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FISHERIES ACT

[Enforcement Date 01. Mar, 2021.] [Act No.17331, 26. May, 2020., Amendment by Other Act]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to establish a fundamental system for fisheries to promote the development of fisheries and the democratization of fishery business by comprehensively utilizing fishery resources and waters and consequently enhancing the productivity of fisheries.

Article 2 (Definitions) The terms used in this Act are defined as follows: <Amended on Jan. 25, 2010; Jan. 20, 2015; Jun. 22, 2015; Aug. 27, 2019>

1. The term "fisheries" means fishery business, aquaculture business, fishery catch transportation business, and marine product processing business;
2. The term "fishery business" means the business of catching or gathering marine animals or plants and the business of producing salt by naturally evaporating sea water in salt pans;
- 2-2. The term "aquaculture business" means the business of cultivating marine animals or plants defined in subparagraph 2 of Article 2 of the Aquaculture Industry Development Act;
3. The term "fishery catch transportation business" means the business of transporting fishery catches or products thereof from a fishing ground to a designated landing place;
4. The term "marine product processing business" means the business of manufacturing or processing foodstuff, feed, fertilizer, paste, glue, oil, fat or leather by directly using marine animals or plants as raw materials;
5. Deleted; <Aug. 27, 2019>
6. Deleted; <Aug. 27, 2019>
7. Deleted; <Aug. 27, 2019>
8. The term "fishing ground" means a certain area of waters where a fishery business is carried on with a license under Article 8;
9. The term "fishery right" means a right to run a fishery business with a license granted pursuant to Article 8;
10. The term "fishery activities by a piscary holder" means a piscary holder catches or gathers marine animals or plants at a fishing ground designated for community fisheries;
11. The term "piscary holder" means a person who has reported a fishery business in accordance with Article 47 and is registered in the original register of fishery rights, as prescribed by Presidential Decree, among those who the majority of local residents recognize to have continuously engaged in catching or gathering marine animals or plants on the local waters before the communal fishing right to those waters is created;
12. The term "fisher" means any fishery owner or fishery employee, including an aquaculture businessperson defined in subparagraph 12 of Article 2 of the Aquaculture Industry Development Act and an aquaculture

- worker defined in subparagraph 13 of the same Article;
13. The term "fishery owner" means a person who runs a fishery business;
 14. The term "fishery employee" means a person who engages in a job of catching or gathering marine animals or plants for or on behalf of a fishery owner and a person who engages in a job of producing salt by naturally evaporating sea water in salt pans;
 15. The term "fishery catch transporter" means a person who runs a fishery catch transportation business;
 16. The term "employee of a fishery catch transportation business" means a person who engages in a job of carrying fishery catches or products thereof from a fishing ground to a designated landing place for or on behalf of a fishery catch transporter;
 17. The term "marine product processor" means a person who runs a business of processing marine products;
 18. The term "seashore" means an area between the water level line at full tide and the boundary line along the seaside of a tract of land as registered in the official cadastral record;
 19. The term "leisure fishing" means the activities of catching or gathering marine animals or plants with a fishing rod or any other tool for pleasure;
 20. The term "fishing gear" means equipment and implements used directly for catching or gathering marine animals or plants.

Article 3 (Scope of Application) This Act shall apply to the waters, etc. specified in the following subparagraphs:

1. Seas;
2. Seashores;
3. Sea waters developed on land artificially for purposes of fishery business.

Article 3-2 Deleted. <Jun. 22, 2015>

Article 4 (Plans, etc. to Use and Develop Fishing Grounds)(1) The head of a Si (referring to the Governor in the case of a Special Self-Governing Province; hereinafter the same shall apply), Gun or Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall prepare a plan to use and develop fishing grounds (hereinafter referred to as "development plan") to comprehensively use and develop the waters within his/her jurisdiction.

(2) The head of a Si/Gun/Gu who has prepared a development plan shall obtain approval therefor from the competent Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor.

(3) In preparing a development plan, the head of a Si/Gun/Gu shall conduct a basic survey of the waters to be developed, considering the social and economic conditions, and shall follow the detailed guidelines for development plans determined by the competent Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor"), considering the local conditions and characteristics, in compliance with the basic guidelines for development plans prescribed by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(4) Where any other statute or regulation restricts or prohibits fishery activities on the waters for which the head of a Si/Gun/Gu intends to shall prepare a development plan, he/she shall either obtain approval from or consult with the head of the relevant administrative agency in advance.

(5) The head of a Si/Gun/Gu who intends to establish a development plan shall submit the relevant matter to the competent fisheries mediation committee under Article 88 for deliberation.

(6) Any development plan approved pursuant to paragraphs (1) through (5) may be revised only in cases prescribed by Presidential Decree, and paragraphs (1) through (5) shall apply mutatis mutandis to the preparation and approval of the revised development plan, approval from or consultation with the head of a relevant administrative agency, and deliberation thereon by the competent fisheries mediation committee: Provided, That approval from or consultation with the head of a relevant administrative agency shall be required

only where such approval or consultation is further needed due to an addition of new waters or any other similar reason.

(7) Matters necessary for preparing the basic guidelines and the detailed guidelines for development plans under paragraphs (1) and (3), the establishment of development plans, the procedures therefor, etc. shall be prescribed by Presidential Decree.

Article 5 (Granting Fishery Business License, etc. to Foreigners)(1) The Mayor/Do Governor or the head of a Si/Gun/Gu shall consult in advance with the Minister of Oceans and Fisheries to grant a fishery business license or permit prescribed by Presidential Decree to a foreigner or foreign corporation. [<Amended on Mar. 23, 2013>](#)

(2) Paragraph (1) shall also apply where a foreigner or foreign corporation makes investments in a citizen of the Republic of Korea or to a corporation (including a corporation in the course of incorporation; hereafter the same shall apply in this Article) incorporated under any Act of the Republic of Korea, for the purpose of engaging in a fishery under paragraph (1), and the ratio of the investments in such citizen or corporation reaches at least 50 percent or the voting rights so acquired takes a majority.

(3) As to an individual, a corporation or an organization from a country that bans or restricts the acquisition of any right to fisheries within its territory to a citizen of the Republic of Korea or to a corporation or an organization established pursuant to any Act of the Republic of Korea, a ban or restriction equivalent or similar to that is imposed by such country may be imposed with respect to the acquisition of a right to fisheries within the territory of the Republic of Korea.

Article 6 (Service of Documents by Public Notice)(1) If it is impossible to serve a document necessary for giving notice of an order, a disposition, etc. made pursuant to this Act or an order hereunder as the address or residence of any person to whom notice shall be given remains unknown or due to any other reason, the Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu (hereinafter referred to as "administrative authority") shall give public notice thereof, as prescribed by Presidential Decree. [<Amended on Mar. 23, 2013>](#)

(2) If the relevant administrative authority has given public notice under paragraph (1), the document shall be deemed served on the date when 30 days elapse since the day following the date of such public notice.

Article 7 (Joint Application)(1) If two or more persons jointly obtain a license or permit, or submit a report on a reported fishery business, under this Act, they shall appoint a representative from among themselves and state such appointment additionally on the application or report concerned.

(2) In case of paragraph (1), if no representative is appointed, one of the said persons shall be chosen as their representative and reported so to the administrative authority concerned, as prescribed by Presidential Decree. In such cases, the foregoing procedure shall also apply where the representative is replaced.

(3) If there is no report made in accordance with paragraph (2), the administrative authority concerned shall designate a representative.

CHAPTER II LICENSED FISHERY BUSINESS

Article 8 (Licensed Fishery Business)(1) Any person who intends to engage in any of the following fishery business shall obtain a license from the head of a Si/Gun/Gu: [<Amended on Jan. 25, 2010; Mar. 23, 2013; Aug. 27, 2019>](#)

1. Set-net fishery business: Business of catching marine animals in a demarcated area of waters with the fishing gear prescribed by Presidential Decree set up at a certain place;
2. Deleted; [<Aug. 27, 2019>](#)
3. Deleted; [<Aug. 27, 2019>](#)
4. Deleted; [<Aug. 27, 2019>](#)

5. Deleted; <Aug. 27, 2019>
6. Communal fishing business: Business run by a fisher residing in a certain locality to manage, cultivate, catch and gather shellfish, seaweed or sedentary marine animals in a demarcated area of waters, contiguous to the shore, within a certain depth range;
7. Deleted; <Aug. 27, 2019>
8. Deleted. <Aug. 27, 2019>

(2) The head of a Si/Gun/Gu shall grant a license for any fishery business described in paragraph (1) within the scope of the relevant development plan.

(3) The kinds of fishery business referred to in the subparagraphs of paragraph (1) and the water depth limits of fishing grounds for communal fishing business shall be prescribed by Presidential Decree. <Amended on Aug. 27, 2019>

(4) Matters necessary in relation to following shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended on Jan. 25, 2010; Mar. 23, 2013; Mar. 24, 2014; Aug. 27, 2019>

1. Water depth of fishing grounds (excluding those for communal fishing business), the bounds of fishery zones, and the distance between fishing grounds;
2. Methods of installing facilities in fishing grounds, and methods of catching or gathering;
3. Matters concerning catches;
4. Matters concerning fishing vessels and fishing gear, or the use thereof;
5. Deleted; <Aug. 27, 2019>
- 5-2. Matters concerning the type and usage of the tools for exterminating harmful organisms;
6. Other matters necessary for licensing fishery business.

Article 9 (License for Communal Fishing Business, etc.)(1) A license for communal fishing business shall be granted only to a fishing village fraternity or a fisheries cooperative located in each district (hereinafter referred to as "district fisheries cooperative") in order to promote the common interests of fishers who reside in a certain locality.

(2) Deleted. <Aug. 27, 2019>

(3) Deleted. <Aug. 27, 2019>

(4) The head of a Si/Gun/Gu may grant a license for a fishery business, other than the communal fishing business, to a fishing village fraternity, a fisheries partnership or a district fisheries cooperative, if deemed necessary to do so for promoting the common interests of fishers and the development of fisheries in a certain area. <Amended on Jan. 25, 2010; Aug. 27, 2019>

Article 10 (Grounds for Disqualification from Holding License)No head of a Si/Gun/Gu shall grant a license for fishery business to any person who falls under any of the following subparagraphs: <Amended on Aug. 27, 2019>

1. A legal entity or an organization, the business purpose of which is not fishery;
2. A person, the area of whose fishing ground is equal to or larger than that prescribed by Presidential Decree, if the area of fishing ground to which he/she applies for a fishery right is added to the area of fishing ground to which he/she has obtained a fishery right;
3. Deleted; <Aug. 27, 2019>
4. A person who was sentenced to imprisonment without labor or heavier punishment for a violation of this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act, the Fishing Vessels Act or the Fishery Resources Management Act and for whom two years have yet to elapse from the date the execution of the sentence was terminated (including the cases where the execution of the sentence is deemed to have been terminated) or exempted;

5. A person who was sentenced to a stay of an execution of imprisonment without labor or heavier punishment for a violation of this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act, the Fishing Vessels Act or the Fishery Resources Management Act and is under the period of the stay of execution;
6. A person who was sentenced to a fine of one million won or more for a violation of this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act, the Fishing Vessels Act, or the Fishery Resources Management Act and for whom two years have yet to elapse from the date the sentence became final and conclusive.

Article 11 (Prohibition of Licensing)(1) If the waters for which a license for fishery business is sought fall under Article 34 (1) 1 through 7, the head of a Si/Gun/Gu shall not be required to grant such a license for fishery business.

(2) The head of a Si/Gun/Gu shall not grant a license for fishery business to a person whose license for fishery business was revoked on any of the grounds set forth in subparagraphs 1 and 3 through 6 of Article 35 (excluding cases that fall under any of Article 34 (1) 1 through 7), if two years have not passed since the revocation of the previous license, as prescribed by the Presidential Decree.

Article 12 (Imposition of Restrictions and Conditions on License)When granting a license for fishery business, the head of a Si/Gun/Gu may place restrictions or conditions on the license, if deemed necessary for coordination of fisheries or if the case falls under any of Article 34 (1) 1 through 7.

Article 13 (Order of Priority)(1) Priority shall be given to applicants for a license for fishery business (excluding the licenses for fishery business referred to in Article 9 (1) and (4)) in the following order: <Amended on Jan. 25, 2010; Aug. 27, 2019>

1. Any fisheries engineer who has run or engaged in the same kind of fishery business as one for which a license application is filed, or any person who has run or engaged in the same kind of fishery business as one for which the license application is filed during five years before the application date (excluding the period of intermission for a fishing ground under the Fishing Ground Management Act);
2. Any fisheries engineer who has run or engaged in fishery business falling under Article 41 (2) or (3) (excluding cases falling under subparagraph 1), or any person who has run or engaged in fishery business falling under Article 41 (2) or (3) (excluding cases set forth in subparagraph 1) during five years before the application date (excluding the period of intermission for a fishing ground under the Fishing Ground Management Act);
3. Any person other than those falling under subparagraphs 1 and 2.

