

(8 February 2008 - to date)

## NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

*(Gazette No. 26436, Notice No. 700. Commencement date: 1 September 2004 – unless otherwise indicated.*

### NOTICE OF EXEMPTION IN TERMS OF SECTION 86

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The Minister of Environmental Affairs and Tourism has in terms of section 86 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), exempted from Chapter 6 of the Act the indigenous biological resources or activities relating to indigenous biological resources set out in the Schedule hereto.

### SCHEDULE

#### 1. Definitions

In this Notice, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Biodiversity Act or the Bioprospecting, Access and Benefit Sharing Regulations, has the same meaning, and -

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“bioprospector” means a natural or juristic person who engages in the commercialisation phase of a bioprospecting project;

“**domestic use**” means using indigenous biological resources for direct consumption or other traditional practices and excludes the development of new products for commercial or industrial exploitation either alone or in partnership with third party;

“**ex situ indigenous biological resources**” means indigenous biological resources that occur in collections outside their natural habitat;

“**wildlife**” includes mammals, birds, reptiles, amphibians, arthropods, fish and plants.

#### 2. Exemptions

The following activities relating to indigenous biological resources are exempt from Chapter 6 of the Act -

- 2.1. research other than bioprospecting, provided that the research is conducted within the borders of South Africa and the research is not conducted for the purposes of commercial or industrial exploitation;
- 2.2. the export of *ex situ* indigenous biological resources for purposes of research other than bioprospecting, provided the exporter has entered into an export agreement and notified the issuing authority thereof;
- 2.3. the trade of commercial products purchased from a bioprospector, provided that the bioprospector has complied with the Regulations on Bioprospecting, Access and Benefit-sharing;
- 2.4. the keeping, breeding, cultivation, moving, trading and use of wildlife not directed at the development and production of -
  - 2.4.1. products such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours and extracts; or
  - 2.4.2. new plant varieties and products;
- 2.5. the collection, use, propagation cultivation or trade of indigenous biological resources for domestic use or subsistence purposes;
- 2.6. the artificial propagation, multiplication or cultivation of flora species for the local and international cut flower and existing ornamental plant markets;
- 2.7. aquaculture or mariculture activities involving fresh water and marine species producing specimens for consumption purposes.