

Access and Benefit-Sharing Clearing-House (ABSCH)

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

PUBLISHED: 24 JUL 2019

General information

Country

[Republic of Korea](#)

PARTY TO THE NAGOYA PROTOCOL

SIGNATORY

ENTRY INTO FORCE: 17 AUG 2017

Title

Enforcement Decree of the Act on Access to and Utilization of Genetic Resources and Benefit-Sharing

Brief description

This Enforcement Decree is Presidential Decree in order to prescribe matters delegated by the Act on Access to and Utilization of Genetic Resources and Benefit-Sharing and matters necessary for the enforcement thereof.

Jurisdiction(s)

National / Federal

Current status of the measure

Legally binding

Date of entry into force

18 Aug 2018

Type of document / measure

Law

Document details

Document text

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

Translation

[📄 Enforcement Decree of the Act on Access to and Utilization of Genetic Resources and Benefit-Sharing\(20181218\) \(English\).pdf \(English\) \(Courtesy translation\)](#)

Regulatory contact information

- **Organization:** Ministry of Environment

ORGANIZATION

Ministry of Environment
Government agency
Government Complex-Sejong, 11, Doum 6-ro Sejong-si
30103,
Republic of Korea
Phone: +82 44.201.7251
Fax: +82 44.201.7235
Email: mepr@korea.kr

Relationships

This measure is related to:

[📄 ABSCH-MSR-KR-247008-2](#) | Legislative, Administrative or Policy Measure | The Act on Access to and Utilization of Genetic Resources and Benefit-Sharing

Relationships description

This Enforcement Decree prescribes matters delegated by the Act on Access to and Utilization of Genetic Resources and Benefit-Sharing and matters necessary for the enforcement thereof.

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 1](#))

Traditional knowledge associated with genetic resources ([Article 1](#))

Provisions on temporal scope ([ADDENDUM](#))

ACCESS

Access to genetic resources

- For commercial use ([Article 3 through 5](#))

- For non-commercial use ([Article 3 through 5](#))

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

- For commercial use ([Article 3 through 5](#))
- For non-commercial use ([Article 3 through 5](#))

Provides for the issuance of a permit or its equivalent at the time of access for constituting an internationally recognized certificate of compliance ([Article 4](#))

Established rules and procedures for mutually agreed terms ([Article 4](#))

Any other element relevant to access

- Exemptions from Reporting Access to Domestic Genetic Resources (Article 5)

BENEFIT-SHARING

Monetary benefits ([Article 4](#))

Non-monetary benefits ([Article 4](#))

For commercial use ([Article 4](#))

For non-commercial use ([Article 4](#))

COMPLIANCE

Compliance with domestic legislation or regulatory requirements of the other Party (Article 15 and 16) ([Article 6 and 8](#))

Issues related to monitoring the utilization of genetic resources (Article 17) ([Article 6 and 8](#))

Compliance with mutually agreed terms (Article 18) ([Article 6 and 8](#))

RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS

No provisions for this element

OTHER

Competent national authority/ies ([Article 3, 13 and 14](#))

Reference to any other relevant articles and sections

- Integrated Reporting System (Article 7)
- Genetic Resources Information Center (Article 9)
- Composition and Operation of the Council (Article 10 and 11)
- Protection of Information (Article 12)
- Delegation of Authority (Article 13)
- Entrustment of Duties (Article 14)
- Administrative Fines (Article 16 and Table)

 [ABSCH-MSR-KR-247112-2](#)

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**

413 rue Saint-Jacques, suite 800

Montreal, Québec, H2Y 1N9

Canada

Fax: +1 514 288-6588

Email: secretariat@cbd.int