

ACT ON THE CONSERVATION AND USE OF BIOLOGICAL DIVERSITY

Act No. 11257, Feb. 1, 2012
Amended by Act No. 11536, Dec. 11, 2012
Act No. 12459, Mar. 18, 2014

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to improve national life and enhance international cooperation, by promoting comprehensive and systematic conservation of biodiversity and sustainable use of biological resources and by prescribing matters on implementing the Convention on Biological Diversity.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "biodiversity" means diversity of organisms developing from all sources including land ecosystem, aquatic ecosystem and complex ecosystem thereof, and includes diversity within species, diversity among species and diversity of ecosystem;
2. The term "ecosystem" means dynamic complex where colonies of plants, animals and microorganisms and the abiotic environment interact in functional units;
3. The term "biological resources" means genetic resources, organisms, parts of organisms, population, or components of organisms, which are valuable for humans or have practical or potential usage;
4. The term "genetic resources" means materials which have practical or potential value, among plants, animals and microorganisms or other genetic material which becomes genetic origins including a genetic functional unit;
5. The term "sustainable use" means using components of biodiversity in a manner and rate which do not reduce biodiversity, allowing the current and future generations to use biological resources with equal opportunities and enjoy the benefits thereof;
6. The term "traditional knowledge" means knowledge, technology and practice, etc. of individuals or local communities which have maintained a traditional life style suitable to the conservation of biodiversity and sustainable use of biological resources;
7. The term "alien species" means organisms which exist outside their place of origin or habitat, after having flowed in from a foreign country artificially or naturally;
8. The term "ecosystem disturbing species" means species falling under any of the followings, which are designated and notified by the Minister of Environment since it is deemed that they cause serious risk to ecosystem, etc. according to the outcomes of the risk assessment pursuant to Article 23:
 - (a) A species, among alien species, that disturbs or is likely to disturb the balance of ecosystem;
 - (b) A species, which are not alien species, that disturbs or is likely to disturb the balance of the ecosystem in a certain region;
 - (c) A species, among genetically modified species produced by genetic modification, that disturbs or is likely to disturb the balance of the ecosystem;
9. The term "foreigner" means a person falling under any of the followings:
 - (a) A person who has not acquired the Korean citizenship;
 - (b) A corporation established under the law of foreign country (including a corporation, established under the Korean law, which has a head office or main office in a foreign country).

Article 3 (Basic Principle)

The following basic principles shall be observed for conservation of biodiversity and sustainable use of biological resources:

1. Biodiversity shall be the asset of all citizens and shall be conserved for the current and future generations;

2. Biological resources shall be protected and managed systematically for sustainable use thereof;
3. Development and use of land shall be in congruent with conservation of biodiversity and sustainable use of biological resources;
4. The connectivity and balance of ecosystem which extends from mountain, river, swamp and lake, coast to the ocean shall be conserved systematically;
5. International cooperation on conservation of biodiversity and sustainable use of biological resources shall be enhanced.

Article 4 (Duty of State and Local Governments)

- (1) The State and local governments shall have the duty to prepare measures pursuant to the basic principle under Article 3 proactively.
- (2) In the course of formulating various plans and executing projects, the State and local governments shall endeavor to make sure that, such plans and projects correspond to the basic principle under Article 3 and the national biodiversity strategy under Article 7.

Article 5 (Duty of Citizens)

- (1) For conservation and sustainable use of biodiversity, all citizens shall cooperate with the State and local governments actively to ensure that the projects established and implemented by the State and local governments are conducted smoothly.
- (2) All citizens shall endeavor to reduce negative effects on biodiversity and use biological resources in a sustainable manner, by recognizing the importance of biodiversity and choosing goods and services that considered biodiversity.

Article 6 (Relationship with Other Acts)

- (1) Except as otherwise expressly provided for in any other Act, conservation of biodiversity and use of biological resources shall be governed by provisions of this Act.
- (2) The legislation and amendment of other Acts regarding conservation of biodiversity and use of biological resources shall meet the purpose and basic principle of this Act.

