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ENFORCEMENT DECREE OF THE ACT ON THE CONSERVATION AND USE OF
BIOLOGICAL DIVERSITY

Presidential Decree No. 24283, Dec. 28, 2012

Amended by Presidential Decree No. 24451, Mar. 23, 2013

Presidential Decree No. 24998, Dec. 11, 2013

Presidential Decree No. 28165, Jun. 27, 2017

Presidential Decree No. 28211, Jul. 26, 2017

Presidential Decree No. 28616, Jan. 30, 2018

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on the Conservation and Use of Biological Diversity and those necessary for the enforcement thereof.

Article 2 (Establishment of Biodiversity Management Committee)

(1) The Biodiversity Management Committee (hereinafter referred to as the "Committee") shall be established within the Ministry of Environment to give advice on important matters concerning the conservation of biodiversity and the sustainable use of biological resources.

(2) The Committee shall give advice on the following matters:

1. Matters concerning formulating and modifying a national strategy on biodiversity under Article 7 (hereinafter referred to as "national strategy on biodiversity") of the Act on the Conservation and Use of Biological Diversity (hereinafter referred to as the "Act");
2. Matters concerning formulating and executing implementation plans for the national biodiversity strategies under Article 8 of the Act;
3. Matters concerning compiling a list of national species under Article 10 of the Act;
4. Important matters concerning implementing the Convention on Biological Diversity;
5. Matters concerning researches, technological development, international cooperation, etc. regarding the sustainable use of biodiversity and biological resources;
6. Other matters concerning the sustainable use of biodiversity and biological resources, tabled by the Chairperson of the Committee (hereinafter referred to as "Chairperson") to a meeting.

Article 3 (Composition and Operation of Committee)

(1) The Committee shall be comprised of not more than 20 members, including one Chairperson.

(2) The Vice Minister of Environment shall be the Chairperson, and any of the following persons shall be members, however in cases falling under subparagraph 2, their gender shall be taken into consideration: <Amended by Act No. 24451, Mar, 26, 2013; Act No. 28211, Jul. 26, 2017>

1. One person designated by each of the heads of the relevant central administrative agencies (hereinafter referred to as "relevant central administrative agencies"), such as the Ministry of Economy and Finance, the Ministry of Science and ICT, the Ministry of Foreign Affairs, the Ministry of Culture, Sports and Tourism, the Ministry of Agriculture,

Food and Rural Affairs, the Ministry of Trade, Industry and Energy, the Ministry of Health and Welfare and the Ministry of Oceans and Fisheries, from among public officials belonging to the Senior Executive Service of such central administrative agencies;

2. Other persons with abundant knowledge and experience in the conservation and sustainable use of biodiversity, commissioned by the Minister of Environment.
- (3) If deemed necessary, the Chairperson may request the Vice Minister of any relevant central administrative agency to attend the Committee to state his or her opinion regarding any agenda related to the competent areas of such agency, or may request the relevant experts to attend a Committee meeting to hear their opinions.
- (4) The Committee shall have one secretary, who shall be appointed by the Chairperson from among public officials of the Ministry of Environment.
- (5) A working committee may be established within the Committee to conduct working-level examination of the matters to be deliberated on by the Committee as well as matters delegated by the Committee.
- (6) Detailed matters concerning the composition, operation, etc. of the Committee and a working committee shall be prescribed by Ordinance of the Ministry of Environment.

Article 4 (Procedures for Establishing National Strategy on Biodiversity)

- (1) The Minister of Environment may prepare guidelines necessary for establishing an execution strategy for each area of competence under Article 7 (3) of the Act (hereinafter referred to as "execution strategy for each competent area") and inform the heads of the relevant central administrative agencies of such guidelines.
- (2) The heads of the relevant central administrative agencies shall formulate and submit to the Minister of Environment, execution strategies for each area of competence by October 31 of the year immediately before a national strategy on biodiversity commences.
- (3) Pursuant to Article 7 (5) of the Act, the Ministry of Environment shall publicly announce a national strategy on biodiversity finalized pursuant to paragraph (4) of the same Article, by December 31 of the year immediately before such national strategy on biodiversity commences.

Article 5 (Minor Modification of National Strategy on Biodiversity)

"Minor matters prescribed by Presidential Decree" in the proviso of Article 7 (6) of the Act means matters other than the following:

1. Matters concerning basic direction-setting and goals for a national strategy on biodiversity;
2. Matters concerning important tasks to be executed on the basis of a national strategy on biodiversity;
3. Matters concerning biodiversity-related research and technological development, and international cooperation;
4. Other matters determined by the Committee to be referred thereto for deliberation where intending to modify a national strategy on biodiversity.

