

FISHERY RESOURCES MANAGEMENT ACT

Act No. 9627, Apr. 22, 2009
Amended by Act No. 10272, Apr. 15, 2010
Act No. 10291, May 17, 2010
Act No. 10599, Apr. 14, 2011
Act No. 10944, Jul. 25, 2011
Act No. 11353, Feb. 22, 2012
Act No. 11566, Dec. 18, 2012
Act No. 11567, Dec. 18, 2012
Act No. 11690, Mar. 23, 2013
Act No. 11862, jun. 4, 2013
Act No. 11998, Aug. 6, 2013
Act No. 12086, Aug. 13, 2013
Act No. 12740, jun. 3, 2014
Act No. 13190, Feb. 3, 2015
Act No. 13270, Mar. 27, 2015
Act No. 13385, jun. 22, 2015
Act No. 13495, Aug. 11, 2015
Act No. 16212, Jan. 8, 2019
Act No. 16568, Aug. 27, 2019
Act No. 16697, Dec. 3, 2019
Act No. 17052, Feb. 18, 2020
Act No. 17091, Mar. 24, 2020
Act No. 17106, Mar. 24, 2020
Act No. 17617, Dec. 8, 2020
Act No. 18755, Jan. 11, 2022
Act No. 18956, jun. 10, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the continuous development of fisheries and to the income growth of fisher by establishing plans for the management of fishery resources and efficiently managing fishery resources through the prescription of matters necessary for the protection, recovery, formation, etc. of fishery resources.

Article 2 (Definitions)

(1) The terms used in this Act are defined as follows: *<Amended on Aug. 13, 2013; Jun. 22, 2015>*

1. The term "fishery resources" means aquatic animals and plants living in water, which are resources useful to the national economy and people's living;
2. The term "management of fishery resources" means acts, such as the protection, recovery, and formation of fishery resources;
3. The term "total allowable catch (TAC)" means an annual catch limit up to which each species of aquatic animal is allowed to be captured and gathered;
4. The term "formation of fishery resources" means acts of artificially making fishery resources plentiful, such as installing in certain waters the facilities favorable for the breeding of aquatic lives, including fishing banks and seaweed beds, or releasing fishery seeds;
5. The term "marine ranch" means a place where fishery resources are captured and gathered after forming fishery resources, such as comprehensively installing facilities for forming fishery resources in a specific sea area and releasing fishery seeds, and managing them systematically;
6. The term "marine forest" means a place where fishery seeds, such as seaweed, are transplanted, restored, and managed for the restoration of coastal ecosystem and improvement of fishery productivity in the sea area where seaweed has disappeared or is feared to disappear due to coral bleaching (coral calcification), etc. (including sea jungles).

(2) The Fisheries Act and the Aquaculture Industry Development Act shall apply to terms not defined separately in this Act. *<Amended on Aug. 27, 2019>*

Article 3 (Scope of Application)

This Act shall apply to waters in the following: *<Amended on Aug. 11, 2015>*

1. The sea;
2. Seashores;
3. Sea waters developed artificially on land for purposes of fisheries;
4. Public waters designated for the protection and fostering of fishery resources as prescribed in Article 40 of the National Land Planning and Utilization Act, and land adjoining thereto (hereinafter referred to as "fishery resources protection zone");
5. Inland waters prescribed in subparagraph 1 of Article 2 of the Inland Water Fisheries Act (limited to the projects for the formation of inland fishery resources referred to in Article 55-2 (3) 4; hereinafter the

same shall apply).

Article 3-2 (Marine Gardening Day)

(1) In order to raise public awareness of the importance of the marine ecosystem and severity of its ongoing destruction as well as to attract national attention to the necessity of formation of marine forest, May 10 of every year shall be designated as the Marine Gardening Day.

(2) The State and local governments may hold commemorative events which serve the purpose of the Marine Gardening Day.

(3) Matters necessary for the commemorative events of the Marine Gardening Day pursuant to paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 4 (Promotion of International Cooperation)

(1) The Minister of Oceans and Fisheries shall accept international norms concerning the management of fishery resources, implement measures for the management of fishery resources requested by international fishery organizations or international agreements concerning the management of fishery resources, and cooperate with international societies accordingly. *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may conduct cooperative projects, such as investigation, research, management, formation, etc. with neighboring countries for international joint efforts concerning the management of fishery resources, and may have related research institutions, organizations of fisher, etc. participate in such cooperative projects. *<Amended on Mar. 23, 2013>*

(3) The State or local governments may give necessary assistance, such as granting subsidies, etc. to related research institutions, organizations of fisher, etc. which participate in cooperative projects under paragraphs (1) and (2).

(4) Matters necessary for the details of cooperative projects, institutions eligible for assistance, procedures and methods of assistance under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 5 (Research and Development of Fishery Resources Management Technology)

(1) The Minister of Oceans and Fisheries, a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayors/Do Governors") may have related research institutions, guidance institutions, universities, organizations, etc., conduct research and development of fishery resources management technology in order to promote the development of technology concerning the management of fishery resources. *<Amended on Dec. 18, 2012; Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors may assist with funds necessary for conducting the research and development of fishery resources management technology under paragraph (1). *<Amended on Mar. 23, 2013>*

Article 6 (Service of Documents by Publication)

(1) When documents necessary to notify this Act or orders, dispositions, etc. under this Act are unable to be served due to an address or place of residence unknown, or other causes, the Minister of Oceans and Fisheries, Mayors/Do Governors, or the head of a Si (referring to a Special Self-Governing City Mayor and the Governor of a Special Self-Governing Province respectively, in the cases of a Special Self-Governing City and a Special Self-Governing Province; hereinafter the same shall apply), Gun or autonomous Gu (hereinafter referred to as the "head of a Si/Gun/Gu") shall announce it publicly as prescribed by Presidential Decree. <Amended on Dec. 18, 2012; Mar. 23, 2013>

(2) Where the Minister of Oceans and Fisheries, Mayors/Do Governors, or the head of a Si/Gun/Gu (hereinafter referred to as "administrative agencies") has announced it publicly as prescribed in paragraph (1), such documents shall be deemed to have been delivered after 30 days counting from the day following the date of public announcement. <Amended on Mar. 23, 2013>

CHAPTER II MASTER PLANS FOR MANAGEMENT OF FISHERY RESOURCES

Article 7 (Master Plans for Management of Fishery Resources)

(1) In order to comprehensively and systematically manage fishery resources, the Minister of Oceans and Fisheries shall create a master plan for the management of fishery resources (hereinafter referred to as "master plan") every five years. <Amended on Mar. 23, 2013>

(2) A master plan shall include the following: <Amended on Mar. 23, 2013; Mar. 24, 2020>

1. Objective and basic direction of policies concerning the management of fishery resources;
2. Matters concerning the trends of fishery resources;
3. Matters concerning the scientific investigation into resources and the creation of an evaluation system;
4. Matters concerning plans for the recovery of specific fishery resources recognized as in danger of reduction or exhaustion;
5. Matters concerning total allowable catch for individual species of fishery resources;
6. Matters concerning the management of habitations, ecological environments, etc. of fishery resources;
7. Matters concerning the creation, management, etc. of marine ranches and marine woods;
8. Matters concerning the management of fishery resources by a Mayor/Do Governor;
9. Other matters that the Minister of Oceans and Fisheries deems necessary for the management of fishery resources.

(3) When the Minister of Oceans and Fisheries intends to create a master plan, he or she shall hear the opinions of the Mayors/Do Governors in advance and shall have such plan deliberated upon by the Central

Fishery Resources Management Committee under Article 54. The same procedures shall be followed when such master plan is to be modified. <Amended on Mar. 23, 2013>

(4) When the Minister of Oceans and Fisheries has created or modified a master plan, he or she shall notify the Mayors/Do Governors of such fact, publicly announce the details thereof, and submit it to the competent Standing Committee of the National Assembly without delay. <Amended on Mar. 23, 2013; Jan. 8, 2019>

(5) The Minister of Oceans and Fisheries shall examine a master plan every year, considering changes in specific fishery resources, management of fishers related with such fishery resources, and other matters and shall modify such plan if necessary. <Amended on Mar. 23, 2013; Mar. 23, 2013>

Article 8 (Fishery Resources Management Implementation Plans)

(1) In order to implement a master plan in accordance with its character, the Minister of Oceans and Fisheries or Mayors/Do Governors shall formulate a fishery resources management implementation plan (hereinafter referred to as "implementation plan") every year and endeavor to secure financial resources necessary therefor. <Amended on Mar. 23, 2013; Jan. 8, 2019>

(2) When the Minister of Oceans and Fisheries or Mayors/Do Governors intend to make an implementation plan, the Minister of Oceans and Fisheries shall hear the opinions of the Mayors/Do Governors, the Mayors/Do Governors shall hear the opinions of the head of a Si/Gun/Gu, and such plans shall be deliberated upon by the relevant fishery resources management committee under Article 54. The same procedures shall be followed when an implementation plan is to be modified. <Amended on Mar. 23, 2013>

(3) When the Minister of Oceans and Fisheries or Mayors/Do Governors have made or modified an implementation plan, they shall notify the Mayors/Do Governors or the head of a Si/Gun/Gu of such fact, publicly announce the details thereof, and submit it to the competent Standing Committee of the National Assembly without delay: Provided, That in such cases the Mayors/Do Governors shall report such fact to the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013; Jan. 8, 2019>

(4) Matters to be included in implementation plans and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Cooperation of Heads of Related Central Administrative Agencies)

When it is necessary for the creation and implementation of master plans and implementation plans, the Minister of Oceans and Fisheries or Mayors/Do Governors may request cooperation from the heads of related central administrative agencies or heads of local governments. In such cases, the heads of related central administrative agencies, etc. who have been requested shall comply with such request unless extraordinary circumstances exist. <Amended on Mar. 23, 2013>

Article 10 (Investigation into Fishery Resources and Evaluation thereof)

(1) For the comprehensive and systematic management of fishery resources, the Minister of Oceans and Fisheries or Mayors/Do Governors may conduct an investigation into fishery resources and evaluation thereof. *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may request the Mayors/Do Governors to report the plans for investigation into fishery resources and evaluation thereof, and the results of such investigation and evaluation. *<Amended on Mar. 23, 2013>*

(3) The details of investigation into fishery resources and evaluation thereof, and other necessary matters shall be prescribed by Presidential Decree.