CHAPTER II NATIONAL STRATEGY ON BIODIVERSITY

Article 7 (Establishment of National Strategy on Biodiversity)

- (1) The government shall establish a strategy for conservation of biodiversity and sustainable use of the components thereof (hereinafter referred to as “national strategy on biodiversity”) every five years.
- (2) The national biodiversity strategy shall include the followings:
 1. Status, goal and basic direction-setting for biodiversity;
 2. Protection and management of biodiversity and the components thereof;
 3. Sustainable use of the components of biodiversity;
 4. Handling of threats against biodiversity;
 5. Research and technology development, education and public relation, and international cooperation on biodiversity;
 6. Other necessary matters concerning conservation and use of biodiversity.
- (3) For smooth formulation of the national strategy on biodiversity, the head of the relevant central administrative agency shall establish a performance strategy on matters falling under each subparagraph of paragraph (2) for each competent area and notify it to the Minister of Environment.
- (4) The national strategy on biodiversity shall be prepared by the Minister of Environment who directs the performance strategy by each competent area pursuant to paragraph (3) and be finalized after undergoing the deliberation of a cabinet council. In such cases, where the Minister of Environment deems that it is necessary for the smooth formulation of the national strategy on biodiversity, he/she may listen to the opinions of the relevant experts and consult with the head of the relevant central administrative agency before the deliberation of a cabinet council.
- (5) The Minister of Environment shall announce the national strategy on biodiversity that is finalized pursuant to paragraph (4).
- (6) Paragraphs (3) through (5) shall apply to the cases of changing the national strategy on biodiversity: Provided, That this shall not apply to the cases of changing minor matters prescribed by Presidential Decree.
- (7) Other necessary matters concerning the establishment, etc. of the national biodiversity strategy on biodiversity shall be prescribed by Presidential Decree.

Article 8 (Establishment and Implementation of Implementation Plan for National Biodiversity Strategy)

- (1) The head of the relevant central administrative agency shall establish and implement an implementation plan for national strategy on biodiversity of the competent area (hereinafter referred to as “implementation plan”) every year.
- (2) The head of the relevant central administrative agency shall notify the Minister of Environment of the performance record of the implementation plan of the previous year and the implementation plan of the relevant year as prescribed by Presidential Decree.
- (3) Necessary matters concerning the establishment and performance of the implementation plan shall be prescribed by Presidential Decree.

CHAPTER III BIODIVERSITY AND CONSERVATION OF BIOLOGICAL RESOURCES

Article 9 (Investigation, Etc. of Biodiversity)

- (1) The government may investigate the status of biodiversity for conservation of biodiversity and sustainable use of biological resources.
- (2) In order to conserve biodiversity of the Korean peninsula and its annexed islands, the government may push forward policies to protect the ecosystem and indigenous species of the Korean peninsula and its annexed islands, such as conducting research relevant to biodiversity or investigation of species in collaboration with residents in the north of the Military Demarcation Line.

Article 10 (Establishment of National Species List)

- (1) The Minister of Environment shall establish a national species list including scientific name, domestic distribution status, etc. of species which inhabit within the country.
- (2) The Minister of Environment may request the head of the relevant central administrative agency to submit data necessary for establishing a national species list pursuant to paragraph (1). In such cases, the head of the relevant central administrative agency shall submit the requested data in the absence of special circumstances.
- (3) Necessary matters concerning the subjects, items and methods, etc. of establishing a national species list pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Outbound Transfer of Biological Resources)

- (1) The Minister of Environment may designate and notify biological resources highly worthy of protecting for conservation of biological diversity, which meet the standard prescribed by Presidential Decree as biological resources subject to the approval of outbound transfer, in consultation with the head of the relevant central administrative agency.
- (2) Anyone who intends to carry the biological resources that are designated and notified pursuant to paragraph (1) (hereinafter referred to as “biological resources subject to the approval of outbound transfer”) outside the country shall obtain an approval of the Minister of Environment as prescribed by Ordinance of Ministry of Environment: Provided, That this shall not apply to cases of obtaining the approval of outbound transfer pursuant to Article 18 (1) of the Act on the Preservation, Management and Use of Agro-Fishery Bioresources.

(3) The Minister of Environment may not approve the outbound transfer when the biological resources subject to the approval of outbound transfer fall under any of the following cases:

1. Where their inhabitant is extremely limited;
2. Where the outbound transfer is likely to cause serious damage to national interests;
3. Where they have morphological and genetic characteristics which are highly valuable economically;
4. Where the outbound transfer of a species is likely to threaten the survival of such species.