Article 6 (Establishment and Execution of Implementation Plan for National Strategy on Biodiversity)

- (1) The heads of the relevant central administrative agencies shall establish and execute

implementation plans for a national strategy on biodiversity with respect to their respective competent areas under Article 8 (1) of the Act (hereinafter referred to as "implementation plans"); and shall submit to the Ministry of Environment, both the outcomes of executing the implementation plans of the previous year and the implementation plans of the relevant year by January 31 each year, pursuant to paragraph (2) of the same Article.

- (2) The Ministry of Environment shall summarize and examine the outcomes of implementation plans of the previous year and implementation plans of the relevant year which are submitted pursuant to paragraph (1); and shall notify the heads of the relevant central administrative agencies of the results thereof by March 31 each year.
- (3) When any matter must be confirmed for summarizing and examining the outcomes under paragraph (2), the Ministry of Environment may request the heads of the relevant central administrative agencies to submit necessary materials. In such cases, the heads of the relevant central administrative agencies shall submit materials so requested, except in extenuating circumstances.

Article 7 (Subjects and Items of National Species List to Be Established, and Methods for Establishment Thereof)

- (1) The Minister of Environment shall compile a list of national species concerning all the species inhabiting the Republic of Korea pursuant to Article 10 (1) of the Act.
- (2) The Minister of Environment shall publicly announce a list of national species established pursuant to paragraph (1).
- (3) Materials necessary for establishing a list of national species under Article 10 (2) of the Act shall be as follows:
 1. Korean names and scientific names of biospecies;
 2. Ecological and taxonomic characteristics by species;
 3. Current status by species of major habitats and domestic distributions;
 4. Investigators, investigation periods, and investigative methods;
 5. Other peculiar information by species, such as information that a species amounts to endangered wildlife or internationally endangered species under subparagraphs 2 and 3 of Article 2 of the Wildlife Protection and Management Act.
- (4) The heads of the relevant central administrative agencies who are requested to submit materials pursuant to Article 10 (2) of the Act shall submit the relevant materials within 30 days from the date of receipt of such request, except in extenuating circumstances.
- (5) Where the Minister of Environment intends to draw up guidelines related to compiling a list of national species, he or she shall consult with the heads of the relevant central administrative agencies.

Article 8 (Designation Standards for Species Requiring Approval for Outbound Transfer)

- (1) "Standard prescribed by Presidential Decree" in Article 11 (1) of the Act means any of the following:
 1. The population of the relevant biological resource shall be scarce or highly likely to diminish;
 2. The habitat of the population of the relevant biological resource shall be unique;
 3. The relevant biological resource shall have great economic value or social and cultural value, such as being used for industry or research.

(2) Where the Minister of Environment refuses to approve the outbound transfer of any biological resource subject to approval for outbound transfer under Article 11 (2) of the Act, on the ground that it falls under any subparagraph of Article 11 (3), he or she shall notify the relevant persons of such fact and detailed reasons. <Amended by Presidential Decree No. 28616, Jan. 30, 2018>

(3) Except as otherwise provided in paragraphs (1) and (2), detailed matters concerning the procedures, methods, etc. for approving the outbound transfer shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 28616, Jan. 30, 2018>

Article 9 (Methods for Concluding Biodiversity Management Contract, and Other Matters)

(1) In cases of concluding a biodiversity management contract under Article 16 (1) of the Act (hereinafter referred to as "biodiversity management contract"), the Minister of Environment, the head of a relevant central administrative agency, or the head of a local government (hereafter referred to as "head of an administrative agency" in this Article) shall publicly announce or publish, for not less than 15 days, matters necessary for concluding the contract, such as important provisions of the contract, areas covered by the contract, and the contract period, according to the following classifications:

1. The Minister of Environment and the head of a relevant central administrative agency: On the website of the relevant administrative agency;
2. The head of a local government: On the website of the relevant administrative agency, in the official report of the competent local government, and on the notice board of the Eup/Myeon/Dong having jurisdiction over the relevant areas.

(2) An owner, occupant, or custodian of land who intends to conclude a biodiversity management contract, shall submit a letter of offer for a biodiversity management contract to the head of the relevant administration agency, as prescribed by Ordinance of the Ministry of Environment.

(3) If necessary, the head of an administration agency in receipt of a letter of offer pursuant to paragraph (2) may amend any matters, such as the provisions of the contract, and timing for payment and methods for calculating compensation for actual expenses, in consultation with the offeror; and shall conclude the contract with the offeror on the basis of the content amended through such consultation.