(2) Where at least two persons are in the same priority under paragraph (1), the priority shall be given as in the following order:

1. Any person whose fishery right to the relevant fishing ground has expired as at the time of the application or during the period of intermission for the fishing ground under Article 9 (5) of the Fishing Ground Management Act;
2. Any fisheries engineer who has run or engaged in fishery business for which the license application is filed at a fishing ground for the fishery business for which the license application is filed, or any person who has run or engaged in fishery business for which the license application is filed at a fishing ground for the fishery business for which the license application is filed during five years before the application date (excluding the period of intermission for the fishing ground under the Fishing Ground Management Act);
3. Any person other than those falling under subparagraphs 1 and 2.

(3) Where at least two persons are in the same priority under paragraph (2), the priority shall be given as in the following order:

1. Any person who has, since one year before, had his/her domicile (referring to the place of business for fisheries, if such person is a corporation or an organization; hereinafter the same shall apply) continuously in the Special Self-Governing Province or Si/Gun/autonomous Gu within which the waters for which the license is applied, are located;
2. Any person who has, since one year before, had his/her domicile continuously in any Si/Gun/autonomous Gu adjoining the Si/Gun/autonomous Gu within which the waters for which the license is applied, are located;
3. Any person other than those falling under subparagraphs 1 and 2.
- (4) Deleted. <Aug. 27, 2019>
- (5) The order of priority in granting a license for communal fishing business under Article 9 (1) shall be in accordance with Article 9 (1). <Amended on Aug. 27, 2019>
- (6) Deleted. <Aug. 27, 2019>
- (7) In determining the priority pursuant to paragraphs (1) through (5), the following persons may be deprived of the priority. Such deprivation shall be deliberated on by the competent fisheries mediation committee under Article 88: <Amended on Aug. 27, 2019>

1. Any person on whom an administrative disposition has ever been imposed with respect to a fishing ground for the relevant fishery business for a violation of this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, or an order or a disposition under this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, or a restriction or condition thereunder;
2. Any person in whose case the status of maintaining the relevant fishing ground and managing the relevant fishery business is found substantially poor;
3. Any person who has once held the relevant fishery right but transferred it to a third person without a justifiable ground;
4. Any person who has ever received compensation for losses as a consequence of revocation of his/her fishery right due to any cause set forth in Article 81 (1) 1: Provided, That the person shall not be deprived of the priority, if he/she had any other fishery right as at the time such compensation for losses was given, or had a fishery right transferred or divided in accordance with the proviso to Article 19 (1) after receiving such compensation, and if he/she applies for a new fishery business license due to the expiration of such fishery right.

Article 13-2 Deleted. <Aug. 27, 2019>

Article 14 (Validity Period of License)(1) Each fishery business license under Article 8 shall be effective for ten years: Provided, That the period of validity of such a license may be shortened to less than ten years, where the license is subject to Article 4 (4) of this Act or Article 8 (5) of the Fishing Ground Management Act, or where Presidential Decree prescribes necessary matters concerning the protection of fishery resources and coordination of fisheries.

(2) The head of a Si/Gun/Gu shall, upon request by a fishery right holder, permit an extension of the period of validity within the limit of ten years from the expiry of the license, except a ground falling under the proviso to paragraph (1) exists, any subparagraph of Article 13 (7) or any subparagraph of 34 (1). In such cases, the total period of extensions as permitted shall not exceed ten years, if such extensions are permitted over several times.

(3) Even where a fishery right holder has not requested an extension of the period of validity, the head of a Si/Gun/Gu may, upon request by a registered holder to the fishery right, permit an extension of the period of validity of the fishery right.

(4) The head of Si/Gun/Gu shall notify the applicant of whether to grant a permit within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries from the date he or she receives a request for a permit under the former part of paragraph (2) or (3). <Newly Inserted on Jan. 8, 2019>

(5) If the head of a Si/Gun/Gu fails to notify the applicant of whether to grant a permit within the period prescribed in paragraph (4) or of an extension of the processing period under statutes or regulations related to processing civil petitions, a permit shall be deemed granted on the date following the date of expiry of the relevant period (referring to the extended or re-extended period, where the processing period is extended or re-extended under statutes or regulations related to processing civil petitions). <Newly Inserted on Jan. 8, 2019>

(6) A fishery right shall be extinguished simultaneously upon the expiration of the period of validity of the license concerned or the extended period as permitted under paragraph (2).

Article 15 (Limited Fishery Business License for Licensing-Restricted Area, etc.)(1) As to a person who intends to do fishery business in the area of waters where fisheries are restricted or for which the fishery business license has been revoked because the area of waters falls under any of Article 34 (1) 1 through 6 or subparagraph 6 of Article 35 (limited to the cases falling under any of Article 34 (1) 1 through 6), the head of a Si/Gun/Gu may grant a limited fishery business license under Article 8 (hereinafter referred to as "limited fishery business license") after setting the period of validity of the license, etc. particularly, subject to consultation with or approval from the head of the administrative agency concerned.

(2) As to any limited fishery business license, Article 16 (2), the proviso to the head sentence of Article 19 (1) and Article 81 (1) shall not apply.

(3) The head of a Si/Gun/Gu shall, whenever granting a limited fishery business license, put a condition to exclude the case from any compensation under other statutes or regulations, if the administrative agency concerned agrees or approves the license on such condition.

Article 16 (Acquisition and Nature of Fishery Right)(1) Any person who obtains a fishery business license in accordance with Article 8 or has a fishery right transferred or divided in accordance with Article 19 shall acquire the fishery right only when it is registered on the original register of fishery rights under Article 17.

(2) A fishery right shall be a real right, to which the provisions of the Civil Act governing land shall apply mutatis mutandis, except as provided by this Act.

(3) As to a fishery right and the right to fulfill the purpose thereof, the provisions of the Civil Act governing pledge rights shall not be applicable.

(4) It shall be deemed that any fishery right held by a fishing village fraternity which is not a legal entity, is owned collectively by the fishing village fraternity.

Article 17 (Registration of Fishery Right)(1) The matters concerning the creation, preservation, transfer, alteration, extinguishment, restrictions on disposition, and equities of a fishery right and the rights derived therefrom, and also the matters concerning fishery activities by a piscary holder, shall be registered on the original register of fishery rights.

(2) Registration under paragraph (1) shall be deemed effective as a substitute for the registration of real estate.

(3) The matters concerning registration shall be prescribed by Presidential Decree.

Article 18 (Relationship of Fishery Rights with other Acts)(1) A fishery right holder shall be permitted to do any act prescribed in the Public Waters Management and Reclamation Act within the extent necessary for fishery business which he/she is granted a license to do. <Amended on Apr. 15, 2010>

(2) Article 46 of the Public Waters Management and Reclamation Act shall not apply to paragraph (1).
<Amended on Apr. 15, 2010>

Article 19 (Transfer, Division or Alteration of Fishery Rights)(1) No fishery right shall be subject to transfer, division or alteration: Provided, That a fishery right may be transferred, divided or altered, where it is required to alter the fishery right in consequence of purification or rearrangement of fishing grounds under the Fishing Ground Management Act, where it is authorized by the head of a Si/Gun/Gu pursuant to Ordinance of the Ministry of Oceans and Fisheries when one year has elapsed from the day (referring to the day of completing the installation of the relevant facility) when fishery business commenced after the registration of the fishery right (excluding communal fishing rights), or where the fishery right is transferred or divided as a consequence of a merger of corporations or inheritance: [<Amended on Mar. 23, 2013; Jun. 22, 2015; Aug. 27, 2019>](#)

1. Deleted; [<Aug. 27, 2019>](#)

2. Deleted; [<Aug. 27, 2019>](#)

3. Deleted. [<Aug. 27, 2019>](#)

(2) No head of any Si/Gun/Gu shall grant authorization for transfer or division of a fishery right, if the person who intends to have the fishery right transferred or divided in accordance with the proviso to paragraph (1) falls under any subparagraph of Article 10 or Article 11 (2).

(3) Notwithstanding the main sentence of paragraph (1), a fishery right held by a fishing village fraternity or a district fisheries cooperative may be transferred or divided, if the fishery right is transferred or divided among fishing village fraternities, among district fisheries cooperatives, or between a fishing village fraternity and a district fisheries cooperative, as a consequence of a merger or division of fishing village fraternities or district fisheries cooperatives, an alteration of business territories, or a mutual agreement.

Article 20 (Reporting on Revisions to Terms and Conditions of Licenses)Where a fishery right holder intends to change his/her name, address, or any matters prescribed by Presidential Decree, with respect to the terms and conditions of the license, shall report on such change to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where a fishery right holder changes his/her address within the same Si/Gun/autonomous Gu, making a moving-in report pursuant to Article 16 (1) of the Resident Registration Act, he/she shall be deemed to have reported a change of address. [<Amended on Mar. 23, 2013; Jun. 22, 2015>](#)

Article 21 (Prohibition of Fishery Right as Security Provided by Fishing Village Fraternities, etc.)No fishery right held by a fishing village fraternity or district fisheries cooperative shall be provided as security.

Article 22 (Artificial Structures in Provision of Security)In providing a fishery right as security, artificial structures established in a fishing ground to which such fishing right belongs shall be deemed attached to the fishing right and united with the fishing right. [<Amended on Feb. 18, 2020>](#)

[Title Amended on Feb. 18, 2020]

Article 23 (Consent of Co-Owners)(1) No co-owner of a fishery right may dispose of his/her equity or offer it as security without the consent of the other co-owners: Provided, That this shall not apply in case of sale referred to in Article 264 of the Civil Execution Act. [<Amended on Oct. 15, 2014>](#)

(2) As to the cases under paragraph (1), if it is impossible to obtain the consent of any other co-owner because his/her domicile or residence is not ascertained or due to any other reason, such fact shall be notified publicly as prescribed by Presidential Decree.

(3) When public notification is made in accordance with paragraph (2), if an objection is not filed within 30 days from the date following the day of such public notification, it shall be deemed that the consent is given on the last day during such period.

Article 24 (Consent of Registered Right Holder)No fishery right may be divided, altered or surrendered without the consent of a registered right holder.

Article 25 (Succession to Rights and Duties in Disposals)The rights and duties that a fishery right holder has under this Act or the Fishery Resources Management Act, or any order or disposition or restriction or condition under this Act or the Fishery Resources Management Act, shall be transferred to a successor, along with the fishery right.

Article 26 (Auction of Fishery Rights)(1) If a fishery business license is revoked in accordance with any of Article 31 (2), subparagraphs 2 through 5 of Article 35, or subparagraph 6 of Article 35 (limited to the cases falling under Article 34 (1) 8 or 9), the person who is registered as the holder of a mortgage to the fishery right may file an application for auction of the fishery right within 30 days from the date following the day when notice under Article 36 is received.

(2) When an application for auction is filed in accordance with paragraph (1), it shall be deemed that the relevant fishery right remains effective for the purposes of the auction during the period ranging from the day when the license is revoked to the day when the proceedings for the auction are closed.

(3) The remainder of the sale price from the auction shall escheat to the National Treasury, if any money remains after satisfying the auction expenses and the obligations owed to the holder of a mortgage under paragraph (1).

(4) When the successful bidder pays the auction price, it shall be deemed that the revocation of the fishery business license has not become effective.

Article 27 (Use of Patrol Vessel, and Restriction and Prohibition thereof)(1) Any fishery right holder who intends to use a fishing vessel necessary for control of a fishing ground for the fishery business (hereinafter referred to as "patrol vessel") shall obtain designation of the vessel from the head of a Si/Gun/Gu. In such cases, only a fishing vessel owned or leased by the fishery right holder (including a person who exercises the fishery right in accordance with Article 37) may be designated as a patrol vessel.

(2) If necessary for proliferating and protecting fishery resources and coordinating fisheries, the head of a Si/Gun/Gu may restrict or ban any fishing vessel or fishing gear appropriate for the patrol vessel according to the type of fishing business, the area of fishing ground, or the species of marine animals or plants as prescribed by Presidential Decree.

(3) A fishery right holder who has no patrol vessel for a fishing ground for the licensed fishery business may use a fishing vessel designated pursuant to paragraph (1), or a fishing vessel for the fishery business permitted or reported in accordance with Article 41 (1), (2), and (3) 1 or Article 47 (1), subject to approval from the head of a Si/Gun/Gu.