Article 12 (Cancellation, Etc. of Approval for Outbound Transfer of Biological Resources)

(1) Where a person who obtained approval for outbound transfer of biological resources subject to the approval for outbound transfer pursuant to Article 11 (2) falls under any of the following cases, the Minister of Environment may cancel the approval as prescribed by Ordinance of the Ministry of Environment: Provided, That he/she shall cancel approval in case of falling under subparagraph 1:

1. Where such person obtained the approval in a false or other fraudulent manner;
 2. Where such person use biological resources for the purpose other than the approved usage.
- (2) Where the biological resources subject to the approval of outbound transfer for which approval was canceled pursuant to paragraph (1) have been already shipped outbound, the Minister may take necessary measures such as ordering the person, for whom approval was canceled, to redeem the relevant biological resources or take other necessary measures.
- (3) Where a person who received the order, etc. to redeem biological resources pursuant to paragraph (2) fails to carry out the order, etc., the Minister of Environment may conduct vicarious administrative execution as prescribed by the Administrative Vicarious Execution Act.

Article 13 (Report on Acquisition of Biological Resources by Foreigner, Etc.)

(1) Where a foreigner, foreign institution and international organization, etc. (hereinafter referred to as “foreigner, etc.”) or a person who concluded a contract related to biodiversity with foreigner, etc. intends to acquire biological resources that are designated and notified by the Minister of Environment for research or commercial use, he/she shall report it to the Minister of Environment.

(2) The procedure and method of reporting pursuant to paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 14 (Emergency Measures against Decrease, Etc. of Biodiversity)

(1) The Minister of Environment, the head of the relevant central administrative agency and the Special Metropolitan City Mayor, Metropolitan City Mayor, Do governor or the Governor of a Special Self-Governing Province may take measures to avoid or mitigate a drastic depletion of biodiversity, such as emergency restoration, rescue and treatment, moratorium of construction, etc. in one of the following cases: Provided, That the head of the relevant central administrative agency shall notify without delay the Minister of Environment of the details of the relevant measures, and the Special Metropolitan City Mayor, Metropolitan City Mayor, Do governor or the Governor of a Special Self-Governing Province (hereinafter referred to as “Mayor/Do governor”) shall obtain approval of the Minister of Environment for the implemented measures:

1. Where a situation that has serious effect on the national or local biodiversity, such as natural disaster, arises;

2. Where biodiversity is at risk of depleting drastically or disappearing;

3. Where a breeding ground or wildlife habitat is at risk of being damaged in a large scale due to the implementation of development project, etc.

(2) For a person who suffered a direct economic loss due to the measures pursuant to paragraph (1), the Minister of Environment, the head of the relevant central administrative agency and Mayor/Do governor may compensate the expenses equivalent to such loss.

(3) Other necessary matters such as the details and methods of the measures pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 15 (Support, Etc. for Conservation and Restoration of Ecosystem)

(1) The State and local governments shall establish policies necessary for conservation of the ecosystem, restoration of damaged ecosystem or recovery of services provided by ecosystem so that the balance of the ecosystem is not destroyed.

(2) The State and local governments may support residents, organizations, etc. participating in the conservation and restoration of the ecosystem.

Article 16 (Biodiversity Management Contract)

(1) The Minister of Environment may conclude a contract on change of owner, occupant or custodian and method for cultivation of land, reduction of using chemical materials, creation of wetlands or other method of land management, etc. (hereinafter referred to as “biodiversity management contract”) or recommend the head of the relevant central administrative agency or head of local governments to conclude the biodiversity management contract to conserve the following areas excluding the ocean:

1. An area that is necessary for the protection of endangered wildlife;

2. An area which needs the enhancement of biodiversity;

3. An area where biodiversity is distinctive or excellent.

(2) Where the Minister of Environment, the head of the relevant central administrative agency or head of local governments concludes the biodiversity management contract, he/she shall compensate a person whose profits were reduced in the relevant land due to the fulfillment of the contract for the actual expenses as prescribed by Presidential Decree.

(3) Where a contracting party of the biodiversity management contract fails to fulfil the contents of the contract or intends to terminate the contract, he/she shall notify it to the other party at least three months before it.

(4) Other necessary matters such as the conclusion, etc. of the biodiversity management contract shall be prescribed by Presidential Decree.

CHAPTER IV NATIONAL BIODIVERSITY CENTER, ETC.

