DISTANT WATER FISHERIES DEVELOPMENT ACT

Act No. 8626, Aug. 3, 2007
Amended by Act No. 8852, Feb. 29, 2008
Act No. 9627, Apr. 22, 2009
Act No. 10122, Mar. 17, 2010
Act No. 11690, Mar. 23, 2013
Act No. 11982, Jul. 30, 2013
Act No. 12486, Mar. 18, 2014
Act No. 13001, Jan. 6, 2015
Act No. 14741, Mar. 21, 2017
Act No. 16513, Aug. 20, 2019
Act No. 16645, Nov. 26, 2019
Act No. 17050, Feb. 18, 2020
Act No. 18429, Aug. 17, 2021
Act No. 18755, Jan. 11, 2022
Act No. 19573, Jul. 25, 2023
Act No. 19776, Oct. 24, 2023
Act No. 19807, Oct. 31, 2023

KLRI KOREA LEGISLATION RESEARCH INSTITUTE

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to encourage the sustainable development of the distant water fisheries industry and contribute to the growth of national economy, through the rational preservation, management, exploitation, and utilization of living marine resources, and the promotion of international cooperation. *<Amended on Jan. 6, 2015>*

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020>*

1. The term "distant water fisheries industry" means distant water fisheries activities defined under subparagraph 2 and businesses related to distant water fisheries defined under subparagraph 3;

2. The term "distant water fisheries" means a business capturing or collecting marine animals and plants in international waters by a national of the Republic of Korea, either solely or jointly with a foreigner (limited to where the capital stock paid or voting rights held by nationals of the Republic of Korea exceed the criteria prescribed by Presidential Decree; hereinafter the same shall apply);
3. The term "business related to distant water fisheries" means a business transporting, processing, distributing, selling, etc., of fishery products produced by distant water fisheries by nationals of the Republic of Korea, either solely or jointly with foreign nationals, and fishery products produced through investments as prescribed by Presidential Decree in a foreign country (including aquaculture and businesses incidental thereto);
4. The term "distant water fisheries industry operator" means any person engaged in distant water fisheries under subparagraph 2 (hereinafter referred to as "distant water fisheries operator") and any person engaged in a business related to distant water fisheries under subparagraph 3 (hereinafter referred to as "business operator related to distant water fisheries");
5. The term “persons engaged in the distant water fisheries industry” means persons engaged in distant water fisheries (hereinafter referred to as “persons engaged in distant water fisheries”), who are employed by an operator of a distant water fisheries business, and those persons engaged in any business related to distant water fisheries, who are employed by an operator of any distant water fisheries-related business;
6. The term “activities for fisheries operations” means activities in distant water fisheries, or activities related thereto such as the search and harvest of fish, the custody, storage and processing of caught fish, the transportation of caught fish or products made therefrom (hereinafter referred to as “fisheries operations”), and the supply of things necessary for ships;
7. The term “international fisheries organization” means any international organization or regional fisheries management organization established in accordance with a treaty, international convention, or agreement, etc. (hereinafter referred to as “international law”);
8. The term “preservation and management measures” means measures to preserve or manage one or more species of marine and fisheries resources as adopted and applied in accordance with international law;
9. The term “flag state” means a state which is represented by the national flag a fishing vessel, etc. displays to indicate its nationality;
10. The term “international waters” means the sea area excluding the East Sea, Yellow Sea, Eastern Chinese Sea, and the Pacific Ocean area north 25 degrees North Latitude and west 140 degrees East Longitude;
11. The term "observer" means a person designated by the relevant state or international fisheries organization, who engages in activities on board a vessel to monitor or supervise compliance with international standards for fisheries operations or to conduct scientific surveys;

12. The term “illegal fisheries” means any of the following fisheries activities:

(a) Fisheries operations or fisheries activities in any waters under the jurisdiction of any state, conducted by a ship of the said state or a foreign state without a permit from such state, or in violation of the law of such state;

(b) Fisheries activities engaged in by a ship of a member state of any international fisheries organization in violation of a legally binding preservation and management measure of the said international fisheries organization, or any provision of the relevant international law;

(c) Fisheries activities conducted in violation of domestic law or international duty of the relevant state, including states which cooperate with an international fisheries organization;

13. The term “unreported fisheries” means any of the following fisheries activities:

(a) Fisheries operation conducted in waters under the jurisdiction of any state, for which a report has not been or has been made falsely to the relevant authorities in violation of the domestic law of such state;

(b) Fisheries operation conducted in any waters under the jurisdiction of an international fisheries organization, for which a report determined by the international fisheries organization has not been made or has falsely been made;

