraphs 1 and 2 of Article 2 of the Act on Preservation, Management, and Use of Bio-resources for Agriculture and Fisheries shall be excluded herefrom:
 - (a) Real marine living creatures, such as marine fauna and flora and marine microorganisms;
 - (b) Marine genetic resources;
 - (c) Information specified by Presidential Decree as derived from those listed on items (a) and (b);
2. The term "marine genetic bio-resources" means genetic materials with real or potential value, such as marine fauna and flora, marine microorganisms, and other source materials, which contain functional units of heredity;
3. The term "jurisdictional sea area" means either of the following areas:
 - (a) Territorial sea or internal waters as defined in Article 1 or 3 of the Territorial Sea and Contiguous Zone Act;
 - (b) Exclusive economic zone as defined in Article 2 of the Exclusive Economic Zone Act;
4. The term "in-situ conservation" means marine genetic bio-resources are preserved at their natural habitats. In cases of breeds and cultigens, the term means they are preserved in the environment within which their unique characteristics have been developed;
5. The term "ex-situ conservation" means that marine genetic bio-resources are preserved outside of their natural habitats;

6. The term "scientific research on marine bio-resources" means activities for research or exploration of marine bio-resources that inhabit the seabed, subsoil, or superjacent waters pursuant to subparagraph 1 of Article 2 of the Marine Scientific Research Act. In such cases, biological exploration approaching marine genetic bio-resources for commercial use shall be excluded herefrom;
7. The term "foreigner" means a foreign national or a corporation incorporated under the law of a foreign country, or a foreign government;
8. The term "citizen of the Republic of Korea" means a natural person with the nationality of the Republic of Korea or a corporation established under the law of the Republic of Korea;
9. The term "research and development of overseas marine bio-resources" means research and development of marine bio-resources secured outside of the jurisdictional sea areas of the Republic of Korea, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
10. The term "marine biotechnology" means science and technology for research and utilization of biological systems, living genome, or materials derived therefrom with the objective of making industrially useful products or improving a production process by using marine bio-resources.

Article 3 (Basic Ideology for Securing, Management, and Use of Marine Bio-resources)

Marine bio-resources shall be secured, managed, and used in compliance with the Convention on Biological Diversity and the following basic concepts:

1. Marine bio-resources shall be secured, managed, and used in a sustainable manner for present and future generations;
2. Marine bio-resources shall be managed comprehensively to ensure that the ecological and economic value of marine bio-resources can be maintained harmoniously;
3. Opportunities to fairly and equally share benefits arising from commercial use of marine bio-resources shall be increased.

Article 4 (Responsibilities of State, etc.)

The State and local governments shall take the following measures to ensure the securing, efficient management, and sustainable use of various marine bio-resources:

1. Establishment and execution of measures required for securing, managing, and using marine bio-resources;
2. Assistance necessary in encouraging research and development of marine bio-resources and promoting marine technology;
3. Measures necessary for preventing destruction, and sustainable use, of marine bio-resources.

Article 5 (Preparation of Basic Measures)

In order to achieve the purpose of this Act efficiently, the Minister of Land, Transport and Maritime Affairs shall prepare the following measures to promote the securing, management, and use of marine bio-resources:

1. Establishment of an integrated information system for marine bio-resources and maintenance of statistics of marine bio-resources;

2. Creation of a system for securing, managing, and using marine bio-resources;
3. Training of professional human resources for marine bio-resources and establishment of a support system for basic research.

Article 6 (Relationship to other Acts)

(1) Except as otherwise provided for expressly in any other Act, the securing, management, and use of marine bio-resources shall be governed by provisions of this Act.

(2) Notwithstanding paragraph (1), if the Minister of Land, Transport and Maritime Affairs intends to take action pursuant to Article 9, 11, 20, or 22, he/she shall hear the opinion of the Minister for Food, Agriculture, Forestry and Fisheries in advance, but shall follow the resolution adopted by the council of impartial experts after deliberation, if the Ministers fail to reach an agreement or if it is necessary in any other circumstances. Matters regarding the formation and operation of the council of experts shall be prescribed by Presidential Decree.

Article 7 (Survey on Marine Bio-resources)

(1) The Minister of Land, Transport and Maritime Affairs shall conduct a nationwide basic survey on the current status and habitats of marine bio-resources every five years.