Article 11 (Implementation of Plans for Detailed Investigation into Fishery Resources and Evaluation ,Thereof)

(1) In order to determine and implement the following matters, the Minister of Oceans and Fisheries or Mayors/Do Governors may develop and implement plans for detailed investigation into fishery resources and evaluation thereof: *<Amended on Mar. 23, 2013>*

1. Plans for the recovery of fishery resources under Article 7 (2) 4;
2. Implementation plans concerning the creation and management of total allowable catch under Article 36;
3. Designation of protected waters under Article 46;
4. Designation of waters for fishery resources management under Article 48.

(2) The methods and details of detailed investigation into fishery resources and evaluation thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 12 (Investigations into Catch)

(1) Where necessary for the investigation or detailed investigation into fishery resources and evaluation thereof under Articles 10 and 11, the Minister of Oceans and Fisheries or Mayors/Do Governors may have affiliated public officials or fishery resources investigators under Article 58 (hereinafter referred to as "fishery resources investigators") enter places prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as aquatic products trading markets, joint markets of the National Federation of Fisheries Cooperatives, etc. to investigate into catch, or designate fishing vessels where they shall be aboard to investigate into the types, catch, etc. of the captured and gathered fishery resources. *<Amended on Mar. 23, 2013>*

(2) When the affiliated public officials or fishery resources investigators investigate into catch, etc., they shall carry a certificate indicating authority and present it to the relevant persons, and no such relevant persons shall refuse, obstruct or evade the investigation without any justifiable cause, and the owners or skippers of fishing vessels designated as vessels subject to onboard investigation shall cooperate in such

investigation so that safety onboard is guaranteed and investigation is conducted smoothly.

(3) When they intend to designate a fishing vessel subject to onboard investigation or conduct an investigation onboard a vessel, they shall consult with the owner of the relevant vessel or an organization of fisher.

(4) Where the Minister of Oceans and Fisheries or Mayors/Do Governors deem it necessary for the investigation and evaluation of fishery resources, they may order persons who have been permitted for inshore fisheries, coastal fisheries or fisheries within a demarcated zone under Article 40 of the Fisheries Act, persons who have been permitted to fish for a limited time under Article 43 of the same Act, persons who have registered fishery catch transportation business under Article 51 of the same Act and other related persons to submit data on the fishery activities and results of catch, results of transporting aquatic products, etc. prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

Article 13 (Informatization of Management of Fishery Resources)

(1) For the systematic management of fishery resources, the Minister of Oceans and Fisheries may construct and operate a comprehensive fishery resources information database based on the data from investigation into fishery resources under Article 10 or from detailed investigation and evaluation under Article 11. *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may have the Mayors/Do Governors conduct investigations necessary for the construction of a comprehensive fishery resources information database under paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the Mayors/Do Governors shall comply therewith unless an extraordinary reason exists otherwise. *<Amended on Mar. 23, 2013>*

CHAPTER III PROTECTION OF FISHERY RESOURCES

SECTION 1 Restriction on Capture and Gathering

Article 14 (Prohibition of Capture and Gathering)

(1) Where deemed as necessary for the propagation and protection of fishery resources, the Minister of Oceans and Fisheries may determine a period, zone, depth of water, body length, body weight, etc. for which the capture and gathering of fishery resources are prohibited. *<Amended on Mar. 23, 2013>*

(2) For the propagation and protection of fishery resources, the Minister of Oceans and Fisheries may prohibit the capture and gathering of females of specific fish species, such as females spawning eggs outside the body, etc. *<Amended on Mar. 23, 2013>*

(3) For the propagation and protection of fishery resources, no one shall capture or gather eggs that have been laid in water except for the following cases: *<Amended on Mar. 23, 2013; Mar. 24, 2020>*

1. Where the Minister of Oceans and Fisheries or Mayors/Do Governors gather eggs attached to fishing nets, fishing implements, etc. for the purpose of forming fishery resources;
 2. Where administrative agencies capture and gather eggs to prevent disturbances in the ecosystem.
- (4) Where deemed as especially necessary for the protection of fishery resources in waters under jurisdiction, the Mayors/Do Governors may determine strengthened regulations concerning the period, etc., for which capture and gathering of fishery resources are prohibited under paragraph (1). In such cases, the Mayors/Do Governors shall publicly notify the details thereof.
- (5) The details of period, zone, depth of water, body length, body weight, etc. for which capture and gathering of fishery resources are prohibited, and of the prohibition of capture and gathering of females of specific fish species prescribed in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 15 (Fishing Prohibited Zones)

- (1) Where necessary for the propagation and protection of fishery resources, the Minister of Oceans and Fisheries may determine fishing prohibited zones by type of fishery industry under Article 40 of the Fisheries Act. *<Amended on Mar. 23, 2013; Jan. 11, 2022>*
- (2) Matters necessary for the designation, etc. of fishing prohibited zones by type of fishery industry under paragraph (1) shall be prescribed by Presidential Decree.

Article 16 (Order to Release Illegal Catches)

- (1) Where fisheries supervising officials under Article 69 of the Fisheries Act and police officers deem that conditions before capture and gathering can be recovered by releasing fishery resources captured and gathered in violation of an order under the Fisheries Act and that such is necessary for the propagation and protection of fishery resources, they may order the release of such captured and gathered fishery resources. *<Amended on Dec. 18, 2012; Nov. 19, 2014; Aug. 11, 2015; Jan. 11, 2022>*
- (2) Those who have been ordered under paragraph (1) shall comply therewith without delay.

Article 17 (Prohibition of Sale of Illegal Catches)

No person shall possess, distribute, process, keep or sell fishery resources captured and gathered in violation of an order under this Act or the Fisheries Act nor any products thereof.

Article 18 (Restriction on Capture and Gathering by Non-Fisherman)

- (1) No person, other than the fisher prescribed in subparagraph 10 of Article 2 of the Fisheries Act, shall capture or gather fishery resources in the method that is not prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Dec. 18, 2012; Mar. 23, 2013; Mar. 24, 2020; Jan. 11, 2022>*
- (2) No person, other than a fisher defined in subparagraph 10 of Article 2 of the Fisheries Act, shall capture or gather fishery resources in violation of Article 14. *<Newly Inserted on Mar. 24, 2020; Jan. 11, 2022>*

Article 19 (Establishment of Period of Suspension of Fishing)

(1) If any of the following events occurs, the Minister of Oceans and Fisheries or Mayors/Do Governors may establish and operate a period of suspension of fishing by sea area or fishery industry: <Amended on Mar. 23, 2013>

1. Where a period of suspension of fishing has been established in the master plans or implementation plans;
 2. Where it is necessary for the management of specific fishery resources following the results of the investigation into fishery resources or detailed investigation and evaluation under Articles 10 and 11.
- (2) No operations or relevant fishing shall be conducted in the waters for which a period of suspension of fishing has been established under paragraph (1).
- (3) Administrative agencies may give financial assistance to the fishing vessels subject to restriction on fisheries due to the establishment of a period of suspension of fishing, considering damage, etc.
- (4) Matters necessary for the methods of establishment and operation of periods of suspension of fishing, procedures therefor, etc. shall be prescribed by Presidential Decree.

SECTION 2 Restriction on Fishing Vessels, Fishing Implements, and Fishing Methods

Article 20 (Restriction on Number of Vessels in Operation)

(1) Where the Minister of Oceans and Fisheries or Mayors/Do Governors deem that the propagation and protection of specific fishery resources are needed due to the remarkable decrease therein, notwithstanding the quota of permits under Article 57 of the Fisheries Act, they may restrict the number of vessels in operation after deliberation by the relevant fisheries mediation committee under Article 95 of the same Act. <Amended on Mar. 23, 2013; Jan. 11, 2022>

- (2) Administrative agencies may give necessary assistance, such as official reduction in the number of vessels, compensation for damage, etc. to the fishing vessels that are unable to be put in operation due to the restriction on the number of vessels in operation under paragraph (1).
- (3) Matters necessary for standard, methods, etc. of the restriction on the number of vessels in operation, or official reduction in number, etc. shall be prescribed by Presidential Decree.

Article 21 Deleted. <Dec. 18, 2012>

Article 22 (Restriction on Use of Fishing Vessels)

No fishing vessel shall be used for any of the following acts:

1. Helping other fishing vessels engaged in other fisheries by using the fishing method permitted to the relevant fishing vessel;

2. Operating with the help of other fisheries in order to enhance the effect of capture of the fisheries permitted to the relevant fishing vessel;
3. Obstructing the operation of other fishing vessels.

Article 23 (Prohibition of Use of Double or Multi-Layered Gill Nets)

(1) Deleted. <Dec. 18, 2012>

(2) Deleted. <Dec. 18, 2012>

(3) Double or multi-layered gill nets shall not be used to capture and gather fishery resources: Provided, That where the Minister of Oceans and Fisheries or Mayors/Do Governors have approved, or a report on fisheries in the sea area prescribed by Presidential Decree is submitted, this shall not apply. <Amended on Mar. 23, 2013>

(4) Upon receipt of a report under the proviso of paragraph (3), the Minister of Oceans and Fisheries or Mayors/Do Governors shall review the details of the report and accept such report if it conforms to this Act. <Newly Inserted on Jan. 8, 2019>

(5) When those approved to use double or multi-layered gill nets by the Minister of Oceans and Fisheries or Mayors/Do Governors under the proviso of paragraph (3) have violated the following matters, such approval may be cancelled. In such cases, those whose approval has been cancelled shall not be approved to use double or multi-layered gill nets within one year from the date of cancellation: <Amended on Mar. 23, 2013; Jan. 8, 2019>

1. Sea area to use such nets, and period and time of use;
2. Scale of fishing implements to use and size of net mesh.

(6) Matters necessary for the procedures for approval for the use of double or multi-layered gill nets under the proviso of paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Jan. 8, 2019>

Article 24 (Prohibition of Possession of Specific Fishing Implements, of Remodeling of Vessels)

Any person shall manufacture, import, store, transport, display, sell, sell fishing gear other than those licensed, permitted, approved or reported under Articles 7, 40, 43, 46, and 48 of the Fisheries Act, fishing gears other than those licensed or permitted under Article 10, 43, or 53 of the Aquaculture Industry Development Act and fishing gears prohibited from use under this Act. No ship shall be used for fishing, and no ship shall be converted or installed for the purpose of using such fishing gear: Provided, That the same shall not apply to the fishing implements prescribed by Presidential Decree. <Amended on Aug. 27, 2019; Mar. 24, 2020; Jan. 11, 2022>

Article 25 (Prohibition of Dangerous Fishing Methods)

(1) No one shall capture or gather fishery resources using explosives, poisons or electricity.

