

FRAMEWORK ACT ON MARINE FISHERY DEVELOPMENT

Act No. 6700, May 13, 2002

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9454, Feb. 6, 2009

Act No. 9717, May 27, 2009

Act No. 11596, Dec. 18, 2012

Act No. 11709, Mar. 23, 2013

Act No. 12491, Mar. 18, 2014

Act No. 14079, Mar. 22, 2016

Article 1 (Purpose)

The purpose of this Act is to contribute to the development of the national economy and the improvement of national welfare, by determining the Government's basic policy and its directions for the rational management, preservation, development and utilization of the sea and marine resources, and the fostering of marine industries.

Article 2 (Basic Ideology)

Recognizing that the sea is a rich repository of natural resources and a ground for living as well as a route of logistics, and as such it exerts considerable influences on the national economy and national living, the basic ideology of this Act is to cultivate opulent and vibrant seas to be bequeathed to the future generations, by creating an environment where the marine industries can become more knowledge- and information-based and create higher added value, and by seeking the environment-friendly and sustainable development or utilization of marine resources.

Article 3 (Definitions)

The definition of terms used in this Act shall be as follows: *<Amended by Act No. 11596, Dec. 18, 2012>*

1. The term "sea" means the sea area such as inland waters, territorial waters, exclusive economic zone and continental shelf, etc. of the Republic of Korea whereto extends the sovereignty, sovereign rights or jurisdiction of the Republic of Korea, and the sea area wherein the Government of the Republic of Korea or her people may take part for its development, utilization or preservation under the treaties concluded and promulgated under her Constitution, or the generally-approved international statutes;
2. The term "marine resources" means the resources valuable to the national economy and national living, such as the marine living resources, marine mineral resources, marine energy, marine tourism

resources, marine space resources, etc. which may be developed or utilized;

2-2. The term "marine science and technology" means science and technology related to the management, preservation, development and utilization of seas and marine resources;

3. The term "marine industry" means the industries related to shipping, ports and harbors, fishery, development of marine science and technology, marine environment, marine tourism, and marine information, and other industries related to the management, preservation, development or utilization of seas and marine resources.

Article 4 (Relations with Other Acts)

Other Acts concerning the maritime affairs and fisheries shall be enacted or amended in compliance with the purpose and basic ideology of this Act.

Article 5 (Basic Responsibility of State, etc.)

(1) The State and local governments shall be responsible for preserving the marine environments, marine resources and marine ecosystems.

(2) The State and local governments shall, in promoting the development of marine industries, endeavor to make the management, preservation, development or utilization of seas and marine resources to achieve a harmony and balance therewith.

(3) The State and local governments shall continuously promote the creation of the infrastructures and environments required for the development of maritime affairs and fisheries.

Article 6 (Master Plan for Development of Maritime Affairs and Fisheries)

(1) The Government shall, in order to efficiently achieve the purposes of this Act, establish the mid- to long-term policy objectives and directions thereof concerning the rational management, preservation, development and utilization of seas and marine resources, and the fostering of marine industry (hereinafter referred to as the "marine development, etc."), and formulate and implement every decade the master plan for the development of maritime affairs and fisheries (hereinafter referred to as the "master plan") as prescribed by Presidential Decree.

(2) The master plan shall contain the following: <Amended by Act No. 12491, Mar. 18, 2014>

1. Basic conception of the Government as to the marine development, etc. and its implementation objectives;

2. Matters concerning the preservation and management, etc. of seas;

3. Matters concerning the rational development and utilization, etc. of marine resources;

4. Matters concerning the fostering of marine industries;

5. Matters concerning laying the foundation for the development of maritime affairs and fisheries and the advancement of environment preservation;

5-2. Matters concerning the fostering of human resources specialized in maritime affairs and fisheries;

6. Other matters concerning the comprehensive and systematic implementation of marine development, etc.

(3) The Government shall finalize the master plan after deliberation by the Marine Fishery Development Committee under Article 7 and the State Council, and provide public notice thereof.

(4) The Government shall formulate and implement an annual implementation plan for the development of maritime affairs and fisheries (hereinafter referred to as the "implementation plan") in accordance with the master plan. In such cases, if there exists any plan for each sector pursuant to other Acts and subordinate statutes, it shall be reflected in the implementation plan.

