

ACT ON THE CONSERVATION, MANAGEMENT, AND USE OF AGRICULTURAL BIO-RESOURCES

Act No. 14513, Dec. 27, 2016
Amended by Act No. 14644, Mar. 21, 2017
Act No. 15771, Sep. 18, 2018
Act No. 16543, Aug. 27, 2019

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to developing the agriculture, rural community, and national economy by securing the diversity of the agricultural bio-resources and enhancing the competitiveness of the agricultural bio-industry through comprehensive and systematic preservation and management and sustainable use of the bio-resources. *<Amended by Act No. 14513, Dec. 27, 2016>*

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 13385, Jun.22, 2015; Act No. 14513, Dec. 27, 2016; Act No. 14605, Mar. 21, 2017>*

1. The term “agricultural bio-resource” means any real animals, plants, micro-organisms, and other living creatures with the real or potential value for agriculture referred to in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry, and information such as valuable facts revealed during the use of such living creatures;
2. The term “agricultural biological resource” means any genetic resource, living creature, part of a living creature, population, or elements of an organism with the real or potential value for agriculture referred to in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry;
3. The term “agricultural biotic diversity” means diversity set forth in the following, including diversity within a species, among species, and of ecosystems:
 - (a) Diversity of living creatures which occurs in all sources, including land ecosystems and combination thereof and has the real or potential value for agriculture referred to in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry;

(b) Deleted; <by Act No. 14513, Dec. 27, 2016>

4. The term “genetic substance” means a plant, animal, microorganism, and other original substance containing a unit of genetic functionality;

5. The term “agricultural genetic resource” means a genetic resource contained in an agricultural biological resource and has the real or potential value. Among them, seeds, trophosomes, pollen, cell lines, genes, silkworm eggs, breeding stocks, ova, fertilized ova, spores, semen, germs, fungi, and viruses shall be classified into the following categories:

(a) Wild species: Species that inhabit or grow in nature, such as in a mountain, field, river (including a stream, dam, lake, swamp and reservoir) or the sea;

(b) Endemic species: Species that grow, or are raised or farmed in a locality or waters (hereinafter referred to as "locality") and have adapted themselves to the climate, natural features or underwater environment of the locality without being crossbred with any other species in another locality;

(c) Cultivated species: Species artificially modified in the course of evolution to satisfy human needs;

(d) Imported species: Species imported from any foreign country which do not fall under any category of wild species, endemic species, nor cultivated species in the Republic of Korea;

6. The term "preservation in the locality" means to preserve any agricultural biological resource within its natural habitat. In such cases, as regards the cultivated species, it means to preserve them in an environment wherein their intrinsic characteristics are developed;

7. The term "preservation outside the locality" means to preserve any agricultural biological resource in any place other than its natural habitat;

8. The term "sustainable use" means to use biodiversity elements in a manner, and to the degree, not causing the reduction of biodiversity over a long period, while maintaining the potentiality of biodiversity to satisfy needs and desires of the present and future generations;

9. Deleted. <by Act No. 14513, Dec. 27, 2016>

Article 3 (Responsibilities of State, etc.)

(1) The State and local governments shall each establish and implement policies necessary for the preservation, management, and use of agricultural bio-resources to ensure the diversity of agricultural bio-resources and the sustainable use thereof. <Amended by Act No. 14513, Dec. 27, 2016>

(2) The State and local governments shall endeavor to acquire agricultural bio-resources and share the profits derived therefrom to ensure the diversity of bio-resources, sustainable use thereof, and fulfillment of the international norms. <Amended by Act No. 14513, Dec. 27, 2016>

(3) Every citizen shall fully cooperate with the State and local governments in efficiently promoting programs established and implemented by the State and local governments for the preservation, management, and use of agricultural bio-resources. <Amended by Act No. 14513, Dec. 27, 2016>

Article 4 (Relationship with other Acts)

Except as otherwise provided for in any other Act, the preservation, management, and use of agricultural bio-resources shall be governed by this Act. *<Amended by Act No. 14513, Dec. 27, 2016>*

CHAPTER II PRESERVATION, MANAGEMENT, USE, ETC., OF AGRICULTURAL BIO-RESOURCES

Article 5 (Formulation, etc. of Master Plans)