14. The term “unregulated fisheries” means any of the following fisheries activities:

(a) Fisheries activity in any waters under the jurisdiction of an international fisheries organization, engaged in by a stateless ship or a ship of a non-member state or virtual non-member state of the international fisheries organization in non-conformity with or in violation of a preservation and management measure of the said organization;

(b) Fisheries activity conducted in any waters not subject to a preservation and management measure of an international fisheries organization or conducted with respect to fisheries resources in circumvention of any obligation of states for the preservation of living marine resources under international law;

15. The term “coastal state” means a state, the border of the land territory of which is adjacent to a belt of sea;

16. The term “overseas marine resources” means marine products prescribed by Ministerial Decree of Oceans and Fisheries, which are produced or processed, in the distant water fisheries industry (including marine products for acquiring raw materials of bioenergy under subparagraph 2 (f) of Article 2 of the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy;

17. The term “transshipment” means transfer for transportation of the whole or part of marine products (including products manufactured or processed with marine products as raw materials or ingredients) under custody of a fishing vessel into other fishing vessel, or a fish carrier or support vessel).

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020; Oct. 24, 2023>*

1. The term "distant water fisheries industry" means distant water fisheries activities defined under subparagraph 2 and businesses related to distant water fisheries defined under subparagraph 3;
2. The term "distant water fisheries" means a business capturing or collecting marine animals and plants in international waters by a national of the Republic of Korea, either solely or jointly with a foreigner (limited to where the capital stock paid or voting rights held by nationals of the Republic of Korea exceed the criteria prescribed by Presidential Decree; hereinafter the same shall apply);
3. The term "business related to distant water fisheries" means a business transporting, processing, distributing, selling, etc., of fishery products produced by distant water fisheries by nationals of the Republic of Korea, either solely or jointly with foreign nationals, and fishery products produced through investments as prescribed by Presidential Decree in a foreign country (including aquaculture and businesses incidental thereto);
4. The term "distant water fisheries industry operator" means any person engaged in distant water fisheries under subparagraph 2 (hereinafter referred to as "distant water fisheries operator") and any person engaged in a business related to distant water fisheries under subparagraph 3 (hereinafter referred to as "business operator related to distant water fisheries");
5. The term “persons engaged in the distant water fisheries industry” means persons engaged in distant water fisheries (hereinafter referred to as “persons engaged in distant water fisheries”), who are employed by an operator of a distant water fisheries business, and those persons engaged in any business related to distant water fisheries, who are employed by an operator of any distant water fisheries-related business;
6. The term “activities for fisheries operations” means activities in distant water fisheries, or activities related thereto such as the search and harvest of fish, the custody, storage and processing of caught fish, the transportation of caught fish or products made therefrom (hereinafter referred to as “fisheries operations”), and the supply of things necessary for ships;
7. The term “international fisheries organization” means any international organization or regional fisheries management organization established in accordance with a treaty, international convention, or agreement, etc. (hereinafter referred to as “international law”);
8. The term “preservation and management measures” means measures to preserve or manage one or more species of marine and fisheries resources as adopted and applied in accordance with international law;
9. The term “flag state” means a state which is represented by the national flag a fishing vessel, etc. displays to indicate its nationality;
10. The term “international waters” means the sea area excluding the East Sea, Yellow Sea, Eastern Chinese Sea, and the Pacific Ocean area north 25 degrees North Latitude and west 140 degrees East Longitude;

11. The term "observer" means a person designated or selected by the relevant state or international fisheries organization, who engages in activities on board a vessel to monitor or supervise compliance with international standards for fisheries operations or to conduct scientific surveys;

12. The term “illegal fisheries” means any of the following fisheries activities:

(a) Fisheries operations or fisheries activities in any waters under the jurisdiction of any state, conducted by a ship of the said state or a foreign state without a permit from such state, or in violation of the law of such state;

(b) Fisheries activities engaged in by a ship of a member state of any international fisheries organization in violation of a legally binding preservation and management measure of the said international fisheries organization, or any provision of the relevant international law;

(c) Fisheries activities conducted in violation of domestic law or international duty of the relevant state, including states which cooperate with an international fisheries organization;

13. The term “unreported fisheries” means any of the following fisheries activities:

(a) Fisheries operation conducted in waters under the jurisdiction of any state, for which a report has not been or has been made falsely to the relevant authorities in violation of the domestic law of such state;

(b) Fisheries operation conducted in any waters under the jurisdiction of an international fisheries organization, for which a report determined by the international fisheries organization has not been made or has falsely been made;

14. The term “unregulated fisheries” means any of the following fisheries activities:

(a) Fisheries activity in any waters under the jurisdiction of an international fisheries organization, engaged in by a stateless ship or a ship of a non-member state or virtual non-member state of the international fisheries organization in non-conformity with or in violation of a preservation and management measure of the said organization;