(2) No one shall keep or use toxic chemicals prescribed in subparagraph 7 of Article 2 of the Chemicals Control Act for the purpose of cultivating fishery resources or removing foreign substances attached to fishing implements or fishing nets: Provided, That where the use is permitted by an administrative agency or the head of relevant Ministry, as prescribed by Presidential Decree, this shall not apply. <Amended on Jun. 4, 2013; Mar. 24, 2020>

(3) Matters necessary for the application procedures for permission for use under the proviso of paragraph (2), etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 26 (Exclusion from Application of Prohibition Provisions)

(1) Articles 14, 23, and 24 shall not apply to any of the following cases, in which a person captures and gathers fishery resources with permission from the competent Mayors/Do Governors or head of a Si/Gun/Gu, as prescribed by Presidential Decree: <Amended on Jun. 22, 2015; Aug. 27, 2019>

1. Where it is necessary for the capture and gathering of fishery seeds used at the fishing grounds of fish breeding or community fisheries;
2. Where it is necessary for scientific research, investigation or test;
3. Where it is necessary for securing mother fishes for the purpose of forming fishery resources, and investigating the quantity of anadromous fishes, etc.;
4. Where it is necessary for the transplantation of fishery resources;
5. Where fishery resources are captured and gathered to provide for uses under subparagraphs 2 through 4.

(2) Articles 14, 23, and 24 shall not apply to cases in which fishery resources are captured and gathered for experimental fisheries under Article 46 of the Fisheries Act. <Amended on Jan. 11, 2022>

(3) Articles 14 and 23 shall not apply to any of the following cases: <Amended on Aug. 27, 2019; Jan. 11, 2022>

1. Where a holder of community fishery right captures and gathers fishery resources with permission from the head of a Si/Gun/Gu;
2. Where a cultivator captures and gathers cultivated organisms from the farm;
3. Where aquatic animals are captured by angling in a leisure fishing ground designated under Article 62 (1) of the Fisheries Act.

(4) The Mayor/Do Governor or the head of a Si/Gun/Gu shall issue a permit to a person who obtains the permit under paragraph (1). <Newly Inserted on Dec. 3, 2019>

(5) Matters necessary for type approval, test approval, and approval for any change under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Oct. 3, 2019>

Article 26-2 (Revocation of Permission for Capture and Gathering)

(1) The Mayor/Do Governor or the head of a Si/Gun/Gu may revoke the permission if a person who has obtained permission to capture or gather fisheries resources pursuant to Article 26 (1) falls under any of the following subparagraphs: Provided, That the Minister of Environment shall revoke such permission in cases falling under subparagraph 1:

1. Where the person obtains permission by fraud or other improper means;
2. Where the person violates any condition of permission for catching and gathering fishery resources;
3. When the fishery resources are used for purposes other than the authorized purpose.

(2) Each person whose permission has been revoked under paragraph (1), shall return the permit to the head of the competent Si/Gun/Gu within seven days from the date of such revocation.

Article 27 (Use of Environment-Friendly Fishing Implements)

(1) For the propagation and protection of fishery resources and for the prevention of the deterioration of their living environment, the Minister of Oceans and Fisheries or Mayors/Do Governors shall encourage to use environment-friendly fishing implements. *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors shall devise measures necessary for the development, expansion of use, etc. of environment-friendly fishing implements, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries or Mayors/Do Governors may assist with funds for the encouragement, development, and expansion of use, etc. of environment-friendly fishing implements. *<Amended on Mar. 23, 2013>*

SECTION 3 Agreements between Fishermen

Article 28 (Conclusion of Agreements)

(1) Fishermen and the organizations of fishers may voluntarily conclude an agreement (hereinafter referred to as "agreement between fishers") for the efficient management of fishery resources within specific waters by mutual consent between fishers or the organizations of fishers. In such cases, such agreement between fishers shall be valid only for fishers or fishers belonging to the organizations of fishers that have concluded such agreement between fishers.

(2) An agreement between fishers shall contain the following matters: *<Amended on Mar. 23, 2013>*

1. Waters, resources and fisheries of target;
2. Measures and methods for the management of fishery resources;
3. Term of validity of the agreement;
4. Measures to be taken in the event of violation of the agreement;
5. Plans for measures to make non-participatory fishers participate in the agreement;

6. Other matters prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) The Minister of Oceans and Fisheries or Mayors/Do Governors may give guidance, financial assistance, etc. so that fishers or the organizations of fishers may voluntarily conclude an agreement between fishers and implement such agreement. <Amended on Mar. 23, 2013>

Article 29 (Establishment of Steering Committee on Agreement between Fishermen)

(1) Where necessary for the conclusion and management of an agreement between fishers, fishers may establish a steering committee on the agreement between fishers as a self-regulating organization.

(2) In order to establish a steering committee on the agreement between fishers, the representatives and members of an agreement between fishers shall be selected and appointed with the consent of a majority of fishers who have concluded such agreement and shall report such fact to the heads of Sis/Guns/Gus, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Dec. 18, 2012; Mar. 23, 2013>

Article 30 (Approval of Agreements between Fishermen)

(1) Where fishers or the organizations of fishers have concluded an agreement between fishers concerning inshore fisheries under Article 40 (1) of the Fisheries Act, they shall obtain approval from the Minister of Oceans and Fisheries; where they concluded an agreement between fishers concerning coastal fisheries under paragraph (2) of the same Article or concerning fisheries within a demarcated zone under paragraph (3) of the same Article, they shall obtain approval from the competent Mayors/Do Governors. When approved matters of agreement between fishers are not abided by, the Minister of Oceans and Fisheries or Mayors/Do Governors may cancel such approval. <Amended on Mar. 23, 2013; Jan. 11, 2022>

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors who have received an application for approval under paragraph (1) shall examine the following matters and submit it for deliberation to the relevant fishery resources management committee under Article 54: <Amended on Mar. 23, 2013>

1. That the agreement between fishers does not obstruct the protection of fishery resources, coordination of fisheries and the maintenance of fishing order;

2. That the details of the agreement between fishers do not violate this Act or the Fisheries Act, or orders under this Act or the Fisheries Act.

(3) When the Minister of Oceans and Fisheries or Mayors/Do Governors have approved an agreement between fishers, they shall publicly announce the details thereof, as prescribed by Presidential Decree, and allow fishers to peruse such details. <Amended on Mar. 23, 2013>

(4) Matters necessary for the application for approval under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 31 (Modification of Agreements between Fishermen)

The provisions of Articles 28 and 30 shall apply mutatis mutandis to the modification of agreements between fishers.

Article 32 (Repeal of Agreements between Fishers)

(1) When fishers, the representative of an organization of fishers or the representative of a steering committee on the agreement between fishers who have concluded an agreement between fishers intend to repeal such agreement between fishers, they shall obtain consent of a majority of the relevant fishers and approval from the Minister of Oceans and Fisheries or Mayors/Do Governors. <Amended on Mar. 23, 2013>

(2) Article 30 (3) shall apply mutatis mutandis to the approval and public announcement of the repeal of agreements between fishers.

(3) Matters necessary for the repeal of agreements between fishers shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 33 (Observance of and Succession to Agreements between Fishermen)

(1) Where fishers who have concluded an agreement between fishers or fishers belonging to an organization of fishers engage in fisheries in waters subject to the agreement between fishers, they shall observe the details of the approved agreement between fishers.

(2) Those who have succeeded to the status of persons permitted to engage in fisheries after having leased or having been transferred fishing vessels, fishing implements, etc. from fishers who had concluded an agreement between fishers after such agreement between fishers was publicly announced under Articles 30 (3) and 31 shall succeed to the status of persons who had previously concluded an agreement between fishers: Provided, That where such agreement between fishers stipulates otherwise, such shall govern.

Article 34 Deleted. <Feb. 18, 2020>

CHAPTER IV RESTORATION AND CREATION OF FISHERY RESOURCES

SECTION 1 Restoration of Fishery Resources

Article 35 (Orders to Recover Fishery Resources)

(1) In order to recover fishery resources to an appropriate level, administrative agencies may issue the following orders. In such cases, such orders shall be publicly notify: <Amended on Mar. 24, 2020>

1. Restriction on the placement or removal of objects necessary for the propagation and protection of fishery resources, or prohibition thereof;
2. Restriction on the dumping of objects or material harmful to fishery resources or on the contamination of water quality, or prohibition thereof;

3. Restriction on the chemicals or material used to prevent disease in fishery resources, or prohibition thereof;
 4. Restriction on the export of fingerlings and spats, or prohibition thereof;
 5. Restriction on the transplantation of fishery resources, prohibition thereof, or approval therefor;
 6. Restriction or prohibition for the propagation and protection of endangered fishery resources.
- (2) Administrative agencies may order those who have violated any of the subparagraphs of paragraph (1) to take measures for reinstatement: Provided, That where such reinstatement is deemed to be impossible or remarkably difficult, this shall not apply.
- (3) Where a public notice under paragraph (1) is made, measures for assistance to fishers whose fisheries are restricted, etc. shall be determined in advance.
- (4) Matters necessary for the restriction, prohibition, etc. for the recovery of fishery resources under the subparagraphs of paragraph (1) shall be prescribed by Presidential Decree.

