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ACT ON THE CONSERVATION AND USE OF BIOLOGICAL DIVERSITY

[Enforcement Date 17. Oct, 2019.] [Act No.15833, 16. Oct, 2018., Partial Amendment]

Ministry of Environment (Department of Natural Development Policy), 044-201-7222

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to improve citizens' quality of 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: <Amended by Act No. 15833, Oct. 16, 2018>

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 plants, animals, and microorganisms containing a genetic functional unit or other genetic material which becomes genetic origins, that have practical or potential value;
5. The term "sustainable use" means using components of biodiversity in a manner and at a rate which do not reduce biodiversity, allowing the current and future generations to use biological resources and enjoy the benefits thereof with equal opportunities;
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;
- 6-2. The term "species of concern for domestic inflow" means species designated and publicly notified by the Minister of Environment as having a risk of causing harm to the ecosystem if it flows into the Republic of Korea;
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 the following species designated and publicly notified by the Minister of Environment as they are deemed to cause serious harm to ecosystem, etc., based on the outcomes of risk assessment conducted pursuant to Article 21-2 (1):
 - (a) A species, among species of concern for domestic inflow and alien species, that disturbs or is likely to disturb the balance of ecosystem;

(b) A species, which is not a species of concern for domestic inflow or an alien species, that disturbs or is likely to disturb the balance of the ecosystem in a certain region;

(c) Deleted; <by Act No. 15833, Oct. 16, 2018>

8-2. The term "species with potential risks to the ecosystem" means the following species designated and publicly notified by the Minister of Environment as the management thereof is deemed necessary since such species has a risk of causing harm if it flows out to the ecosystem, etc., based on the outcomes of risk assessment conducted pursuant to Article 21-2 (1):

(a) Species that has or is likely to have negative impacts on the survival of certain living organisms, such as endangered wildlife defined in subparagraph 2 of Article 2 of the Wildlife Protection and Management Act, or on the ecosystem of certain areas, such as an ecological and scenery conservation area referred to in Article 12 (1) of the Natural Environment Conservation Act;

(b) Species that is being used for industrial purposes and cannot be easily replaced by other species, among the species prescribed in any item of subparagraph 8;

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 a 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 People)(1) For conservation and sustainable use of biodiversity, all people 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 (Formulation of National Strategy on Biodiversity)(1) The Government shall formulate 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 strategy on biodiversity shall include the followings: <Amended by Act No. 15833, Oct. 16, 2018>

1. Status, objectives, 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. Managing species of concern for domestic inflow and alien species with impacts on biodiversity;
6. Research and technology development, education and public relation, and international cooperation on biodiversity;
7. Other matters necessary for the conservation and use of biodiversity.

(3) For the smooth formulation of the national strategy on biodiversity, the head of the relevant central administrative agency shall formulate a performance strategy on matters falling under each subparagraph of paragraph (2) by 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 deliberation by the State Council. In such case, where the Minister of Environment deems 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 deliberation by the State Council.

(5) The Minister of Environment shall publicly announce the national strategy on biodiversity finalized pursuant to paragraph (4).

(6) Paragraphs (3) through (5) shall apply mutatis mutandis 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 matters necessary for the formulation, etc. of the national 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 from 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 Conservation and Use of Biological Diversity or Article 22 (1) of the Act on Securing, Management, Use, etc. of Marine and Fisheries Bio-resources. <Amended by Act No. 14513, Dec. 27, 2016>

(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 inhabitation 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: Provided, That this shall not apply in cases of obtaining permission for acquisition by foreigners, etc. under Article 11 (1) of the Act on Securing, Management, Use, etc. of Marine and Fisheries Bio-resources. <Amended by Act No. 14513, Dec. 27, 2016>

(2) The procedures and methods for 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 of Biodiversity)(1) The Minister of Environment, the head of the relevant central administrative agency, and the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor may take measures to avoid or mitigate a drastic depletion of biodiversity, such as emergency restoration, rescue and treatment, moratorium of construction, etc. in any 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, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall obtain approval from the Minister of Environment for the measures taken: <Amended by Act No. 15833, Oct. 16, 2018>

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 the 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 the Mayor/Do Governor may compensate the expenses equivalent to such loss.

(3) Other necessary matters, such as the details and methods of 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 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 matters necessary for the conservation, etc. of biodiversity, which are 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) Matters necessary for 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 between the provider and the user of biological resources.