(b) Fisheries activity conducted in any waters not subject to a preservation and management measure of an international fisheries organization or conducted with respect to fisheries resources in circumvention of any obligation of states for the preservation of living marine resources under international law;

15. The term “coastal state” means a state, the border of the land territory of which is adjacent to a belt of sea;

16. The term “overseas marine resources” means marine products prescribed by Ministerial Decree of Oceans and Fisheries, which are produced or processed, in the distant water fisheries industry (including marine products for acquiring raw materials of bioenergy under subparagraph 2 (f) of Article 2 of the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy;

17. The term “transshipment” means transfer for transportation of all or part of marine products (including products manufactured or processed with marine products as raw materials or ingredients; hereafter in this Article and Article 26 (2) the same shall apply) under custody of a ship into any other

ship;

18. The term "unloading" means moving all or part of marine products under custody of a ship to land;

19. The term "catch certificate" means a document verified and issued by the competent administrative agency of a flag state to certify that the catch has been legitimately made.

Article 3 (Relationship to Other Statutes)

Permit, etc. for distant water fisheries shall be governed by the Fisheries Act, except as provided in this Act.

CHAPTER II FORMULATION OF COMPREHENSIVE PLANS FOR DEVELOPMENT OF DISTANT WATER FISHING INDUSTRY

Article 4 (Formulation of Comprehensive Plans for Distant Water Fishing Industry)

(1) The Minister of Oceans and Fisheries shall formulate a comprehensive plan to develop the distant water fisheries industry (hereinafter referred to as "comprehensive plan to develop the distant water fisheries industry") every five years, as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries shall consult thereon in advance with the heads of relevant central administrative agencies. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) A comprehensive plan to develop the distant water fisheries industry shall include the following matters: *<Amended on Jul. 30, 2013; Jan. 6, 2015>*

1. Matters concerning the rational preservation and management and exploration and exploitation of living marine resources;

2. Objectives of and strategies for national distant water fisheries industry and phase-by-phase implementation plans;

3. Changes in the environment of overseas marine resources waters and prospect therefor;

4. Matters concerning strengthening the competitiveness of the distant water fisheries industry and the promotion of and support for the distant water fisheries industry;

5. Matters concerning the training of professional human resources for the distant water fisheries industry and the development of relevant technologies;

6. Matters concerning international cooperation with coastal states, international fisheries organizations, etc.;

7. Matters concerning restricting illegal fishing, unreported fishing, and unregulated fishing (hereinafter referred to as “illegal, unreported, and unregulated fishing”);

8. Other matters necessary for the efficient promotion of the distant water fisheries industry.

(3) When the Minister of Oceans and Fisheries formulates a comprehensive plan to develop the distant water fisheries industry, he or she shall publicly announce such plan. *<Amended on Feb. 29, 2008; Mar. 23,*

2013; Oct. 31, 2023>

(4) Matters necessary for the formulation of comprehensive plans to develop the distant water fisheries industry and other matters shall, be prescribed by Presidential Decree. *<Amended on Jan. 6, 2015>*

Article 5 Deleted. *<Oct. 31, 2023>*

CHAPTER III DISTANT WATER FISHING INDUSTRY

Section 1 Permit for Distant Water Fisheries

Article 6 (Permit for and Reporting on Distant Water Fisheries)

(1) Each person who intends to engage in distant water fisheries shall obtain a permit for each fishing vessel from the Minister of Oceans and Fisheries. The foregoing shall also apply where a person intends to amend any permitted matter: Provided, That minor matters prescribed by Presidential Decree shall be reported. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

(2) Notwithstanding paragraph (1), where a fishing vessel which is granted a permit for offshore fisheries under Article 40 (1) of the Fisheries Act is permitted to be engaged in fishery activities in any waters under the jurisdiction of a foreign state in accordance with an agreement on fisheries or an agreement on fisheries cooperation with a foreign state or foreigner (hereinafter referred to as "fisheries cooperation with a foreign state"), the Minister of Oceans and Fisheries may grant a permit under paragraph (1) without applying the permit standards for distant water fisheries under paragraph (8). *<Added on Jan. 6, 2015; Jan. 11, 2022>*

(3) A person who intends to obtain a permit for distant water fisheries pursuant to paragraph (1) may file an application for permission for concurrent businesses with respect to the very same fishing vessel depending on the structure and performance of such fishing vessel, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Added on Jan. 6, 2015>*

(4) The Minister of Oceans and Fisheries shall, where granting a permit for distant water fisheries, do so by dividing the areas of fisheries operations into the Pacific, the Atlantic, and the Indian Ocean; provided, he or she may, depending on the type of distant water fishery, grant a permit for the Pacific, the Atlantic, and the Indian Ocean as one area of fisheries operations. *<Added on Jan. 6, 2015>*

