

Access and Benefit-Sharing Clearing-House (ABSCH)

LEGISLATIVE, ADMINISTRATIVE OR POLICY MEASURES ON ACCESS AND BENEFIT-SHARING (MSR)

PUBLISHED: 17 JUL 2019

General information

Country

[Republic of Korea](#)

PARTY TO THE NAGOYA PROTOCOL

SIGNATORY

ENTRY INTO FORCE: 17 AUG 2017

Title

The Act on Access to and Utilization of Genetic Resources and Benefit-Sharing

Brief description

The purpose of this Act is to provide for necessary matters for implementing the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; and for those for promoting the fair and equitable sharing of the benefits arising from accessing and using genetic resources and traditional knowledge associated with genetic resources, thereby contributing to the conservation and sustainable use of biological diversity, improving the lives of the people, and promoting international cooperation.

Jurisdiction(s)

National / Federal

Current status of the measure

Legally binding

Date of entry into force

17 Aug 2017

Type of document / measure

Law

Document details

Document text

 [The Act on Access to and Utilization of Genetic Resources and Benefit-Sharing \(Korean\).pdf](#)

(Korean)

Translation

[📄 The Act on Access to and Utilization of Genetic Resources and Benefit-Sharing \(English\).pdf](#) (English) (Courtesy translation)

Regulatory contact information

- **Organization:** Ministry of Environment

ORGANIZATION

Ministry of Environment
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Elements of the measure

SCOPE OF THE MEASURE

Genetic Resources

- All types of genetic resources - Animals , - Plants , - Fungi , - Microorganism , - Domesticated species and/or cultivated species , - Wild species - **found in** - All areas of access of the genetic resource In-situ Agricultural areas , Dry and sub-humid areas , Forest , Inland waters , Islands , Marine and coastal areas , Mountains , Protected areas , Ex-situ , Soil and/or water samples ([Article 2](#))

Traditional knowledge associated with genetic resources ([Article 2](#))

Provisions on temporal scope ([ADDENDA \(Act No. 14533, Jan. 17, 2017\)](#))

Reference to any other relevant articles and sections

- Human genetic resources (subparagraph 1 of Article 3)
- Genetic resources existing in an area beyond national jurisdiction, such as Antarctica (subparagraph 2 of Article 3)
- Genetic resources accessed for any purpose other than utilization (subparagraph 3 of Article 3)
- Genetic resources subject to other international treaties related to access to genetic resources and benefit-sharing (subparagraph 4 of Article 3)
- Genetic resources granted patent rights pursuant to Article 87 (1) of the Patent Act (subparagraph 5 of Article 3)

ACCESS

Access to genetic resources

- For commercial use ([Article 8 through 12](#))
- For non-commercial use ([Article 8 through 12](#))

Access to traditional knowledge associated with genetic resources, including prior informed consent or approval or involvement

- For commercial use ([Article 8 through 12](#))
- For non-commercial use ([Article 8 through 12](#))

Provides for the issuance of a permit or its equivalent at the time of access for constituting an internationally recognized certificate of compliance ([Article 9](#))

Established rules and procedures for mutually agreed terms ([Article 9 and 11](#))

Any other element relevant to access

- Temporal scope of Articles 9 through 11, 15, 16, 22 and 28 shall enter into force one year after the date the Protocol becomes effective in the Republic of Korea (ADDENDA (Act No. 14533, Jan. 17, 2017))
- Exemptions from Reporting Access to Domestic Genetic Resource(s) (Article 10)
- Prohibition of Access to and Utilization of Domestic Genetic Resources (Article 12)
- Fees (Article 22)
- Penalty Provisions (Article 26)
- Confiscation and Collection (Article 27)
- Administrative Fines (Article 28)

BENEFIT-SHARING

Monetary benefits ([Article 11](#))

Non-monetary benefits ([Article 11](#))

For commercial use ([Article 11](#))

For non-commercial use ([Article 11](#))

COMPLIANCE

Compliance with domestic legislation or regulatory requirements of the other Party (Article 15 and 16) ([Article 13 through 16](#))

Issues related to monitoring the utilization of genetic resources (Article 17) ([Article 13 through 16](#))

Compliance with mutually agreed terms (Article 18) ([Article 13 through 16](#))

Any other element relevant to compliance

- Administrative Fines (Article 28)

RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS

Plant genetic resources for food and agriculture exchanged using the standard material transfer agreement of the International Treaty on Plant Genetic Resources for Food and Agriculture ([paragraph 4 of Article 3](#))

Any other element relevant to relationship with other international instrument

- Genetic resources subject to other international treaties related to access to genetic resources and benefit-sharing (paragraph 4 of Article 3)

OTHER

Competent national authority/ies ([Article 8](#))

Awareness-raising ([Article 6, 8, 13 and 17](#))

Capacity-building ([Article 6, 8, 13 and 17](#))

Reference to any other relevant articles and sections

- Genetic Resources Information Center (Article 17)
- Composition and Operation of the Council (Article 18)
- Protection of Information (Article 19)
- Delegation and Entrustment of Authority (Article 23)

 [ABSCH-MSR-KR-247008-2](#)

Further Information

Questions about the Nagoya Protocol on Access and Benefit-sharing or the operation of the Access and Benefit-sharing Clearing-House may be directed to the Secretariat of the Convention on Biological Diversity.

Secretariat of the Convention on Biological Diversity

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