Article 36 (Establishment of Total Allowable Catch)

- (1) Where the Minister of Oceans and Fisheries may establish a total allowable catch for each fish species and sea area for the recovery and conservation of fishery resources. In such cases, the Minister shall consider the results of detailed investigation into fishery resources and evaluation thereof under Article 11, natural and social conditions, etc. *<Amended on Mar. 23, 2013; Mar. 23, 2020>*
- (2) The Minister of Oceans and Fisheries shall establish an implementation plan concerning the establishment and management of the total allowable catch under paragraph (1) (hereinafter referred to as "total allowable catch plan"). *<Amended on Mar. 23, 2013>*
- (3) Where the peculiarities of local fisheries make it necessary to manage fishery resources, the Mayors/Do Governors may establish a total allowable catch plan for fishery resources, other than the fishery resources for which the Minister of Oceans and Fisheries has established a total allowable catch plan under paragraph (2), and establish and manage such total allowable catch. *<Amended on Mar. 23, 2013>*
- (4) For the establishment of a total allowable catch plan, the Minister of Oceans and Fisheries or Mayors/Do Governors shall collect the opinions of the relevant institutions and organizations and undergo deliberation by the relevant fishery resources management committee under Article 54: Provided, That cases which fall under any ground prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as cases where fishery resources have sharply decreased as a result of close investigation and evaluation of fishery resources under Article 11, need not undergo deliberation by the Fishery Resources Management Committee under Article 54. *<Amended on Mar. 23, 2013; Mar. 24, 2020>*
- (5) Matters necessary for total allowable catch plans, such as the kind of fisheries, relevant fish species and sea area, management, etc. under paragraphs (1) through (3) shall be prescribed by Presidential Decree, and matters necessary for the procedures for establishing a total allowable catch plan, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 37 (Allocation of Total Allowable Catch)

(1) The Minister of Oceans and Fisheries may determine a catch quota for each fish species, kind of fisheries, waters in operation and period in operation (hereinafter referred to as "shares") for the total allowable catch plan under Article 36 (1) and (2), and the Mayors/Do Governors may determine such shares for the total allowable catch plan under Article 36 (3). *<Amended on Mar. 23, 2013>*

(2) Shares may be restrictively allocated to each fisherman or fishing vessel in accordance with the standards prescribed by Presidential Decree. In such cases, the fishers or fishing vessels that have no track record of capturing fish species subject to the total allowable catch during the last three years may be excluded from the allocation of shares.

(3) Matters necessary for the procedures, etc. for the allocation of shares under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 38 (Management of Shares)

(1) No person who has captured or gathered fishery resources after being allocated shares under Article 37 shall capture fishery resources in excess of such shares.

(2) Any excess catch in violation of paragraph (1) shall be deducted from the share for the following year, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where an amount for the formation of fishery resources under Article 44 (1) has been collected, this shall not apply. *<Amended on Mar. 23, 2013>*

(3) Where administrative agencies deem that the total of catches exceeds shares or is likely to exceed shares, administrative agencies may order persons who capture and gather fishery resources subject to such shares to suspend such capture and gathering for a fixed period not exceeding six months, or to take other necessary measures. *<Amended on Feb. 3, 2015>*

(4) Those who capture and gather fishery resources according to the shares allocated under Article 37 shall report the catch to the Minister of Oceans and Fisheries or Mayors/Do Governors. *<Amended on Mar. 23, 2013>*

(5) Matters necessary for the deduction of shares, suspension of capture and gathering, procedures for reporting catches, etc. under paragraphs (2) through (4) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 39 (Management of Incidental Catches)

(1) No person who captures or gathers fishery resources after being allocated shares under Article 37 (1) and (2) shall capture fish species subject to the total allowable catch other than the allocated fish species (hereinafter referred to as "incidental catch"): Provided, That where such fish species have been incidentally captured while capturing and gathering allocated fish species, this shall not apply.

(2) Where fishes are captured incidentally under the proviso of paragraph (1), such catch shall be converted according to the standards prescribed by Ordinance of the Ministry of Oceans and Fisheries and be deemed a catch within allocated shares. *<Amended on Mar. 23, 2013>*

(3) Where the catch converted under paragraph (2) exceeds the allocated shares, Article 38 (2) shall apply mutatis mutandis.

Article 40 (Designation of Places for Sales)

(1) Where the Minister of Oceans and Fisheries or Mayors/Do Governors deem it necessary for the implementation of matters concerning plans for the recovery of fishery resources under Article 7 (2) 4 and for the implementation of total allowable catch plans under Article 36, they may designate and publicly notify the places for sales of fishery resources subject to the recovery of fishery resources and to total allowable catches. *<Amended on Mar. 23, 2013>*

(2) Where places for sales under paragraph (1) are designated, fishers shall sell and buy or exchange the catches of fish species subject to the recovery of fishery resources and to total allowable catches at such places for sales: Provided, That in cases determined and publicly notified by the Minister of Oceans and Fisheries, such as that designated places for sales do not exist as in the deserted islands, remote country places, etc., catch is small, catch is supplied directly to the processing enterprises, etc., this shall not apply. *<Amended on Mar. 23, 2013>*

SECTION 2 Formation of Fishery Resources

Article 41 (Projects for Formation of Fishery Resources)

(1) Administrative agencies may implement projects for the formation of fishery resources including the following projects in accordance with the master plan and implementation plan (hereinafter referred to as "projects for the formation of fishery resources"): *<Amended on Mar. 23, 2013; Aug. 13, 2013; Jun. 3, 2014; Jun. 22, 2015>*

1. Projects to install artificial fishing banks;
2. Projects to install marine ranches;
3. Projects to install marine forests;
4. Projects to release fishery seeds;
5. Projects to improve marine environment;
6. Projects to create an environment-friendly spawning ground for aquatic lives;
7. Other projects necessary for the formation of fishery resources, which are prescribed by the Minister of Oceans and Fisheries.

(2) Where an administrative agency (including institutions, organizations, associations, etc. that are entrusted with projects for the formation of fishery resources pursuant to Article 61; hereafter the same shall apply in this Article) implements projects for the formation of fishery resources under paragraph (1)

1 through 3 and 6, the occupancy or use permits for public waters under Article 8 of the Public Waters Management and Reclamation Act or the consultations or approval under Article 10 of the same Act shall be deemed granted or made. <Newly Inserted on Jun. 10, 2022>

(3) Before and after implementing a project for the formation of fishery resources, an administrative agency shall survey and evaluate the impact of the project on the marine environment, the effect of formation of fishery resources, etc. (hereinafter referred to as "pre- and ex-post impact surveys"). <Amended on Mar. 23, 2013; Mar. 24, 2020; Jun. 10, 2022>

(4) Notwithstanding Article 84 (2) of the Marine Environment Management Act, where an administrative agency has conducted the pre- and ex-post impact surveys under paragraph (3), it shall be deemed to have undergone the consultation on utilization of sea areas under Article 84 (2) of the Marine Environment Management Act and the marine environmental impact surveys under Article 95 of the same Act. <Newly Inserted on Jun. 10, 2022>

(5) The Minister of Oceans and Fisheries may have the Mayor/Do Governor and the head of a Si/Gun/Gu report the results of the pre- and ex-post impact surveys under paragraph (3) and the current status of management and use of waters for fishery resources management under Article 49 (4). <Amended on Mar. 23, 2013; Jun. 10, 2022>

(6) Where it is found that the Mayor/Do Governor does not adequately manage waters for fishery resources management under Article 48, the Minister of Oceans and Fisheries may request correction, and the Mayor/Do Governor upon receipt of the request for correction shall comply therewith unless there is a compelling reason not to do so. <Amended on Mar. 23, 2013; Jun. 10, 2022>

(7) Matters necessary for the implementation plan of the project for the formation of fishery resources, methods and procedures for the pre- and ex-post impact surveys, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Newly Inserted on Jun. 10, 2022>

Article 42 (Restriction on Incubation and Release of Fishery Seeds)

(1) For the prevention, etc. of disturbances in the ecosystem caused by incubation and release of fishery seeds, administrative agencies shall observe the following matters: <Amended on Jun. 22, 2015>

1. Incubation and release of species in the sea areas, of which natural fingerlings inhabit or have inhabited;
2. Incubation and release of healthy fishery seeds;
3. Release of appropriately sized fishery seeds at the time natural fingerlings appear;
4. Other matters specified by Presidential Decree.

(2) The Minister of Oceans and Fisheries may publicly notify the fishery seeds that may adversely affect the marine ecosystem if incubated and released. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(3) Those who intend to produce and release the fishery seeds publicly notified under paragraph (2) shall obtain approval from the head of an institution affiliated with the Ministry of Oceans and Fisheries prescribed by Presidential Decree, who takes charge of fishery affairs: Provided, That cases for the

production of fishery seeds for culture shall be excluded. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(4) Matters necessary for the procedures for approval, etc. under paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 42-2 (Certification of Seeds for Release)

(1) The Ministry of Oceans and Fisheries shall initiate the certification system of fishery seeds that are to be released (hereinafter referred to as "certification system of released fishery seeds"), in order to secure the genetic diversity of fishery resources. <Amended on Jun. 22, 2015>

(2) No person shall release fishery seeds subject to the certification system of released fishery seeds without obtaining certification: Provided, That the same shall not apply where a person releases aquatic seedlings for the purposes prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as research or religious activities. <Amended on Jun. 22, 2015>

(3) Any person who intends to release fishery seeds subject to the certification system of released fishery seeds shall file an application with the Ministry of Oceans and Fisheries. <Amended on Jun. 22, 2015>

(4) Any of the following matters concerning the operation of the certification system of released fishery seeds shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended on Jun. 22, 2015>

1. The species of fishery seeds subject to certification;
2. The criteria and procedures for certification;
3. Fees;
4. The scope of business affairs of a certification institution;
5. Other matters necessary for certification.