Article 17 (Operation, Etc. of National Biodiversity Center)

(1) The head of the relevant central administrative agency may operate a biodiversity center which conducts the following duties for biodiversity and biological resources in the competent area:

1. Collection and management of information on biodiversity and biological resources;

2. Management of the status of the utilization, such as donation, registration, evaluation, parceling-out, etc. of biological resources;
3. Establishment of the list of biological resources;
4. Management of status of export and import of foreign species;
5. Management of status of export and import and outbound and inbound transfer of biological resources;
6. Establishment of cooperative system with the institution relevant to biological resources;
7. Other necessary matters concerning conservation, etc. of biodiversity, prescribed by Presidential Decree.

(2) For systematic conservation and management of biodiversity and sustainable use of biological resources, the Minister of Environment shall operate a national biodiversity center which conducts the following duties:

1. Integrated management of information sharing and information sharing system among biodiversity centers pursuant to paragraph (1);
2. Overall management and management of duties pursuant to each subparagraph of paragraph (1);
3. Establishment and operation of the national biodiversity information sharing system pursuant to Article 18;
4. Establishment of cooperative system with the domestic and overseas institutions relevant to biological resources and international organizations, etc.

(3) The Minister of Environment may request the head of the relevant central administrative agency to submit the data, etc. necessary for the efficient operation of the national biodiversity center and integrated information management pursuant to paragraph (2). In such cases, the head of the relevant central administrative agency shall submit the requested data in the absence of special circumstances.

(4) The Minister of Environment shall share the data, etc. submitted pursuant to paragraph (3) with the head of the relevant central administrative agency.

(5) Necessary matters concerning the operation, etc. of the biodiversity center pursuant to paragraph (1) and the national biodiversity center pursuant to paragraph (2) shall be prescribed by Presidential Decree.

Article 18 (Establishment, Operation, Etc. of National Biodiversity Information Sharing System)

(1) To implement the Convention on Biological Diversity in South Korea and manage national biodiversity information comprehensively, the Minister of Environment shall establish and operate a national biodiversity information sharing system. In such cases, where the Korean Bioinformation Center was designated pursuant to Article 11 of the Act on the Acquisition, Management, and Utilization of Biological Research Resources, he/she shall manage it in connection with the Korean Bioinformation Center.

(2) The Minister of Environment may request the head of the relevant central administrative agency to submit the data necessary for the establishment and operation of the national biodiversity information sharing system and to connect the national biodiversity information sharing system with the information system in the competent area. In such cases, the head of the relevant central administrative agency shall comply with the request in the absence of special circumstances.

Article 19 (Sharing Profits from Biological Resources)

(1) The profits arising from research and development outcomes of biological resources and the commercial use thereof, etc. shall be fairly and equally apportioned to the provider and user of biological resources.

(2) In order to ensure the fair and equal apportionment of the profits arising from biological resources, the government may push forward necessary policies, such as the provision of essential contract matters that shall be consulted by provider and user of biological resources in concluding the contract between them and the standard contract reflecting such matters.

(3) Necessary matters concerning the sharing profits from biological resources pursuant to paragraphs (1) and (2) shall be prescribed by Acts separately.

Article 20 (Protection, Etc. of Traditional Knowledge)

In order to promote conservation and use of traditional knowledge, the government shall push forward the following policies:

1. Discovery, research and protection of traditional knowledge of individuals and local communities;
2. Establishment of information gathering and management system of traditional knowledge;
3. Establishment of foundation for using traditional knowledge.

CHAPTER V MANAGEMENT OF ALIEN SPECIES AND ECOSYSTEM DISTURBING SPECIES

Article 21 (Establishment of Alien Species Management Plan)

(1) The Minister of Environment shall establish a basic plan for management of alien species (excluding organisms which inhabit only in the ocean, which are marine organisms pursuant to subparagraph 8 of Article 2 of the Conservation and Management of Marine Ecosystems Act; hereinafter the same shall apply in this Chapter) (hereinafter referred to as “alien species management plan” in this Chapter) every five years.