(2) If the Minister of Land, Transport and Maritime Affairs deems it particularly necessary to ascertain the current status, etc. of marine bio-resources, he/she may conduct a closer survey in addition to the basic survey under paragraph (1).

(3) Matters necessary for details and methods of the surveys under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 8 (Establishment, Implementation, etc. of Comprehensive Plans)

(1) The Minister of Land, Transport and Maritime Affairs shall formulate and implement a five-year comprehensive plan for the management of marine bio-resources (hereinafter referred to as "comprehensive plan"), based on outcomes of surveys conducted on marine bio-resources pursuant to Article 7, with respect to matters regarding securing, management, and use of marine bio-resources.

(2) A comprehensive plan shall include the following matters:

1. Current status of securing, protection, management, and use of marine bio-resources;
2. Prospects of marine bio-resources;
3. Direction of measures for marine bio-resources;
4. Survey, research, listing, and development of marine bio-resources;
5. Establishment and operation of infrastructure for marine bio-resources;
6. Evaluation and registration of marine bio-resources;
7. Development of and international cooperation on marine bio-resource-related technologies;
8. Investment for research, development, and securing of overseas marine bio-resources;
9. Training of professional human resources for fields related to marine bio-resources;
10. Establishment of a distribution system for information on marine bio-resources;

11. Other matters specified by Presidential Decree as necessary for securing, managing, and using marine bio-resources.

(3) When the Minister of Land, Transport and Maritime Affairs intends to formulate a comprehensive plan, he/she shall consult in advance with the Minister for Food, Agriculture, Forestry and Fisheries and the heads of other related central administrative agencies thereon and may, if necessary, request the head of a related central administrative agency to submit data. In such cases, the head of a related central administrative agency shall comply with such request, except in extenuating circumstances.

(4) The Minister of Land, Transport and Maritime Affairs shall finalize a comprehensive plan upon deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development.

(5) The Minister of Land, Transport and Maritime Affairs shall publicly notify the comprehensive plan finalized pursuant to paragraph (4), as prescribed by Presidential Decree, and shall notify the heads of related central administrative agencies thereof, and the heads of related central administrative agencies shall take measures necessary for implementing the comprehensive plan so notified.

(6) The Minister of Land, Transport and Maritime Affairs shall formulate and execute an implementation plan every year in accordance with the relevant comprehensive plan.

(7) The Minister of Land, Transport and Maritime Affairs may, if deemed necessary, amend a comprehensive plan, or if the head of a related central administrative agency requests it to be amended. In such cases, the provisions of paragraphs (1) through (6) shall apply mutatis mutandis to the amendment of a comprehensive plan: Provided, That only paragraph (5) shall apply mutatis mutandis where a comprehensive plan is amended with respect to a minor matter specified by Presidential Decree.

Article 9 (Survey, Listing, etc.)

(1) In order to systematically conserve and manage marine bio-resources, the Minister of Land, Transport and Maritime Affairs shall survey the current status of marine bio-resources in the state of in-situ or ex-situ conservation and collect such marine bio-resources.

(2) The Minister of Land, Transport and Maritime Affairs shall cooperate with international organizations and foreign countries that possess either of the following marine bio-resources and shall endeavor to secure such marine bio-resources:

1. Species endemic to the Republic of Korea but removed from Korea and other similar marine bio-resources;
2. Marine bio-resources necessary for the development of varieties and research on marine biotechnology.

(3) The Minister of Land, Transport and Maritime Affairs shall prepare a list of marine bio-resources surveyed and collected pursuant to paragraph (1) and those secured pursuant to paragraph (2).

(4) The Minister of Land, Transport and Maritime Affairs shall require the head of the agency responsible for marine bio-resources under Article 18 (1) to register marine bio-resources worth conserving, on the list of marine bio-resources prepared pursuant to paragraph (3) in the records of conservation and

management of marine bio-resources.

(5) Matters necessary for the survey and collection of marine bio-resources under paragraphs (1) through (4) and the preparation of, and the registration in, the records of conservation and management of marine bio-resources shall be prescribed by Presidential Decree.

Article 10 (Analysis, Evaluation, etc.)