(5) The Ministry of Oceans and Fisheries may entrust a specialized institution prescribed by Presidential Decree with the duties of certification of the released fishery seeds, to implement the certification system of released fishery seeds. <Amended on Jun. 22, 2015>

Article 43 (Protection, Artificial Incubation and Release of Anadromous Fishes)

(1) When it is deemed that the passage of anadromous fishes is in danger of being obstructed, administrative agencies may restrict or prohibit the installation of artificial structures within a certain sphere of waters. <Amended on Mar. 24, 2020>

(2) When administrative agencies deem that artificial structures under paragraph (1) obstruct the passage of anadromous fishes, they may order the possessor, occupant, or installer of such artificial structures to work for the removal of such obstruction. <Amended on Mar. 24, 2020>

(3) Those who intend to artificially incubate and release anadromous fishes or other fishery resources determined by administrative agencies shall report the following matters to the heads of competent Sis/Guns/Gus: Provided, That where such anadromous fishes, etc. are released by administrative agencies, test and research institutions, fishery technology guidance and propagation institutions, training

institutions, or education institutions under Article 46 (3) of the Fisheries Act, this shall not apply:
<Amended on Jan. 11, 2022>

1. Waters where such anadromous fishes, etc. are to be released;
 2. Period and place of release, and the number of such anadromous fishes, etc. to be released.
- (4) Upon receipt of a report under the main clause, with the exception of its subparagraphs, of paragraph (3), the head of the competent Si/Gun/Gu shall review the details of the report and accept such report if it conforms to this Act. <Newly Inserted on Jan. 8, 2019>

Article 44 (Formation Levy)

(1) In order to secure investment funds necessary for projects for the formation of fishery resources, the administrative agencies may impose and collect an amount for the formation of fishery resources (hereinafter referred to as "formation levy") from any of the following persons: <Amended on Apr. 15, 2010; Jun. 22, 2015; Aug. 27, 2019; Jan. 11, 2022>

1. A person who holds a license for fishery business under Article 7 of the Fisheries Act or a license for aquaculture business under Article 10 of the Aquaculture Industry Development Act;
 2. A person who has obtained a license for fishery business under Article 14 of the Fisheries Act or permission for the extension of a license for aquaculture business under Article 17 (2) of the Aquaculture Industry Development Act;
 3. A person who has obtained a fishery license pursuant to Article 40 of the Fisheries Act, aquaculture business license pursuant to Article 43 of the Aquaculture Industry Development Act, or a fishery seed production license under Article 21 of the Fishery Seed Industry Promotion Act;
 4. A person who has been permitted to fish for a limited period under Article 43 of the Fisheries Act;
 5. A person who has reported fisheries under Article 48 of the Fisheries Act;
 6. A person who has been exempted from being subject to an order to take measures for reinstatement under the proviso of Article 35 (2);
 7. A person who has captured fishery resources in excess of shares under Article 38 (2);
 8. A person who has captured fishery resources in excess of incidental catch under Article 39 (3);
 9. A person who has obtained permission to dredge public waters, to create places where dredged soil is to be dumped, to extract aggregate, to explore for the development of underground resources and to mine minerals with consent, etc. from the related administrative agencies, from among the acts prescribed by Presidential Decree pursuant to Article 52 (2) 3;
 10. A person who has obtained a license to fill in public waters under Article 28 of the Public Waters Management and Reclamation Act (including a person who has obtained a license to fill in public waters under Acts in which Article 28 of the Public Waters Management and Reclamation Act applies by legal fiction).
- (2) Notwithstanding paragraph (1), any of the following persons shall be exempted from the formation levy: <Amended on Apr. 15, 2010; Jun. 22, 2015; Aug. 27, 2019; Mar. 24, 2020; Jan. 11, 2022>

1. Fisheries cooperatives by district, fishing village associations, or fisheries cooperatives by business type under Article 13, 15 or 104 of the Fisheries Cooperatives Act, which have obtained a fishing license under Article 7 of the Fisheries Act , aquaculture business license under Article 10 of the Aquaculture Industry Development Act, or permission for business to produce fishery seeds under Article 21 of the Fisheries Seeds Industry Promotion Act;
 2. The State, local governments, or public institutions under Article 4 of the Act on the Management of Public Institutions, which have obtained a license to fill in public waters under the Public Waters Management and Reclamation Act;
 3. A person who has reported fisheries under Article 48 of the Fisheries Act, which are prescribed by Presidential Decree, such as capturing and gathering of a small quantity of fishery resources;
 4. A person who has obtained permission to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act, or has been licensed to fill in public waters under Article 28 of the Public Waters Management and Reclamation Act, in order to install new and renewable energy equipment and to generate electricity thereof under Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy;
 5. A person who has obtained a license of or permission to operate in a specific area, or for a fishing vessel of a specific tonnage or less by kind of fisheries, as prescribed by Presidential Decree.
- (3) Where it is deemed that a person subject to the imposition and collection of formation levy after having been licensed to fill in public waters under paragraph (1) 10 has disbursed expenses separately for the formation of fishery resources, the administrative agencies shall deduct such amount from the formation levy to be imposed.
- (4) When a formation levy is imposed under paragraph (1) 1 through 5 and 10, it shall be determined in consideration of the area or tonnage of fishing vessel; and when a formation levy is imposed under subparagraphs 7 and 8 of the same paragraph, it shall be determined in consideration of the excess quantity and incidental catch. In such cases, the standards for imposition of formation levies shall be prescribed by Presidential Decree.
- (5) Matters necessary for the standards for calculating a formation levy to be imposed under paragraph (1), standards for reduction, procedures for imposition, and methods of imposition shall be prescribed by Presidential Decree.
- (6) Where a person liable to pay a formation levy under paragraph (1) fails to pay within the deadline for payment, the administrative agencies shall collect such formation levy in the same manner as delinquent national taxes are collected or pursuant to the Act on the Collection of Local Non-Tax Revenue. *<Amended on Aug. 6, 2013; Mar. 24, 2020>*
- (7) No formation levy shall be used for a use, other than the use of projects for the formation of fishery resources.

Article 45 (Use of Fees for Occupation and Use of Fishery Resources)

(1) The head of a Si/Gun/Gu shall use at least 50/100 of any of the following fees for the occupation and use, for projects for the formation of fishery resources: *<Amended on Apr. 15, 2010; Mar. 24, 2020>*

1. Fees for the occupation and use of public waters collected from persons permitted to extract aggregate in the public waters pursuant to Article 22 (1) 1 of the Aggregate Extraction Act as prescribed in Article 8 of the Public Waters Management and Reclamation Act;

2. Fees for the occupation and use of public waters collected from persons permitted to establish mining rights pursuant to Article 15 of the Mining Industry Act.

(2) The head of a Si/Gun/Gu shall report the details of fees used for the projects for the formation of fishery resources under paragraph (1) to the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

CHAPTER V MANAGEMENT OF WATERS AND FISHERY RESOURCES PROTECTION ZONES

Article 46 (Designation and Cancellation of Protected Waters)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may designate waters that are deemed necessary for the spawning of fishery resources, development of fishery seeds or growth of fingerlings as protected waters, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jun. 22, 2015>*

(2) Where the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to designate protected waters under paragraph (1), he or she shall consult the heads of related central administrative agencies in advance. *<Amended on Mar. 23, 2013>*

(3) When no need exists to maintain protected waters designated under paragraph (1), the Minister of Oceans and Fisheries may cancel such designation of protected waters at the request of the Mayors/Do Governors, or ex officio; and the Mayors/Do Governors may cancel such designation of protected waters at the request of the head of a Si/Gun/Gu, or ex officio. *<Amended on Mar. 23, 2013>*

(4) When the Minister of Oceans and Fisheries or a Mayor/Do Governor designates protected waters or cancel such designation under paragraphs (1) and (3), he or she shall publicly announce such fact without delay. *<Amended on Mar. 23, 2013>*

Article 47 (Management of Protected Waters)

(1) The head of a Si/Gun/Gu shall manage protected waters under their jurisdiction within the extent of the purpose of designation: Provided, That where protected waters are under the jurisdiction of at least two heads of Sis/Guns/Gus, the protected waters concerned may be managed under the conditions determined by each of the following subparagraphs: *<Amended on Dec. 18, 2012; Mar. 23, 2013>*

1. Where the protected waters falls under the jurisdiction of one Mayor/Do Governor, the Mayor/Do Governor may designate the head of a Si/Gun/Gu to manage the protected waters concerned or may directly manage it;

2. Where the protected waters falls under the jurisdiction of at least two Mayors/Do Governors, the Minister of Oceans and Fisheries may designate the Mayors/Do Governors to manage the protected waters concerned or may directly manage it.
- (2) Those who intend to fill in or dredge waters in the protected waters (excluding harbor areas), or to conduct construction, which may bring about changes in the flux or water level shall obtain approval from the Minister of Oceans and Fisheries or the competent Mayors/Do Governors or the competent head of a Si/Gun/Gu. *<Amended on Dec. 18, 2012; Mar. 23, 2013>*
- (3) No one shall capture or gather fishery resources within the protected waters.
- (4) Matters necessary for the management of protected waters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 48 (Designation and Rescission of Waters for Fishery Resources Management)

- (1) For the efficient management of fishery resources, the Mayors/Do Governors may designate waters where massive sedentary fishery resources have developed or inhabit, or projects for the formation of fishery resources have been conducted or are scheduled as waters for fishery resources management.
- (2) Where waters to be designated as waters for fishery resources management are the zones where inshore fisheries under Article 40 (1) of the Fisheries Act are in operation, or the boundary waters between Cities/Dos, approval from the Minister of Oceans and Fisheries shall be obtained. *<Amended on Mar. 23, 2013; Jan. 11, 2022>*
- (3) The term of validity of designation of waters for fishery resources management shall be five years: Provided, That where reasons prescribed by Presidential Decree exist, such as restriction on fisheries, etc., the Mayors/Do Governors may reduce the term of validity or extend the term of validity within the extent of three years.
- (4) Where the Mayors/Do Governors deem that no need to maintain waters for fishery resources management exists, or where the heads of Sis/Guns/Gus, fishers, etc. who manage and use waters for fishery resources management under Article 49 (4) manage and use waters for fishery resources management by a method not in conformity with the purpose of designation, they may rescind such designation.
- (5) When the Mayors/Do Governors have designated waters for fishery resources management, or extended or rescinded the designation of waters for fishery resources management, they shall announce such fact publicly without delay.
- (6) Matters necessary for the designation and rescission of waters for fishery resources management under paragraphs (1) through (3), methods of extension of term of validity, procedures therefor, etc. shall be prescribed by Presidential Decree.

Article 49 (Management of Waters for Fishery Resources Management)

(1) For the efficient management of waters for fishery resources management designated under Article 48, the Mayors/Do Governors shall determine regulations on the management and use of waters for fishery resources management.

(2) In order to utilize waters for fishery resources management designated under Article 48 as a waterfront space, the Minister of Oceans and Fisheries or Mayors/Do Governors may designate and operate an eco-experience site. *<Amended on Mar. 23, 2013>*

(3) The details of the regulations on the management and use of waters for fishery resources management under paragraph (1) and matters necessary for the designation and operation of eco-experience sites under paragraph (2) shall be prescribed by Presidential Decree.

(4) The Mayors/Do Governors may have the head of a Si/Gun/Gu manage waters for fishery resources management or may have fishers, etc. use such waters for fishery resources management in accordance with the regulations on the management and use of waters for fishery resources management.