(4) The Minister of Environment may prescribe detailed matters necessary for operating biodiversity management contracts and notify such matters to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, and the Special Self-Governing Province Governor.

Article 10 (Compensation for Actual Expenses Based on Biodiversity Management Contract)

(1) "Standard prescribed by Presidential Decree" in Article 16 (2) of the Act means an amount as classified in the following subparagraphs:

1. Where harvesting becomes impossible due to non-cultivation, etc.: An amount calculated by multiplying the area of the land on which harvesting becomes impossible by the amount of loss per unit area;
2. Where the harvest diminishes due to any change of cultivation methods, etc.: An amount calculated by multiplying the area of the land on which the harvest diminishes

- by the amount of loss per unit area;
- 3. Where not harvesting agricultural crops to provide feed to wild animals: An amount calculated by multiplying the area of the land on which agricultural crops are not harvested, by the amount of loss per unit area;
- 4. In cases of leasing land: An amount equivalent to the lease rate for any neighbouring land;
- 5. In cases of creating wetlands, etc.: An amount of loss incurred in creating wetlands, etc. and an amount necessary for creating and managing wetlands, etc.;
- 6. Where a loss occurs in performing a contract: An amount equivalent to the loss.
- (2) Matters necessary for the detailed standards for compensation for actual expenses under paragraph (1), an amount of compensation per unit area, payment methods, etc. shall be determined and publicly notified by the Minister of Environment.

Article 11 (Operation of National Biodiversity Center)

- (1) "Those determined by Presidential Decree" in Article 17 (1) 7 of the Act means the following matters:
 - 1. Managing the current status of the conservation and restoration of biological resources;
 - 2. Managing the current status of the biological resources of the Republic of Korea being managed in foreign states.
- (2) The Minister of Environment may prescribe matters necessary for smoothly operating the National Biodiversity Center under Article 17 (1) of the Act, such as the standards for preparing and managing information and notify such matters to the heads of the relevant central administrative agencies.

Article 12 (Publishing of Publications of National Biodiversity Center)

The National Biodiversity Center under Article 17 (2) of the Act may prepare statistics and publish publications regarding the following matters, related to the sustainable use of biodiversity and biological resources. In such cases, the National Biodiversity Center shall publish them jointly with statistics publications published pursuant to Article 19 of the Act on the Acquisition, Management, and Utilization of Biological Research Resources:

- 1. Status of biological resource holdings;
- 2. Institutions holding biological resources;
- 3. Human resources and equipment of institutions holding biological resources and institutions managing them;
- 4. Global trends;
- 5. Policies and systems;
- 6. Other matters necessary for sustainable use of biodiversity and biological resources.

Article 13 (Standards, Procedures for Designating Institutions for Cultivating Professional Personnel)

- (1) Pursuant to Article 28 (2) and (3) of the Act, the Minister of Environment, the heads of the relevant central administrative agencies, and the heads of local governments may designate an institution meeting any of the following conditions as an institution for cultivating professional personnel under Article 28 (2) of the Act, and fully or partially subsidize the expenses incurred by such nurturing institution within budgetary limits:
 - 1. A research institute or organization, which has conducted biodiversity-related research

- for at least three years;
- 2. A university or college, or a graduate school, which is operating a biodiversity-related department.
- (2) The Minister of Environment may establish detailed standards for designating and operating professional personnel nurturing institutions and notify them to the heads of the relevant central administrative agencies and the heads of local governments.
- (3) If necessary to reflect the characteristics of the fields under their jurisdiction notwithstanding paragraph (2), the heads of the relevant central administrative agencies may establish separate standards to designate and operate professional personnel nurturing institutions.
- (4) Except as otherwise expressly provided for in paragraphs (1) through (3), matters necessary for designating professional personnel nurturing institutions shall be prescribed by Ordinance of the Ministry of Environment.

Article 14 (Cancellation of Designation of Professional Personnel Nurturing Institutions)

Where an institution designated as a professional personnel nurturing institution pursuant to Article 13 falls under any of the following subparagraphs, the Minister of Environment, the head of the relevant central administrative agency or the head of the relevant local government may cancel the designation thereof pursuant Article 28 (4) of the Act: Provided, That in cases falling under subparagraph 1, such designation shall be cancelled:

- 1. Where it is designated by fraud or other improper means;
- 2. Where it has no or significantly poor outcomes in nurturing professional personnel.