(5) Notwithstanding paragraph (4), if deemed necessary, the Minister of Oceans and Fisheries may grant a permit for the area of fisheries operations after adjustment thereof through fisheries cooperation with a foreign state. *<Added on Jan. 6, 2015>*

(6) Where it is deemed necessary for fisheries cooperation with a foreign state, protection of overseas fisheries resources, or public interests, the Minister of Oceans and Fisheries may grant permits, specifying the time for fisheries. *<Added on Jan. 6, 2015; Feb. 18, 2020>*

(7) A person who intends to be engaged in distant water fisheries through an overseas local corporation established jointly with a foreigner, shall report thereon to the Minister of Oceans and Fisheries. Any person who intends to modify any reported matter shall report such modification. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

(8) The types of distant water fisheries that require permits under paragraph (1) shall be prescribed by Presidential Decree, and those matters necessary for permit applications, standards for permits, permit for modification, and reporting on minor matters under paragraph (1), and report or report of modification under paragraph (7) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

(9) The Minister of Oceans and Fisheries shall grant a permit under paragraph (1) to an applicant, except in any of the following cases: *<Added on Jul. 30, 2013; Jan. 6, 2015>*

1. Where any defect is found in any application document specified by Ministerial Decree of Oceans and Fisheries, such as a business plan for distant water fisheries;
2. Where permit issuance is subject to restriction under Article 7 (1);
3. Where an applicant falls under a ground for disqualification as prescribed in Article 8 (1);
4. Where an application fails to meet any of the standards for permit issuance for distant water fisheries prescribed by Ministerial Decree of Oceans and Fisheries, such as the size of a fishing vessel;
5. Where the permit quota for distant water fisheries under paragraph (10) is exceeded;
6. Other cases that violate any restriction under this Act or other statutes or regulations.

(10) If necessary, the Minister of Oceans and Fisheries may determine the permit quota for distant water fisheries, based upon the status of marine resources, the number of deep-sea fishing vessels, other natural and social conditions, etc. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(11) A person who has obtained a new permit for distant water fisheries under Article 7 (2) shall be deemed to have succeeded to an administrative disposition, burdens, conditions, etc., imposed with respect to the previous permit for distant water fisheries. *<Added on Jan. 6, 2015>*

(12) Matters necessary for the permit quota for distant water fisheries under paragraph (10) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

Article 6-2 (Suspension of Permits for Distant Water Fisheries)

(1) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) may, in any of the following cases, file an application for suspending such permit with the Minister of Oceans and Fisheries, as prescribed by Ministerial Decree of Oceans and Fisheries: Provided, That where such person fails to file a report on the closure of business under Article 10, he or she shall not be allowed to file an application for suspending a permit therefor:

1. Where the relevant fishing vessel has been sunk or been destroyed;

2. Where the relevant fishing vessel has become disused;

3. Where it is impossible to engage in fisheries activities because the whereabouts of the relevant fishing vessel is unknown.

(2) Upon receipt of an application for suspending a permit for distant water fisheries under paragraph (1), the Minister of Oceans and Fisheries shall notify the applicant of whether he or she suspends such permit within a period prescribed by Ministerial Decree of Oceans and Fisheries from the date of filing such application. *<Added on Mar. 21, 2017>*

(3) Where the Minister of Oceans and Fisheries fails to notify the applicant of whether he or she suspends a permit for distant water fisheries, or of whether he or she extends a processing period prescribed by the petition process-related statutes within the period described in paragraph (2), it shall be deemed that he or she defers the grant of a new permit from the date after the end of the period described in paragraph (2) until the expiration of the suspension period for which the applicant has applied. *<Added on Mar. 21, 2017>*

(4) Upon receipt of an application for suspending a permit for distant water fisheries under paragraph (1), the Minister of Oceans and Fisheries shall defer the grant of a new permit replacing any permit for the relevant fishing vessel, for a fixed period not exceeding two years from the date such fishing vessel sank or was destroyed, disappeared, or became disused; provided, where a fishing vessel is under construction; where the importation of a ship is in progress; or where any circumstance prescribed by Ministerial Decree of Oceans and Fisheries arises as at the expiration of the suspension period, the suspension period may be extended by up to two years. *<Amended on Mar. 21, 2017>*

(5) Where a mortgagee has notified the execution of a mortgage on a fishing vessel, the Minister of Oceans and Fisheries shall defer the grant of a new permit replacing any permit for the relevant fishing vessel during the period from the date of receipt of such notification to the date three months after the date of full payment of the price of successful bid for such fishing vessel. *<Amended on Mar. 21, 2017>*