(4) No fishery right holder with a vessel designated as a patrol vessel pursuant to paragraph (1) shall use the patrol vessel for catching or gathering marine animals or plants in any area of waters other than the designated area of fishing ground or the area approved pursuant to paragraph (3): Provided, That the same shall not apply where a fishery permit has been obtained or a report has been filed pursuant to Article 41 or 47 with respect to the patrol vessel. [<Amended on Aug. 27, 2019>](#)

(5) The size and number of patrol vessels under paragraphs (1) and (3), the horsepower of their engines, designation or approval for the use, and other necessary matters concerning the use of the patrol vessels shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That when proliferating and protecting fishery resources and coordinating fisheries, matters regarding the number of patrol vessels, the standards for use thereof, etc. may be determined by ordinance of the relevant Si/Gun/Gu within the limits prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Jan. 25, 2010; Mar. 23, 2013>](#)

Article 28 Deleted. [<Aug. 27, 2019>](#)

Article 29 (Reserves)(1) A reserve shall be established to protect fishery rights for set-net fishery business.

(2) None of the following activities that are likely to cause damage to facilities or interfere with the exercise of fishery rights shall be engaged in within any reserve established under paragraph (1): Provided, That the same shall not apply where consent thereto is given by the relevant fishery right holder:

1. Using fishing nets;
2. Attracting or chasing marine animals using light, sound, etc.;
3. Installing fishing gear, such as weirs and reels and lines with multiple hooks, or using dragged gears and diving apparatus;
4. Constructing, enlarging, or remodeling any facility that is likely to interfere with the exercise of a fishery right: Provided, That this shall not apply where it is done by the State or a local government for national defense purposes or serving other public interests.

(3) As provided for by municipal ordinance of the relevant Si/Gun/Gu within the extent prescribed by Ordinance of the Ministry of Oceans and Fisheries after collecting opinions of the relevant industry to prevent disputes with other fisheries, the head of a Si/Gun/Gu may determine as a reserve the area between a relevant fishing ground where a communal fishery right and a bottom cultivating fishery right are established and any other fishing ground around such fishing ground. [<Newly Inserted on Jan. 20, 2015>](#)

(4) The following acts which interfere with the exercise of a fishery right shall not be conducted in the reserves under paragraph (3): Provided, That this shall not apply in case of obtaining consent from a fishery right holder in the neighborhood: [<Newly Inserted on Jan. 20, 2015>](#)

1. A fishery using diving apparatuses;
2. Other fisheries prescribed by municipal ordinances of the relevant Si/Gun/Gu.

(5) Matters necessary for the bounds of reserves zones referred to in paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013; Jan. 20, 2015>](#)

[This Article Wholly Amended on Jan. 25, 2010]

Article 30 (Reporting on Suspension of Business and Voluntary Surrender of Fishery Rights)(1) Any person who engages in fishery business with a fishery right, but wants to suspend his/her business for at least one year consecutively, shall submit a report in advance to the head of a Si/Gun/Gu, stating a definite business suspension period: Provided, That no one may suspend his/her fishery business before commencing the business pursuant to Article 31 (1), and suspend his/her business for more than two consecutive years.

(2) Deleted. [<Aug. 27, 2019>](#)

(3) A person who has reported under paragraph (1) shall report in advance with the head of a Si/Gun/Gu to resume his/her fishery business before expiration of the business suspension period previously reported.

[<Amended on Aug. 27, 2019>](#)

(4) No period reported or extended pursuant to paragraph (1) shall include the period during which fishery business has been suspended in compliance with an order issued pursuant to Article 34 or 61, and the period of intermission for a fishing ground under the Fishing Ground Management Act. [<Amended on Aug. 27, 2019>](#)

(5) A fishery right holder who intends to voluntarily surrender his/her fishery right shall report his/her intent to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 31 (Commencement, etc. of Fishery Business)(1) Any person who has acquired a fishery right shall commence his/her fishery business within one year after he/she has acquired the fishery right: Provided, That the foregoing period may be adjusted by the head of a Si/Gun/Gu within the limit of two years, if Presidential Decree prescribes.

(2) If it is found that a person who acquired a fishery right has kept the fishing ground continuously idle for more than one year after commencement of his/her fishery business and fails to utilize the fishing ground

comprehensively, the head of a Si/Gun/Gu may alter or revoke the fishery right.

(3) No period under paragraphs (1) and (2) shall include the period during which fishery business has been suspended in compliance with an order issued pursuant to Article 34 or 61, and the period of intermission for a fishing ground under the Fishing Ground Management Act.

Article 32 (Prohibition of Control by Third Person)(1) No fishery right holder shall allow any third person to have de facto control over the management of his/her fishery business.

(2) The extent of de facto control over the management of fishery business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 33 (Prohibition of Lease)No fishery right shall become the subject matter of a lease. In such cases, the exercise of a fishery right owned by a fishing village fraternity or a district fisheries cooperative shall not be deemed a lease, if it is exercised by a member of such fishing village fraternity or district fisheries cooperative or by a fishery partnership comprised of members of such fishing village fraternity or district fisheries cooperative in accordance with the fishing ground management covenant under Article 38.

Article 34 (Restrictions, etc. on Licensed Fishery Business to Meet Needs for Public Interests)(1) The head of a Si/Gun/Gu may restrict or suspend a fishery business licensed, or may restrict a fishing vessel's mooring at, or departure from, or entry into a port, in any of the following cases: <Amended on Mar. 23, 2013; Aug. 27, 2019; Dec. 3, 2019>

1. Where required for proliferating and conserving fishery resources;
2. Where required for military training or security of a major military base;
3. Where required for proliferating and conserving fishery resources;
4. Where required for navigation, anchorage, and mooring of vessels or for laying subaqueous cables;
5. Where required for sanitation control of marine animals inhabiting on the bottom of the sea area into which wastes are discharged pursuant to Article 7 (2) of the Management of Marine Garbage and Contaminated Marine Sediment Act;
6. Where required for public utilities under Article 4 of the Act on the Acquisition of and Compensation for Land, etc. for Public Works Projects;
7. Where requested by the Minister of Oceans and Fisheries on the grounds that the business or vessel falls under the subparagraphs of Article 27 (1) of the Act on the Safe Fishing Operations of Fishing Vessels;
8. If a fishery right holder violates this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, any order or disposition under this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, or any restriction or condition thereunder;
9. If a fishery right holder violates any agreement made on fisheries with a foreign country, any generally accepted international law or rule, or any statute or regulation of a foreign country governing fisheries.

(2) Necessary matters concerning procedures for restrictions on fishery business, etc. under any of paragraph (1) 1 through 6 shall be prescribed by Presidential Decree.

(3) Deleted. <Aug. 27, 2019>

(4) Necessary matters regarding standards and procedures for taking dispositions restricting fishery business, etc. under paragraph (1) 7 through 9 shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 27, 2019>

(5) A fishing vessel subject to disposition of mooring pursuant to paragraph (1) 8 or 9 shall be controlled by a person who has obtained designation or approval pursuant to Article 27 (1) and (3).

Article 35 (Revocation of Fishery Business Licenses)If a person who holds a fishery business license falls under any of the following cases, the head of a Si/Gun/Gu may revoke the fishery business license, as prescribed

by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the license shall be revoked if that person falls under subparagraph 1: [<Amended on Mar. 23, 2013>](#)

1. When he/she is found to have obtained the fishery business license by fraudulent or other illegal means;
2. When he/she falls under subparagraph 1 of Article 10;
3. When he/she violates Article 30 (1) or (2) or 31 (1);
4. When he/she allows any third person to have de facto control over the management of the fishery business, in violation of Article 32;
5. When he/she leases his/her fishery right to any third person, in violation of Article 33;
6. When he/she falls under any subparagraph of Article 34 (1), in addition to the cases set forth in subparagraphs 1 through 5.

Article 36 (Notice of Revocation of Fishery Rights)When the head of a Si/Gun/Gu revokes a fishery business license, it shall notify the registered holder of the fishery right of such fact without delay.

Article 37 (Management of Fishing Ground by Fishing Village Fraternity, etc.)(1) A fishery right owned by each fishing village fraternity shall be exercised by its members in accordance with the fishing ground management covenant under Article 38: Provided, That where the fishery right involved is a communal fishing right, a person who is not a member of such fishing village fraternity may exercise the communal fishing right, if he/she satisfies all of the following requirements:

1. The person whose domicile must be within the jurisdiction of the fishing village fraternity;
2. A resolution on the exercise of the communal fishing right is passed at a general meeting of the fishing village fraternity to that effect;
3. A report on the fishery business under Article 47 is completed.

(2) Except as otherwise expressly prescribed by Presidential Decree, a fishery right owned by each district fisheries cooperative shall be exercised by a member of each such district fisheries cooperative, whose domicile is within the business territory of a fishing village fraternity that covers an area adjoining the relevant fishing ground, as prescribed by the fishing ground management covenant under Article 38.

(3) The means of exercising fishery rights under paragraphs (1) and (2), the order of priority in the exercise thereof, adjustment of the size of facilities and business territory for each fishing village fraternity, each member of such fraternity, and each member of a cooperative, and other necessary matters for the management of fishing grounds shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 38 (Fishing Ground Management Covenant)(1) Every fishing village fraternity and district fisheries cooperative that has acquired a fishery right under Article 9 shall adopt a covenant on the management of a fishing ground that shall stipulate the qualifications for those eligible for conducting fishery activities with a piscary or exercising a fishery right in the fishing ground, the means of conducting fishery activities with a piscary and exercising a fishery right, the timing and methods for fishery business, the charges for conducting fishery activities with a piscary and exercising a fishery right, and other necessary matters for the management of the fishing ground, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

(2) If a fishing ground management covenant referred to in paragraph (1) contravenes this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, any order or disposition made pursuant to this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Fishery Resources Management Act, or any restriction or condition thereunder, the head of a Si/Gun/Gu may issue an order to take measures necessary for correcting such contravention by amending the fishing ground management covenant or otherwise. [<Amended on Aug. 27, 2019>](#)

Article 39 (Restriction, etc. on Exercise of Fishery Right)As to a fishing ground for a fishing village fraternity or a district fisheries cooperative, the head of a Si/Gun/Gu may, notwithstanding Article 37 (1) or (2), restrict or ban the exercise of a fishing right by a member of that fraternity or cooperative, who falls under any of the criteria prescribed by Presidential Decree, in order to promote income equality among the members thereof.

Article 40 (Restriction, etc. on Fishery Activities by Piscary Holder)(1) A fishery right holder for communal fishing business shall allow a piscary holder to conduct fishery activities within his/her fishing grounds, as prescribed by the fishing ground management covenant under Article 38.

(2) The fishery right holder and piscary holder as set forth in paragraph (1) may restrict fishery activities by a mutual agreement, if they deem it necessary for proliferation and protection of marine animals and plants as well as maintenance of fishery order.

(3) Any restriction, condition, or suspension put or imposed on a license for communal fishing business in accordance with Article 12 or 34 (1) 1 through 7 shall also be deemed a restriction, condition or suspension placed on fishery activities of a piscary holder.

(4) The head of a Si/Gun/Gu may make a disposition of restriction on or suspension of a fishery business licensed, a disposition of revocation of a fishery business license, or a disposition of restriction on, suspension of or ban on fishery activities of a piscary holder, if the fishery right holder or piscary holder concerned violates an agreement under paragraph (2) or a ruling under Article 84 (2) or if the piscary holder concerned violates a restriction, a condition, or an order of suspension under paragraph (3).