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate a master plan for preservation, management, and use of agricultural bio-resources (hereinafter referred to as "master plan") every five years after consultation with the head of a relevant central administrative agency, in order to preserve agricultural bio-resources and to ensure sustainable use of such resources. *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016; Act No. 15771, Sep. 18, 2018>*

(2) A master plan shall include the following: *<Amended by Act No. 14513, Dec. 27, 2016>*

1. Matters concerning collection, evaluation, and registration of agricultural bio-resources;
2. Matters concerning efficient preservation and management of agricultural bio-resources;
3. Matters concerning facilitating the use of agricultural bio-resources, such as distribution of such resources;
4. Matters concerning increasing the diversity of agricultural bio-resources;
5. Matters concerning the informatization of agricultural bio-resources.

(3) The Minister of Agriculture, Food and Rural Affairs shall formulate and implement an implementation plan for preservation, management and use of agricultural bio-resources (hereinafter referred to as "implementation plan") every year after consultation with the head of a relevant central administrative agency, in conformity with a master plan, and endeavor to secure financial resources necessary therefor. *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016; Act No. 15771, Sep. 18, 2018>??*

(4) Upon formulation of a master plan and an implementation plan, the Minister of Agriculture, Food and Rural Affairs shall give notice thereof to the head of a relevant central administrative agency, the Special Metropolitan City Mayor, Metropolitan City Mayors, the Special Self-Governing City Mayor, Do Governors, and the Special Self-Governing Province Governor (hereinafter referred to as "Mayors/Do Governors"), and submit such plans to the competent standing committee of the National Assembly. *<Amended by Act No. 15771, Sep. 18, 2018>*

(5) Upon formulation of a master plan and an implementation plan, the Minister of Agriculture, Food and Rural Affairs shall announce such plans, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. ? *<Newly Inserted by Act No. 15771, Sep. 18, 2018>*

(6) If necessary to formulate a master plan and an implementation plan, the Minister of Agriculture, Food and Rural Affairs may request the submission of relevant data from the head of a relevant central administrative agency or a Mayor/Do Governor. In such cases, the head of the relevant central

administrative agency or the Mayor/Do Governor who is requested to submit the data shall comply with such request except in extenuating circumstances. <Newly Inserted by Act No. 15771, Sep. 18, 2018>

Article 6 (Surveys, Recording, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall survey the current status of agricultural bio-resources preserved via in-situ conservation and ex-situ conservation and collect data thereon to preserve agricultural bio-resources in a safe condition. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) The Minister of Agriculture, Food and Rural Affairs shall endeavor to secure the following agricultural bio-resources held by international organizations, foreign countries, etc., through international cooperation: <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. Agricultural bio-resources, such as wild or endemic species, removed from the Republic of Korea;

2. Agricultural bio-resources necessary for research for developing varieties and any other purposes.

(3) The Minister of Agriculture, Food and Rural Affairs shall prepare a list of agricultural bio-resources surveyed or collected under paragraph (1) or secured under paragraph (2). <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(4) The Minister of Agriculture, Food and Rural Affairs shall require the head of an agency responsible for agricultural bio-resources under Article 14 (1) to record the agricultural bio-resources worth preserving, among those listed in paragraph (3), on the list of preserved agricultural bio-resources. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(5) Matters necessary to conduct surveys on the current status of agricultural bio-resources and collect data thereof, prepare a list of agricultural bio-resources, and record agricultural bio-resources on the list of preserved agricultural bio-resources pursuant to paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

Article 7 (Analysis, Evaluation, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall analyze and evaluate genetic characteristics, etc. of agricultural bio-resources for facilitating the use thereof and grade them according to their value for preservation. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) The Minister of Agriculture, Food and Rural Affairs shall disclose the outcomes of analysis and evaluation referred to in paragraph (1) to the public, as prescribed by the Official Information Disclosure Act. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(3) Matters necessary for the analysis, evaluation, and grading referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

Articles 8 through 12 Deleted. <by Act No. 14513, Dec. 27, 2016>

Article 13 (Countermeasures, etc. against Hazards)