(1) In order to encourage the utilization of marine bio-resources, the Minister of Land, Transport and Maritime Affairs shall analyze and evaluate genetic traits of marine bio-resources and shall divide them into classes, taking into consideration the worthiness of conservation, such as domestic endemic species, needs for development of varieties and biotechnological research, imported useful species, and intellectual property rights.

(2) The Minister of Land, Transport and Maritime Affairs shall disclose the outcomes of the analysis and evaluation under paragraph (1) to the public, as provided in the Official Information Disclosure Act.

(3) Matters necessary for the analysis, evaluation, and grading under paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Acquisition of Marine Bio-resources by Foreigners, etc.)

(1) If a foreigner or an international organization (hereinafter referred to as "foreigner") intends to acquire marine bio-resources for research, development, production, or commercial use of marine bio-resources in the jurisdictional sea area of the Republic of Korea, the foreigner shall obtain prior permission therefor from the Minister of Land, Transport and Maritime Affairs: Provided, That the foregoing shall not apply where a foreigner has obtained permission or approval from the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as "permission or approval") pursuant to any other Act or a treaty entered into with the Government of the Republic of Korea with regard to marine living creatures (including where a foreigner is deemed to have obtained such permission or approval) or permission for acquisition from the Minister for Food, Agriculture, Forestry and Fisheries pursuant to Article 8 of the Act on Preservation, Management, and Use of Bio-resources for Agriculture and Fisheries.

(2) A foreigner who intends to obtain permission pursuant to the main sentence of paragraph (1), he/she shall submit a survey plan, including the matters specified by Presidential Decree, to the Minister of Land, Transport and Maritime Affairs by not later than six months before the anticipated date on which he/she will acquire marine bio-resources, while a foreigner who has obtained permission or approval pursuant to the proviso to the aforesaid paragraph shall submit such plan to the Minister of Land, Transport and Maritime Affairs by not later than one month before the anticipated date on which he/she will acquire marine bio-resources.

(3) When the Minister of Land, Transport and Maritime Affairs grants permission under paragraph (1), he/she shall issue a written permit as prescribed by Presidential Decree.

(4) When a foreigner obtains permission pursuant to paragraph (1), he/she shall put an identifiable indication of the permission on the permitted ship and shall keep the permit issued under paragraph (3) on board.

(5) Matters necessary for the procedure for permission, issuance of a written permit, subject matter of permission, the method of indicating permission, the submission of a survey plan under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

Article 12 (Permission or Approval to Foreigners for Joint Acquisition)

(1) If a foreigner intends to acquire marine bio-resources jointly with a citizen or State agency of the Republic of Korea (hereinafter referred to as "Korean citizen") pursuant to Article 11 (1) through delegation, entrustment, or agreement, the foreigner or the Korean citizen who participates in the joint acquisition shall obtain permission pursuant to the aforesaid provisions: Provided, That the foregoing shall not apply where permission or approval has been granted (including where it is deemed that permission or approval has been granted).

(2) Article 11 (2) through (5) shall apply mutatis mutandis to permission for joint acquisition prescribed in paragraph (1).

Article 13 (Rights, Obligations, etc. of Foreigners)

(1) No foreigner shall claim a right to explore or develop a marine environment or natural resources in the jurisdictional sea area of the Republic of Korea, based on scientific research materials on marine bio-resources acquired pursuant to Article 11 or 12.

(2) If the Minister of Land, Transport and Maritime Affairs or the head of a related administrative agency suspects that a foreigner acquires marine bio-resources without permission or approval under Article 11 or 12, he/she may stop, search, and arrest the ship or issue other orders or take other measures (hereafter in this paragraph referred to as "stop the ship or take other measures"). In such cases, when the head of a related administrative agency stops a ship or takes other measures, he/she shall immediately notify the Minister of Land, Transport and Maritime Affairs of such facts.

(3) A foreigner to whom permission or approval is granted under Article 11 or 12 shall fulfill the following obligations:

1. Submission of a report on outcomes, data from the survey, and materials, such as specimens and genetic material that can be divided without diminishing the scientific value of such material, with regard to the acquired marine bio-resources, as prescribed by Presidential Decree;
2. Provision of records of analysis on outcomes and data of the survey;
3. Assistance in analysis on outcomes and data of the survey;
4. Removal of facilities or equipment installed or used when the research, development, production, or commercial use of marine bio-resources referred to in Article 11 (1) or 12 (1) is completed or when permission or approval is revoked or acquisition is suspended under Article 14.