(5) No one shall capture or gather fishery resources in waters for fishery resources management: Provided, That in the case of fishing methods (including fishing methods, other than the fisheries under this Act, Fisheries Act, or Aquaculture Industry Development Act) in accordance with the regulations on the management and use of waters for fishery resources management under paragraph (1), the Mayors/Do Governors may have fishers, etc. capture and gather fishery resources using such methods. *<Amended on Aug. 27, 2019>*

(6) Detailed matters concerning the management and use of waters for fishery resources management under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(7) Any one who intends to perform the following acts shall obtain permission from the Mayors/Do Governors: Provided, That where administrative agencies intend to perform such acts, they shall consult with the competent Mayors/Do Governors in advance: *<Amended on Mar. 24, 2020>*

1. Filling in;
2. Dredging;
3. New construction, expansion or reconstruction of artificial structures;
4. Extraction of soil, sand or gravel;
5. Other acts deemed as harmful to the efficient management and use of fishery resources, prescribed by Presidential Decree.

(8) Where the Mayors/Do Governors intend to grant permission or consult for acts in waters for fishery resources management under paragraph (7), they shall hear the opinions of presidents of associations by district or by business type.

Article 50 (Basic Investigation for Designation of Waters for Fishery Resources Management)

(1) The Mayors/Do Governors may conduct a basic investigation necessary for the designation of waters for fishery resources management under Article 48.

(2) Where necessary for a basic investigation, the Mayors/Do Governors may have affiliated public officials enter any third persons' land, fishing grounds, etc. and conduct an investigation.

(3) The public officials entering any third person's land, fishing grounds, etc. under paragraph (2) shall carry a certificate indicating authority and present it to the interested persons.

(4) Matters necessary for the details, methods, etc. of basic investigations under paragraph (1) shall be prescribed by Presidential Decree.

Article 51 (Management of Fishery Resources Protection Zones)

(1) Fishery resources protection zones shall be managed by a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (hereinafter referred to as "managing agencies") having jurisdiction over such zones. *<Amended on Dec. 18, 2012>*

(2) The managing agencies shall conduct an investigation into the actual state of the use of land or public waters in fishery resources protection zones, as prescribed by Presidential Decree.

(3) Matters necessary for the management of fishery resources protection zones, such as the installation of guidance signs, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 52 (Restriction on Acts in Fishery Resources Protection Zones)

(1) Urban and Gun area planning projects under subparagraph 11 of Article 2 of the National Land Planning and Utilization Act to be implemented within fishery resources protection zones shall be limited to projects prescribed by Presidential Decree. *<Amended on Apr. 14, 2011; Mar. 24, 2020>*

(2) Notwithstanding the provisions of Articles 57 and 76 of the National Land Planning and Utilization Act, only any of the following acts (hereinafter referred to as "act subject to permission") may be performed within fishery resources protection zones with permission of the managing agencies having jurisdiction over such zones, except in cases of urban and Gun area planning projects under paragraph (1): *<Amended on Apr. 14, 2011; Mar. 24, 2020>*

1. Constructing buildings and other facilities of a kind and size prescribed by Presidential Decree from among the buildings and other facilities necessary for the protection, formation, etc. of fishery resources;

2. Installing buildings and other facilities necessary for residents' livelihood, as prescribed by Presidential Decree;

3. Forestation, rearing forests, and forest road construction under the Forest Resources Creation and Management Act or the Management of Mountainous Districts Act, and other acts prescribed by Presidential Decree.

(3) The managing agencies may grant permission under paragraph (2), except for any of the following cases: *<Newly Inserted on Dec. 18, 2012>*

1. Where a business plan related to acts subject to permission, a plan to install infrastructure designed to perform the relevant act, an environment pollution prevention program, or a plan related to the scenery or landscape, etc. fails to conform to the standards for permission prescribed by Presidential Decree;
 2. Where an obstacle exists to fulfilling the objectives of the designation of fishery resources protection zones;
 3. Where an obstacle exists to the reasonable use of lands concerned or neighboring lands;
 4. Other cases that violate any restriction under this Act or other statutes or regulations.
- (4) If deemed necessary to meet the permission standards under paragraph (7), the managing agencies may grant permission under paragraph (2) on the condition that measures will be taken to install the infrastructure and prevent the environmental pollution. In such cases, the managing agencies shall hear in advance the opinion of the applicant for permission of an act. *<Newly Inserted on Dec. 18, 2012>*
- (5) The managing agencies may order suspension and reinstatement of the act by a person who commits an act subject to permission without getting the permission under paragraph (2), commits an act which is not in compliance with the permission under paragraph (2), or takes over the buildings or lands in question, within fishery resources protection zones. *<Amended on Dec. 18, 2012>*
- (6) When a person to whom a reinstatement order under paragraph (5) has been issued fails to comply with such order, the managing agencies may implement reinstatement in accordance with administrative vicarious execution under the Administrative Vicarious Execution Act. *<Amended on Dec. 18, 2012>*
- (7) Matters necessary for the permission standards, the application procedures, etc. under paragraph (2), and the period, frequencies, etc. of reinstatement orders under paragraph (5) shall be prescribed by Presidential Decree. *<Amended on Dec. 18, 2012>*

Article 53 (Purchase of Land)

- (1) For the effective protection of fishery resources, the Minister of Oceans and Fisheries may, if necessary, purchase land, etc. in the fishery resources protection zones and the surrounding areas after consultation with the owners. *<Amended on Mar. 23, 2013>*
- (2) Where a person suffers a loss due to the designation of fishery resources protection zones, the Minister of Oceans and Fisheries may compensate for such loss, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*
- (3) The purchase price of land, etc. under paragraph (1) shall be set pursuant to the price calculated under the Act on Acquisition of and Compensation for Land for Public Works Projects.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 54 (Establishment and Operation of Fishery Resources Management Committees)

- (1) In order to deliberate on master plans, implementation plans, etc., the Central Fishery Resources Management Committee shall be established in the Ministry of Oceans and Fisheries, and a City/Do

fishery resources management committee shall be established in each City/Do. *<Amended on Mar. 23, 2013>*

(2) The composition and operation of fishery resources management committees and other necessary matters shall be prescribed by Presidential Decree.

Article 55 (Function of Fishery Resources Management Committees)

(1) The Central Fishery Resources Management Committee shall conduct the following affairs: *<Amended on Mar. 23, 2013>*

1. Deliberation on basic plans;
2. Deliberation on implementation plans;
3. Deleted; *<Dec. 18, 2012>*
4. Deliberation on matters necessary for the management of fishery resources;
5. Consultation on matters requested by the Minister of Oceans and Fisheries;
6. Deliberation on matters prescribed by this Act.

(2) The City/Do fishery resources management committees shall conduct the following affairs:

1. Deliberation on implementation plans;
2. Deliberation on various restrictions on fisheries for the conservation and management of fishery resources;
3. Consultation on matters requested by the Mayors/Do Governors;
4. Deliberation on matters prescribed by this Act.

(3) If necessary for the activities of a fishery resources management committee under Article 54, such committee may request interested persons to attend the meetings of the relevant committee or to submit data, or request an administrative agency to query related public officials or to conduct an investigation. In such cases, the administrative agency that has received such request shall comply therewith unless an extraordinary reason exists otherwise.

Article 55-2 (Korea Fisheries Resources Agency)

(1) The Government shall establish and operate the Korea Fisheries Resources Agency (hereinafter referred to as the "Agency") in order to effectively perform fishery resources management projects, such as the protection and rearing of fishery resources, management of fishing grounds, and research, development and dissemination of technology. *<Amended on Jul. 25, 2011; Jan. 8, 2019>*

(2) The Agency shall be a juristic person. *<Amended on Jul. 25, 2011>*

(3) The Agency shall implement the following projects: Provided, That where the Agency conducts the projects for the formation of inland fishery resources within 20 kilometers of flow distance upstream from the water intake facilities (referring to the water intake facilities including wide-area waterworks and local waterworks prescribed in subparagraphs 7 and 8 of Article 3 of the Water Supply and Waterworks Installation Act), it shall consult the heads of relevant ministries: *<Amended on Jul. 25, 2011; Jun. 22, 2015; Aug. 11, 2015>*

1. Projects for the formation of fishery resources, such as the formation of artificial fishing banks, marine forests, marine ranches, and release of fishery seeds, etc.;
2. Basic research projects, such as the development of technology related to projects for the formation of fishery resources, research on suitable places in the intended sea areas, ecological environment research, post management, and analysis of effects;
3. Projects for the investigation into total allowable catches for the management of fishery resources and supporting projects in the fields in connection with global warming;
4. Projects entrusted or permitted by the State or a local government to be vicariously executed in order to promote the management of fishery resources (including projects for the formation of inland fishery resources prescribed in the Inland Water Fisheries Act pursuant to subparagraph 5 of Article 3);
5. Other projects prescribed by Presidential Decree for the management of fishery resources.

(4) Expenses incurred in establishing and operating the Agency shall be appropriated from the following funding categories: *<Amended on Jul. 25, 2011>*

1. Contributions from the Government;
2. Government subsidies;
3. Revenues gained from the execution of services for the Government, local governments, or private sector;
4. Other revenues.

(5) Matters necessary for the granting, management, and use of the contributions by the Government under paragraph (4) 1 shall be prescribed by Presidential Decree. *<Amended on Jul. 25, 2011>*

(6) If deemed necessary for the establishment and operation of the Agency, the Government may gratuitously transfer or lend state or public property and commodities to the Agency, or permit it to gratuitously use or profit from state or public property and commodities, notwithstanding the provisions of the State Property Act, the Commodity Management Act and the Public Property and Commodity Management Act. *<Amended on Jul. 25, 2011>*

(7) The details, terms and conditions, procedures, etc. for transfer, lending or use and profit pursuant to paragraph (6) shall be prescribed by Presidential Decree. *<Newly Inserted on Jul. 25, 2011>*

Article 55-3 (Executive Officers)

(1) Not more than nine directors including the President and one auditor shall be appointed to the executive officers of the Agency. In such cases, the President and one director shall be permanent members and the rest of the executive officers and the auditor shall be non-permanent members.

(2) The president shall represent the Agency and exercise the overall control of its affairs.

[Previous Article 55-3 moved to Article 55-9 *<Jul. 25, 2011>*]

Article 55-4 (Appointment of Agent)

The President may appoint an agent who will hold authority to conduct a judicial or non-judicial act regarding the affairs of the Agency from among his or her employees, as prescribed by the articles of incorporation.