(1) When the diversity of agricultural bio-resources has been seriously depleted or even in danger of extinction, the Minister of Agriculture, Food and Rural Affairs shall immediately take measures necessary to avoid or mitigate such danger on the ground of a lack of hard scientific evidence. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) If any event seriously affecting the safe preservation of any agricultural bio-resources, such as a natural disaster, civil war, or war, occurs, the Minister of Agriculture, Food and Rural Affairs may take appropriate measures to minimize damage therefrom, such as establishing a cooperative system for the notification of, and response to, such danger between State agencies, legal entities, and natural persons who preserve agricultural bio-resources. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

CHAPTER III DESIGNATION, OPERATION, ETC. OF AGENCIES RESPONSIBLE FOR OR MANAGING AGRICULTURAL BIO-RESOURCES

Article 14 (Designation, Operation, etc. of Agencies Responsible for Agricultural Bio-resources)

(1) The Minister of Agriculture, Food and Rural Affairs may designate and operate an agency prescribed by Presidential Decree as an agency responsible for agricultural bio-resources (hereinafter referred to as "responsible agency") to conduct the affairs pertaining to securing diverse agricultural bio-resources and the safe preservation and management, and the efficient use, of agricultural bio-resources in a professional manner. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) The head of each responsible agency shall engage in the following activities: <Amended by Act No. 14513, Dec. 27, 2016>

1. Matters concerning securing, preserving, managing, and using agricultural bio-resources;
2. Establishment of an integrated information system for agricultural bio-resources;
3. Matters concerning medium and long-term preservation of and research on agricultural bio-resources;
4. Matters concerning international cooperation for agricultural bio-resources and other relevant matters.

(3) Matters necessary for designation and operation of responsible agencies shall be prescribed by Presidential Decree.

Article 15 (Designation, Operation, etc. of Management Agency of Agricultural Bio-resources)

(1) The head of any responsible agency may designate a person equipped with facilities and human resources necessary for preserving and managing agricultural bio-resources in each separate area as an agency for managing agricultural bio-resources (hereinafter referred to as "management agency") to ensure the efficient management of agricultural bio-resources. <Amended by Act No. 14513, Dec. 27, 2016>

(2) The head of each management agency shall engage in the following activities: <Amended by Act No. 14513, Dec. 27, 2016>

1. Matters concerning the collection, short-term preservation, and analysis and evaluation of agricultural bio-resources;

2. Matters concerning securing diversity of agricultural bio-resources, use and research thereof;

3. Matters concerning informatization of agricultural bio-resources and other relevant matters.

(3) Any of the following entities that intend to be designated as a management agency shall be equipped with facilities and human resources necessary for preserving and managing agricultural bio-resources and file an application with the head of a responsible agency, as prescribed by Presidential Decree: <Amended by Act No. 14513, Dec. 27, 2016>

1. A State agency or an agency affiliated thereto;

2. A national or public educational or research institute;

3. A public institution under Article 4 of the Act on the Management of Public Institutions;

4. A private educational or research institute, a legal entity, an organization, or an individual.

(4) The term of validity of designation as a management agency shall be five years from the date of designation, and such designation shall be renewed before the term of validity expires in order to continue engaging in the activities of the management agency. <Amended by Act No. 16543, Aug. 27, 2019>

(5) If a management agency falls under any of the following subparagraphs, the head of the relevant responsible agency may revoke the designation or order it to correct such matter: Provided, That if a management agency falls under subparagraph 1 or fails to comply with a corrective order without good cause within 60 days from the date it was ordered to correct such matter as it fell under subparagraph 2 or 3, the designation must be revoked without exception:

1. If a management agency has obtained the designation by deceit or other fraudulent means;

2. If a management agency fails to engage in the activities prescribed in the subparagraphs of paragraph (2) without good cause;

3. If a management agency no longer meets criteria for designation of management agencies under paragraph (3).

(6) The Minister of Agriculture, Food and Rural Affairs may reimburse all or some of the expenses incurred by the management agencies designated under paragraph (1) in performing their activities, within budgetary limits. <Newly Inserted by Act No. 16543, Aug. 27, 2019>

(7) Matters necessary for criteria and procedures for designation of management agencies and criteria and procedures for, and method, etc. of renewal under paragraph (4) shall be prescribed by Presidential Decree. <Amended by Act No. 16543, Aug. 27, 2019>

Article 16 (Approval for and Limitations on Distribution)