(2) The alien species management plan shall include the followings:

1. Basic objectives and promotion direction-setting for alien species management;
2. Actual condition and management status of damage caused by alien species, etc.;
3. Designation status and designation plan of ecosystem disturbing species such as alien species;
4. Management plan of removal and control, etc. of alien species, etc. designated as ecosystem disturbing species;

5. Investigation and research promotion plan necessary for alien species management;

6. Plan of supply of and demand for manpower and nurturing thereof for alien species management;

7. Other necessary matters concerning alien species management.

(3) Where the Minister of Environment establishes the alien species management plan, he/she shall consult with the head of the relevant central administrative agency in advance, and notify the head of the relevant central administrative agency and Mayor/Do governor of the established alien species management plan. The same shall apply where he/she amends any important matter prescribed by Ordinance of the Ministry of Environment among the established alien species management plan.

(4) In order to establish or change the alien species management plan, the Minister of Environment may request the head of the relevant central administrative agency and Mayor/Do governor to submit the necessary data.

(5) A Mayor/Do governor shall establish and implement an implementation plan for the alien species management pursuant to the alien species management plan every year.

Article 22 (Approval for Import and Inbound transfer of Potential Risk Species)

(1) A person who intends to import or introduce species designated by the Minister of Environment since they are likely to threaten a ecosystem, etc. in case of being transferred to South Korea (referring to living organism including a part of individual, egg, seed, etc.; hereinafter referred to as “potential risk species”) shall obtain an approval of the Minister of Environment as prescribed by Ordinance of the Ministry of Environment: Provided, That this shall not apply to cases of obtaining the permission pursuant to Article 23 (2) of the Conservation and Management of Marine Ecosystems Act or the approval pursuant to Article 8 (1) of the Transboundary Movement, etc. of Living Modified Organisms Act.

(2) A person who intends to file an application for the approval pursuant to paragraph (1) shall receive the evaluation on a risk to ecosystem, etc. conducted by the specialized institution prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as “ecosystem risk evaluation”)

(3) The Minister of Environment shall determine whether to give approval or not after considering the result of the ecosystem risk evaluation and the degree of damage to ecosystem, etc. by the relevant potential risk species.

(4) The standard and procedure, necessary document for the ecosystem risk evaluation and other necessary matters shall be prescribed by Ordinance of the Ministry of the Environment.

Article 23 (Designation and Notification of Ecosystem Disturbing Species)

(1) The Minister of Environment may evaluate risk of alien species, etc. on ecosystem, etc.

(2) The Minister of Environment shall designate and notify alien species, etc. which threaten ecosystem, etc. as a result of the risk evaluation pursuant to paragraph (1) as ecosystem disturbing species in consultation with the head of the relevant central administrative agency.

(3) The standard and method of the risk evaluation pursuant to paragraph (1), designation procedure of ecosystem disturbing species pursuant to paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of the Environment.

Article 24 (Management of Ecosystem Disturbing Species)

(1) No one shall engage in importation, inbound transfer, raising, cultivation, pasturing, transplanting, transferring, taking over, storage, transportation or distribution (hereinafter referred to as “importation, etc.”) of ecosystem disturbing species: Provided, That this shall not apply to the case of obtaining a permission of the Minister of Environment by falling under any of the followings, and the Transboundary Movement, etc. of Living Modified Organisms Act shall apply to the import of living modified organisms pursuant to subparagraph 2 of Article 2 of the Relevant Act, among ecosystem disturbing species: <Amended by Act No. 11536, Dec. 11, 2012>

1. For academic research purposes;
2. Other cases for education, exhibition, food, etc. purposes prescribed by Ordinance of the Ministry of Environment.

(2) Upon receipt of the application for the permission pursuant to the proviso of paragraph (1), the Minister of Environment may permit import, etc. only in the cases where he/she recognized that there is no concern of being exposed to natural environment as a living organism, as prescribed by Presidential Decree.

(3) Where it is necessary for the management of ecosystem disturbing species, the Minister of Environment may request the head of the relevant central administrative agency or the head of local governments to take necessary measures, such as control, etc. for conservation of biodiversity and ecosystem, and the head of the relevant central administrative agency or the head of local governments shall comply with such request in the absence of special circumstances. In such cases, notwithstanding the limitation of activities in the water-source protection area pursuant to Article 7 (3) of the Water Supply and Waterworks Installation Act, he/she may allow capture or collection of ecosystem disturbing species, and may allow the capture or collection thereof with other wildlife where unavoidable.

