

Ministry of Environment and Food of Denmark

Later amendments of the order

File number: Ministry of Environment and Food

none

Danish Environmental Protection Agency, file no. 001-171110

Executive order on responsible authority for the administration of the Act on sharing benefits arising from the utilisation of genetic resources and punishment for violation of the Regulation of the European Parliament and of the Council (EU) no. 511/2014 of 16th April 2014

In pursuance of S. 9 (1), S. 10 (2 and 3) and S. 11 (3) of Act no. 1375 of 23 December 2012 on sharing benefits arising from the utilisation of genetic resources it is laid down that:

S. 1. For this Executive Order Regulation shall mean Regulation of the European Parliament and of the Council (EU) no. 511/2014 of 16th April 2014 (Annex 1).

(2). For this Executive Order Implementing Order shall mean Regulation of the European Parliament and of the Council (EU) no. 1866/2015 of 13th October 2015 (Annex 2).

S. 2. The authority responsible for administration of the Act no. 1375 of 23rd December 2012 on sharing benefits arising from the utilization of genetic resources shall be the Danish Environmental Protection Agency. The Danish Environmental Protection Agency shall monitor and ensure compliance with the rules of the regulation .and of the implementing regulation.

S. 3. Unless higher punishment is implied by other legislation, a fine shall be imposed on anyone who

1) does not seek, keep and pass on to subsequent users the information and relevant documents that appear from Art. 4.3 of the Regulation,

2) does not keep information that is important for access to and sharing of benefits for twenty years after the expiry of the utilization period, in violation of Art. 4.6 of the Regulation,

3) when receiving funding for research that involves utilisation of genetic resources and traditional knowledge related to genetic resources, does not submit a declaration of exercising due diligence, cf. Art. 7.1 of the Regulation, in violation of the requirements of Art. 5.1 of the Implementing Regulation, or

4) regarding utilisation of genetic resources and traditional knowledge related to genetic Resources, does not submit a declaration of exercising due diligence, cf. Art. 7.2 of the Regulation, in violation of the requirements of Art.7.2 of the Regulation and of Art. 6.1 of the Implementing Regulation, *Paragraph 2*. If the violation was committed deliberately or because of negligence, or if a financial gain was achieved or intended for the violator himself or for others, the punishment may increase to up to two years of imprisonment.

Paragraph 3. Companies etc. (legal entities) may be punishable in accordance with the rules in Chapter 5 of the Danish Penal Code.

Paragraph 4. If seizure of proceeds from the violation was not made, the size of an achieved or intended financial gain must be taken into consideration when fixing the fine, cf. Paragraph 2.

Paragraph 5. The period of limitation for criminal liability is 5 years.

S. 4. This Executive Order shall enter into force on 15th July 2017.

Paragraph 2. Executive Order no. 870 of 27th June 2016 on responsible authority for the administration of the Act on sharing benefits arising from the utilisation of genetic resources is repealed.

Ministry of Environment and Food of Denmark, 25th June 2017
ESBEN LUNDE LARSEN

/ Hans Christian Karsten