(2) In order to ensure fair and equal apportionment of the profits arising from biological resources, the government may push forward necessary policies, such as provision of the essential contractual terms that shall be negotiated upon between the provider and the user of biological resources entering into a contract between them and standard contracts incorporating such terms.

(3) Matters necessary for the sharing of 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 SPECIES OF CONCERN FOR DOMESTIC INFLOW

Article 21 Deleted. <by Act No. 15833, Oct. 16, 2018>

Article 21-2 (Risk Assessment)(1) The Minister of Environment may assess the risks of species of concern for domestic inflow, alien species, etc. to the ecosystem, etc.

(2) Based on the outcomes of risk assessment conducted pursuant to paragraph (1), the Minister of Environment shall exclude species of concern for domestic inflow, alien species, etc., which have or may have serious risks to the ecosystem, etc. from designation as species of concern for domestic inflow or shall designate and publicly notify such species as ecosystem-disturbing species or species with potential risks to the ecosystem, after consulting with the heads of the relevant central administrative agencies.

(3) Except as provided in paragraphs (1) and (2), matters necessary for the criteria, procedures, etc. for risks assessment, designation of ecosystem-disturbing species or species with potential risks to the ecosystem, and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

Article 22 (Approval for Importation and Inbound Transfer of Species of Concern for Domestic Inflow)

(1) A person who intends to import or introduce species of concern for domestic inflow shall obtain approval from the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) Upon receiving an application for approval referred to in paragraph (1), the Minister of Environment shall conduct risk assessment referred to in Article 21-2 (1) regarding the relevant species.

(3) Where the Minister of Environment conducts risk assessment pursuant to paragraph (2), he/she shall determine whether to grant approval for importation or inbound transfer by considering the outcomes of risk assessment conducted pursuant to Article 21-2 (2).

(4) Except as provided in paragraphs (1) through (3), matters necessary for the application procedures, etc. for approval for the import or inbound transfer of species of concern for domestic inflow shall be prescribed by Ordinance of the Ministry of the Environment.

[This Article Wholly Amended by Act No. 15833, Oct. 16, 2018]

Article 22-2 (Management of Species of Concern for Domestic Inflow)(1) Where any species of concern for domestic inflow is found in the ecosystem, the Minister of Environment shall conduct risk assessment regarding the relevant species of concern for domestic inflow pursuant to Article 21-2 (1), and may request the head of the relevant central administrative agency or the head of the competent local government to take

necessary measures, such as executing the pest control, etc. regarding the relevant species of concern for domestic inflow.

(2) The head of the relevant central administrative agency or the head of the competent local government in receipt of the request referred to in paragraph (1) shall comply therewith unless there is a compelling reason not to do so.

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

Article 23 (Revocation of Designation of Ecosystem-Disturbing Species)(1) Where it is deemed that the risks to the ecosystem, etc. of ecosystem-disturbing species or species with potential risks to the ecosystem have been reduced due to changes in the habitat environment, adaptation to the ecosystem, development of effective pest control measures, etc., the Minister of Environment may revoke or change the relevant designation and publicly notify such fact after conducting risk assessment referred to in Article 21-2 (1) and undergoing consultation with the heads of the relevant central administrative agencies.

(2) Except as provided in paragraph (1), matters necessary for the procedures for revoking or changing the designation of ecosystem-disturbing species, etc. and other relevant matters shall be prescribed by Ordinance of the Ministry of the Environment.

[This Article Wholly Amended by Act No. 15833, Oct. 16, 2018]

Article 24 (Management of Ecosystem-Disturbing Species)(1) No one shall engage in importation, inbound transfer, raising, cultivation, transferring, acquiring, storage, transportation, or distribution (hereinafter referred to as "importation, etc.") of ecosystem-disturbing species: Provided, That where permission from the Minister of Environment is obtained for falling under any of the followings or approval referred to in Article 22 (1) is obtained, importation, etc. may be allowed within the scope of the relevant permission or approval: [<Amended by Act No. 11536, Dec. 11, 2012; Act No. 15833, Oct. 16, 2018>](#)

1. For academic research purposes;
2. For other purposes, such as education, exhibition, and food, prescribed by Ordinance of the Ministry of Environment.