Article 6-3 (Succession to Status of Persons Obtaining Permit for Distant Water Fisheries)

(1) A person who inherits, purchases (including purchase through an auction under the Civil Execution Act or in accordance with the procedures equivalent thereto), or leases (where a person who has obtained a permit for distant water fisheries is a corporation, including the corporation that survives a merger or division) a fishing vessel granted a permit for distant water fisheries under Article 6 from a person who has obtained such permit shall succeed to the status of the person who has obtained such permit (in cases of inheritance, this shall not apply where an heir objects to such succession). In such cases, the status of a person who has previously obtained a permit for distant water fisheries shall lose its effect.

(2) A person who succeeds to the status of a person who has obtained a permit for distant water fisheries pursuant to paragraph (1) shall file a report on such succession with the Minister of Oceans and Fisheries within 30 days from the date of succession (60 days, in cases of inheritance) in accordance with the procedures prescribed by Ministerial Decree of Oceans and Fisheries, and a person who fails to meet the standards for a fishing vessel granted a permit for distant water fisheries prescribed by Ministerial Decree

of Oceans and Fisheries shall meet such standards within 90 days from the date of succession.

(3) Upon receipt of a report under paragraph (2), the Minister of Oceans and Fisheries shall review the details thereof and accept such report if it conforms to this Act.

(4) A person who succeeds to the status of a person who has obtained a permit for distant water fisheries pursuant to paragraph (1) shall be deemed to also become subject to administrative dispositions made for the permit for distant water fisheries or any burden, conditions, etc.: Provided, That this shall not apply where the person who succeeds to the status of a person who has obtained a permit for distant water fisheries proves that he or she was unaware of such dispositions or violations.

(5) The Minister of Oceans and Fisheries upon receipt of a report under paragraph (2) may share computerized registration data pursuant to Article 13 of the Act on the Registration of Family Relations.

(6) Article 8 shall apply mutatis mutandis to the grounds for disqualification of a person who succeeds to the status of a person who has obtained a permit for distant water fisheries pursuant to paragraph (1): Provided, That this shall not apply where a corporation falling under the latter part of Article 8 (1) replaces its executive officer within six months or where an heir transfers the status of the person who obtained a permit for distant water fisheries to any other person within six months from the date the inheritee dies.

Article 7 (Restrictions on Permits for Distant Water Fisheries)

(1) The Minister of Ocean and Fisheries may restrict permits for distant water fisheries of a ship, suspend the distant water fisheries thereof, or restrict mooring of a ship or its entry into and departure from a port in any of the following cases, when granting a permit for distant water fisheries under Article 6, or if a ship for which such permit has been granted falls under any of the following subparagraphs: <*Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015; Nov. 26, 2019; Aug. 17, 2021*>

1. Where an international fisheries organization has made a resolution for preservation and management of resources;
2. Where the permit for distant water fisheries fails to meet international standards regarding fisheries in high seas;
3. Where a request for restrictions is made by a coastal state or international fisheries organization;
4. Where an international fisheries organization whose establishment is in progress has adopted a voluntary or tentative measure;
5. Where the relevant fishing vessel conducts any fisheries operation in any waters under the jurisdiction of any coastal state in which it is deemed that the said state does not grant a license, permit, or authorization to, and monitor, supervise, and control foreign ships conducting fishery operations, in an effective manner under its fisheries-related statute;
6. Where it is necessary for managing, etc. overseas fisheries resources;
7. Where the relevant fishing vessel falls under any of the ships for which a permit for distant water fisheries has ever been canceled under Article 11 (1);

8. Where the name of a ship against which a disposition for the cancellation, etc. of a permit for distant water fisheries has ever been taken under Article 11 (1) has been changed without any justifiable reason;

9. Where a ship belonging to a high risk group under Article 15-2 has ever been specially managed;

10. Where a ship is or was registered in the list of ships involved in illegal, unreported, or unregulated fisheries prepared by an international fisheries organization or a coastal state;

11. Where the Minister of Oceans and Fisheries deems that there is sufficient evidence to suspect that any ship is illegal, unreported, or unregulated, or that it is necessary to specially place any restriction on such ship for public interests;

12. A case falling under any of the grounds prescribed by Ministerial Decree of Oceans and Fisheries, such as prevention, etc. of accidents related to fishing activities;

13. Where the relevant fishing vessel departs from a port or conducts fisheries operations without submitting the safety management guidelines under Article 28-2 (1) (including cases where a request for supplementation under paragraph (3) of the same Article is not reflected) or it refuses, obstructs, or evades an inspection under paragraph (4) of the same Article;