Article 40-2 Deleted. <Aug. 27, 2019>

CHAPTER III PERMIT-REQUIRED AND REPORTED FISHERY BUSINESS

Article 41 (Permitted Fishery Business)(1) Any person who intends to run any fishery business that uses a powered fishing vessel with a gross tonnage of at least ten tons or a powered fishing vessel with a gross tonnage of less than ten tons as prescribed by Presidential Decree because of particular needs for protection of fishery resources and coordination of fisheries (hereinafter referred to as "inshore fishery business") shall obtain a permit for each fishing vessel or fishing gear from the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013; Mar. 24, 2014>

(2) Any person who intends to run any fishery business which uses a non-powered fishing vessel or a powered fishing vessel with a gross tonnage of less than ten tons, other than an inshore fishery business and the fishery business under paragraph (3) (hereinafter referred to as "coastal fishery business"), shall obtain a permit for each fishing vessel or fishing gear from the competent Mayor/Do Governor. <Amended on Mar. 24, 2014>

(3) Any person who intends to run any of the following fishery business shall obtain a permit for each fishing vessel, fishing gear, or facility from the head of the competent Si/Gun/Gu: <Amended on Jan. 25, 2010; Mar. 23, 2013>

1. Fishery business within a demarcated zone: Fishery business run by installing fishing gear or using a non-powered fishing vessel or a powered fishing vessel with a gross tonnage of less than five tons within a demarcated area of waters: Provided, That a powered fishing vessel with a gross tonnage of less than eight tons may be permitted for any fishery business, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, which is subject to the establishment and control of the total quota of catches by the Mayor/Do Governor pursuant to Articles 36 and 38 of the Fishery Resources Management Act;

2. Deleted; <Aug. 27, 2019>

3. Deleted. <Jun. 22, 2015>

(4) Matters concerning the types of fishery business that require permits pursuant to paragraphs (1) through (3) and the types of marine animals allowed to be caught and gathered pursuant thereto shall be prescribed by

Presidential Decree, while the following matters and other necessary procedures, etc. concerning the permit shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries: [<Amended on Dec. 18, 2012; Mar. 23, 2013; Jun. 22, 2015; Dec. 2, 2016>](#)

1. The tonnage of a fishing vessel by type of fishery business, the engine horsepower, grounds for restriction on or suspension of fishery permits, the designation of an unloading port, the partition of operating sea areas, and the replacement of permitted fishing vessels;
2. The quota of permits for coastal fishery business and fishery business within demarcated zones, the auxiliary vessels to be used for such fishery businesses, and the type of fishing gear to be used;
3. Deleted. [<Aug. 27, 2019>](#)

(5) No administrative authority shall grant a permit for fishery business to any person whose permit for fishery business was revoked on any ground under subparagraph 1, 3, 4, or 6 of Article 35 (excluding cases falling under any of Article 34 (1) 1 through 7), as well as a permit for the fishing vessel or fishing gear involved, unless and until two years has passed since the day when the previous permit was revoked, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013; Dec. 2, 2016>](#)

(6) A person who intends to apply again for a permit for fishery business after his/her permit for fishery business has been revoked on any ground under subparagraph 1, 3, 4, or 6 of Article 35 (excluding cases falling under any of Article 34 (1) 1 through 7) or a person who intends to apply again for a permit for fishery business concerning fishing vessels or fishing gears with respect to which a permit for fishery business has been revoked, shall receive education prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Newly Inserted on Dec. 2, 2016>](#)

Article 41-2 (Priority in Granting Fisheries Permits)(1) In case of any fishery business for which the quota of permits referred to in Articles 41 (4) 2 or 61 (1) 3 is restricted, permits for such business shall be preferentially granted to any of the following persons: [<Amended on Feb. 18, 2020>](#)

1. A person who applies for a permit for the same fishery business with the fishery business the validity period of which has expired;
2. A person who applies for a permit for any fishery business at the same time as the reporting of discontinuation of the same fishery business for the purpose of replacing a fishing vessel, fishing gear, or facility for which fishery permit was granted;
3. A person who applies for a permit for any fishery business due to the expiration of validity period under Article 41 (4) 1 of the same type of fishery business or due to the disappearance of grounds for suspension under such Article.

(2) Notwithstanding paragraph (1), a person whose fishery permit was revoked twice or more within its validity period shall be excluded from priority in granting fishery permits.

(3) Where the number of granted fishery permits falls short of the quota of fishery permits because any person falling under paragraph (1) either does not apply for a fishery permit or is excluded from priority in granting fishery permits pursuant to paragraph (2), fishery permits may be granted in the order listed in the following: [<Amended on May 26, 2020>](#)

1. A fisheries engineer referred to in Article 13;
2. A person who has lived one year or more in any of such districts with unfavorable conditions as are selected and publicly announced by the Minister of Oceans and Fisheries pursuant to Article 7 of the Act on the Operation of Direct Payment Program for Promoting Public Functions of Fisheries and Fishing Villages;
3. A person who has run or engaged in, for not less than five years, a fishery business for which he/she has applied for a permit;

4. A person who has run or engaged in, for not less than one year but less than five years, a fishery business for which he/she has applied for a permit and a person who has run or engaged in, for not less than five years, any fishery business different from the fishery business for which he/she has applied for a permit.

(4) The priority among those persons in the same order of priority listed in each subparagraph of paragraph (3) shall be determined by the competent administrative agency in consideration of the applicants' fishery management capabilities, levels of contribution to developing fishery business, compliance with fishery-related statutes or regulations, and local conditions.

(5) Other matters necessary for priority in granting fishery permits shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted on Jun. 22, 2015]

Article 41-3 (Control of Incidental Catches)(1) Where a fisher receives a permit specifying the kinds of marine animals allowed to be caught and gathered pursuant to Article 41 (4), he/she shall not make incidental catches of other kinds of marine animals: Provided, That bycatch shall be allowed in cases satisfying the following standards prescribed by Presidential Decree:

1. Kinds of fishery businesses the bycatch of which is allowed;
2. Fishery animals the bycatch of which is allowed;
3. Permissible range for bycatch.

(2) A fisher shall take appropriate measures such as suspending fishing operations or moving to another fishing place, where he/she has caught or gathered, or is expected to catch or gather the marine animals the bycatch of which is allowed pursuant to the proviso to paragraph (1) beyond the permissible range.

(3) A fisher who engages in any fishery business in which case the bycatch is allowed pursuant to the proviso to paragraph (1) shall use a device for reducing bycatch determined and publicly announced by the Minister of Oceans and Fisheries by attaching it to fishing gears. <Amended on Feb. 18, 2020>

(4) A fisher shall sell or exchange fishery catches caught and gathered through bycatch pursuant to the proviso to paragraph (1) at a transaction place designated pursuant to Article 61 (1) 7: Provided, That this shall not apply to any of the following cases:

1. Where no designated place exists for transaction pursuant to Article 61 (1) 7, such as in a remote island and a remote areas;
2. Where the fishery catches caught and gathered through bycatch is not more than the amount of catches prescribed by Presidential Decree.

(5) Except as otherwise provided for in paragraphs (1) through (4), matters necessary for methods, procedures, etc. for identifying marine animals the bycatch of which is allowed among from fishery catches, and verifying whether the permissible range of bycatch is complied with shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

[This Article Newly Inserted on Dec. 2, 2016]

Article 42 (Temporary Fishery Business Permits)(1) Where marine animals (excluding sedentary fishery resources in any area of waters to be designated as requiring the management of fishery resources pursuant to Article 48 of the Fishery Resources Management Act; hereafter in this Article the same shall apply) never or rarely seen in the past, appear in large numbers, but fishery activities for capturing them are not yet permitted, or where the head of a research institute designated under paragraph (3) 3 deems the number of permits granted is excessively small, the competent Mayor/Do Governor may conduct a detailed survey and appraisal of fishery resources in accordance with Article 11 of the Fishery Resources Management Act to appropriately catch and manage such marine animals, and accordingly permit a fishery business subject to temporary operation

(hereinafter referred to as "temporary fishery business") with approval from the Minister of Oceans and Fisheries, specifying the following matters: [<Amended on Mar. 23, 2013; Mar. 24, 2014; Feb. 18, 2020>](#)

1. Type of fishery business (limited to any type of fishery business provided for in this Act);
2. Kinds of marine animals allowed to be caught, and the total catch quota;
3. Bounds of the sea area;
4. Period (within three months in a year: Provided, That such period may be extended by up to two months) and time for operation, and the number of vessels operated;
5. Allotment and management of fishing quota for each vessel under Articles 36 through 40 of the Fishery Resources Management Act.

(2) The Mayor/Do Governor shall permit temporary fishery business on condition that it shall be run concurrently with fishery business using a fishing vessel or fishing gear permitted pursuant to Article 41. [<Amended on Mar. 24, 2014>](#)

(3) No Mayor/Do Governor shall permit temporary fishery business on any of the following grounds:

1. Where a fishery dispute arises or it is necessary to maintain fishery order;
2. Where it is likely to hinder fishery activities, the main purpose of which is to catch the marine animals of the same species as those subject to temporary fishery;
3. Where the director of a research institute prescribed by Presidential Decree deems that it is likely to impede the proliferation and protection of fishery resources or otherwise to adversely affect the marine ecosystem.

(4) Necessary matters concerning approval for temporary fishery business, fishery activities subject to permits, procedures for granting permits, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 43 (Imposition of Restrictions and Conditions on Fishery Business Permits)(1) When granting a permit for fishery business under Articles 41 and 42, an administrative authority shall place restrictions or conditions on the permit, including those applicable to both coastal fishery business and inshore fishery business, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and the areas of operations, fishing gear and methods, the size and marking of fishing gear, etc. according to the type of fishing business and the size of fishing vessels. [<Amended on Mar. 23, 2013>](#)

(2) In addition to the restrictions or conditions imposed under paragraph (1), when deeming it necessary for protecting public interests, coordinating fisheries, or proliferating and protecting fishery resources pursuant to Article 34 (1) 1 through 6, an administrative authority may place restrictions or conditions on a permit.

Article 44 (Succession to Status of Fishery Business Permit Holders)(1) Any person who inherits, purchases, or leases any fishing vessel, fishing gear or facility (hereafter in this Article referred to as "fishing vessel, etc."), for which a permit for fishery business is granted in accordance with Articles 41 and 42, from the holder of such fishery business permit (including any corporation surviving a merger or division if the fishery business permit holder is a corporation) shall succeed to the status of the fishery business permit holder (in case of inheritance, this shall not apply to an heir who expresses his/her objection to the aforementioned succession of the status). In such cases, the previous fishery business permit holder shall lose his/her entitlement as such permit holder (in cases of lease, limited to the period of lease). [<Amended on Dec. 18, 2012; Feb. 18, 2020>](#)

(2) Any person who succeeds to the entitlement of a fishery business permit holder pursuant to paragraph (1) shall report the fact of succession to the administrative authority that granted the relevant permit, within 30 days after such succession (or 60 days after inheritance), in accordance with the procedure prescribed by Ordinance of the Ministry of Oceans and Fisheries, and if the person who succeeds to that entitlement fails to meet the fishing vessel standards and qualifications of an applicant for a fishery business permit prescribed by

Ordinance of the Ministry of Oceans and Fisheries, he/she shall meet those standards and qualifications within 90 days after such succession. <Amended on Mar. 23, 2013; Feb. 18, 2020>

(3) Where an administrative authority receives a report under paragraph (2), it shall review the details thereof and accept such report if it conforms to this Act. <Newly Inserted on Jan. 8, 2019>

(4) Any person who has succeeded to the entitlement of a fishery business permit holder pursuant to paragraph (1) shall be deemed to have succeeded to any administrative disposition, obligation, conditions, etc. incidental to such permit: Provided, That this shall not apply where the person who has succeeded to the entitlement of the fishery business permit holder proves that he/she was unaware of such disposition or ground for such disposition. <Amended on Jan. 8, 2019>

(5) When the administrative authority receives a report pursuant to paragraph (2), as prescribed in the Electronic Government Act, it may jointly use (including management as defined in subparagraph 2 of Article 2 of the Personal Information Protection Act) the computerized information data under Article 11 (4) of the Act on the Registration, etc. of Family Relationship pursuant to the Electronic Government Act. <Newly Inserted on Dec. 18, 2012; Jan. 8, 2019>

Article 45 (Fisheries for Experiment, Research or Training)(1) Any person who intends to operate experimental fisheries, distinct from those set forth in Article 8, 41, 42, or 47, in order to develop new fishing gear, techniques or grounds shall file an application for such experimental fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries or the Mayor/Do Governor may conduct experimental fisheries jointly with a fisher, an applicant under paragraph (1), an institution for experiment and research, etc., considering the current status of fishery resources, the situation of fisheries, etc., when necessary for developing new fishing gear, techniques or grounds, distinct from the fisheries under Article 8, 41, 42 or 47, or when an application filed under paragraph (1) is deemed reasonable. In such cases, the Mayor/Do Governor shall prepare a plan for those experimental fisheries to obtain approval from the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(3) Notwithstanding paragraphs (1) and (2) of this Article and Articles 8, 41, 42 and 47, any institution for experiment and research, institution for guiding or disseminating fisheries techniques, or training or educational institution designated by the Minister of Oceans and Fisheries, may conduct fisheries for research and training, if it intends to do so. <Amended on Mar. 23, 2013>

(4) Necessary matters concerning the fisheries for experiment, research and training under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 46 (Period of Validity of Fishery Business Permits, etc.)(1) Each fishery business permit granted under Article 41 shall be effective for five years: Provided, That where a person replaces any of the permitted fishing vessel, fishing gear or facilities with other fishing vessel, fishing gear or facility while his/her fishery business permit is valid, or where he/she succeeds to the entitlement of a fishery business permit holder pursuant to Article 44, his/her fishery business permit shall be effective for the remaining validity period of the former fishery business permit. <Amended on Dec. 18, 2012>