(1) Any person who intends to receive agricultural bio-resources preserved and distributed by a responsible agency of agricultural bio-resources designated under Article 14 (1) or a management agency of agricultural bio-resources designated under Article 15 (1) shall obtain approval from the Minister of Agriculture, Food and Rural Affairs: Provided, That the distribution of agricultural bio-resources collected from any foreign country under an international agreement, treaty, etc. shall be governed by such agreement, treaty, etc. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) In any of the following cases, the Minister of Agriculture, Food and Rural Affairs may limit distribution limitations, notwithstanding the main sentence of paragraph (1): <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. If any agricultural bio-resource is to be used for any purpose other than for testing and research: Provided, That breeding stocks shall be excluded herefrom;
2. If the quantity of preserved agricultural bio-resources in stock is insufficient;
3. If any other statute prohibits distribution to a foreign country;
4. If distribution to a foreign country is deemed likely to cause damage to the national interest.

(3) Matters necessary for the criteria, procedures, etc. for approval for distribution under the main sentence of paragraph (1) shall be prescribed by Presidential Decree.

Article 17 (Revocation, etc. of Approval for Distribution)

(1) The Minister of Agriculture, Food and Rural Affairs may revoke approval for distribution granted under the main sentence of Article 16 (1) and require the return of the agricultural bio-resources approved for distribution in any of the following cases: Provided, That in cases falling under subparagraph 1, he/she shall revoke such approval and require the return of the agricultural bio-resources approved for distribution: <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. Where approval for distribution is obtained by fraud or other improper means;
2. Where an agricultural bio-resource is used for any purpose other than those approved for distribution.

(2) Matters necessary for procedures to revoke approval for distribution under paragraph (1) shall be prescribed by Presidential Decree.

Article 18 (Approval, etc. for Removal from the Republic of Korea)

(1) Any person who intends to remove from the Republic of Korea any agricultural bio-resource included in the list of objects subject to approval for removal from the Republic of Korea prepared by the Minister of Agriculture, Food and Rural Affairs among the following agricultural bio-resources shall obtain approval therefor from said Minister: Provided, That the foregoing shall not apply where distribution to a foreign country has been approved pursuant to the main sentence of Article 16 (1): <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. Wild species and endemic species within the Republic of Korea, including plants, animals, microorganisms, and mushrooms, which are necessary for maintaining and preserving the agricultural bio-diversity within the Republic of Korea;
 2. Cultivated species, including plants (excluding seeds of F1 hybrid plants), animals, microorganisms, and mushrooms, which are developed by a State agency;
 3. Other agricultural bio-resources recognized by the Minister of Agriculture, Food and Rural Affairs as necessary for maintaining and preserving the agricultural bio-diversity within the Republic of Korea.
- (2) Where the Minister of Agriculture, Food prepares a list of objects subject to approval to remove from the Republic of Korea pursuant to the main sentence of paragraph (1), he/she shall designate such objects upon prior consultation with the heads of the relevant central administrative agencies, and shall make a public notification thereof. *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>*
- (3) Matters necessary for the criteria and procedures for approval for removal from the Republic of Korea under paragraph (1), preparation of a list of objects subject to approval for removal from the Republic of Korea under paragraph (2) and other relevant matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>*

Article 19 (Revocation, etc. of Approval for Removal from the Republic of Korea)

- (1) The Minister of Agriculture, Food and Rural Affairs may revoke approval for removal from the Republic of Korea under the main sentence of Article 18 (1) and require the return of agricultural bio-resources approved to remove from the Republic of Korea in any of the following cases: *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>*
1. Where approval for removal from the Republic of Korea is obtained by fraud or other improper means;
 2. Where an agricultural bio-resource is used for any purpose other than those approved for removal from the Republic of Korea.
- (2) Matters necessary for procedures to revoke approval for removal from the Republic of Korea under paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER IV ESTABLISHMENT OF FOUNDATION FOR SYSTEMATIC PRESERVATION, MANAGEMENT AND USE OF AGRICULTURAL BIO-RESOURCES

Article 20 (Increasing Diversity of Agricultural Bio-resources, Facilitating Use thereof, etc.)