Article 55-5 (Appointment or Dismissal of Employees)

The employees of the Service shall be appointed and dismissed by the chief executive officer, as prescribed by the articles of incorporation.

Article 55-6 (Guidance and Supervision over Affairs)

The Minister of Oceans and Fisheries may guide and supervise projects of the Agency pursuant to each subparagraph of Article 55-2 (3) and, if deemed necessary, may require the Agency to report matters concerning the affairs, account records and property of the Agency or may order public officials under his or her control to inspect the account books, documents, or other articles of the Agency. <Amended on Mar. 23, 2013>

Article 55-7 (Prevention of Using Similar Titles)

No person, other than the Agency under this Act, shall use the title "Korea Fisheries Resources Agency" or other similar titles. <Amended on Jan. 8, 2019>

Article 55-8 (Application Mutatis Mutandis of the Civil Act)

Except as provided for in this Act and the Act on the Management of Public Institutions, the provisions concerning the incorporated foundation in the Civil Act shall apply mutatis mutandis to the Agency.

Article 55-9 (Dispatch of Public Officials)

(1) Where the Agency makes a request, the Minister of Oceans and Fisheries may dispatch some of the public officials belonging to the Ministry of Oceans and Fisheries or its affiliated agencies to the Agency to work for the same. <Amended on Jul. 25, 2011; Mar. 23, 2013; Mar. 24, 2020>

(2) The Minister of Oceans and Fisheries who dispatches a public official pursuant to paragraph (1) shall not treat the public official unfavorably in personnel management. <Newly Inserted on Mar. 24, 2020>

[Moved from Article 55-3] <Jul. 25, 2011>

Article 56 (Guidance and Supervision)

Where the Minister of Oceans and Fisheries or Mayors/Do Governors give guidance and conduct supervision as prescribed by this Act, they may have public officials supervising fisheries under Article 69 of the Fisheries Act (hereinafter referred to as "fisheries supervising officials") perform such affairs. <Amended on Mar. 23, 2013; Jan. 11, 2022>

Article 57 (Judicial Police Power)

Fisheries supervising officials shall conduct the duties of a judicial police officer as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties for an act in violation of this Act or an order under this Act.

Article 58 (Employment of Fishery Resources Investigators)

(1) Where the Minister of Oceans and Fisheries or Mayors/Do Governors deem it necessary for the management of fishery resources and investigation therein, they may appoint persons who are specialists in fisheries, who are engaged in fisheries, or who have completed education concerning fisheries, or other relevant persons as fishery resources investigators. *<Amended on Mar. 23, 2013>*

(2) The qualification, duties, allowance of fishery resources investigators, and other necessary matters shall be prescribed by Presidential Decree.

Article 59 (Hearings)

When administrative agencies intend to take any of the following dispositions in accordance with the classification of authority, they shall hold a hearing: *<Amended on Jan. 8, 2019>*

1. Revocation of approval for use of double or multi-layered gill nets under Article 23 (5);
2. Revocation of approval of agreements between fishers under the latter part of Article 30 (1);
3. Deduction from shares under Article 38 (2) (including cases applied mutatis mutandis under Article 39 (3)).

Article 60 (Delegation of Authority)

The authority of the Minister of Oceans and Fisheries under this Act may be partially delegated to the head of an affiliated agency or the Mayors/Do Governors as prescribed by Presidential Decree, and the authority of the Mayors/Do Governors under this Act may be partially delegated to the head of a Si/Gun/Gu as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

Article 61 (Entrustment of Projects for Formation and Recovery of Fishery Resources)

(1) In order to efficiently promote projects for the formation and recovery of fishery resources, administrative agencies may have the Agency or agencies, organizations or associations designated by the Minister of Oceans and Fisheries vicariously conduct the projects prescribed by Presidential Decree, such as projects for installing artificial fishing banks, or duties concerning the management of facilities and equipment installed for such projects, or entrust the Agency or such agencies, organizations or associations with such projects or duties. *<Amended on May 17, 2010; Jul. 25, 2011; Mar. 23, 2013>*

(2) A local government may entrust the Agency with the execution of projects for the formation of inland fishery resources prescribed in Article 55-2 (3) 4. *<Amended on Aug. 11, 2015>*

(3) Where administrative agencies entrust a third party with projects for the formation and recovery of fishery resources or the duties concerning the management of facilities and equipment or require them to vicariously conduct such projects or duties pursuant to paragraph (1) or (2), they may fully or partially subsidize working expenses or required costs. <Amended on Aug. 11, 2015>

(4) Matters necessary for vicariously conducting or entrusting projects for the formation and recovery of fishery resources prescribed in paragraph (1), and for the designation, etc. of institutions, organizations, or associations that are to vicariously conduct the relevant projects or to be entrusted therewith shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013; Aug. 11, 2015>

Article 62 (Provisions to be Applied Mutatis Mutandis)

(1) Articles 67, 88, and 90 of the Fisheries Act shall apply mutatis mutandis to matters concerning the supervision of the Minister of Oceans and Fisheries or Mayors/Do Governors and to compensation to persons who have suffered a loss due to dispositions of administrative agencies. <Amended on Mar. 23, 2013; Jan. 11, 2022>

(2) Articles 93 and 94 of the Fisheries Act shall apply mutatis mutandis to cases where subsidies are granted or funds are loaned, as administrative agencies deem it necessary for the formation and management of fishery resources. <Amended on Jan. 11, 2022>

Article 63 (Reward)

The Minister of Oceans and Fisheries may grant rewards to those who have reported a person violating this Act or orders under this Act to any related agency, those who have performed meritorious deeds in arresting such person, or those who have made a special contribution to the protection of fishery resources, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

Article 63-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

A member of a fishery resources management committee under Article 54 who is not a public official shall be deemed a public official for purposes of Articles 127 and 129 through 132 of the Criminal Act.

CHAPTER VII PENTALTY PROVISIONS

Article 64 (Penalty Provisions)

A person who violates Article 28 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended on Aug. 27, 2015; Sep. 24, 2020; Mar. 24, 2020>

1. Any person who is engaged in fishery business in violation of Article 14;
2. Any person who possesses, distributes, processes, keeps, or sells fishery resources captured and gathered in violation of Article 17 or products made thereof;

3. Any person who operates or is engaged in fisheries in waters where a period of suspension of fishing is established, in violation of Article 19 (2);
4. Any person who uses a fishing vessel, in violation of Article 22;
5. Any person who captures and gathers fishery resources using explosives, poisons, or electricity, in violation of Article 25 (1);
6. Any person who keeps or uses toxic chemicals, in violation of Article 25 (2);
7. Any person who transplants fishery resources, in violation of an order under Article 35 (1) 5;
8. Any person who captures and gathers fishery resources without having been allocated shares under Article 37 (2);
9. Any person who installs artificial structures limited or prohibited under Article 43 (1) or fails to comply with a construction order under paragraph (2) of the same Article;
10. Any person who conducts construction in the protected waters, in violation of Article 47 (2), or captures and gathers fishery resources in the protected waters, in violation of paragraph (3) of the same Article;
11. Any person who captures and gathers fishery resources in waters for fishery resources management, in violation of the main body of Article 49 (5);
12. Any person who performs an act in waters for fishery resources management without obtaining permission, in violation of Article 49 (7);
13. Any person who performs an act subject to permission under Article 52 (2) without obtaining permission from the managing agencies or performs an act contrary to the terms of permission.

Article 65 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding 10 million won: *<Amended on Mar. 27, 2015; Mar. 24, 2020>*

1. Any person who is engaged in fishery business in a fishing prohibited zone prescribed in Article 15;
2. A person who cultivates, captures or collects aquatic animals and plants, in violation of Article 18 (1);
3. Deleted; *<Dec. 18, 2012>*
4. Deleted; *<Dec. 18, 2012>*
5. Any person who captures and gathers fishery resources using double or multi-layered gill nets, in violation of Article 23 (3);
6. Any person who manufactures, sells, or carries specific fishing implements, remodels vessels, or installs facilities for purposes of using such fishing implements, in violation of Article 24;
7. Any person who violates an order for restriction or prohibition concerning the placement or removal of objects necessary for the propagation or protection of fishery resources under Article 35 (1) 1;
8. Any person who violates an order for restriction or prohibition concerning the export of fingerlings and spats under Article 35 (1) 4;

9. Any person who violates an order for restriction or prohibition for the propagation and protection of endangered fishery resources under Article 35 (1) 6;
10. Any person who releases anadromous fishes or other fishery resources determined by administrative agencies without filing a report under Article 43 (3).

Article 66 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won: <Amended on Mar. 24, 2020>

1. Any person who violates an order for restriction or prohibition of the dumping of objects or materials harmful to fishery resources, or the contamination of water quality under Article 35 (1) 2;
2. Any person who violates an order for restriction or prohibition of chemicals or materials used to prevent disease in fishery resources under Article 35 (1) 3;
3. Any person who fails to implement an order to take measures necessary for reinstatement under Article 35 (2);
4. Any person who captures fishery resources in excess of shares, in violation of Article 38 (1);
5. Any person who violates an order for suspension, etc. of capture and gathering under Article 38 (3);
6. Any person who captures and gathers fishery resources, in violation of the proviso of Article 49 (5).

Article 67 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine of up to three million won:

1. Any person who fails to comply with an order to release illegal catches under Article 16;
2. Deleted; <Mar. 27, 2015>
3. A person who fails to report or who files a false report, in violation of Article 38 (4);
4. Any person who sells or exchanges catches in a place, other than a designated place for sale, in violation of Article 40 (2).

Article 68 (Confiscation)

- (1) Where a person falls under any of Articles 64 through 67, the catches, products, fishing vessels, fishing implements, explosives or poisons possessed or carried by such person may be forfeited.
- (2) When it is impractical to forfeit all or some of the objects possessed or carried by a person under paragraph (1), an amount equivalent thereto may be collected.

Article 69 (Joint Penalty Provisions)

If the representative of a corporation, or an agent or employee of, or any other person employed by, a corporation or an individual commits a violation under Articles 64 through 67 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but the

corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation.

Article 70 (Administrative Fines)

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

<Amended on Jul. 25, 2011; Feb. 3, 2015; Jun. 22, 2015>

1. Any person who rejects, interferes with, or evades an investigation by an affiliated public official or fishery resources investigator under Article 12 (1);
2. A person who fails to submit the data under Article 12 (4), or who submits false data.
3. Any person who produces or releases fishery seeds without obtaining approval, in violation of Article 42 (3);
4. Any person who releases fishery seeds without obtaining certification, in violation of Article 42-2 (2);
5. Any person who uses a similar title, in violation of Article 55-7.