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

(3) Where 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 the competent local government to take necessary measures, such as pest control, for conservation of biodiversity and ecosystem, and the head of the relevant central administrative agency or the head of the competent local government shall comply with such request unless there is a compelling reason not to do so. [<Amended by Act No. 15833, Oct. 16, 2018>](#)

(4) The Minister of Environment shall investigate and evaluate the impact of ecosystem-disturbing species on ecosystem, etc. continuously and take necessary measures, such as pest control, to reduce risk on ecosystem, etc. caused by ecosystem-disturbing species. [<Amended by Act No. 15833, Oct. 16, 2018>](#)

(5) Notwithstanding Article 7 (3) of the Water Supply and Waterworks Installation Act, where any measure prescribed in paragraph (3) or (4) is taken, the Minister of Environment, the heads of the relevant central administrative agencies, or the heads of the competent local governments may allow capture or collection of ecosystem-disturbing species in water-source protection areas, and may allow the capture or collection thereof with other wildlife in extenuating circumstances. [<Newly Inserted by Act No. 15833, Oct. 16, 2018>](#)

Article 24-2 (Management of Species with Potential Risks to Ecosystem)(1) Any person who intends to import or introduce species with potential risks to the ecosystem for commercial sale shall obtain approval from the Minister of Environment.

(2) Any person who intends to import or introduce species with potential risks to the ecosystem for any purpose other than for commercial sale shall report it to the Minister of Environment.

(3) Any person who has obtained approval referred to in Article 22 (1) or permission referred to in Article 23 (2) of the Conservation and Management of Marine Ecosystems Act may import or introduce species with potential risks to the ecosystem without obtaining permission prescribed in paragraph (1) or making a report prescribed in paragraph (2).

(4) Where any person who has obtained permission prescribed in paragraph (1), made a report prescribed in paragraph (2), or obtained approval prescribed in Article 22 (1) intends to amend any matter prescribed by Ordinance of the Ministry of Environment, he/she shall report such amendment to the Minister of Environment.

(5) Where the Minister of Environment receives a report or an amendment report prescribed in paragraph (2) or (4), he/she shall review the details thereof and accept the relevant report if it complies with this Act.

(6) Matters necessary for the procedures for the permission, report, and amendment report prescribed in paragraphs (1), (2), and (4), and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

(7) Except as provided in paragraphs (1) through (6), Article 24 (3) through (5) shall apply mutatis mutandis to managing species with potential risks to the ecosystem. In such case, "ecosystem-disturbing species" shall be construed as "species with potential risks to the ecosystem."

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

Article 24-3 (Prohibition of Release of Ecosystem-Disturbing Species)(1) No one shall release, discharge, desert, or transplant (hereinafter referred to as "release, etc.") to or into the ecosystem any ecosystem-disturbing species or species with potential risks to the ecosystem: Provided, That the foregoing shall not apply when it is intended to release, etc. such species for the purpose of academic research, and permission is obtained from the Minister of Environment for falling under any of the following cases, as prescribed by Ordinance of the Ministry of Environment:

1. Where there is no risk of expanding the habitat of the relevant species due to the release, etc.;
2. Where it is possible to continuously monitor and retrieve the species that have been released, etc.

(2) Where the Minister of Environment grants permission prescribed in the proviso of paragraph (1), he/she may attach necessary conditions thereto, including the follow-up management measures such as monitoring and retrieving the species subject to release, etc.

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

Article 24-4 (Suspension of Raising and Cultivation following Designation of Ecosystem-Disturbing Species)(1) Where the Minister of Environment designates and publicly notifies certain species as ecosystem-disturbing species pursuant to Article 21-2 (2), notwithstanding Article 24 (1), any person who has been raising or cultivating the relevant species as at the time of such designation and public notification may continue to raise or cultivate the relevant population of such species during the period prescribed by the relevant public notification. In such case, such person shall comply with the requirements, etc. for raising and cultivation prescribed in the relevant public notification.