- (1) The Minister of Agriculture, Food and Rural Affairs shall formulate polices on surveys, collection, and listing of agricultural bio-resources to increase the diversity thereof. *<Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>*

(2) The Minister of Agriculture, Food and Rural Affairs shall formulate policies necessary for giving assistance to farming or fishing households to ensure that they can cultivate, raise or farm endemic bio-resources for the preservation and management thereof. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(3) The Minister of Agriculture, Food and Rural Affairs shall formulate policies on the evaluation of characteristics of endemic bio-resources and the informatization thereof as necessary for facilitating the use of endemic bio-resources. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(4) The Minister of Agriculture, Food and Rural Affairs may nurture and support national or public research institutes, legal entities, organizations, etc. which engage in such activities as the development of technology for use of agricultural bio-resources, increase of diversity, facilitation of use of endemic bio-resources, etc. referred to in paragraphs (1) through (3). <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(5) The government shall endeavor to continuously and steadily secure financial resources for investment necessary for implementing policies for the preservation, management and use of agricultural bio-resources. <Amended by Act No. 14513, Dec. 27, 2016>

Article 21 (Informatization and Nurturing of Human Resources, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs shall implement projects for informatization, such as establishing a comprehensive information system for agricultural bio-resources, to ensure the safe preservation and management, and efficient use, of agricultural bio-resources. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) The Minister of Agriculture, Food and Rural Affairs may provide educational and training programs for the preservation, management, and use of agricultural bio-resources and for nurturing professional human resources for such purposes. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(3) Matters necessary for informatization projects referred to in paragraph (1) and educational and training programs referred to in paragraph (2) shall be prescribed by Presidential Decree.

Article 21-2 (Promoting Research and Development of Agricultural Bio-resources and Fostering Related Industries)

(1) The Government shall formulate policies on the following matters in order to promote the research and development of agricultural bio-resources and to foster related industries:

1. Matters concerning development of technology necessary for the collection, preservation, characterization and evaluation, proliferation, management, and use of agricultural bio-resources;
2. Matters concerning the support of research and development using agricultural bio-resources and the promotion of collaborative research among academic circles, research institutes and enterprises;
3. Matters concerning the promotion of industrial application of research outcomes concerning agricultural bio-resources;

4. Other matters necessary to promote the research and development of agricultural bio-resources and to foster related industries, which are prescribed by Presidential Decree.

(2) The Government may reimburse all or some of the expenses incurred by academic circles, research institutes, enterprises, etc., which participate in projects relating to the policies prescribed in paragraph (1), in performing activities pursuant to the subparagraphs of the same paragraph, within budgetary limits.

Article 22 (Facilitation, etc. of Research and Exploitation of Overseas Agricultural Bio-resources and International Cooperation)

(1) If necessary for facilitating research on and exploitation of overseas agricultural bio-resources and international cooperation therefor, the government shall formulate policies on each of the following:
<Amended by Act No. 14513, Dec. 27, 2016>

1. Matters concerning research and surveys to exploit overseas agricultural bio-resources;
2. Matters concerning development of technology for exploiting overseas agricultural bio-resources and nurturing of professional human resources related thereto;
3. Matters concerning exchanges of information, joint surveys and research, exchanges of technology with foreign countries, international organizations, etc. involved in exploitation of overseas agricultural bio-resources;
4. Other matters prescribed by Presidential Decree as necessary for exploiting overseas agricultural bio-resources, promotion of international cooperation therefor, etc.

(2) The government may provide necessary support to academic circles, research institutes, enterprises, etc., which participate in projects relating to the policies prescribed in paragraph (1) within budgetary limits, as prescribed by Presidential Decree.

(3) Where deemed necessary for efficiently promoting the exploitation of overseas agricultural bio-resources and international cooperation therefor, the government may require an agency prescribed by Presidential Decree to engage in collecting, analyzing, and providing information on exploitation of overseas resources and subsidize the expenses incurred therein. <Amended by Act No. 14513, Dec. 27, 2016>

Article 23 (Issuance, etc. of Statistics and Publications)

(1) The Minister of Agriculture, Food and Rural Affairs shall issue and distribute statistics and publications each year upon consultation with the heads of the relevant central administrative agencies and the Commissioner of the Korea National Statistical Office to ascertain the present condition of agricultural bio-resources, including the types thereof and agencies which hold them. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(2) The Minister of Agriculture, Food and Rural Affairs may request necessary data from the heads of the relevant central administrative agencies to issue statistics and publications under paragraph (1). <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