(2) Administrative authorities may shorten the period of validity referred to in paragraph (1) or extend it for up to five years in circumstances prescribed by Ordinance of the Ministry of Oceans and Fisheries in which it is necessary for protecting fishery resources, coordinating fisheries and for other public interests. <Newly Inserted on Dec. 18, 2012, Mar. 23, 2013; Feb. 18, 2020>

Article 47 (Reported Fishery Business)(1) A person who intends to engage in any fishery business prescribed by Presidential Decree, other than those set forth in Article 8, 41, 42, or 45, shall report on each fishing vessel,

fishing gear or facility to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(2) The head of a Si/Gun/Gu shall notify the applicant of whether to accept a report referred to in paragraph (1) within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries from the date he/she receives such report. <Newly Inserted on Jan. 8, 2019>

(3) If the head of a Si/Gun/Gu fails to notify the reporting person of whether to accept a report within the period prescribed in paragraph (2) or of an extension of the processing period under statutes or regulations related to processing civil petitions, such report shall be deemed accepted on the date following the date of expiry of the relevant period (referring to the extended or re-extended period, where the processing period is extended or re-extended under statutes or regulations related to processing civil petitions). <Newly Inserted on Jan. 8, 2019>

(4) The period of validity of a report under paragraph (1) shall be five years from the day when the report is accepted (including where the report is deemed accepted under paragraph (3)): Provided, That the period of validity may be shortened, if necessary for executing a public works or as otherwise prescribed by Presidential Decree. <Amended on Jan. 8, 2019>

(5) Upon accepting a report on a fishery business under paragraph (1) (including where the report is deemed accepted under paragraph (3)), the head of a Si/Gun/Gu shall issue a certificate of fishery business report to the reporting person. <Amended on Jan. 8, 2019>

(6) A person who has reported fishery business under paragraph (1) shall observe the following matters:

1. He/she shall operate the fishery business for at least 60 days in a year in an area of waters under the control of the head of a Si/Gun/Gu having jurisdiction over his/her domicile and operating place;
2. He/she shall not operate the fishery business in an area of waters where fisheries are restricted or banned by the provisions of other statutes or regulations, in violation of such restriction or ban;
3. He/she shall observe matters prescribed by Presidential Decree for settlement of disputes arising from fisheries, coordination of fisheries, or otherwise.

(7) If a person who has reported fishery business under paragraph (1) violates any of the matters to be observed under paragraph (6), the head of a Si/Gun/Gu may restrict or suspend the reported fishery business, or make a disposition to forcefully moor the fishing vessel. <Amended on Jan. 8, 2019>

(8) If a person who has reported fishery business falls under any of the following cases, his/her report on fishery business shall become invalid. In such cases, when the report becomes invalid on the ground of subparagraph 1 or 2, the person who has filed the relevant report shall be banned from filing another report on fishery business under paragraph (1) during the period set by Ordinance of the Ministry of Oceans and Fisheries, considering the type of the reported fishery business, the grounds for invalidity, and other factors, within the limit of one year from the day when the registration of the previous fishery business is deleted from the relevant public record pursuant to paragraph (9): <Amended on Mar. 23, 2013; Jan. 8, 2019>

1. When he/she violates any of the matters to be observed under paragraph (6) on at least three occasions;
2. When he/she violates a restriction on or an order of suspension of the reported fishery business or a disposition of mooring a fishing vessel pursuant to paragraph (7) on at least two occasions;
3. When any cause occurs that requires a report on the closure of the reported fishery business in accordance with Article 48 (3).

(9) When a fishery business report becomes invalid pursuant to paragraph (8), the head of a Si/Gun/Gu shall immediately delete the registration of the reported fishery business from the public record, and shall notify the person who reported the fishery business of such. <Amended on Jan. 8, 2019>

Article 48 (Revision, Closure, etc. of Permitted or Reported Fishery Business)(1) Where any person who holds a fishery business permit in accordance with Articles 41 and 42 intends to revise any terms and conditions

of such permit, he/she shall either obtain a permit for such revision from the administrative authority that issued the permit or report such revision to said administrative authority.

(2) Where any person who has reported his/her fishery business in accordance with Article 47 intends to revise any reported matters, he/she shall report such revision to the administrative authority with which the report was filed.

(3) Where any person who holds a permit or has reported fishery business in accordance with Article 41, 42, or 47 closes the fishery business or is no longer able to continue the fishery business, he/she shall report such situation to the competent administrative authority.

(4) Matters concerning and procedures for the revision permit, revision report, and closure report in accordance with paragraphs (1) through (3), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 49 (Provisions to Be Applied Mutatis Mutandis)(1) As to the permitted fishery business under Articles 41 and 42, Articles 11 (1), 15, 18, 27 (1), (4), and (5) (limited to any fishery business run by installing fishing gear within a demarcated area of waters), 30 (1) through (4), 31 (1) and (3), 32 and 34, subparagraphs 1, 3, 4, and 6 of Article 35, and Article 58 (1) 2 shall apply mutatis mutandis. [<Amended on Jan. 25, 2010>](#)

(2) As to the experimental fisheries under Article 45, Article 27 shall apply mutatis mutandis.

(3) As to the reported fishery business under Article 47, Article 34 shall apply mutatis mutandis.

CHAPTER IV DELETED.

Article 50 Deleted. [<Aug. 27, 2019>](#)

Article 50-2 Deleted. [<Aug. 27, 2019>](#)

Article 51 Deleted. [<Aug. 27, 2019>](#)

Article 52 Deleted. [<Aug. 27, 2019>](#)

Article 53 Deleted. [<Aug. 27, 2019>](#)

Article 54 Deleted. [<Aug. 27, 2019>](#)

Article 55 Deleted. [<May 17, 2010>](#)

Article 56 Deleted. [<Aug. 27, 2019>](#)

CHAPTER V FISHERY CATCH TRANSPORTATION BUSINESS

Article 57 (Registration of Fishery Catch Transportation Business)(1) Any person who intends to run fishery catch transportation business shall register each fishing vessel that is to be used in such business with the head of a Si/Gun/Gu having jurisdiction over his/her domicile or the shipping port of each such fishing vessel: Provided, That registration of such vessel is not required in any of the following cases: [<Amended on Aug. 27, 2019>](#)

1. Where a fishery business license holder under Article 8 transports marine animals or plants he/she catches or gathers or a license holder under Article 10 of the Aquaculture Industry Development Act transports marine animals or plants he/she cultivates, by using the vessel;
2. Where a person who has reported his/her fishery business under Article 47 transports marine animals or plants he/she catches or gathers or a license holder under Article 10 of the Aquaculture Industry Development Act transports marine animals or plants he/she cultivates, by using a fishing vessel designated pursuant to Article 27 or a fishing vessel with fishery business permission granted pursuant to Article 41 or 42.

(2) The qualification standards for fishery catch transportation business under paragraph (1) and the standards for registration of fishery catch transportation business shall be prescribed by Presidential Decree, while the standards for facilities of fishery catch transportation business and the kinds of catches or products thereof to be transported shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

(3) The head of a Si/Gun/Gu shall not allow any person whose registration of a fishery catch transportation business was revoked pursuant to Article 58 (1) and the relevant fishing vessel to register another fishery catch transportation business, unless and until one year has passed from the day when the previous registration was revoked, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 58 (Restrictions on or Suspension or Revocation of Fishery Catch Transportation Business)(1)

If a person registered to engage in fishery catch transportation business falls under any of the following circumstances, the head of a Si/Gun/Gu may restrict the operation of the registered fishery catch transportation business, or issue an order suspending his/her business for a prescribed period of up to six months, or revoke the registration: [<Amended on Jan. 8, 2019>](#)

1. If he/she is found to have transported any marine animal captured, gathered, or cultivated in violation of any fishery-related statute or regulation of a foreign country, fishery-related agreement with a foreign country, or any of the following provisions, or any product made of such marine animal:
 - (a) Article 8 (1), 12, 15 (1), 27 (1) and (4), 32 (1), 34 (1), 35, 41 (1) through (3), 43, 47 (1), (4) and (6), 61 or 66;
 - (b) Article 15 (1), 32 (1) or 34 (1), or subparagraphs 1, 3, 4 and 6 of Article 35, which applies mutatis mutandis pursuant to Article 49 (1);
2. If he/she is sentenced to imprisonment without labor or heavier punishment for a violation of the Customs Act and such sentence becomes final and conclusive and the Commissioner of the Korea Customs Service requests suspension of his/her fishery business or revocation of the registration thereof;
3. If he/she violates Article 57, or Article 30 (1) through (4), 31 (1) and (3), 32 or 34 (1) 2, 3 and 7, subparagraph 1 of Article 35, or Article 48 (1), (3) and (4) that applies mutatis mutandis pursuant to Article 60;
4. If he/she violates any restriction or condition imposed under Article 12 or 43, which applies mutatis mutandis pursuant to Article 60;
5. If he/she violates any measure or order prescribed by Presidential Decree pursuant to Article 70 (2) and 72 (1).

(2) The standards and procedures for the disposition under paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

Article 59 (Registration, etc. of Marine Product Processing Business)Matters concerning registration, report, etc. of the marine product processing business shall be prescribed separately by Act.

Article 60 (Provisions to Be Applied Mutatis Mutandis)To fishery catch transportation business, Articles 11, 12, 30 (1) through (4), 31 (1) and (3), 32 and 34 (1) 2, 3 and 7, subparagraphs 1, 3 and 4 of Article 35, and Articles 41 (5), 42, 43, 47 (5) and 48 (1), (3) and (4) shall apply mutatis mutandis. [<Amended on Jan. 8, 2019>](#)

CHAPTER VI COORDINATION OF FISHERIES, ETC.

Article 61 (Order for Coordination of Fisheries, etc.)(1) Administrative authorities may order the following measures if necessary for the control of fisheries, sanitary control, the maintenance of order in distribution and coordination in other matters related to fisheries: [<Amended on Aug. 27, 2019>](#)

1. Restriction or prohibition on disposition of catches of marine animals or plants and the products thereof;

2. Restriction or prohibition on the operating areas of inshore fishery business;
3. Restriction on the quota of permits for inshore fishery business, and other restriction or ban on inshore fishery business permit;
4. Number of, or qualifications for, fishers and fishery employees;
5. Restriction or ban necessary for enforcing agreements with foreign countries relating to fisheries, generally accepted international rules, and the statutes or regulations of foreign countries governing fisheries;
6. Restriction or ban on packaging and containers of marine products;
7. Designation of unloading and sale places for marine animals or plants captured or gathered and the products thereof, or revocation of such designation.

(2) Necessary matters regarding the restriction, ban, etc. set forth in the subparagraphs of paragraph (1) shall be prescribed by Presidential Decree.

Article 62 (Adjustment of Operating Areas, etc.)(1) If it is necessary to coordinate fisheries between local governments of a Metropolitan City, a Do and a Special Self-Governing Province (hereinafter referred to as "City/Do"), the Minister of Oceans and Fisheries may adjust operating areas to designate a common operating zone, as prescribed by Presidential Decree. [<Amended on Mar. 23, 2013>](#)

(2) If it is necessary to coordinate fisheries between municipalities of a Si/Gun/autonomous Gu, the Mayor/Do Governor may adjust operating areas to designate a common operating zone, as prescribed by Presidential Decree.

(3) As to an agreement on adjustment of operating areas between and by fisheries cooperatives by region or business type, fishing village fraternities, fishers, etc., covering the establishment of a common operating zone, allowance of reciprocal operations, restrictions on operations, etc., and if it is deemed particularly necessary to coordinate fisheries, the Minister of Oceans and Fisheries or the Mayor/Do Governor may, notwithstanding any restriction or condition on the areas of operations under this Act or the Fishery Resources Management Act, permit or restrict such operations by prescribing the areas and period of operations, the number of vessels operated, and other conditions. [<Amended on Mar. 23, 2013>](#)

Article 63 (Determination of Quota of Permits, etc.)(1) When the determination of the quota of fishery permits under Article 41 (4) or 61 (1) 3 is made, the status of fishery resources, the number of persons currently operating the relevant fishery, other natural and social conditions, etc. shall be taken into consideration.

(2) When the determination of the quota under paragraph (1) is made, it shall require deliberation by the relevant Fisheries Mediation Committee under Article 88.