(4) The Minister of Environment shall investigate and evaluate the impact of ecosystem disturbing species on ecosystem, etc. continuously and take necessary measures to reduce risk on ecosystem, etc. caused by ecosystem disturbing species.

Article 25 (Cancellation, Etc. of Permission for Import, Etc. of Ecosystem Disturbing Species)

(1) Where a holder of a permission for import, etc. of ecosystem disturbing species pursuant to the proviso to Article 24 (1) falls under any of the followings, etc., the Minister of Environment may cancel the permission as prescribed by Ordinance of the Ministry of Environment: Provided, That he/she shall cancel the permission in case of subparagraph 1:

1. Where a person obtains the permission in a false or other fraudulent manner;
2. Where a person loses or plants ecosystem disturbing species in natural environment;
3. Where a person exposes ecosystem disturbing species to natural environment.

(2) Where the ecosystem disturbing species for which the permission was canceled pursuant to paragraph (1) have already been exposed to the natural environment, the Minister of Environment may take necessary measures such as ordering a person for whom the approval was canceled to capture or collect the relevant species.

(3) Where a person who received the order, etc. to capture or collect ecosystem disturbing species pursuant to paragraph (2) fails to carry out the order, etc., the Minister of Environment may conduct vicarious administrative execution as prescribed by the Administrative Vicarious Execution Act.

CHAPTER VI RESEARCH AND TECHNOLOGY DEVELOPMENT, ETC.

Article 26 (Research and Support for Biodiversity, Etc.)

(1) The State and local governments shall push forward the following research for conservation of biodiversity and sustainable use of biological resources:

1. Factors which have impact on biodiversity;
2. Evaluation of the value of biodiversity and ecosystem;
3. Evaluation of strategy and technology for the conservation of biodiversity;
4. Other measures for conservation of biodiversity and sustainable use of biological resources.

(2) The State and local governments shall establish and push forward the following policies to promote conservation of biodiversity and sustainable use of biological resources:

1. Promoting and supporting technology cooperation, information exchange, joint research or joint investigation, etc. with foreign countries and international organizations, etc.;
2. Nurturing and supporting institutions or organizations, etc. which conduct research or investigation relevant to biodiversity and biological resources;
3. Supporting joint research and relevant academic activities with academic circle and research institutions.

Article 27 (Technology Development)

The State and local governments shall push forward the projects to facilitate the development of the following technology:

1. Technology for conservation of biodiversity such as proliferation or restoration technology, etc. of endangered species;
2. Technology for managing risk factors against biodiversity;
3. Technology regarding the sustainable use of biological resources;
4. Technology for restoring a damaged ecosystem and habitat;

5. Technology for removal and control of ecosystem disturbing species.

Article 28 (Nurturing Professional Manpower)

(1) The State and local governments shall establish and push forward the following policies to nurture professional manpower necessary for the promotion of conservation of biodiversity and sustainable use of biological resources systematically:

1. Supporting projects to nurture professional manpower in the area relevant to biodiversity;
2. Supporting preparation and distribution of educational programs such as specialized graduate school course.

(2) In order to nurture professional manpower pursuant to paragraph (1), the State and local governments may designate universities and colleges pursuant to Article 2 of the Higher Education Act, research institutions or organizations, or other organizations deemed necessary as professional manpower nurturing institutions and allow them to conduct necessary education and training.

(3) The State and local governments may provide the professional manpower nurturing institutions designated pursuant to paragraph (2) with the support necessary for education and training as prescribed by Presidential Decree.

(4) Necessary matters such as the standard of designating or cancelling designation of the professional manpower nurturing institutions pursuant to paragraph (2) shall be prescribed by Presidential Decree.

Article 29 (Education and Public Relation)

(1) The government shall expand education and public relation for conservation of biodiversity in order to induce industry and the public to participate in the relevant conservation activity voluntarily and practice the conservation of biodiversity in daily life.

(2) The government shall strengthen school education regarding biodiversity such as the development of teaching materials including curriculum books and teacher training.

CHAPTER VII SUPPLEMENTARY RULES

Article 30 (Reporting, Inspection, Etc.)