(4) Where a foreigner does not fulfill his/her obligation in violation of paragraph (3), the Minister of Land, Transport and Maritime Affairs may demand the head of the State or international organization to which the foreigner belongs to fulfill the obligation.

(5) If a foreigner causes an injury to the body or loss to property of a Korean citizen in the course of acquiring marine bio-resources pursuant to this Act in the jurisdictional sea area of the Republic of Korea,

such foreigner shall compensate the Korean citizen for such injury or loss in accordance with relevant treaties and the law of the Republic of Korea.

(6) Matters regarding the standards regarding matters that can be divided without diminishing scientific value shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

Article 14 (Revocation or Suspension of Permission or Approval)

(1) If a person to whom permission or approval is granted under Article 11 (1) or 12 (1) falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke the permission or approval for acquisition or shall request the competent authority to revoke such permission or approval:

1. If a person commits fraud or other misconduct in obtaining permission or approval;
2. If a person has been subjected to suspension of acquisition on two or more occasions during a year;
3. If a person acquires marine bio-resources during a period of suspension.

(2) If a person to whom permission or approval is granted under Article 11 (1) or 12 (1) falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may order such person to suspend acquisition for a period not exceeding one year:

1. If the head of a related central administrative agency requests the Minister of Land, Transport and Maritime Affairs to suspend the acquisition of marine bio-resources on the ground of a military operation or security, maintenance of public order, or public welfare of the Republic of Korea;
2. If a person does an act specified in Article 7 (4) of the Marine Scientific Research Act;
3. If the diversity of marine bio-resources is likely to be substantially undermined or reduced;
4. If a person does not acquire marine bio-resources in accordance with the survey plan submitted pursuant to Article 11 (2) (including cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to 12 (2));
5. If a person fails to fulfill his/her obligations in violation of Article 13 (3);
6. If a person violates an order issued under this Act or a limitation or condition imposed under this Act.

Article 15 (Conditional Permission, etc.)

The Minister of Land, Transport and Maritime Affairs may attach conditions prescribed by Presidential Decree in granting permission or approval under Article 11 or 12.

Article 16 (Measures for Preventing Damage to Marine Bio-resources)

(1) If the diversity of marine bio-resources is likely to be substantially undermined or reduced, the Minister of Land, Transport and Maritime Affairs shall take measures necessary for preventive control.

(2) If an incident seriously impacts on the safe conservation of marine bio-resources, such as a natural disaster, civil war, or war, has occurred or is likely to occur, the Minister of Land, Transport and Maritime Affairs shall establish a system for cooperation between State agencies, corporations, and natural persons that keep deposited marine bio-resources and register and preserve such marine bio-resources, including prior notification and response, and shall take other measures appropriate to minimize damage from such incident.

(3) The Minister of Land, Transport and Maritime Affairs may entrust a specialized institution with a survey on the degree of an impact that the acquisition under Article 11 or 12 has on marine bio-resources to ascertain how seriously such acquisition diminishes or undermines the diversity of marine bio-resources and shall take appropriate measures according to outcomes of such survey.

(4) Detailed methods of the survey under paragraph (3), the procedure for survey, the entrustment of surveys to a specialized institution, and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Designation, Operation, etc. of Depositories and Registries)

(1) The Minister of Land, Transport and Maritime Affairs may designate and manage a person who retains facilities and human resources specified by Presidential Decree as a depository and registry for marine bio-resources (hereinafter referred to as "depository and registry") for the entrustment and management of marine bio-resources. In such cases, the Minister of Land, Transport and Maritime Affairs shall issue a certificate of designation to a depository and registry.

(2) The head of a depository and registry shall carry out the following:

1. Acceptance of entrustment, registration, and evaluation of marine bio-resources;
2. Collection, conservation, and management of marine bio-resources;
3. Establishment and operation of a system for information on marine bio-resources;
4. Other affairs specified by Presidential Decree as necessary for securing, managing, and using marine bio-resources.

(3) Standards and procedure for the designation of depositories and registries and matters necessary for the operation of depositories and registries shall be prescribed by Presidential Decree.