14. Where the relevant fishing vessel violates an order for departure suspension under Article 28-4 (2) or (3);

15. Where the relevant fishing vessel allows officers (including officers recognized as qualified for serving aboard ship under Article 10-2 of the Ship Personnel Act) to serve aboard ships, in violation of Article 11 (1) of the same Act;

16. Where the ship fails to take any of the measures under Article 11-2 (1) or (2) of the Act on the Prevention of Damage to Ships on International Voyages from Piracy: Provided, That this shall not apply where there is good cause under Article 11-3 (1) of the same Act;

17. Where the person who intends to obtain a permit for distant water fisheries or a ship owner, etc. under Article 3 (3) of the Act on the Prevention of Damage to Ships on International Voyages from Piracy has or have been sentenced to a fine or heavier punishment and where such sentence has become final and conclusive for failing to implement the measures under Article 11-2 (1) or (2) of the same Act.

(2) Restrictions concerning fishing areas, the age of a vessel, etc. may be imposed on fishing vessels allocated for a new permit for distant water fisheries prescribed by Presidential Decree or for replacement of permitted fishing vessels, if necessary.

Article 8 (Grounds for Disqualification)

(1) None of the following persons shall be qualified for a permit for distant water fisheries under Article 6 (1). The foregoing shall also apply to a corporation that has any of the following persons as its executive: *<Amended on Apr. 22, 2009; Mar. 18, 2014; Jan. 6, 2015; Feb. 18, 2020>*

1. A person under adult guardianship;

2. A person in whose case two years have not passed since a sentence of imprisonment or any heavier punishment for a violation of this Act, the Fisheries Act, Fishery Resources Management Act, or the Fishing Vessels Act was fully executed (including where a sentence is deemed completely executed) or since such execution was discharged;

3. A person subject to a suspended execution of imprisonment or heavier punishment sentenced for a violation of this Act, the Fisheries Act, Fishery Resources Management Act, or the Fishing Vessels Act;

4. A person in whose case two years have not passed since his or her permit was canceled under Article 11 (1) (excluding where a permit was canceled due to their falling under Article 8 (1) 1).

Article 9 (Term of Validity of Permit for Distant Water Fisheries)

A permit for distant water fisheries under Article 6 shall be valid for five years: Provided, That the term of validity may be reduced in any case specified by Ministerial Decree of Oceans and Fisheries, such as using a chartered fishing vessel. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 9 (Term of Validity of Permit for Distant Water Fisheries)

A permit for distant water fisheries under Article 6 shall be valid for five years: Provided, That where a person succeeds to the status of a person who has obtained a permit for distant water fisheries pursuant to Article 6-3, the term of validity shall be the remainder of the previous permit for distant water fisheries, and the term of validity may be reduced in cases prescribed by Ministerial Decree of Oceans and Fisheries, such as using a chartered fishing vessel. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Oct. 24, 2023>*

Article 10 (Reporting on Business Closure of Distant Water Fisheries)

(1) When a person who has obtained a permit to engage in distant water fisheries under Article 6 (1) or a person who has reported on his or her distant water fisheries pursuant to Article 6 (7), closes his or her business or becomes unable to continue his or her business, he or she shall report thereon with the Minister of Oceans and Fisheries: Provided, That no person subject to a disposition for suspension of distant water fisheries under Article 11, or for whom an investigation regarding a ship suspected of having conducted illegal, unreported or unregulated fisheries is in progress, shall file a report on the closure of business until the period of such disposition has expired or such investigation has been completed. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(2) The method, procedure, and deadline for reporting on business closures under paragraph (1) and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013>*

Article 11 (Cancellation of Permit for Distant Water Fisheries)

(1) The Minister of Oceans and Fisheries may cancel a permit for distant water fisheries or order the suspension of distant water fisheries for a specified period not exceeding six months in any of the

following cases: Provided, That a permit for distant water fisheries shall be canceled where a person commits an offense falling under subparagraph 1: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

1. Where a person has obtained a permit by fraud or other improper means;
2. Where a person breaches any term or condition of a permit under Article 6;
3. Where a person becomes disqualified as prescribed in Article 8;
4. Where a distant water fisheries operator violates Article 12;
5. When a person breaches any rule prescribed in Article 13.

(2) Where a person engaged in distant water fisheries violates this Act or an order issued under this Act, the Minister of Oceans and Fisheries may request the head of the relevant administrative agency to cancel or suspend the person's license as a ship officer or to issue a reprimand to the ship officer. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(3) Upon receipt of a request under paragraph (2), the head of the relevant administrative agency shall comply with such request.