Article 15 (Submission of Relevant Materials)

In any of the following cases, the Minister of Environment may request the submission of the relevant materials pursuant to Article 30 (1) of the Act. In such cases, the Minister of Environment may request the periodical submission of the relevant materials, such as the number of organisms:

- 1. Where the safety and life of the biological resources raised or preserved by a person falling under Article 30 (1) 1 of the Act after obtaining approval for outbound transfer are likely to be endangered;
- 2. Where the potential risk species preserved by a person falling under Article 30 (1) 2 of the Act after obtaining approval for importation or inbound transfer, or the ecosystem-disturbing species preserved by a person falling under Article 30 (1) 3 after obtaining permission for importation, etc. are or are likely to be exposed to the ecosystem;
- 3. Other cases deemed by the Minister of Environment necessary to prevent the risk and disturbance to the ecosystem.

Article 16 (Delegation of Authority)

- (1) The Minister of Environment shall delegate authority for the following to the head of a water shed environmental management office or the head of a regional environmental office pursuant to Article 33 (1) of the Act:
 - 1. Granting approval or refusal for the outbound transfer of biological resources under Article 11 (2) and (3) of the Act;
 - 2. Taking necessary measures, such as cancelling approval for outbound transfer of biological resources and issuing an order to redeem biological resources, and the

- vicarious administrative execution of such necessary measures, under Article 12 of the Act;
- 3.Receiving reports on the acquisition of biological resources by a foreigner, etc. under Article 13 (1) of the Act;
- 4.Concluding and terminating biodiversity management contracts, and compensating actual expenses, under Article 16 of the Act;
- 5.Granted approval for the import and inbound transfer of potential risk species, under Article 22 (1) of the Act;
- 6.Granted permission for the import, etc. of ecosystem disturbing species under Article 24 (2) of the Act;
- 7.Requesting necessary measures, such as preventive control for conserving biodiversity and the ecosystem, under Article 24 (3) of the Act;
- 8.Taking necessary measures, such as cancelling permission for the import, etc. of ecosystem-disturbing species and issuing an order to capture or collect ecosystem disturbing species, and the vicarious administrative execution of such necessary measures, under Article 25 of the Act;
- 9.Issuing orders to submit materials and conducting inspection and inquiry under Article 30 (1) of the Act;
- 10.Imposing and collecting administrative fines under Article 38 (2) of the Act.

(2)Deleted. <by Act No. 24998, Dec. 11, 2013>

(3)The Minister of Environment shall delegate authority for the following to the head of the National Institute of Biological Resources pursuant to Article 33 (1) of the Act:

- 1.Compiling a list of national species under Article 10 (1) of the Act;
 - 2.Operating the National Biodiversity Center under Article 17 (2) of the Act.
- Article 16-2 (Entrustment of Business Affairs)

The Minister of Environment shall entrust the following business affairs to the National Institute of Ecology under the Act on the Establishment and Operation of the National Institute of Ecology pursuant to Article 33 (2) of the Act:

- 1.Evaluating the risk of alien species, etc. inflicted on the ecosystem, etc. under Article 23 (1) of the Act;
- 2.Investigating and evaluating the impact of ecosystem disturbing species on the ecosystem, etc. under Article 24 (4) of the Act.

[This Article Newly Inserted by Act No. 24998, Dec. 11, 2013]

Article 17 (Standards for Imposing Administrative Fines)

The standards for imposing administrative fines under Article 38 (1) of the Act shall be as specified in the attached Table.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on February 2, 2013.

Article 2 Deleted. <by Act No. 28616, Jan. 30, 2018>

Article 3 (Special Cases concerning Establishment and Public Notice of National Strategy on Biodiversity)

Notwithstanding Article 4 (3), the Minister of Environment shall establish and publicly notify the first national strategy on biodiversity established after this Decree enters into

force, within ten months after this Decree enters into force.

Article 4 (Special Cases concerning Establishment of Implementation Plans for National Strategy on Biodiversity)

Notwithstanding Article 6 (1), the head of the relevant central administrative agency shall prepare and submit to the Minister of Environment, an implementation plan for the first national strategy on biodiversity established after this Decree enters into force, within six months after the first national strategy on biodiversity is established and publicly notified.

ADDENDA <Presidential Decree No. 24451, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 24998, Dec. 11, 2013>

This Decree shall enter into force on January 1, 2014.

ADDENDA <Presidential Decree No. 28165, Jun. 27, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 28, 2017.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 28211, Jul. 26, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force one year after the date of its promulgation: Provided, That among the Presidential Decrees amended by Article 7 of this Addenda, the amendments to the Presidential Decrees promulgated before this Decree enters into force, but the dates on which they enter into force have not yet arrived, shall enter into force on the dates the respective Presidential Decrees enter into force.

Articles 2 through 8 Omitted.

ADDENDUM <Presidential Decree No. 28616, Jan. 30, 2018>

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

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