(5) The Government shall prepare the implementation plan for the relevant year under paragraph (4) and the achievements in the implementation of the preceding year's plan, as prescribed by Presidential Decree.

(6) The Government shall submit to the National Assembly an annual report as to the main details of the master plan, the implementation plan for the relevant year, and the achievements in the implementation of the preceding year's plan.

Article 7 (Maritime Affairs and Fisheries Development Committee)

The Maritime Affairs and Fisheries Development Committee (hereinafter referred to as the "Committee") shall be established under the control of the Minister of Oceans and Fisheries in order to deliberate on the master plan, important policies on marine development, etc. and marine environment. *<Amended by Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>*

Article 8 (Composition, etc. of Committee)

(1) The Committee shall be composed of not more than 25 members including one chairperson.

(2) The chairperson of the Committee shall be the Minister of Oceans and Fisheries, and members of the Committee shall be those prescribed by Presidential Decree from Vice-Ministerial-level public officials of related central administrative agencies and those commissioned by the Minister of Oceans and Fisheries (hereinafter referred to as "commissioned members") from among those with expert knowledge and extensive experience in the seas, marine resources, marine industries or marine environment. *<Amended by Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>*

(3) The Committee shall have one executive secretary, who shall be the Vice Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>*

(4) The number of commissioned members shall be not less than five, and their terms of office shall be two years, and they may serve consecutive terms.

(5) The composition and operation of the Committee and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Duties of Committee)

The Committee shall deliberate on the following: *<Amended by Act No. 9454, Feb. 6, 2009>*

1. Formulation of the master plan;
2. Establishment of national objectives and institutional development with regard to marine development, etc.;
3. Adjustment of important policies on marine development, etc.;

4. Fostering and support of marine industries;
5. Formulation, etc. of important policies and plans on marine environment;
6. Other matters prescribed by other Acts to be deliberated on by the Committee and matters which are referred for deliberation by the chairperson.

Article 10 (Request for Submission of Materials, etc.)

The Committee may, if deemed necessary for performing its duties, request the head of the related administrative agency to submit materials or to present his/her opinion, etc., and the head of the related administrative agency, upon receipt of such request, shall comply therewith in the absence of good cause to the contrary.

Article 11 (Working Committee)

- (1) The working committee for maritime affairs and fisheries development (hereafter referred to as the "working committee" in this Article) shall be established in the Committee in order to render practical support to the efficient operation of the Committee and deliberation on agenda items by the Committee.
- (2) Subcommittees may be operated in each field under the working committee for its efficient operation.
- (3) The composition and operation of the working committee and subcommittees and other necessary matters shall be prescribed by Presidential Decree.

Article 12 (Management of Seas)

- (1) The Government shall strive for preservation of the marine environment and marine resources, and for sustainable development.
- (2) The Government shall ensure the comprehensive and systematic management and preservation of the resources in the sea area under the sovereign rights or jurisdiction of the Republic of Korea, such as the exclusive economic zone and continental shelf, and shall secure the various capabilities to do so.

Article 13 (Preservation of Marine Environment)

The Government shall devise measures to prevent the generation or influx of pollutants or wastes, or remove pollutants or wastes for the sake of the preservation of marine environment.

Article 14 (Preservation of Marine Ecosystem)

The Government shall endeavor to preserve and restore marine ecosystems, such as preserving marine biodiversity and protecting habitats.

Article 15 (Management of Marine Safety)

In order to prevent marine accidents from inflicting damage on human lives and properties, or causing marine pollution, etc., the Government shall devise and implement measures on marine safety management, such as developing marine safety technologies, improving the marine traffic environment, securing ship safety, and establishing a system to rapidly respond to accidents.

Article 16 (Development, etc. of Marine Resources)

The Government shall devise and implement measures required for the management, preservation, development and utilization of marine resources.

Article 17 (Marine Scientific Research and Technological Development)

(1) The Government shall conduct marine scientific research and observe seas for the rational management, preservation, development and utilization of the seas and marine resources, and may establish and operate a national network for marine observation for efficient research and observation.