(4) The criteria and procedure for the measures provided for in paragraph (1) and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 12 (Reporting on Temporary Business Closure)

(1) If a person who has obtained a permit for distant water fisheries under Article 6 intends to temporarily close his or her business for at least one consecutive year, he or she shall determine the period of temporary business closure and report thereon with the Minister of Oceans and Fisheries in advance, but no temporary business closure shall continue for more than two years. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) Where a person who has filed a report pursuant to paragraph (1) intends to resume distant water fisheries before the end of the reported period of temporary business closure, he or she shall file a report thereon with the Minister of Oceans and Fisheries in advance. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 12-2 (Control and Management of Nationals)

(1) No nationals of the Republic of Korea shall conduct illegal, unreported, or unregulated fisheries in international waters, and shall comply with rules for operators, etc. of distant water fisheries business under Article 13 (2).

(2) The Minister of Oceans and Fisheries shall, where a national of the Republic of Korea is suspected of having conducted or supported illegal, unreported, or unregulated fisheries, take appropriate measures necessary for preventing the recurrence of such illegal, unreported, or unregulated fisheries, to an extent not hindering the relevant state from taking responsibilities.

(3) The Minister of Oceans and Fisheries shall endeavor to prevent any person from conducting or supporting illegal, unreported, or unregulated fisheries, in cooperation with an international fisheries

organization or a coastal state.

Article 13 (Rules for Distant Water Fisheries Operators to Observe)

(1) Each operator of a distant water fisheries business and a person engaged in distant water fisheries (hereinafter referred to "operator, etc. of a distant water fisheries business) shall conscientiously conduct fishing operations within the permitted scope of operations and shall comply with resolutions made by international fisheries organizations for the conservation and management of resources and international standards regarding fisheries in high seas. *<Amended on Jan. 6, 2015>*

(2) No operator, etc. of a distant water fisheries business shall engage in any of the following activities related to serious violations in international waters: *<Amended on Jul. 30, 2013; Jan. 6, 2015; Nov. 26, 2019>*

1. Capturing or gathering fishery resources using poisons, explosives, weapons, or electricity;
2. Conducting fisheries operations without any license, authorization, permit, or registration from the Government of a coastal state, or conducting fisheries operations after obtaining a license, authorization, or permit or filing for registration by forging or falsifying application documents in waters under the jurisdiction of the relevant coastal state;
3. Conducting fisheries operations without being allocated a catch quota established by an international fisheries organization or coastal state;
4. Transshipping fish or conducting joint fisheries operations with a ship of a non-member state or a ship listed by an international fisheries organization or coastal state as a vessel engaged in illegal, unreported, or unregulated fishing, or assisting such ship;
5. Conducting fisheries operations in waters or for the period subject to the prohibition of fisheries operations established by an international fisheries organization or coastal state, or directly conducting fisheries operations for any fishery resources prohibited from fishing;
6. Conducting fisheries operations with fishing gear or fishing methods non-permitted in an international fisheries organization or a coastal state;
7. Conducting fisheries operations in excess of a catch quota set by a coastal state;
8. Refusing the embarking or disembarking of an observer, an inspector of the Port State, or an inspector on board who performs activities according to the legal procedures, or assaulting or detaining the observer;
9. Failing to report on the status of fisheries operations, the amount of catches, the amount of unloading, or the amount of transshipment or filing a false report, or transshipping without obtaining a permit for transshipment;
10. Refusing, avoiding, or obstructing the performance of duties, such as an investigation, search of ships, and communications, by an observer, an inspector of the Port State, or an inspector on board who performs activities according to the legal procedures, or concealing or damaging the relevant data;
11. Forging, falsifying, or concealing indications and marks, and registered matters concerning the name, etc. of a ship;

12. Failing to install a fishing vessel monitoring system or manipulating, modifying, or intentionally not operating the installed fishing vessel monitoring system;

13. Violating measures taken according to the legal procedures as a result of a Port State control inspection;

14. Violating the provisions concerning the prohibition of retention or discarding for each type of fishery among the preservation and management measures of an international fisheries organization;

15. Failing to comply with an order issued by the Government where the suspicion of illegal, unreported, and unregulated fishing is found;

16. Conducting fisheries operations in excess of a catch quota set by an international fisheries organization;

17. Failing to report the fact of obtaining a license, permit, or authorization from a coastal state in violation of paragraph (7), or violating the matters to be observed prescribed in paragraphs (1) through (4) and failing to report such violation;

18. Other cases of violating the conservation and management measures established by an international fisheries organization.