Article 18 (Designation, Operation, etc. of Institutions Responsible for Marine Bio-resources)

(1) The Minister of Land, Transport and Maritime Affairs may designate and operate an institution responsible for marine bio-resources (hereinafter referred to as "responsible institution"), from among depositories and registries, in order to authorize the responsible institution to expertly carry out affairs regarding the securing of various marine bio-resources and efficient management and use of marine bio-resources. In such cases, the Minister of Land, Transport and Maritime Affairs shall issue a certificate of designation to the responsible institution.

(2) The head of a responsible institution shall carry out the following:

1. Securing, management, and use of marine bio-resources;
2. Comprehensive surveys, listing, acceptance of deposits, registration, and evaluation of marine bio-resources;
3. Management of depositories and registries;
4. Establishment of an integrated information system for marine bio-resources;
5. Exchange of information among depositories and registries;
6. Management and research of marine bio-resources in the medium- and long-term;
7. Depositing and preservation of marine bio-resources produced as a result of research through national research and development projects;

8. Cooperation with domestic and overseas institutions relating to marine bio-resources;
 9. Other affairs specified by Presidential Decree as necessary to secure, manage, and use marine bio-resources.
- (3) The Government may fully or partially subsidize a responsible institution for expenses incurred in its operation.
- (4) The Minister of Land, Transport and Maritime Affairs may publicly notify additional rules necessary for surveying and listing of marine bio-resources under paragraph (2), the management of depositories and registries, and the establishment of an integrated information system.
- (5) Standards and procedures for the designation of a responsible institution and matters necessary for the operation of a responsible institution shall be prescribed by Presidential Decree.

Article 19 (Revocation of Designation, etc.)

(1) If a depository and registry or a responsible institution falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke its designation or order it to take measures for rectification: Provided, That if a depository and registry or a responsible institution falls under subparagraph 1, its designation shall be revoked, while if a depository and registry or a responsible institution falls under subparagraph 2 or 3 but if it does not take measures for rectification without justifiable cause as ordered within 60 days from the date on which it is ordered by the Minister of Land, Transport and Maritime Affairs to take measures for rectification:

1. If a depository and registry or a responsible institution commits fraud or other wrongdoing in obtaining designation;
 2. If a depository and registry or a responsible institution does not carry on its affairs specified in Article 17 (2) or 18 (2) without justifiable cause;
 3. If a depository and registry or a responsible institution fails to meet the standards prescribed pursuant to Article 17 (3) or 18 (5) for designation;
 4. If a depository and registry or a responsible institution files an application for revocation of designation.
- (2) If designation is revoked under paragraph (1), the person who operates the relevant depository and registry or responsible institution shall return the certificate of designation of the depository and registry or responsible institution issued under the latter part of Article 17 (1) or the latter part of Article 18 (1) to the Minister of Land, Transport and Maritime Affairs within 15 days from the date on which designation is revoked. In such cases, the Minister of Land, Transport and Maritime Affairs may request the depository and registry or responsible institution to transfer marine bio-resources.
- (3) If the designation of a depository and registry or a responsible institution is revoked under paragraph (1), it shall not be re-designated within two years from the date on which designation is revoked.
- (4) Matters necessary for the standards and procedure for the dispositions under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 20 (Approval for Allotment, etc.)

(1) A person who intends to acquire some of the marine bio-resources secured, managed, and allotted by a depository and registry or a responsible institution shall specify the purpose of use of such marine bio-resources and obtain approval therefor from the Minister of Land, Transport and Maritime Affairs: Provided, That marine bio-resources collected from a foreign country pursuant to a treaty entered into with the foreign country shall be allotted in accordance with the treaty with the foreign country.

(2) In any of the following circumstances, the Minister of Land, Transport and Maritime Affairs may refuse to approve allotment pursuant to the main sentence of paragraph (1):

1. If the quantity of marine bio-resources secured and managed falls short of the standards prescribed in paragraph (4);
2. If overseas allotment is prohibited by any other Act or subordinate statute;
3. If it is probable on any other ground that overseas allotment will cause damage to the State.

(3) If a person who obtains approval for allotment of marine bio-resources pursuant to paragraph (1) intends to use the marine bio-resources allotted for any purpose other than the approved purpose, he/she shall obtain approval to change the purpose of use from the Minister of Land, Transport and Maritime Affairs.