(2) The Minister of Oceans and Fisheries shall devise and implement a plan for the development of marine science and technology, in order to improve marine science and technology and to facilitate its practicalization and industrialization. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

Article 18 (Use of Marine Spaces)

The Government shall endeavor to utilize the marine spaces scientifically and economically, through installation and operation of oceanic cities, artificial islands and marine structures, etc.

Article 19 (Exploitation of Forward Base for Marine Development)

The Government shall develop a forward base for marine development to develop overseas marine living resources and marine mineral resources.

Article 20 (Installation of Marine Research Station, and Survey and Research)

The Government shall devise and implement support plans required for the installation of a marine research station in a specific area, such as the South Pole and the North Pole, and for the advancement of marine science survey and research.

Article 21 (Advancement of International Cooperation)

The Government shall endeavor to promote efficient international cooperation, such as the establishment, etc. of an organization designed to facilitate technological cooperation, information exchange, joint survey and research concerning marine development, etc. in collaboration with foreign countries and international organizations, etc.

Article 22 (Inter-Korean Cooperation for Maritime Affairs and Fisheries)

The Government shall endeavor to advance cooperation in the fields of maritime affairs and fisheries, such as the joint research on marine science, joint development of marine resources, joint fishery with residents in the northern territory of the military demarcation line, and the opening of a sea route and the exchange of fishery products with the northern areas of the military demarcation line.

Article 23 (Strengthening, etc. of Competitiveness of Shipping and Port Industries)

For the purpose of strengthening the international competitiveness of shipping and port industries and increasing the efficiency of harbor operation, the Government shall devise and implement measures required for the fostering of shipping industry and the development of port and harbor industry.

Article 24 (Expansion of Port Facilities, etc.)

The Government shall devise and implement measures required to expand port and harbor facilities and fishing port facilities, such as the construction of ports and harbors and fishing ports, the construction of port hinterlands, the development of harbor construction technology, etc.

Articles 25 through 27 Deleted. *<by Act No. 9717, May 27, 2009>*

Article 28 (Promotion of Marine Tourism)

(1) In order to improve the health, recreation, and emotional life of all Koreans, the Government shall devise and implement measures required to facilitate tourist activities, leisure or sports in the seas (hereafter referred to as the "maritime tourism" in this Article).

(2) The Minister of Oceans and Fisheries may designate, as the undersea scenic zone, the sea area in which undersea scenery is excellent and ecosystems are well preserved, as prescribed by Presidential Decree for the promotion of marine tourism. In such cases, where the sea area intended for such designation as the undersea scenic zone corresponds to a natural park under subparagraph 1 of Article 2 of the Natural Parks Act, he/she shall consult in advance with the Minister of Environment. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

(3) For the purpose of cultivating sound emotions of all Koreans, expanding exchanges between cities and fishing villages, and increasing the income of residents in fishing villages, the Minister of Oceans and Fisheries shall devise and implement measures to encourage specialized fishing village tourism aimed at developing fishing villages into tourist attractions that have their own characteristics. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

(4) Where necessary for the development of specialized fishing village tourism under paragraph (3), the State may render support required for installing and operating cultural facilities, etc. or for holding a regional cultural event, etc.

(5) In order to support and foster sports and leisure activities in the seas, the Minister of Oceans and Fisheries shall formulate and implement a plan to promote sports and leisure activities in the seas. *<Newly Inserted by Act No. 11709, Mar. 23, 2013>*

Article 29 (Support, etc. for New Technologies)

(1) The Minister of Oceans and Fisheries may render support required for the development or commercialization of new technologies related to marine development, etc. (hereafter referred to as "new technologies" in this Article) of small and medium businesses (referring to small and medium businesses under Article 2 of the Framework Act on Small and Medium Enterprises). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

(2) Where a business operator, who commercialized a new technology through support under paragraph (1), has generated a turnover by utilizing or commercializing such technology, the Minister of Oceans and Fisheries may receive royalties from such business operator. In such cases, matters necessary for the criteria for payment, payment procedures and purpose, etc. of royalties shall be prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may, if necessary for efficiently promoting the support business under paragraph (1), designate a specialized agency and have such agency perform duties related thereto. In such cases, the Minister of Oceans and Fisheries may subsidize expenses incurred therefor. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

Article 30 (Establishment and Fostering, etc. of Research Institutes)

(1) The Government may establish and foster a research institute which conducts survey, research and development of science and technology for the rational management, preservation, development and utilization of the seas and marine resources, pursuant to the provisions of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions.