Article 63-2 (Restrictions on Bottoms of Fishing Vessels)(1) The Minister of Oceans and Fisheries may restrict bottoms of the fishing vessel permitted for fishery business under Article 41, if necessary for sustainable use of fishery resources and coordination in fisheries. [<Amended on Mar. 23, 2013>](#)

(2) The Minister of Oceans and Fisheries shall consider the condition of fishery resources, number of those who are running the relevant fishery business, other natural or social conditions, etc. in restricting the bottoms of the fishing vessel and shall submit the relevant matter to the Central Fisheries Mediation Committee under Article 88 for deliberation.

(3) Matters necessary for imposing restrictions on bottoms pursuant to paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Dec. 18, 2012]

Article 64 (Equipment, Size, etc. of Fishing Vessels)(1) No fishing vessels may be used for fishery business without being equipped with such equipment prescribed by Ordinance of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

(2) The size, age, and engines of fishing vessels by type of fishery business, the number and size of auxiliary vessels and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended on Mar. 23, 2013>

Article 64-2 (Restricting Scale, etc. of Fishing Gears)(1) If deemed necessary for sustainable use of fishery resources and coordination in fisheries, the Minister of Oceans and Fisheries may restrict, for each type of fishery business permitted pursuant to Article 41, the scale, type, usage, method of use of each fishing gear, the area and period within and in which the use of each fishing gear is prohibited, and the scale of a net knot, etc. (hereinafter referred to as "scale, etc. of fishing gears"). <Amended on Mar. 23, 2013>

(2) Matters necessary for placing restrictions on the scale, etc. of fishing gears shall be prescribed by Presidential Decree: Provided, That, the Mayor/Do Governor may separately determine and announce the scale, etc. of fishing gears to be used by the following persons within the scope of restrictions on the scale, etc. of fishing gears for each fishery business prescribed by Presidential Decree:

1. A fisher who has entered into a fishers' agreement pursuant to Article 28 of the Fishery Resources Management Act and obtains approval of the fishers' agreement pursuant to Article 30 of the same Act, or a fisher who belongs to a fishers' association;
2. A fisher who belongs to a fishers' association which has established and implements the internal regulations to autonomously manage fishery resources, improve fishery-business management, and maintain orderly fishery business pursuant to Article 34 of the Fishery Resources Management Act.

(3) Where the Mayor/Do Governor intends to determine and announce the scale, etc. of fishing gears pursuant to the proviso to paragraph (2), he/she shall seek the opinion on the following matters from the National Fisheries Research and Development Institute and submit the relevant matter to the City/Do fisheries mediation committee established under Article 88 for deliberation:

1. Whether the use of a fishery gear affects reproduction and protection of the relevant fishery resources;
2. Effects on other fishery business.

[This Article Newly Inserted on Dec. 18, 2012]

Article 64-3 (Verification of Scale, etc. of Fishing Gears)(1) Where any fishery permit order or related person requests the Minister of Oceans and Fisheries, Mayor/Do Governor or the head of a Si/Gun/Gu to verify whether the scale, etc. of a fishing gear, etc. is suitable, he/she may require a specialized institution prescribed by Presidential Decree to do so: Provided, That a fishery permit holder may make such request only with respect to the scale, etc. of his/her fishing gears. <Amended on Mar. 23, 2013>

(2) Procedures for verifying the scale, etc. of fishing gears under paragraph (1), the method of indicating results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended on Mar. 23, 2013>

[This Article Newly Inserted on Dec. 18, 2012]

Article 65 (Designation, etc. of Leisure Fishing Grounds)(1) In order to promote common interests of fishers, any fishing village fraternity, fisheries partnership or district fisheries cooperative may operate a leisure fishing ground (referring to a fishing ground for tourism, including activity-based learning and pleasure fishing; hereinafter the same shall apply) at a certain area of waters designated by the head of a Si/Gun/Gu to the extent that such operation shall not interfere with any fishery business prescribed by Presidential Decree among those licensed and permitted to the fishing village fraternity, fisheries partnership or district fisheries cooperative.

(2) The period of validity of a leisure fishing ground designated shall expire at the end of the period of validity of any fishery business licensed or permitted for the leisure fishing ground. In such cases, if at least two fisheries have been licensed or permitted for the area of waters designated as the leisure fishing ground, the period of

validity of such leisure fishing ground shall expire at the end of the period of validity of any of those fisheries, whichever expires earlier.

(3) When a fishing village fraternity, fisheries partnership, or district fisheries cooperative applies for designation of a leisure fishing ground in accordance with paragraph (1), it shall establish a policy for the methods of leisure fishing, user fees, the rules that users shall comply with, and other matters concerning the management and operation of the leisure fishing ground, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and submit an application along with such a policy. <Amended on Mar. 23, 2013>

(4) When an application for designation is filed pursuant to paragraph (1), the head of a Si/Gun/Gu shall designate a certain area of waters as a leisure fishing ground except in the following cases: <Newly Inserted on Dec. 18, 2012; Mar. 23, 2013>

1. Where the methods of leisure fishing, the user fees, the rules that users shall comply with, or other matters concerning the management and operation of the leisure fishing ground as prescribed in paragraph (3) is deemed inappropriate;
2. Where it fails to meet the standards for designation of leisure fishing grounds prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as the standards for space and facilities;
3. Where it violates any of other restrictions under this Act or other statutes or regulations.

(5) Necessary matters concerning the management and operation, including the designation of leisure fishing grounds, the development of fishery resources in leisure fishing grounds, the kinds of marine animals and plants allowed to be caught and gathered, the methods of capturing and gathering, the regulations on management of leisure fishing grounds, the operation of patrol vessels, the standards for facilities in leisure fishing grounds, the access of users to leisure fishing grounds, the preventive safety measures for leisure fishing grounds, the prevention of environmental pollution, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, any means other than those of fishery business set forth in Articles 8, 41, 42 and 47 may be adopted for catching or gathering marine animals and plants in leisure fishing grounds. <Amended on Mar. 23, 2013>

(6) If it is found that a leisure fishing ground is managed and operated in breach of paragraph (5), the head of a Si/Gun/Gu may issue a corrective order, or revoke the relevant designation, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Dec. 18, 2012; Mar. 23, 2013>

Article 66 (Prohibition of Fishery Business Other than Those Licensed, Permitted or Reported) No one may catch or gather marine animals or plants in any manner other than those of fishery business prescribed by this Act or the Fishery Resources Management Act. <Amended on Aug. 27, 2019>

Article 67 (Fishing Operations in Exclusive Economic Zone of Foreign Country)(1) Any person who intends to conduct fishing operations in an exclusive economic zone of a foreign country which has made an agreement on fisheries with the Government of the Republic of Korea shall obtain a permit for those operations from the relevant administrative authority of the foreign country.

(2) Any person who conducts fishing operations in an exclusive economic zone of a foreign country which has made an agreement on fisheries with the Government of the Republic Korea shall comply with an order issued by the competent administrative authority of the foreign country, if the authority issues such order to stop or turn back a fishing vessel in order to prevent illegal operations.

Article 68 (Removal, etc. of Fishing Gears or Facilities)(1) Upon expiration of a fishery right or fishery permit or at the end of the prescribed fishery season, the relevant fishery right holder or fishery permit holder shall remove all fishing gears or facilities installed in the fishing ground or the area of waters within a period prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where it is deemed impossible to remove the fishing gears or facilities or deemed unnecessary to remove them, the obligation to remove them

may be exempted by the Mayor/Do Governor in cases of the inshore fishery business, and by the head of a Si/Gun/Gu in cases of the licensed fishery business, the coastal fishery business and the fishery business within a demarcated zone, upon request by the person obligated to do so, respectively. <Amended on Dec. 18, 2012; Mar. 23, 2013; Jun. 22, 2015; Aug. 27, 2019>

(2) It shall be deemed that exemption from an obligation under the proviso to paragraph (1) constitutes voluntary surrender of ownership of the fishing gears, facilities or products cultivated therein. <Amended on Dec. 18, 2012>

(3) If a person obligated to remove his/her fishing gears, facilities or products cultivated therein in accordance with paragraph (1) fails to do so even after expiration of the period set for such removal, the administrative relevant authority may remove such fishing gears, facilities or products cultivated therein in accordance with the Administrative Vicarious Execution Act. <Amended on Dec. 18, 2012>

(4) Paragraphs (1) through (3) shall apply mutatis mutandis to the fishing gears or facilities installed and the products cultivated therein without a license or permit for fishery business. <Amended on Dec. 18, 2012>
[Title Amended on Dec. 18, 2012]

Article 69 (Installation and Protection of Signs)(1) The administrative authority concerned may order each fisher to install signs indicating fishing grounds, fishing vessels, and fishing gear.

(2) No one may move, destroy, alter, or conceal any sign installed in accordance with paragraph (1).

Article 70 (Supervision)(1) If it is found that an order or disposition of the Mayor/Do Governor or the head of a Si/Gun/Gu contravenes this Act or an order issued pursuant to this Act, the Minister of Oceans and Fisheries may order him/her to rectify such contravention within a given period, or may suspend or revoke such action or take other necessary measures fully or partially. In such cases, with respect to an order or disposition of the head of a Si/Gun/Gu, said measures may be taken by the Mayor/Do Governor (excluding a Special Self-Governing Province Governor). <Amended on Mar. 23, 2013>

(2) If deemed particularly necessary as fisheries policies, administrative authorities may take necessary measures with respect to fishers, fishery catch transporters, employees of fishery catch transporters or marine product processors, as prescribed by Presidential Decree.

Article 71 (Revocation of Marine Officer's License, etc.)(1) If a fishery employee or an employee of a fishery catch transporter violates this Act or the Fishery Resources Management Act or an order issued pursuant to this Act or the Fishery Resources Management Act, the administrative authority concerned may demand that the head of the competent administrative agency revoke or suspend his/her marine officer's license or administer a rebuke against him/her.

(2) The head of the competent administrative agency shall, upon receiving a demand under paragraph (1), follow the demand.

Article 72 (Fisheries Supervising Official)(1) A fisheries supervising official may have access to any fishing ground, fishing vessel, workplace, office, warehouse or other place to inspect accounting books, documents and other goods, or to query the persons concerned, or give an order to stop or sail back a vessel, if deemed necessary for coordinating fisheries, securing safety in operations, preventing illegal fisheries, or establishing order in the distribution of marine products.

(2) The administrative authority concerned may direct a fisheries supervising official to enter someone's land to conduct a survey or inspection, if necessary for coordinating fisheries, etc., and may authorize the official to move or remove any material that hinders such survey or inspection, if it is unavoidable to do so.

(3) Each fisheries supervising official who performs his/her duties under paragraphs (1) and (2) shall carry his/her certificate of authority and present it to the persons concerned.

(4) Matters necessary for the order to stop or sail back a vessel and the qualifications and certificates of fisheries supervising officials under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 73 (Judicial Police Power) Each fisheries supervising official shall perform his/her duties as a judicial police official against a violation of this Act or any order issued pursuant to this Act, as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of their Duties.

CHAPTER VII PROMOTION OF FISHERIES

Article 74 Deleted. <Jun. 22, 2015>

Article 75 (Restructuring, etc. of Inshore Fisheries, etc.) Matters necessary for re-structuring and assisting inshore fisheries, coastal fisheries and fisheries within a demarcated zone shall be separately prescribed by another statute.

[This Article Wholly Amended on Jul. 25, 2011]

CHAPTER VIII DELETED.

Article 76 Deleted. <Jun. 22, 2015>

Article 77 Deleted. <Jun. 22, 2015>

Article 78 Deleted. <Jun. 22, 2015>

Article 79 Deleted. <Jun. 22, 2015>

Article 80 Deleted. <Jun. 22, 2015>

CHAPTER IX COMPENSATION, SUBSIDY AND RULING

Article 81 (Compensation) (1) Any person who has sustained a loss caused by a disposition falling under any of the following subparagraphs may claim compensation for such loss against the administrative authority concerned that made such disposition:

1. Where a disposition of restriction, etc. is made against fishery business already licensed, permitted or reported under this Act on any of the grounds set forth in Article 34 (1) 1 through 6 and subparagraph 6 of Article 35 (referring to cases that fall under Article 34 (1) 1 through 6), or where the extension of the period of validity of a fishery business license under Article 14 is not permitted on any of such grounds: Provided, That this shall exclude cases where the restriction is imposed upon fishery business permitted or reported on any of the grounds set forth in Article 34 (1) 1 through 3 (referring to cases to which the said provisions apply mutatis mutandis under Article 49 (1) and (3));
2. Where an order is issued to move or remove any material that hinders the survey or inspection under Article 72 (2).