(4) Matters necessary for the approval for allotment, the standards for the quantity in possession, and the guidelines and procedure to change the purpose of use under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 21 (Revocation of Approval for Allotment, etc.)

(1) If a person falls under either of the following circumstances, the Minister of Land, Transport and Maritime Affairs may revoke approval granted under Article 20 (1) for allotment and may require the person to return marine bio-resources allotted as approved:

1. If a person commits fraud or other wrong-doing in obtaining approval for allotment;
2. If a person uses marine bio-resources allotted for any purpose other than the approved purpose of use without obtaining approval to change the purpose of use pursuant to Article 20 (3).

(2) Matters necessary for the procedure for revocation of approval for allotment under paragraph (1) and the procedure for returning marine bio-resources shall be prescribed by Presidential Decree.

Article 22 (Approval for Removal from Republic of Korea, etc.)

(1) A person who intends to remove marine bio-resources from Korea shall specify the purpose of use and shall obtain approval therefor from the Minister of Land, Transport and Maritime Affairs: Provided, That the foregoing shall not apply where allotment of marine bio-resources has been approved under the main sentence of Article 20 (1) or where the Minister for Food, Agriculture, Forestry and Fisheries approves removing marine bio-resources from Korea under Article 18 of the Act on Preservation, Management, and Use of Bio-resources for Agriculture and Fisheries.

(2) Notwithstanding the main sentence of paragraph (1), a person who intends to remove introduced species or other marine bio-resources specified by Presidential Decree, from Korea shall file a declaration thereof

with the Minister of Land, Transport and Maritime Affairs.

(3) Matters necessary for the guidelines and procedure for approval for removing marine bio-resources from Korea under the main sentence of paragraph (1) and for filing a declaration removing marine bio-resources from Korea under paragraph (2) shall be prescribed by Presidential Decree.

Article 23 (Revocation of Approval for Removal from Republic of Korea)

(1) If a person falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke approval for removing marine bio-resources from Korea, under the main sentence of Article 22 (1) and may require the person to return the marine bio-resources for which approval for removal from Korea has been granted:

1. If a person commits fraud or other wrongdoing in obtaining approval to remove marine bio-resources from Korea;
2. If a person uses marine bio-resources for any purpose other than the approved purpose of removing them from Korea.

(2) Matters necessary for the procedure for revocation of approval for removing marine bio-resources from Korea and for returning marine bio-resources under paragraph (1) shall be prescribed by Presidential Decree.

Article 24 (Depositing, Registration, etc.)

(1) A person who manages and uses marine bio-resources may deposit and register marine bio-resources in a depository and registry or responsible institution.

(2) When a person who carries out a national research and development project for marine bio-resources completes the project, he/she shall deposit and register marine bio-resources produced as a result of the project, in a depository and registry or responsible institution, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply where the head of a related central administrative agency approves on a ground specified by Presidential Decree.

(3) The Government may reflect the status of depositing and registration of marine bio-resources pursuant to paragraph (2) in the evaluation, etc. of the relevant project.

(4) Matters subject to depositing and registration under paragraphs (1) and (2), the methods of depositing and registration, and other necessary matters shall be prescribed by Presidential Decree.

Article 25 (Establishment and Operation of Integrated Information System)

(1) In order to establish and execute efficient policies on marine bio-resources, the Minister of Land, Transport and Maritime Affairs shall establish and operate an integrated information system for marine bio-resources, with which information about marine bio-resources can be standardized and information scattered across agencies and institutions can be managed systematically.

(2) The Minister of Land, Transport and Maritime Affairs may request the head of a related central administrative agency to submit data necessary for the establishment and operation of the integrated information system for marine bio-resources.

(3) A person who intends to execute a project related to marine bio-resources (hereafter in this Article referred to as "person executing a project related to marine bio-resources") using the State or a local government budget (hereafter referred to as "Government agency" in this Article) shall submit a project plan to the competent Government agency in advance. In such cases, a person executing a project for marine bio-resources shall collect and manage research and survey materials on marine bio-resources and a database of marine bio-resources, computerize such data to make the data suitable for the establishment and operation of an integrated information system for marine bio-resources, provide such data to the competent government agency within one year after research and surveys are completed.

(4) Matters necessary for the establishment and operation of an integrated information system for marine bio-resources under paragraph (1) shall be prescribed by Presidential Decree.