(2) The Government shall endeavor to establish and utilize systematic collaborative research systems among the academic circles, research institutes and industrial circles.

Article 31 (Fostering, etc. of Skilled Personnel in Maritime Affairs and Fisheries)

(1) The Government shall establish and operate training centers and educational institutes in order to foster human resources specialized in the fields of maritime affairs and fisheries and to efficiently utilize such personnel.

(2) If necessary to foster human resources specialized in maritime affairs and fisheries under paragraph (1), the Minister of Oceans and Fisheries may give his/her opinions on increasing the fixed number of personnel and creating new educational courses to the heads of a training center or an educational institute and the heads of relevant central administrative agencies. In such cases, the heads of relevant central administrative agencies shall take such opinions into consideration. *<Newly Inserted by Act No. 12491, Mar. 18, 2014>*

(3) The Minister of Oceans and Fisheries shall devise and implement measures required for stabilizing employment of crewmen and enhancing their welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013; Act No. 12491, Mar. 18, 2014>*

(4) The Minister of Oceans and Fisheries shall devise and implement measures required for fostering successors to fisheries who settle in a fishing village and who operate or intend to operate fishery, and professional fishing people equipped with the professional fisheries technology and managerial capability. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013; Act No. 12491, Mar. 18, 2014>*

Article 32 (Information-oriented Advancement for Marine Development, etc.)

(1) The Minister of Oceans and Fisheries shall devise and implement measures required for more sophisticated information processing systems concerning marine development, etc. and for smooth distribution of information. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may establish and operate the national information center for maritime affairs and fisheries, in order to efficiently collect, manage and provide information concerning marine development, etc. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>*

Article 33 (Promotion of Research and Development Project of Marine Science and Technology)

(1) For the purpose of efficient implementation of the development plans for marine science and technology referred to in Article 17 (2), the Minister of Oceans and Fisheries may select research and development tasks by year and by field and implement projects for facilitating research and development and nurturing human resources specialized in marine science and technology (hereinafter referred to as "research and development project, etc."), after concluding an agreement with any of the following

institutions or organizations: <Amended by Act No. 11709, Mar. 23, 2013; Act No. 14079, Mar. 22, 2016>

1. Specific research institutes under Article 2 of the Specific Research Institutes Support Act;
 2. Government-funded research institutions under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions, or government-funded science and technology research institutions under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions.Etc;
 3. The Korea Institute of Ocean Science and Technology established under the Korea Institute of Ocean Science and Technology Act;
 4. National and public research institutes;
 5. Schools under Article 2 of the Higher Education Act;
 6. Research institutes that retain human resources specializing in marine science and technology among research institutes affiliated with enterprises recognized under Article 14-2 (1) of the Basic Research Promotion and Technology Development Support Act;
 7. Corporations, established under the Civil Act or other Acts, which conduct research and development related to marine science and technology;
 8. Other research institutes or organizations in the field of marine science and technology, which are prescribed by Presidential Decree.
- (2) The Minister of Oceans and Fisheries may contribute or provide subsidy to cover all or part of the expenses incurred in carrying out the research and development projects, etc. pursuant to paragraph (1) within budgetary limits. <Amended by Act No. 11709, Mar. 23, 2013>

(3) Matters necessary for the promotion of research and development projects, etc. and disbursement, management, etc. of contributions under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 33-2 (Establishment of Korea Institute of Marine Science and Technology Promotion)

- (1) For the purpose of rendering efficient support to the establishment of development plans for marine science and technology under Article 17 (2) and for the planning, management, evaluation, etc. of research and development projects, etc., the Korea Institute of Marine Science and Technology Promotion (hereinafter referred to as the "Institute") shall be established.
- (2) The Institute shall be a corporation and be duly formed upon the completion of the registration of its establishment in the place in which its main office is located.
- (3) The Institute shall have executives and necessary employees as prescribed by its articles of incorporation.
- (4) The Institute shall engage in the following services:
1. Support for the establishment of policies related to development plans for marine science and technology and research and development projects, etc.;
 2. Planning, management and evaluation of research and development projects, etc.;
 3. Support for international cooperation and international joint research projects in the field of marine science and technology;

4. Other projects prescribed by Presidential Decree in connection with research and development projects, etc.
- (5) The Government may contribute or provide subsidy to cover all or part of the expenses incurred in the operation of the Institute within budgetary limits.
- (6) The Institute may engage in profit-making business as prescribed by Presidential Decree in order to raise funds required for achieving its purpose provided in paragraph (1).
- (7) Unless otherwise prescribed by this Act, the provisions concerning an incorporated foundation prescribed in the Civil Act shall apply mutatis mutandis in regard to the Institute.