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

<Amended on Mar. 24, 2020>

1. Any person who captures and gathers fishery resources, in violation of the proviso of Article 18 (2);
2. A person who fails to return a permit, in violation of Article 26-2 (2).

(3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Science and ICT or by Mayors/Do Governors, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Dec. 3, 2019>*

ADDENDA *<Act No. 9627, Apr. 22, 2009>*

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

With respect to disposition, procedures and other acts pursuant to the previous Fisheries Act, the previous Fish Farming Development Act and Presidential Decree (hereinafter referred to as "Fishery Resources Protection Decree") as delegated under Articles 53 and 77 of the previous Fisheries Act at the time this Act enters into force, where there are provisions corresponding thereto in this Act, such disposition, procedures and other acts shall be deemed to have been imposed pursuant to this Act.

Article 3 (Transitional Measures concerning Use of Double or Multi-Layered Gill Nets)

A person who has reported the use of double or multi-layered gill nets or has obtained approval therefor in accordance with subparagraph 1 or 2 of Article 5 of the previous Fishery Resources Protection Decree at the time this Act enters into force shall be deemed to have obtained approval for the use of double or multi-layered gill nets pursuant to Article 23 (3).

Article 4 (Transitional Measures concerning Designation of Protected Waters)

Waters designated as protected waters pursuant to Article 65 (1) and (2) of the previous Fisheries Act at the time this Act enters into force shall be deemed to have been designated as protected waters pursuant to Article 46 (1).

Article 5 (Transitional Measures concerning Designation of Waters for Fishery Resources Management)

(1) Waters designated as waters for fishery resources management pursuant to Article 10 (1) of the previous Fish Farming Development Act at the time this Act enters into force shall be deemed to have been designated as waters for fishery resources management for five years from the enforcement date of this Act pursuant to Article 48 (1) and (2).

(2) Waters designated as rearing waters pursuant to Article 68 (1) of the previous Fisheries Act at the time this Act enters into force shall be deemed to have been designated as waters for fishery resources management for the remaining term of validity pursuant to Article 48 (1).

Article 6 (Transitional Measures concerning Permission of Construction, etc. in Fishery Resources Protection Zones)

(1) Permission for construction, etc. of a building or other facilities granted in connection with restrictions, etc. on acts within fishery resources protection zones pursuant to Article 2 (1) of Addenda to the partially amended Fisheries Act, Act No. 8564, and pursuant to Article 67-3 (2) of the previous Fisheries Act at the time this Act enters into force shall be deemed to have been granted by a managing agency pursuant to Article 52 (2).

(2) Reinstatement orders issued in connection with restrictions, etc. on acts within fishery resources protection zones pursuant to Article 2 (2) of Addenda to the partially amended Fisheries Act, Act No. 8564, and pursuant to Article 67-3 (3) of the previous Fisheries Act at the time this Act enters into force shall be deemed to have been issued by a managing agency pursuant to Article 52 (3).

Article 7 (Transitional Measures concerning Imposition and Collection of Formation Levies)

A person who is subject to the imposition and collection of fishery resources formation levies, or the exemption therefrom pursuant to Article 12 (1) and (2) of the previous Fish Farming Development Act at the time this Act enters into force shall be deemed a person subject to the imposition and collection of fishery resources formation levies, or the exemption therefrom pursuant to Article 44 (1) or (2).

Article 8 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

Where the penalty provisions or the provisions of administrative fines are applied to an act committed before this Act enters into force, the provisions of the previous Fisheries Act, the provisions of the previous Fish Farming Development Act and the previous Fishery Resources Protection Decree shall apply thereto.

Article 9 Omitted.

Article 10 (Relationship with other Statutes)

Where the previous Fisheries Act, the previous Fish Farming Development Act, the previous Fishery Resources Protection Decree, or the provisions thereof have been cited in other statutes at the time this Act enter into force, and if there exist provisions corresponding thereto in this Act, this Act or the corresponding provisions of this Act shall be deemed to have been cited in lieu of the previous provisions.

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

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 10291, May 17, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Preparatory Acts for Enforcement of This Act)

Any preparatory acts for the establishment of the Fisheries Resources Agency in accordance with this Act may be performed before this Act enters into force.

Article 3 (Preparation for Establishment of Fisheries Resources Agency)

- (1) The Minister for Food, Agriculture, Forestry and Fisheries shall commission not more than seven establishment members within three months from the promulgation date of this Act and have them conduct business concerning the establishment of the Fisheries Resources Agency.
- (2) The establishment members shall prepare the articles of association of the Fisheries Resources Agency and obtain approval from the Minister for Food, Agriculture, Forestry and Fisheries thereon.
- (3) When the establishment members have obtained approval pursuant to paragraph (2), they shall register the establishment of the Fisheries Resources Agency under joint signature without delay and then transfer the business to the head of the Fisheries Resources Agency.
- (4) The establishment members shall be deemed to have been decommissioned when transfer of business pursuant to paragraph (3) is completed.
- (5) The Government shall bear expenses incurred in preparing the establishment of the Fisheries Resources Agency.

Article 4 (Transitional Measures concerning Fisheries Resources Agency)

- (1) The Fish Farming Center established pursuant to Article 55 of the Fisheries Act at the time this Act enters into force shall be deemed to have been dissolved upon the establishment of the Fisheries Resources Agency, and the Fisheries Resources Agency shall comprehensively succeed the assets and rights or obligations belonging to the Fish Farming Center.

(2) The name of the Fish Farming Center indicated in any registers regarding the assets which the Fisheries Resources Agency has comprehensively succeeded pursuant to paragraph (1) and in other official books shall be deemed the name of the Fisheries Resources Agency upon the establishment of the Fisheries Resources Agency.

(3) In cases under paragraph (1), the value of the assets deemed the assets of the Fisheries Resources Agency shall be the book value on the day before the date of registration of the establishment pursuant to Article 3 (3) of Addenda.

(4) In cases under paragraph (1), any acts done by or in relation to the Fish Farming Center before this Act enters into force shall be deemed acts done by or in relation to the Fisheries Resources Agency.

(5) In cases under paragraph (1), executive officers or employees of the Fish Farming Center at the time this Act enters into force shall be deemed to have been appointed or designated as executive officers or employees of the Fisheries Resources Agency. In such cases, the term of office of an executive officer shall be counted from the date he/she was appointed as an executive officer of the Fish Farming Center.

(6) Where the Fish Farming Center is cited in other statutes at the time this Act enters into force, the Fisheries Resources Agency shall be deemed to have been cited in lieu thereof.

Article 5 (Special Cases on Appointment of Employees of Fisheries Resources Agency)

(1) A person whose status is changed to an employee of the Fisheries Resources Agency from among public officials of the Ministry for Food, Agriculture, Forestry and Fisheries or agencies under its control shall be deemed to have been appointed to the Fisheries Resources Agency.

(2) Where a person has been appointed as an employee of the Fisheries Resources Agency pursuant to paragraph (1), he/she shall be deemed to have retired from the status of public official.

(3) Where a person who was a public official has been appointed as an employee of the Fisheries Resources Agency pursuant to paragraph (1), his/her retirement age shall be in accordance with the retirement age under the State Public Officials Act which was applied to his/her class at the time he/she retires from the office.

ADDENDA <Act No. 10599, Apr. 14, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10944, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Fisheries Resources Agency)

(1) The Fisheries Resources Agency established pursuant to the previous provisions at the time this Act enters into force shall be deemed the Korea Fisheries Resources Agency established pursuant to this Act.

(2) Any act done by or in relation to the Fisheries Resources Agency before this Act enters into force shall be deemed an act done by or in relation to the Korea Fisheries Resources Agency.

(3) Executive officers or employees of the Fisheries Resources Agency at the time this Act enters into force shall be deemed appointed or designated as executive officers or employees of the Korea Fisheries Resources Agency. In such cases, the term of office of the executive officer shall be counted from the date he/she was appointed as an executive officer of the Fisheries Resources Agency.

(4) Where the Fisheries Resources Agency is cited in other statutes at the time this Act enters into force, the Korea Fisheries Resources Agency shall be deemed to have been cited in place thereof.

Article 3 Omitted.

ADDENDUM <Act No. 11353, Feb. 22, 2012>

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

ADDENDA <Act No. 11566, Dec. 18, 2012>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 11567, Dec. 18, 2012>

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 11998, Aug. 6, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 12086, Aug. 13, 2013>

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

ADDENDUM <Act No. 12740, Jun. 3, 2014>

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

ADDENDA <Act No. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That Acts amended by Article 6 of Addenda, which were promulgated before this Act enters into force but the enforcement date of which has not yet arrived, shall enter into force on the enforcement date of the respective Act.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 13190, Feb. 3, 2015>

This Act shall enter into force nine months after the date of its promulgation: Provided, That the amended provisions of Article 38 (3) shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 13270, Mar. 27, 2015>

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

ADDENDUM <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one month after its promulgation.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 13495, Aug. 11, 2015>

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 16 (1) shall enter into force on the date of its promulgation.

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

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Change of the Agency's Name)

(1) The Korea Fisheries Resources Agency established pursuant to the previous provisions before this Act enters into force shall be deemed the Korea Fisheries Resources Agency under this Act.

(2) Acts committed by or against the Korea Fisheries Resources Agency under the previous provisions as at the time this Act enters into force shall be deemed acts committed by or against the Korea Fisheries Resources Agency under this Act.

(3) The Korea Fisheries Resources Agency shall modify its articles of incorporation and obtain authorization therefor from the Minister of Oceans and Fisheries within six months after this Act enters into force.

Article 3 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDUM <Act No. 16697, Dec. 3, 2019>

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

ADDENDA <Act No. 17052, Feb. 18, 2020>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 17106, Mar. 24, 2020>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 18, 24, 36, and 65, and the amended provisions of Article 70 of the Fishery Resources Management Act (Act No. 16697) shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 17617, Dec. 8, 2020>

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

ADDENDA <Act No. 18755, Jan. 11, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 40 Omitted.

ADDENDUM <Act No. 18956, Jun. 10, 2022>

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

Last updated : 2023-03-24