(3) Matters necessary for the details of statistics and publications related to agricultural bio-resources referred to in paragraph (1), submission of data, method of preparation thereof and other relevant matters shall be prescribed by Presidential Decree. <Amended by Act No. 14513, Dec. 27, 2016>

CHAPTER V (Articles 24 through 25-2) Deleted.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 26 (Delegation and Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority under this Act to the heads of agencies under his/her jurisdiction, the Administrator of the Rural Development Administration and the heads of agencies under his/her jurisdiction, the Minister of the Korea Forest Service and the heads of agencies under his/her jurisdiction, Mayors/Do Governors, heads of Sis/Guns/Gus (referring to an autonomous Gu), and heads of agencies responsible for agricultural bio-resources, as prescribed by Presidential Decree. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016; Act No. 15771, Sep. 18, 2018>

(2) The Minister of Agriculture, Food and Rural Affairs may entrust a legal entity or organization specializing in agricultural bio-resources with part of his/her authority vested under this Act, as prescribed by Presidential Decree. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

Article 27 (Obligation to Maintain Confidentiality)

No person who is or has been engaged in the affairs of preservation, management, etc. of agricultural bio-resources in a responsible agency prescribed in Article 14 or management agency prescribed in Article 15 shall divulge any confidential information he/she has learned in the course of performing his/her duties to any third person, or misappropriate such information. <Amended by Act No. 14513, Dec. 27, 2016>

Article 28 (Legal Fiction as Public Officials in Application of Penalty Provisions)

The executive officers and employees of any management agency, who engage in the preservation and management of agricultural bio-resources, but who are not public officials, shall be deemed public officials for the purposes of penalty provisions pursuant to Articles 129 through 132 of the Criminal Act. <Amended by Act No. 14513, Dec. 27, 2016>

Article 29 (Subsidies, etc. from National Treasury)

The State may fully or partially subsidize the expenses incurred in engaging in the following activities by local governments or organizations related to the agricultural bio-resources within budgetary limits: <Amended by Act No. 14513, Dec. 27, 2016>

1. Analysis and evaluation conducted under Article 7;
2. Preservation and management, and technological development and the promotion of use thereof under Article 20;
3. Establishment and operation of a comprehensive information system, and nurturing of professional human resources under Article 21;
4. Affairs entrusted under Article 26.

Article 30 (Hearings)

If the Minister of Agriculture, Food and Rural Affairs intends to issue any of the following dispositions, he/she shall hold a hearing, as prescribed by the Administrative Procedures Act: <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. Deleted; <by Act No. 14513, Dec. 27, 2016>
2. Revocation of designation prescribed in Article 15 (5);
3. Revocation of approval for distribution prescribed in Article 17 (1);
4. Revocation of approval for removal from the Republic of Korea prescribed in Article 19 (1).

CHAPTER VII PENALTY PROVISIONS

Article 31 (Penalty Provisions)

(1) and (2) Deleted. <by Act No. 14513, Dec. 27, 2016>

(3) Any person who removes a domestic agricultural bio-resource from the Republic of Korea, in violation of Article 18 (1), shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won, and the agricultural bio-resource removed shall be confiscated. If it is impossible to confiscate such resource, the value equivalent thereto shall be collected. <Amended by Act No. 14513, Dec. 27, 2016; Act No. 14644, Mar. 21, 2017>

(4) A person who divulges or misappropriates confidential information learned in the course of performing his/her duties, in violation of Article 27, shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won. <Amended by Act No. 14644, Mar. 21, 2017>

(5) A person who has attempted crimes provided for in paragraph (3) shall be punished. <Newly Inserted by Act No. 12425, Mar. 28, 2014>

Article 32 (Joint Penalty Provision)

If the representative of a corporation, or an agent or employee of, or other persons employed by, the corporation or an individual commits an offence under Article 31 in connection with the business of the corporation or the individual, not only shall such offender be punished, but the corporation or the individual shall be punished by a fine prescribed in the relevant provisions: Provided, That the same shall not apply to where such corporation or individual has not been negligent in giving due attention and

supervision concerning the relevant duties to prevent such offence.