(2) If there is any person who benefits from a disposition (hereinafter referred to as "beneficiary"), which has given rise to any compensation under paragraph (1), the administrative authority concerned that has made such a disposition may require the beneficiary to bear the burden of such compensation fully or partially to the extent of his/her benefits. In such cases, if the beneficiary fails to pay the amount determined to be borne by him/her, the amount shall be collected in the same manner as delinquent national taxes are collected.

(3) No beneficiary shall commence any act or work which causes a loss to a person entitled to claim the compensation under paragraph (1), unless and until such compensation is paid in advance: Provided, That the same shall not apply where the beneficiary has obtained the consent of the person entitled to claim the compensation. <Amended on Feb. 18, 2020>

(4) The standards for compensation under paragraph (1), the payment method and other matters necessary for such compensation shall be prescribed by Presidential Decree.

Article 82 (Compensation for Damage Caused by Water Contamination)(1) If a licensed fishery business sustains damage due to water contamination caused by any of the following subparagraphs, the operator of the facilities that caused such contamination shall make proper compensation for such damage sustained by the victim in compliance with the provisions of relevant statutes or regulations:

1. Construction works or operations of industrial facilities or any other place of business;
2. Vessels or marine facilities (referring to marine facilities under subparagraph 17 of Article 2 of the Marine Environment Management Act);
3. Development, etc. of submarine mining areas.

(2) If the operator of the facilities that have caused contamination as set forth in paragraph (1), transfers his/her business after the damage has occurred, the operator of the facilities at the time of occurrence of such damage and the transferee of the facilities shall be jointly and severally liable for such damage.

Article 83 (Deposit of Compensatory Damages in Court)(1) Compensatory damages under Article 81 shall be deposited into a court in any of the following cases:

1. Where the person entitled to the compensatory damages rejects or avoids the compensatory damages;
2. Where the domicile or abode of the person entitled to the compensatory damages is not verified;
3. Where there is a right holder who has registered any entitlement to the fishery right, land, or an article, which is a subject matter for which the compensatory damages shall be paid: Provided, That depositing into court is not required if such right holder so consents.

(2) A right holder who has registered his/her right or a party to a lawsuit may exercise his/her right to the money deposited in court in accordance with paragraph (1) 3.

Article 84 (Ruling on Fishery Activities by Piscary Holder)(1) If there occurs any dispute over fishery activities by a piscary holder under Article 40 (1), or if the parties fail, or are unable to, reach an agreement under Article 40 (2), the fishery right holder or the piscary holder may file an application for a ruling on the matter with the Mayor/Do Governor or the head of a Si/Gun/Gu.

(2) Upon receiving a request for a ruling under paragraph (1), the Mayor/Do Governor or the head of a Si/Gun/Gu shall make a ruling subject to deliberation by the competent City/Do or Si/Gun/Gu fisheries mediation committee under Article 88.

Article 85 (Ruling on Bounds of Fishery Zone, etc.)(1) If any dispute arises in connection with the bounds of a fishery zone, the scope of a fishery right, a reserve or a fishery method, any interested party may file a request for ruling with the Mayor/Do Governor or the head of a Si/Gun/Gu.

(2) The Mayor/Do Governor or the head of a Si/Gun/Gu, who makes a ruling pursuant to paragraph (1), shall bring the case before the competent City/Do or Si/Gun/Gu fisheries mediation committee under Article 88 for deliberation.

Article 86 (Subsidies, etc.)(1) Administrative authorities may grant subsidies or loans, if deemed necessary for encouraging and promoting fisheries. <Amended on Aug. 27, 2019>

(2) Business eligible for subsidies under paragraph (1) shall be prescribed by Presidential Decree, and the standards and procedures for granting loans and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 87 (Detailed Rules in relation to Compensation, Subsidies, and Rulings)Detailed matters necessary for compensation, subsidies, and rulings except as provided for in this chapter shall be prescribed by Presidential Decree.

CHAPTER X FISHERIES MEDIATION COMMITTEE

Article 88 (Establishment of Fisheries Mediation Committees)In order to deliberate on the matters concerning mediation, compensation or ruling for fisheries, fish farming, etc., the Central Fisheries Mediation Committee shall be established in the Ministry of Oceans and Fisheries, and the City/Do or Si/Gun/Gu fisheries mediation committee within each City/Do or Si/Gun/autonomous Gu. <Amended on Mar. 23, 2013>

Article 89 (Functions of Fisheries Mediation Committees)(1) The Central Fisheries Mediation Committee shall serve the following functions: <Amended on Jan. 25, 2010; Jul. 25, 2011; Dec. 18, 2012; Mar. 23, 2013; Aug. 27, 2019>

1. Mediation of disputes arising from fishery business;
2. Mediation of disputes arising from fishery business between local governments of City/Do;
3. Deliberation on basic plans;
4. Deleted; <Aug. 27, 2019>
5. Deleted; <Aug. 27, 2019>
- 5-2. Deliberation on the restriction on the bottoms of fishing vessels pursuant to Article 63-2 (1);
6. Recommendations on matters necessary for developing fisheries and maintaining order in fisheries;
7. Advising the Minister of Oceans and Fisheries on matters tabled to the Committee;
8. Deliberation on other matters prescribed by this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Act on the Restructuring of and Support for Coastal and Inshore Fisheries.

(2) Each City/Do fisheries mediation committee shall serve the following functions: Provided, That for the Special Self-Governing Province, the City/Do fisheries mediation committee shall serve concurrently as Si/Gun/Gu fisheries mediation committee: <Amended on Jul. 25, 2011; Dec. 18, 2012; Aug. 27, 2019>

1. Deliberation on and mediation of compensation for losses in fishery business and disputes arising from fishery business;
2. Mediation of fishery disputes arising between municipalities of Si/Gun/autonomous Gu;
3. Deleted; <Dec. 18, 2012>
4. Deliberation on matters regarding temporary fishery business permits;
5. Deliberation on implementation plans;
- 5-2. Deliberation on the restriction of the scale, etc. of fishing gears pursuant to the proviso to Article 64-2 (2);
6. Recommendations on matters necessary for developing fisheries and maintaining order in fisheries;
7. Advising the Mayor/Do Governor on matters tabled to the committee;
8. Deliberation on other matters prescribed by this Act, the Fishing Ground Management Act, the Aquaculture Industry Development Act or the Act on the Restructuring of and Support for Coastal and Inshore Fisheries.

(3) Each Si/Gun/Gu fisheries mediation committee shall serve the following functions: <Amended on Aug. 27, 2019>

1. Mediation of compensation for losses in fishery business and disputes arising from fishery business;
2. Deliberation on development plans;
3. Deliberation on the matters relating to eligibility for licensed fishery business under Article 8 and the order of priority in granting licenses;
4. Deliberation on matters concerning management of fishing grounds, such as the fishing ground management covenant for communal fishing business;
5. Deleted; <Dec. 18, 2012>
6. Recommendations on matters necessary for developing fisheries and maintaining order in fisheries;
7. Recommendation for various regulations on fishery business for conservation and control of resources;
8. Advising the head of a Si/Gun/Gu on matters tabled to the committee;

9. Deliberation on other matters prescribed by this Act, the Aquaculture Industry Development Act or the Fishing Ground Management Act.

(4) If it is deemed necessary for coordination in fisheries, the Minister of Oceans and Fisheries or the Mayor/Do Governor may convene a meeting of the joint fisheries mediation committee. In such cases, matters necessary for the organization, operation, etc. of the joint fisheries mediation committee shall be prescribed by Presidential Decree. [<Amended on Mar. 23, 2013>](#)

(5) Any fisheries mediation committee established under Article 88 may require a relevant person to attend a meeting of the committee or submit materials, or request the relevant administrative authority to assign a public official to ask questions or conduct an investigation if necessary for its activities. In such cases, the relevant administrative authority concerned shall, upon receipt of such request, follow the request, except in extenuating circumstances.

Article 90 (Organization and Operation of Fisheries Mediation Committees)(1) Every fisheries mediation committee referred to in Article 88 shall be comprised of fishers' representatives and persons with abundant knowledge and experience in fisheries.

(2) The Central Fisheries Mediation Committee shall be comprised of not more than 19 members, including one chairperson and one vice chairperson.

(3) The office of the chairperson of the Central Fisheries Mediation Committee shall be assumed by the Vice Minister of Oceans and Fisheries, and the office of the vice chairperson thereof by a person appointed by the Minister of Oceans and Fisheries, from among public officials in general service belonging to the Senior Executive Service of the Ministry of Oceans and Fisheries. [<Amended on Mar. 23, 2013>](#)

(4) The appointment and the terms of office of members of the Central Fisheries Mediation Committee and other necessary matters shall be prescribed by Presidential Decree.

(5) Deleted. [<Jun. 22, 2015>](#)

(6) The Central Fisheries Mediation Committee may have a fishing affairs mediation committee thereunder to efficiently and professionally mediate disputes referred to in Article 89 (1) 1 and 2. In such cases, a mediation by the fishing affairs mediation committee shall be deemed to be a mediation by the Central Fisheries Mediation Committee. [<Newly Inserted on Jun. 22, 2015>](#)

(7) The organization and operation of the City/Do and Si/Gun/Gu fisheries mediation committees and the organization and operation of the fishing affairs mediation committee under paragraph (6) shall be prescribed by Presidential Decree. [<Newly Inserted on Jun. 22, 2015>](#)

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 91 (Disposition of Penalty Surcharges)(1) When an administrative authority intends to place a restriction on or to suspend a licensed fishery business, etc. on any of the grounds set forth in Article 34 (1) 8 or 9 (including where such subparagraph applies mutatis mutandis in Article 49), or Article 58 (1) 3 through 5, it may impose a penalty surcharge not exceeding 100 million won in lieu of such restriction or suspension.

[<Amended on Mar. 24, 2014>](#)

(2) The amount of the penalty surcharge to be imposed pursuant to paragraph (1) depending upon the nature, severity, etc. of the offense, and other necessary matters, shall be prescribed by Presidential Decree.

(3) If the penalty surcharge imposed under paragraph (1) is not paid by the due date, the competent administrative authority shall collect it in the same manner as delinquent national taxes are collected, or as prescribed in the Act on the Collection of Local Administrative Penalty Charges. [<Amended on Aug. 6, 2013; Mar. 24, 2020>](#)

(4) The penalty surcharge collected pursuant to paragraphs (1) and (3) shall be spent (including disbursing them as subsidies or loans) by the competent collecting agency, but shall not be used for any purpose other than

activities for fishery business guidance.

(5) The procedures for spending penalty surcharges collected pursuant to paragraphs (1) and (3), the purposes of such spending and other necessary matters shall be prescribed by Presidential Decree.

(6) An administrative authority shall establish and implement a plan to manage penalty surcharges collected.

Article 92 (Monetary Rewards)The Minister of Oceans and Fisheries may provide a monetary reward to a person who reports a violator of this Act or an order issued pursuant to this Act to the relevant agency information, a person who contributes to arresting such offender, or a person who contributes to protecting fishery resources and establishing order in fisheries in any other way, as prescribed by Presidential Decree.

<Amended on Mar. 23, 2013>

Article 93 (Delegation and Entrustment of Authority)(1) The Minister of Oceans and Fisheries may partially delegate his/her authority granted under this Act to the heads of his/her subordinate agencies or the Mayor/Do Governor; the Mayor/Do Governor to the head of a Si/Gun/Gu, respectively, as prescribed by Presidential Decree.

<Amended on Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may partially entrust his/her authority granted under this Act to the President of the National Federation of Fisheries Cooperatives or the Chairperson of the Korea Fisheries Resources Agency prescribed in Article 55-2 of the Fishery Resources Management Act, as prescribed by Presidential Decree. <Amended on May 17, 2010; Jul. 25, 2011; Mar. 23, 2013; Jan. 8, 2019>

Article 94 (Fees)Any person who files an application for any license, permit, approval, registration or registration for any revision thereto, or submits a report under this Act shall pay a fee, as prescribed by Ordinance of the Ministry of Oceans and Fisheries (limited to applications filed with the Minister of Oceans and Fisheries) or by ordinance of the City/Do or Si/Gun/autonomous Gu (limited to applications filed with the Mayor/Do Governor or the head of a Si/Gun/Gu). <Amended on Mar. 23, 2013>

Article 95 (Hearings)An administrative authority shall hold a hearing before making any of the following dispositions: <Amended on Dec. 18, 2012>

1. Revocation of a fishery right under Article 31 (2);
2. Revocation of a licensed fishery business under Article 35 (including cases to which said Article applies mutatis mutandis pursuant to Article 49);
3. Revocation of a license, or restriction/suspension, or ban on fishing activities of a piscary holder, pursuant to Article 40 (4);
4. Issuing an order suspending business or revocation of registration pursuant to Article 58;
5. Revocation of designation pursuant to Article 65 (6).

