

Nagoya Protocol Implementation Act

Article 1

In this Act and the provisions based on it:

- EU regulations on genetic resources: regulations referred to in Article 288 of the Treaty on the Functioning of the European Union concerning access to genetic resources and the fair and equitable sharing of benefits arising from their use, including in any case Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on user-related compliance measures from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits deriving from their use in the Union (PbEU 2014, 150) and regulations based on it;
- Nagoya Protocol: Nagoya Protocol Established on Nagoya on 29 October 2010 on access to genetic resources and the fair and equitable sharing of benefits deriving from their use under the Convention on Biological Diversity (Trb. 2012, 16 and Trb. 244);
- Our Minister: Our Minister of Economic Affairs.

Article 2

- 1 It is forbidden to act in conflict with regulations stipulated by ministerial regulation of EU regulations concerning genetic resources.
- 2 Rules are laid down by ministerial regulation to implement parts of EU regulations concerning genetic resources that leave no discretion, or that relate to the manner in which applications and documents are submitted.
- 3 Without prejudice to the first and second paragraph, rules may be laid down by or pursuant to order in council for the implementation of the Nagoya Protocol and EU regulations concerning genetic resources with regard to access to genetic resources and the fair and equitable sharing of benefits arising from their use.

Article 3

Our Minister may grant exemption from or exemption from the provisions under or pursuant to Article 2, in accordance with the conditions and limitations arising, as the occasion arises, from the Nagoya Protocol or EU regulations on genetic resources.

Article 4

1 Our Minister shall designate a national contact point for access and distribution of benefits as referred to in Article 13, first paragraph, of the Nagoya Protocol.

2 Our Minister is the competent national authority for access and distribution of benefits as referred to in Article 13 (2) of the Nagoya Protocol.

3 Our Minister is the competent authority charged with the implementation of EU regulations on genetic resources, if they require the appointment of a competent authority, unless Our Minister has appointed another competent authority.

4 With the supervision of compliance with the provisions under or pursuant to this Act are charged:

a. the officials designated by decision of Our Minister;

b. the civil servants charged by Our Minister of Security and Justice on the grounds of Article 17 of the Economic Offenses Act with the investigation of the offenses made punishable under or pursuant to this Act.

5 A decision as referred to in subsection 4 (a) shall be announced by placement in the Government Gazette.

Article 5

Our Minister is authorized to impose an order under administrative coercion to maintain the provisions under or pursuant to this Act.

Article 6

1 Without prejudice to Article 5 and Article 117 of the Code of Criminal Procedure, Our Minister may, in accordance with the applicable EU regulations on genetic resources, take immediate temporary measures against users who act in violation of the provisions of or pursuant to this Act. These measures may involve the safekeeping of genetic resources or products developed therefrom, or a decision imposing:

a. a prohibition to transport, treat or process or put into circulation of genetic resources or products developed therefrom;

b. a ban on the further use of genetic resources or products developed therefrom;

c. the obligation to temporarily store genetic resources or products developed therefrom;

d. the obligation to notify holders, or suspected holders of the genetic resources or products developed therefrom without delay and in an effective manner that the resources have not been acquired in accordance with the provisions of or pursuant to this Act;

e. the obligation to return to the country that supplied the genetic resources;

f. the obligation to retrieve or store centrally the genetic resources or the products developed therefrom that have been put on the market;

g. the obligation to identify and register the genetic resources.

2 The costs of the measures referred to in the first paragraph shall be

borne by the person responsible for the access to or use of the genetic resources, the owner thereof, or the authorized representative of one or more of these persons. In the absence of full payment within the term set by him, Our Minister can collect the amount due by writ of execution.

3 The decisions referred to in the first paragraph can be taken under conditions or restrictions. Requirements can be attached to the obligations imposed by the Decree.

4 It is prohibited to act in conflict with a decision as referred to in the first paragraph

Artikel 7

1 In dit artikel wordt onder overtreding verstaan: gedraging met betrekking tot de administratie of de verstrekking van gegevens die in strijd is met het bepaalde bij of krachtens artikel 2, in bij algemene maatregel van bestuur aangewezen gevallen.

2 Onze Minister kan een overtreder voor een overtreding een bestuurlijke boete opleggen.

3 Bij algemene maatregel van bestuur worden regels gesteld over de hoogte van de bestuurlijke boete die voor een overtreding of voor categorieën van overtredingen ten hoogste kan worden opgelegd.

4 De op grond van het derde lid vast te stellen bestuurlijke boete bedraagt ten hoogste het bedrag dat is vastgesteld voor de eerste categorie, bedoeld in artikel 23, vierde lid, van het Wetboek van Strafrecht, per overtreding begaan door een natuurlijke persoon, en ten hoogste het bedrag dat is vastgesteld voor de tweede categorie, bedoeld in artikel 23, vierde lid, van het Wetboek van Strafrecht, per overtreding begaan door een rechtspersoon of een vennootschap.

5 Indien de ernst van de overtreding of de omstandigheden waaronder zij is begaan daartoe aanleiding geven, wordt zij aan het openbaar ministerie voorgelegd.

6 Voor overtredingen als bedoeld in het eerste lid kan geen bestuurlijke strafbeschikking worden opgelegd krachtens artikel 257ba van het Wetboek van Strafvordering.

Article 7

1 In this article, a violation means: conduct with regard to the administration or the provision of data that is in conflict with the provisions in or pursuant to article 2, in cases designated by order in council.

2 Our Minister may impose an administrative fine on an offender for a violation.

3 Rules shall be laid down by general administrative order on the amount of the administrative fine that can be imposed for a violation or for categories of violations.

4 The administrative fine to be determined on the basis of the third paragraph shall not exceed the amount determined for the first category, referred to in Article 23, paragraph 4, of the Penal Code, per violation committed by a natural person, and highest the amount determined for the second category, referred to in Article 23, paragraph 4, of the Penal Code, per violation committed by a legal entity or a company.

5 If the seriousness of the violation or the circumstances in which it was committed give reason to do so, it shall be submitted to the public prosecutor.

6 For violations as referred to in the first paragraph no administrative punishment order can be imposed pursuant to Article 257ba of the Code of Criminal Procedure.

Article 8

[Red: Changes the Economic Offenses Act.]

Article 9

This Act shall enter into force on a date to be determined by Royal Decree.

Article 10

This law is cited as: Wet implementation Nagoya Protocol.

Charge and order that this will be placed in the Bulletin of Acts and that all ministries, authorities, colleges and officials involved in this will keep to

the accurate implementation.

Given too

Wassenaar, 30 September 2015

<http://wetten.overheid.nl/BWBR0037150/2016-04-23#>

<https://translate.google.com/translate?hl=ko&sl=nl&tl=en&u=https%3A%2F%2Fwww.parlementairemonitor.nl%2F9353000%2F1%2Fj9vvij5epmj1ey0%2Fvjr5v6ae83yp>



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