Article 33 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

1. Deleted; <by Act No. 14513, Dec. 27, 2016>

2. A person who receives agricultural bio-resources distributed without obtaining approval from the Minister of Agriculture, Food and Rural Affairs, in violation of Article 16 (1).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree. <Amended by Act No. 11693, Mar. 23, 2013; Act No. 14513, Dec. 27, 2016>

ADDENDA

Article 1 (Enforcement Date)

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

Articles 2 (General Transitional Measures)

Any disposition, procedures and other acts, issued, taken or done under the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources as at the time this Act enters into force shall be deemed to have issued, taken or done under this Act, if provisions corresponding thereto exist herein.

Article 3 (Transitional Measures concerning Designation, Operation, etc. of Agency Responsible for Agro-Fishery Bioresources)

Any agency responsible for agricultural genetics resources designated under the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources as at the time this Act enters into force shall be deemed to have designated as a responsible agency of agro-fishery bioresources referred to in Article 14 (1).

Article 4 (Transitional Measures concerning Designation, Operation, etc. of Management Agency of Agro-Fishery Bioresources)

Any agency managing agricultural genetics resources designated under the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources as at the time this Act enters into force shall be deemed to have designated as a management agency of agro-fishery bioresources referred to in Article 15 (1).

Article 5 (Transitional Measures concerning Approval for, or Limitations on, Distribution of Agro-Fishery Bioresources)

Any matter approved for distribution under the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources as at the time this Act enters into force shall be deemed a matter approved for distribution under Article 16 (1).

Article 6 (Transitional Measures concerning Approval, etc. for Removing Agro-Fishery Bioresources out of the Republic of Korea)

Any matter which has been approved to remove from the Republic of Korea under the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources as at the time this Act enters into force shall be deemed a matter approved for removal from the Republic of Korea under Article 18 (1).

Article 7 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

Penalty provisions or administrative fines against an act done before this Act enters into force shall be governed by the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources.

Article 8 Omitted.

Article 9 (Relationship with other Statutes)

Where other statutes cite the former Act on the Conservation, Management and Utilization of Agricultural Genetic Resources or the provisions thereof as at the time this Act enters into force, this Act or the relevant provisions thereof shall be deemed to have cited in lieu of the former provisions, if provisions corresponding thereto exist herein.

ADDENDA <Act No. 11693, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 (Transitional Measures concerning Public Notification, Disposal and Continuous Act under Previous Acts)

Offering grades, public notification or administrative disposition which have been performed by the Minister of Agricultural, Food and Rural Affairs, or an application to the Minister of Agricultural, Food and Rural Affairs pursuant to the previous provisions as at the time this Act enters into force shall be deemed to have been performed by or toward the Minister of Agricultural, Food and Rural Affairs or the Minister of Oceans and Fisheries pursuant to the amended provisions of this Act.

Article 3 (Transitional Measures concerning Master Plans, etc.)

A master plan and an enforcement plan formulated by the Minister of Agricultural, Food and Rural Affairs pursuant to the previous provisions as at the time this Act enters into force shall be deemed a master plan and an enforcement plan formulated by the Minister of Agricultural, Food and Rural Affairs or the Minister of Oceans and Fisheries pursuant to the amended provisions of the same Article until they have been formulated according to the amended provisions of Article 5.

Article 4 (Transitional Measures concerning Committee for Deliberation on Agro-Fishery Bioresources)

A Committee for Deliberation on Agro-fishery Bioresources established pursuant to the previous provisions as at the time this Act enters into force shall be deemed a Committee for Deliberation on Agricultural bioresources and a Committee for Deliberation on Fishery Bioresources established under the amended provisions referred to in Articles 24 and 24-2 before a Committee for Deliberation on Agricultural Bioresources and a Committee for Deliberation on Fishery Bioresources are newly established under the amended provisions referred to Articles 24 and 24-2.

ADDENDUM <Act No. 12425, Mar. 18, 2014>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 13383, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 14292, Dec. 2, 2016>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 14513, Dec. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 14605, Mar. 21, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 14644, Mar. 21, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 15771, Sep. 18, 2018>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 16543, Aug. 27, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 21-2 shall enter into force six months after the date of its promulgation.

Articles 2 (Applicability concerning Terms of Validity of Designation as Management Agencies)

The amended provisions of Article 15 (4) shall apply to a management agency which is designated, or the designation of which is renewed, after this Act enters into force.