(2) Any person who intends to raise or cultivate the relevant population of the species for a period exceeding the period determined and publicly notified by the Minister of Environment under paragraph (1) shall obtain permission from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

Article 25 (Revocation of Approval or Permission)(1) Where any person who has obtained approval referred to in Article 22 (1) or permission referred to in the proviso of Article 24 (1), Article 24-2 (1), the proviso of Article 24-3 (1), or Article 24-4 (2) falls under any of the following cases, the Minister of Environment may revoke the

approval or permission as prescribed by Ordinance of the Ministry of Environment: Provided, That he/she shall revoke the approval or permission in cases falling under subparagraph 1: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. Where a person obtains the approval or permission by fraud or other improper means;
 2. Where a person releases, etc. ecosystem-disturbing species or species with potential risks to the ecosystem for any purpose other than for conducting academic research, in violation of the proviso of Article 24-3 (1);
 3. Where a person violates any condition for permission prescribed in Article 24-3 (2).
- (2) Where the ecosystem-disturbing species or species with potential risks to the ecosystem for which approval or permission was revoked 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 approval or permission was revoked to capture or collect the relevant species. [<Amended by Act No. 15833, Oct. 16, 2018>](#)
- (3) Where a person who received an order, etc. to capture or collect ecosystem-disturbing species or species with potential risks to the ecosystem pursuant to paragraph (2) fails to comply with the order, etc., the Minister of Environment may conduct administrative vicarious execution as prescribed by the Administrative Vicarious Execution Act. [<Amended by Act No. 15833, Oct. 16, 2018>](#)

CHAPTER VI RESEARCH AND TECHNOLOGY DEVELOPMENT, ETC.

Article 26 (Research and Support for Biodiversity, etc.)(1) The State and local governments shall pursue 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 implement projects to facilitate the development of the following technology: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. Technology for conservation of biodiversity, such as technology for proliferation or restoration 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 or species with potential risks to the ecosystem.

Article 28 (Nurturing Professional Manpower)(1) The State and local governments shall formulate and implement the following policies to systematically nurture professional manpower necessary for promoting the conservation of biodiversity and the sustainable use of biological resources:

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 courses.

(2) In order to nurture professional manpower pursuant to paragraph (1), the State and local governments may designate universities and colleges referred to in 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 professional manpower-nurturing institutions designated pursuant to paragraph (2) with the support necessary for education and training as prescribed by Presidential Decree.

(4) Matters necessary for the standards, procedures, etc. for designating professional manpower-nurturing institutions pursuant to paragraph (2) shall be prescribed by Presidential Decree. [<Amended by Act No. 15833, Oct. 16, 2018>](#)

Article 28-2 (Revocation of Designation of Professional Manpower-Nurturing Institutions)The Minister of Environment, the head of the relevant central administrative agency, or the head of the competent local government who has designated a professional manpower-nurturing institution pursuant to Article 28 (2) may revoke his/her designation when the relevant institution falls under any of the following cases: Provided, That he/she shall revoke the designation when such institution falls under subparagraph 1:

1. Where it has been designated by fraud or other improper means;
2. Where it fails to train professional manpower for at least one year without any special reason;
3. Where it comes to fail to meet the designation standards referred to in Article 28 (4).

[This Article Newly Inserted by Act No. 15833, Oct. 16, 2018]

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 and Inspection)(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: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. A person who has obtained approval for outbound transfer of biological resources subject to the approval of outbound transfer pursuant to Article 11 (2);
2. A person who has obtained approval for importation or inbound transfer of species of concern for domestic inflow pursuant to Article 22 (1);
3. A person who has obtained permission for importation, etc. of ecosystem-disturbing species pursuant to the proviso of Article 24 (1);
4. A person who has obtained permission for importation or inbound transfer of species with potential risks to the ecosystem, or made a report or amendment report pursuant to Article 24-2 (1), (2), or (4);
5. A person who has obtained permission for release, etc. prescribed in the proviso of Article 24-3 (1);
6. A person who raises or cultivates any ecosystem-disturbing species pursuant to Article 24-4.

(2) An public official who accesses an office, a place of business, etc. or conducts an inspection pursuant to paragraph (1) shall carry an identification indicating his/her authority and present it to interested parties when requested.

(3) Matters regarding identifications referred to in paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (National Subsidy)The State may fully or partially subsidize expenses incurred in the following projects conducted by local governments or the relevant organization within budgetary limits: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. Implementation of biodiversity management contract;
2. Projects regarding the management of ecosystem-disturbing species and species with potential risks to the ecosystem;
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 (Hearings)The Minister of Environment, the head of the relevant central administrative agency, or the head of the competent local government shall hold a hearing where he/she intends to impose any of the following dispositions: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. Revoking approval for outbound transfer of biological resources subject to approval for outbound transfer pursuant to Article 12 (1);
2. Revoking approval or permission pursuant to Article 25 (1);
3. Revoking the designation of a professional manpower-nurturing institution pursuant to Article 28-2.