Article 96 (Building of Database on Fisheries)(1) In order to obtain data necessary to shape reasonable policies for fisheries, the Minister of Oceans and Fisheries shall investigate the status of operations of coastal and inshore fishery business and the records of fishery catches thereof by type of business and the areas of waters, the situation of distribution of fisheries resources, etc. to build, maintain and manage a database on fisheries.

<Amended on Mar. 23, 2013>

(2) Any person permitted to run coastal fishery business, inshore fishery business or temporary fishery business under Articles 41 and 42 shall report on the data necessary to build the database on fisheries under paragraph (1) to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended on Mar. 23, 2013>

Article 96-2 (Legal Fiction as Public Official for Purposes of Applying Penalty Provisions)The members of a fisheries mediation committee under Article 88, who are not public officials shall, when conducting affairs

under this Act, be deemed to be public officials for purposes of applying Articles 127 and 129 through 132 of the Criminal Act.

[This Article Newly Inserted on Jan. 20, 2015]

CHAPTER XII PENALTY PROVISIONS

Article 97 (Penalty Provisions)(1) Any person, who falls under any of the following subparagraphs, shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: [<Amended on Oct. 15, 2014; Aug. 27, 2019>](#)

1. A person who runs a fishery business without a fishery right under this Act;
2. A person engaged in fisheries without a permit or registration under Article 41 (1) through (3), 42 or 57 (1);
3. A person who violates a disposition of restriction on or suspension of fishery business or mooring of a fishing vessel pursuant to Article 34 (1) 2 or 3 (including cases where the said Article applies mutatis mutandis pursuant to Article 49 (1));
4. A person who catches or gathers any marine animals or plants, in violation of Article 66.

(2) In cases under paragraph (1), both imprisonment and a fine may be imposed concurrently.

Article 98 (Penalty Provisions)Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: [<Amended on Oct. 15, 2014; Dec. 2, 2016; Aug. 27, 2019>](#)

1. A person who obtains a license or permit or makes a registration under Articles 8 (1), 15 (1), 41 (1) through (3), 42 or 57 (1) by any false or other fraudulent means;
2. A person who transfers, divides, alters, or offers as security a fishery right, or a person who has a fishery right so transferred, divided, or offered as security, in violation of Article 19 (1) or (3) or 21;
3. A person who uses a vessel not designated as a patrol vessel, in violation of Article 27 (1) (including cases to which the said Article applies mutatis mutandis pursuant to Article 49 (2));
4. A person who uses a patrol vessel for the purposes of catching or gathering any marine animals or plants in any area of waters which is not the area of fishing ground designated or approved, in violation of Article 27 (4) (including cases to which the said Article applies mutatis mutandis pursuant to Article 49 (2));
5. A person who has de facto control over the management of a fishery business, or a holder of a fishery right or fishery business permit who allows a third person to have de facto control over the management of such fishery business, in violation of Article 32 (1) (including cases to which the said Article applies mutatis mutandis pursuant to Article 49 (1) or 60);
6. A person who lends a fishery right to or from a third person, in violation of Article 33;
- 6-2. A person who engages in bycatch of marine animals in violation of Article 41-3 (1);
7. A person who transports any marine animals or plants or the products thereof under Article 58 (1) 1;
8. A person who violates an order issued in relation to fisheries coordination, etc. under Article 61.

Article 99 (Penalty Provisions)Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won: [<Amended on Jan. 25, 2010; Oct. 15, 2014; Jan. 20, 2015>](#)

1. A person who causes damage to facilities or interferes with the exercise of a fishery right within any reserve, in violation of Article 29 (2);
- 1-2. A person who conducts fishery activities falling under any subparagraph of Article 29 (4) in reserves in violation of Article 29 (4);
2. A person who violates a disposition of restriction or suspension or a disposition of mooring of a fishing vessel taken pursuant to Article 34 (1) 1, 4, 6, 8 or 9 (including cases to which the said Article applies mutatis mutandis pursuant to Article 49) or 58 (1) 2;

3. A person who runs away back home disobeying an order to stop or turn back his/her vessel while catching or gathering any marine animals or plants, without a fishery business permit referred to in Article 67 (1) and (2), in an exclusive economic zone of a foreign country specified by Presidential Decree;
4. A person who fails to put a sign on a fishing vessel, in violation of Article 69;
5. A person who does not cooperate in an inspection of accounting books, documents or other goods, or does not obey an order to stop or sail back a fishing vessel, in violation of Article 72 (1).

Article 99-2 (Penalty Provisions) Any of the following persons shall be punished by a fine not exceeding ten million won: [<Amended on Dec. 2, 2016; Feb. 18, 2020>](#)

1. A person who uses any fishing gears to which devices for reducing bycatch are not attached in violation of Article 41-3 (3);
2. A person who sells or exchange fishery catches caught and gathered by bycatch at a place other than a designated transaction place in violation of Article 41-3 (4);
3. A person who violates restrictions on bottoms of fishing vessels under Article 63-2;
4. A person who violates restrictions on the scale, etc. of fishing gears under Article 64-2 (1).

[This Article Newly Inserted on Dec. 18, 2012]

Article 100 (Confiscation) (1) In any case set forth in Article 97 or 98 or subparagraph 2 and 4 of Article 99 and Article 99-2, the fishery catches, products, fishing vessel, fishing gear, explosive or toxic substance possessed or carried by an offender may be confiscated: Provided, That such fishery catches, fishing vessel, or fishing gear shall be confiscated with no exception, if the person has been punished twice or more during the latest five years because of his/her violations set forth in Article 97 (1) 3. [<Amended on Jan. 25, 2010; Dec. 2, 2016>](#)

(2) If it is impossible to confiscate all or part of things possessed or carried by an offender pursuant to paragraph (1), the value equivalent thereto may be collected.

Article 101 (Joint Penalty Provisions) If a representative of a juristic person, or an agent, employee or other servant of a juristic person or individual commits an offense under Articles 97 through 99 and 99-2 in connection with the business of the juristic person or individual, not only shall such violator be punished, but also the juristic person or the individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the juristic person or individual has not been negligent in giving due attention and supervision concerning the relevant business in order to prevent such violation. [<Amended on Dec. 2, 2016>](#)

Article 102 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

1. A person who fails to commence his/her fishery business within a specified period after having acquired a fishery right or permit, or keeps the relevant fishing ground idle continuously even one year after having commenced his/her fishery business, in violation of Article 31 (1) (including such paragraph applies mutatis mutandis in Article 49 (1)) or (2);
2. A person who fails to file a report on succession within 30 days after succession or fails to meet the fishing vessel standards and qualifications of an applicant for a fishery business permit within 90 days after succession, pursuant to Article 44 (2);
3. A person who fails to file a report on closure pursuant to Article 48 (3) (including where such paragraph applies mutatis mutandis in Article 60);
4. A person who runs a leisure fishing ground without due designation pursuant to Article 65 (1).

(2) Any of the following persons shall be subject to an administrative fine not exceeding two million won:

1. A person who fails to file a report on any revision pursuant to Article 20;
2. A person who suspends his/her business or runs a fishery business without filing a report thereon pursuant to Article 30 (1) or (3);

3. A fishery right holder who allows a third person to exercise the fishery right, or a person who actually exercises such fishery right, in breach of the fishing ground management covenant under Article 38 (1);
4. A person who violates a measure for correction, such as an amendment to the fishing ground management covenant under Article 38 (2);
5. A person who violates a restriction or ban imposed on the exercise of a fishery right pursuant to Article 39, or a fishery right holder who aids a third person to commit such violation;
6. A person who fails to allow a piscary holder to conduct fishery activities or violates a restriction on, suspension of, or ban on fishery activities by a piscary holder, in violation of Article 40 (1) or (4);
7. A person who runs a reported fishery business without filing a report pursuant to Article 47 (1);
8. A fisher filing a report on a fishery business who fails to fulfill the matters to be observed in accordance with Article 47 (6);
9. A person who fails to obtain a permit for revision or to file a report on revision pursuant to Article 48 (1) (including where such paragraph applies mutatis mutandis in Article 60): Provided, That matters on registration for change under Article 17 of the Fishing Vessels Act shall be excluded;
10. A person who violates Article 72 (1) by avoiding questioning by a fishery supervising official or by making a false statement;
11. A person who violates Article 72 (2) by refusing or interfering with, a survey or inspection or the moving or removal of an obstacle.

(3) Any of the following persons shall be subject to an administrative fine not exceeding one million won:

1. A fishery right holder who violates an action necessary for managing his/her fishing grounds pursuant to Article 37 (3);
2. A person who fails to file a report on revision pursuant to Article 48 (2): Provided, That matters on registration for change under Article 17 of the Fishing Vessels Act shall be excluded;
3. A person who suspends his/her business or runs a fishery business without filing a report thereon pursuant to Article 30 (1) or (3), which applies mutatis mutandis in Article 49 (1) or 60;
4. A person who fails to remove facilities installed or products cultivated within a deadline prescribed by Ordinance of the Ministry of Oceans and Fisheries, in violation of Article 68 (1) (including where such paragraph applies mutatis mutandis pursuant to paragraph (4) of the same Article);
5. A person who fails to install a sign on a fishing ground or fishing gear, or moves, destroys, alters, or conceals a sign installed on a fishing ground, fishing vessel or fishing gear, in violation of Article 69;
6. A person who refuses, interferes with, or evades any questioning or investigation under Article 89 (5); submits false data; or makes a false statement;
7. A person who fails to file a report pursuant to Article 96 (2) or makes a false representation in such report.

(4) Administrative fines specified in paragraphs (1) through (3) shall be imposed and collected by the relevant administrative authority, as prescribed by Presidential Decree.

[This Article Wholly Amended on Feb. 18, 2020]

⊕ ADDENDA <Act No. 9626, Apr. 22, 2009>

Article 1 (Enforcement Date)

⊕ ADDENDA <Act No. 9948, Jan. 25, 2010>

(1) (Enforcement Date) This Act shall enter into force on April 23, 2010: Provided, That the amended provisions of Articles 2, 8, 9, 13, 13-2, 40-2 and 89 shall take effect on July 1, 2010.

⊕ ADDENDA <Act No. 10272, Apr. 15, 2010>

Article 1 (Enforcement Date)**▣ ADDENDUM <Act No. 10292, May 17, 2010>**

This Act shall enter into force six months after the date of its promulgation.

⊕ ADDENDA <Act No. 10890, Jul. 21, 2011>**Article 1 (Enforcement Date)****▣ ADDENDUM <Act No. 10943, Jul. 25, 2011>**

This Act shall enter into force three months after the date of its promulgation.

⊕ ADDENDA <Act No. 10944, Jul. 25, 2011>**Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 10947, Jul. 25, 2011>****Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 11566, Dec. 18, 2012>****Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 11690, Mar. 23, 2013>****Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 11998, Aug. 6, 2013>****Article 1 (Enforcement Date)****▣ ADDENDUM <Act No. 12084, Aug. 13, 2013>**

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

⊕ ADDENDA <Act No. 12541, Mar. 24, 2014>**Article 1 (Enforcement Date)****▣ ADDENDUM <Act No. 12823, Oct. 15, 2014>**

This Act shall enter into force three months after the date of its promulgation.

⊕ ADDENDA <Act No. 13054, Jan. 20, 2015>**Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 13268, Mar. 27, 2015>****Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 13383, Jun. 22, 2015>****Article 1 (Enforcement Date)****▣ ADDENDUM <Act No. 13384, Jun. 22, 2015>**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 20 shall enter into force three months after the date of its promulgation.

⊕ ADDENDA <Act No. 13385, Jun. 22, 2015>**Article 1 (Enforcement Date)****⊕ ADDENDA <Act No. 14349, Dec. 2, 2016>**

Article 1 (Enforcement Date)

ADDENDA <Act No. 16211, Jan. 8, 2019>

Article 1 (Enforcement Date)

ADDENDA <Act No. 16212, Jan. 8, 2019>

Article 1 (Enforcement Date)

ADDENDA <Act No. 16568, Aug. 27, 2019>

Article 1 (Enforcement Date)

ADDENDA <Act No. 16569, Aug. 27, 2019>

Article 1 (Enforcement Date)

ADDENDA <Act No. 16699, Dec. 3, 2019>

Article 1 (Enforcement Date)

ADDENDA <Act No. 17038, Feb. 18, 2020>

Article 1 (Enforcement Date)

ADDENDA <Act No. 17091, Mar. 24, 2020>

Article 1 (Enforcement Date)

ADDENDA <Act No. 17331, May 26, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 2021.

Articles 2 through 7 Omitted.