Article 34 (Promotion, etc. of Marine Culture)

- (1) The Government shall endeavor to encourage enterprising spirit in regards of the seas and to promote the marine culture.
- (2) The Government shall endeavor to promote people's understanding of marine development, etc. and to disseminate knowledge thereof.

Article 35 (Support to Finance, etc.)

The Government may, if deemed necessary for achieving the purpose of this Act, render fiscal or financial support to institutions, etc. related to maritime affairs and fisheries.

ADDENDA

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Repeal of other Act) The Framework Act on Marine Development is hereby repealed.
- (3) (Transitional Measures) The master plans and implementation plans for marine development formulated pursuant to Article 3 of the previous Framework Act on Marine Development at the time this Act enters into force, shall be deemed to be the master plans and implementation plans for the development of maritime affairs and fisheries under this Act, until the master plans and implementation plans for the development of maritime affairs and fisheries are formulated and implemented pursuant to Article 6.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9454, Feb. 6, 2009>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Succession to Affairs of Marine Fishery Development Committee)

Affairs under the jurisdiction of the previous Marine Fishery Development Committee at the time this Act enters into force shall be succeeded by the Marine Fishery Development Committee pursuant to the amended provisions of Article 7.

Article 3 (Transitional Measures concerning Closure of Marine Environment Management Committee)

Affairs under the jurisdiction of the previous Marine Environment Management Committee at the time when this Act enters into force shall be succeeded by the Maritime Affairs and Fisheries Development Committee pursuant to the amended provisions of Article 7.

Article 4 Omitted.

ADDENDA <Act No. 9717, May 27, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11596, Dec. 18, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Korea Institute of Marine Science and Technology Promotion)

(1) Where the Korea Institute of Marine Science and Technology Promotion established as an incorporated foundation under the Civil Act at the time this Act enters into force (hereafter referred to as the "Korea Institute of Marine Science and Technology Promotion as an incorporated foundation" in this Article) registers its incorporation after obtaining approval from the Minister of Oceans and Fisheries following a resolution by the board of directors concerning succession of its status, it shall be deemed to be the Institute established under Article 33-2. In such cases, the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation shall be deemed to be dissolved notwithstanding the provisions concerning the dissolution and liquidation of corporations prescribed in the Civil Act. <Amended by Act No. 11709, Mar. 23, 2013>

(2) In cases falling under paragraph (1), the property, rights and obligations of the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation shall be deemed the property, rights and obligations of the Institute, and the name of the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation stated in the registry of its property, rights and obligations and in other official books shall be deemed the name of the Institute.

(3) The value of the property which is construed as the property of the Institute shall be the book value as of the day immediately before the registration of its incorporation under paragraph (1).

(4) In cases falling under paragraph (1), any acts conducted by the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation before this Act enters into force shall be deemed the acts conducted by the Institute, and any acts conducted in relation to the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation shall be deemed the acts conducted in relation to the Institute.

(5) In cases falling under paragraph (1), the executives and employees of the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation at the time this Act enters into force shall be deemed to have been elected or appointed as the executives and employees of the Institute. In such cases, the terms of office for the executives shall be the remainder of their terms of office provided in the articles of incorporation of the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation.

(6) In cases falling under paragraph (1), the Korea Institute of Marine Science and Technology Promotion as an incorporated foundation designated as a public institution by the Minister of Strategy and Finance pursuant to the Act on the Management of Public Institutions at the time this Act enters into force shall be deemed the Institute designated as a public institution.

ADDENDUM <Act No. 11709, Mar. 23, 2013>

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

ADDENDUM <Act No. 12491, Mar. 18, 2014>

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

ADDENDA <Act No. 14079, Mar. 22, 2016>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.