Article 33 (Delegation and Entrustment of Authority)(1) Part 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 a Mayor/Do Governor as prescribed by Presidential Decree.

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

Article 34 (Legal Fiction as Public Officials in Application of Penalty Provisions)Any executive officer or employee of the related specialized agencies conducting the business affairs entrusted pursuant to Article 33 (2) shall be deemed a public official for the purpose of penalty provisions under Articles 129 through 132 of the Criminal Act.

CHAPTER VIII PENALTY PROVISIONS

Article 35 (Penalty Provisions)Any of the following persons shall be punished by imprisonment with labor for not exceeding two years or by a fine not exceeding 20 million won: [<Amended by Act No. 12459, Mar. 18, 2014; Act No. 15833, Oct. 16, 2018>](#)

1. A person who carries biological resources subject to approval for outbound transfer outside the country without obtaining such approval, in violation of Article 11 (2);
2. A person who imports or introduces species of concern for domestic inflow without obtaining approval, in violation of Article 22 (1);
3. A person who engages in the importation, etc. of ecosystem-disturbing species, in violation of Article 24 (1);
4. A person who imports or introduces species with potential risks to the ecosystem without obtaining permission, in violation of Article 24-2 (1);
5. A person who releases, etc. ecosystem-disturbing species or species with potential risks to the ecosystem, in violation of Article 24-3 (1);

6. A person who raises or cultivates ecosystem-disturbing species without complying with the requirements prescribed in Article 24-4 (1) or without obtaining permission prescribed in paragraph (2) of the same Article.

Article 36 (Confiscation) Any of the following species shall be confiscated: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. Species of concern for domestic inflow imported or introduced without obtaining approval, in violation of Article 22 (1);
2. Ecosystem disturbing species imported, etc., in violation of Article 24 (1);
3. Species with potential risks to the ecosystem imported or introduced, in violation of Article 24-2 (1) or (2);
4. Ecosystem-disturbing species raised or cultivated without complying with the requirements prescribed in Article 24-4 (1) or without obtaining permission prescribed in paragraph (2) of the same Article;
5. Ecosystem-disturbing species or species with potential risks to the ecosystem subject to revocation of approval or permission prescribed in Article 25 (1) (excluding species released, etc.).

Article 37 (Joint Penalty Provisions) Where the representative of a corporation, or an agent or employee of, or other persons employed by, a corporation or an individual commits any violations described in Article 35 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but also the corporation or individual shall be punished by a fine prescribed in the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation.

Article 38 (Administrative Fines) (1) Any of the following persons shall be subject to administrative fines not exceeding two million won: [<Amended by Act No. 15833, Oct. 16, 2018>](#)

1. A person who fails to report, in violation of Article 13 (1);
2. A person who imports or introduces species with potential risks to the ecosystem without reporting thereon, in violation of Article 24-2 (2);
3. A person who makes any amendment without making an amendment report prescribed in Article 24-2 (4);
4. A person who refuses, obstructs, or evades the access, inspection, or inquiry of the relevant public official prescribed in Article 30 (1).

(2) Administrative fines prescribed in paragraph (1) shall be imposed and collected by the Minister of Environment as prescribed by Presidential Decree.

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

Article 1 (Enforcement Date)

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

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

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

Article 1 (Enforcement Date)

▣ ADDENDA <Act No. 15833, Oct. 16, 2018>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Formulation of National Strategy on Biodiversity)

The amended provisions of Article 7 (2) 5 shall apply to a national strategy on biodiversity finalized under Article 7 (4) after this Act enters into force.

Article 3 (Applicability to Suspension of Raising or Cultivation of Ecosystem-Disturbing Species)

The amended provisions of Article 24-4 shall apply when the designation and public notification of ecosystem-disturbing species is made under Article 21-2 (2) after this Act enters into force.

Article 4 (Transitional Measures concerning Alien Species Management Plans)

Notwithstanding the amended provisions of Article 21, an alien species management plan formulated and taken effect before this Act enters into force shall remain effective until a national strategy on biodiversity is finalized under Article 7 (4) after this Act enters into force.

Article 5 (Transitional Measures concerning Provisions on Penalties and Confiscation)

The former provisions shall apply when applying the provisions on penalties or confiscation against any violation committed before this Act enters into force.