Article 26 (Nurturing, Support, etc, of Non-Governmental Institutions and Organizations)

(1) In order to promote the securing, management, and use of marine bio-resources, the Government shall nurture and support non-governmental institutions and organizations that perform affairs relating to research on marine bio-resources or the depositing, registration, conservation, or use of marine bio-resources.

(2) The Government shall endeavor to prepare financial resources for investment in a sustainable and stable manner as necessary to promote measures to secure, manage, and use marine bio-resources.

Article 27 (Training of Professional Human Resources)

In order to systematically train professional human resources necessary for efficiently securing, managing, and using marine bio-resources, the Minister of Land, Transport and Maritime Affairs shall prepare the following:

1. Training of professional human resources for the medium- and long-term for the fields related to marine bio-resources;
2. Assistance in preparation and diffusion of educational programs for professional human resources and assistance.

Article 28 (Assistance, etc, in Development of Technology for Marine Bio-resources and Promotion of Use of such Technology)

(1) In order to develop technology necessary for securing, managing, and using marine bio-resources and promote research, development, and industrialization of marine bio-resources, the Government shall prepare the following:

1. Development of technology necessary for securing, managing, and using marine bio-resources;
2. Promotion of joint research among academic circles, research institutes, and enterprises for research and development of marine biotechnology;
3. Assistance in research, development, and surveys of new technology related to marine biotechnology;
4. Promoting industrial application of outcomes of research on marine biotechnology;
5. Assistance in starting up new small and medium enterprises and venture businesses related to marine biotechnology;

6. Implementing measures for advertising and education for efficient use of marine bio-resources;
 7. Other measures specified by Presidential Decree as necessary for the development of marine bio-resource-related technology and promoting the use of such technology.
- (2) The Government may provide assistance, as necessary, to academic circles, research institutes, and enterprises that participate in a project related to measures taken pursuant to paragraph (1), as prescribed by Presidential Decree.

Article 29 (Promotion, etc. of Research on and Development of Overseas Marine Bio-resources and International Cooperation)

- (1) If it is necessary to promote research and development of overseas marine bio-resources and international cooperation in such research and development, the Government shall prepare measures for the following:
1. Research and surveys for the development of overseas marine bio-resources;
 2. Establishment of overseas bases for marine bio-resources;
 3. Development of technology for the development of overseas marine bio-resources and training of professional human resources therefor;
 4. International cooperation, such as exchanges of information with foreign countries and international organizations, joint surveys and research, and exchanges of technology in connection with the development of overseas marine bio-resources;
 5. Other affairs specified by Presidential Decree as necessary for promoting the development of overseas marine bio-resources and international cooperation therein.
- (2) The Government may provide necessary assistance to academic circles, research institutes, enterprises, etc. that participate in projects related to measures under paragraph (1), as prescribed by Presidential Decree.
- (3) If deemed necessary for efficiently promoting the development of overseas marine bio-resources and international cooperation therein, it may authorize an agency specified by Presidential Decree to carry out tasks to collect, analyze, and provide information about the development of overseas resources and may subsidize it for expenses incurred in performing such tasks.

Article 30 (Publishing, etc. of Statistics and Publications)

- (1) The Minister of Land, Transport and Maritime Affairs shall publish and distribute statistics and publications every year, consulting with the heads of related central administrative agencies and the Commissioner of the Korea National Statistical Office, so as to ensure that people understand the current status of marine bio-resources, such as the kinds of marine bio-resources and institutions possessing marine bio-resources.
- (2) The Minister of Land, Transport and Maritime Affairs may request the head of a related central administrative agency to submit data necessary for publishing statistics and publications pursuant to paragraph (1).

(3) Matters necessary for contents of statistics and publications related to marine bio-resources under paragraph (1), the methods for submitting and preparing data shall be prescribed by Presidential Decree.

Article 31 (Duty of Confidentiality)

No person who is or was engaged in affairs related to the conservation, management, etc. of marine bio-resources in a depository and registry or a responsible institution shall divulge or misappropriate any confidential information acquired while performing his/her duties.

Article 32 (Statutorily-Deemed Public Officials for Purposes of Penal Provisions)

A person who is engaged in affairs related to the conservation, management, etc. of marine bio-resources in a depository and registry or a responsible institution, but who is not a public official, shall be deemed a public official for the purposes of penal provisions relevant to the provisions of Articles 129 through 132.