(1) The Minister of Environment may require a person falling under any of the followings to submit the relevant data as prescribed by Presidential Decree and may require the relevant public officials to access offices, places of business, etc. of the relevant business operator to inspect the relevant documents, facilities, or other articles or inquire of the relevant persons:

1. A person who obtained approval for outbound transfer of biological resources subject to the approval of outbound transfer pursuant to Article 11 (2);

2. A person who obtained approval for importation or inbound transfer of potential risk species pursuant to Article 22 (1);

3. A person who obtained permission for import, etc. of ecosystem disturbing species pursuant to the proviso to Article 24 (1).

(2) The public officials who accesses to an office, a place of business, etc. or conducts an inspection pursuant to paragraph (1) shall carry a certificate that indicates his/her authority and present it to related parties when requested.

(3) The matters regarding the certificate pursuant to paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (National Subsidy)

The State may subsidize all or some of the expenses for the following projects conducted by local governments or the relevant organization within budgetary limits:

1. Implementation of biodiversity management contract;

2. Projects regarding the management of ecosystem disturbing species;

3. Research projects, promotion of technology development and joint research support projects regarding biodiversity and biological resources;

4. Professional manpower nurturing projects and education and public relations projects;

5. Other projects for the conservation of biodiversity.

Article 32 (Hearing)

The Minister of Environment shall conduct a hearing where he/she intends to impose one of the following dispositions:

1. Cancellation of the approval for outbound transfer of biological resources subject to the approval of outbound transfer pursuant to Article 12 (1);

2. Cancellation of the permission for importation, etc. of ecosystem disturbing species pursuant to Article 25 (1).

Article 33 (Delegation and Entrustment of Authority)

(1) Some of the authority of the Minister of Environment and the head of the relevant central administrative agency under this Act shall be delegated to the head of the affiliated agency or Mayor/Do governor as prescribed by Presidential Decree.

(2) The Minister of Environment and the head of the relevant central administrative agency may entrust some of the duties imposed pursuant to this Act to the relevant specialized agencies, etc. as prescribed by Presidential Decree.

Article 34 (Statutory Treatment as Public Officials in Application of Penal Provisions)

Any executive or employee of the related specialized agencies conducting business affairs entrusted pursuant to Article 33 (2) shall be deemed a public official for the purpose of penal provisions under Articles 129 through 132 of the Criminal Act.

CHAPTER VIII PENAL PROVISIONS

Article 35 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not exceeding two years or by a fine not exceeding 20 million won: <Amended by Act No. 12459, Mar. 18, 2014>

1. A person who carries the biological resources subject to approval of outbound transfer outside the country without obtaining such approval in violation of Article 11 (2);
2. A person who imports or introduces the potential risk species without obtaining such approval in violation of Article 22 (1);
3. A person who engages in the import, etc. of ecosystem disturbing species in violation of Article 24 (1).

Article 36 (Forfeit)

Any of the following species shall be forfeited:

1. Potential risk species which are imported and carried in without obtaining such approval in violation of Article 22 (1);
2. Ecosystem disturbing species which are imported in violation of Article 24 (1) or for which the approval is canceled pursuant to Article 25 (1).

Article 37 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee, or any other servants employed by a corporation or an individual commits any of the offenses under Article 35 in the course of performing the business affairs of the corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

Article 38 (Administrative Fines)

(1) Any of the following persons shall be subject to administrative fines not exceeding two million won:

1. A person who fails to report in violation of Article 13 (1);
2. A person who refuses, interferes or evades the entrance, inspection, or inquiry of the relevant public official pursuant to Article 30 (1).

(2) The administrative fines pursuant to paragraph (1) shall be imposed and collected by the Minister of Environment as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Approval for Outbound Transfer)

Where the approval for outbound transfer of biological resources was obtained pursuant to Article 41 (2) of the former Wildlife Protection and Management Act as at the time this Act enters into force, it shall be deemed that the approval for outbound transfer of biological resources was obtained pursuant to Article 11 (2).

Article 3 (Transitional Measures concerning Permission for Import or Inbound Transfer of Ecosystem Disturbing Wildlife)

Where the permission for import or inbound transfer of ecosystem disturbing wildlife was obtained pursuant to Article 25 (3) of the former Wildlife Protection and Management Act as at the time this Act enters into force, it shall be deemed that the permission for import or inbound transfer of ecosystem disturbing wildlife was obtained pursuant to the proviso of Article 24 (1).

Article 4 Omitted.

ADDENDA <Act No. 11536, Dec. 11, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 12459, Mar. 18, 2014>

This Act shall enter into force on the date of its promulgation.