Article 33 (Subsidization from National Treasury, etc.)

The State may fully or partially subsidize a local government or an organization related to marine bio-resources, within budgetary limits, for expenses incurred in any of the following projects executed thereby for securing, managing, and using marine bio-resources:

1. Analysis and evaluation pursuant to Article 10;
2. Establishment and operation of an integrated information system pursuant to Article 25;
3. Training of professional human resources pursuant to Article 27;
4. Promotion of the development and use of technology pursuant to Article 28;
5. Promotion of research on and development of overseas marine bio-resources and international cooperation therein, pursuant to Article 29;
6. Projects entrusted pursuant to Article 36.

Article 34 (Hearings)

When the Minister of Land, Transport and Maritime Affairs intends to make any of the following dispositions, he/she shall hold a hearing, as provided in the Administrative Procedures Act:

1. Revocation of permission or approval under Article 14;
2. Revocation of designation under Article 19 (1);
3. Revocation of approval for allotment under Article 21 (1);
4. Revocation of approval for removing marine bio-resources from Korea under Article 23 (1).

Article 35 (Reporting, Inspection, etc.)

(1) The Minister of Land, Transport and Maritime Affairs may order the head of a depository and registry or a responsible institution to submit a report or documents with respect to its projects or affairs.

(2) The Minister of Land, Transport and Maritime Affairs may authorize public officials under his/her jurisdiction to inspect books of account and documents of a depository and registry or a responsible institution or other matters necessary for the operation of its projects.

Article 36 (Delegation or Entrustment of Authority)

The Minister of Land, Transport and Maritime Affairs may delegate or entrust part of his/her authority under this Act to the head of an affiliated agency or the head of other administrative agency, responsible

institution, or local government, as prescribed by Presidential Decree.

Article 37 (Penal Provisions)

(1) Any person who acquires marine bio-resources in the territorial sea of the Republic of Korea without permission, in violation of Article 11 (1) or 12 (1) shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 100 million won, and marine bio-resources so acquired shall be confiscated. If it is impossible to confiscate such marine bio-resources, the equivalent of the value of the marine bio-resources shall be collected.

(2) Any person who acquires marine bio-resources in a jurisdictional sea area outside of the territorial sea of the Republic of Korea without permission in violation of Article 11 (1) or 12 (1) shall be punished by a fine not exceeding 100 million won, and marine bio-resources so acquired shall be confiscated. If it is impossible to confiscate such marine bio-resources, the equivalent of the value of the marine bio-resources shall be collected.

Article 38 (Penal Provisions)

Any person who removes marine bio-resources from Korea without approval, in violation of Article 22 (1) shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won, and marine bio-resources so removed from Korea shall be confiscated. If it is impossible to confiscate such marine bio-resources, the equivalent of the value of the marine bio-resources shall be collected.

Article 39 (Penal Provisions)

Any person who divulges or illegally uses any confidential information acquired while performing his/her duties in violation of Article 31 shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding ten million won.

Article 40 (Joint Penal Provisions)

If the representative of a corporation or an agent, employee, or servant who works for a corporation or an individual violates Article 37 or 38 in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by the fine prescribed in the relevant provisions: Provided, That the foregoing shall not apply where the corporation or private individual has not neglected reasonable care and supervision of the business to prevent such violation.

Article 41 (Fines for Negligence)

(1) Any person who falls under either of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:

1. A person who does not submit a report on outcomes, data of a survey, samples, or genetic materials, or who does not remove facilities or equipment installed and used, in violation of Article 13 (3);
2. A person who allots marine bio-resources, or who acquires marine bio-resources allotted, without approval therefor from the Minister of Land, Transport and Maritime Affairs in violation of Article 20 (1).

(2) Any person who does not place an identifiable indication or does not keep a written permit, in violation of Article 11 (4) (including a person to whom the aforesaid provisions shall apply mutatis mutandis pursuant to Article 12 (2)) shall be punished by a fine for negligence not exceeding two million won.

(3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected by the Minister of Land, Transport and Maritime Affairs, as prescribed by Presidential Decree.

ADDENDUM

This Act shall enter into force on July 26, 2012.