(3) The Minister of Oceans and Fisheries shall take measures necessary to improve working conditions for non-Korean crew on board a Korean-flagged vessel and to prevent the infringement on their human rights and shall ensure that an operator of a distant water fisheries business, etc. complies with such measures. *<Added on Jul. 30, 2013; Jan. 6, 2015>*

(4) Rules with which an operator of distant water fisheries business, etc. shall comply may be prescribed by Ministerial Decree of Oceans and Fisheries for the implementation of international agreements, the sustainable use of fishery resources, etc., in addition to the rules prescribed in paragraphs (1) through (3). *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(5) If deemed necessary for conservation and management measures of international fisheries organizations, the Minister of Oceans and Fisheries may require an operator of a distant water fisheries business, etc. to cooperate in an inspection conducted on board a vessel and to take charge of necessary measures in accordance with the procedure prescribed by international fisheries organizations. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(6) If an operator of a distant water fisheries business, etc. violates any rule prescribed in paragraphs (1) through (4), the Minister of Oceans and Fisheries may suspend support for the company engaged in distant water fisheries under Article 25 or subsidies or loans under Article 26 or may deprive the operator of his or her eligibility for such support, subsidies, or loans. *<Added on Jul. 30, 2013; Jan. 6, 2015>*

(7) An operator of a distant water fisheries business, etc. shall, where having obtained a license, permit, or authorization abroad from a coastal state or having violated any rule under paragraphs (1) through (4), report the fact, causes, etc. to the Minister of Oceans and Fisheries. *<Added on Jan. 6, 2015>*

(8) Every investigation as to whether violations exist against any rules in paragraphs (1) through (4) to be observed by an operator of a distant water fisheries business, etc. and every disposition against violations

shall be proceeded with as rapidly as possible. *<Added on Jan. 6, 2015>*

(9) The Minister of Oceans and Fisheries shall immediately take the following measures against an operator of a distant water fisheries business, etc. whose violation or suspicious violation of a rule under paragraph (2) has been detected: *<Added on Jan. 6, 2015>*

1. Immediate suspension of activities for fisheries operations;
2. Entry into a designated port;
3. Prohibition of discharge and transshipment of the catch of fish.

(10) Matters necessary for measures to be taken under paragraph (5), reporting procedures under paragraph (7), and other related matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

Article 13-2 (Requests for Submission of Materials)

The Minister of Oceans and Fisheries may, where it is necessary for investigating whether an operator, etc. of a distant water fisheries business, etc. has violated any of the rules under Article 13, request any operator, etc. of a distant water fisheries business, etc. to provide related materials and information, and the operator, etc. of a distant water fisheries business, etc. so requested shall, unless any extraordinary ground exists, comply with such request.

Article 14 (Port State Control Inspections)

(1) When a ship laden with overseas catches intends to enter a domestic port, it shall submit an entry report to the Minister of Oceans and Fisheries, along with documents indicating the names and quantity of catches, such as certificates of catches, at least 48 hours before the scheduled entry to the port, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020>*

(2) Where there is sufficient evidence that a ship which has submitted a report pursuant to paragraph (1), conducted or assisted illegal, unreported, or unregulated fisheries, the Minister of Oceans and Fisheries may prohibit the entry into the port of the ship. *<Added on Jan. 6, 2015>*

(3) In any of the following cases, the Minister of Oceans and Fisheries may instruct public officials in charge of port state inspections prescribed by Ministerial Decree of Oceans and Fisheries, to board a ship that reported its entry to a port pursuant to paragraph (1), and conduct an inspection on catches, logbooks, documents, or other things suspected of being involved in illegal, unreported, or unregulated fishing or make inquiries of people involved: *<Added on Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020>*

1. If the ship is laden with fish species managed by international fisheries organizations;
2. If the ship is listed by international fisheries organizations or a foreign government as a vessel involved in illegal, unreported, or unregulated fishing;
3. If the Minister of Oceans and Fisheries is notified by international fisheries organizations or a foreign government that the ship is suspected of having been involved in illegal, unreported, or unregulated

fishing and is requested to inspect the ship;

4. Where the ship has the nationality of any state designated by a foreign government as a state of illegal, unreported, or unregulated fisheries;

5. Where the ship is laden with any fish specifies provided for in an agreement on the prevention of illegal, unreported, or unregulated fisheries concluded with a foreign government;

6. If the Minister of Oceans and Fisheries has evidence to suspect that the ship has been involved in illegal, unreported, or unregulated fishing or finds it necessary to conduct a special inspection.

(4) If it is found, as a result of a Port State control inspection conducted under paragraph (3), that a ship was involved in illegal, unreported, or unregulated fishing, the Minister of Oceans and Fisheries may prevent the entry, departure, and use of ports or may place restrictions on the unloading, transshipment, packing, processing of catches, the supply of fuel and goods, the utilization of port services such as maintenance and repair, and so forth. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(5) Each public official who boards and inspects a ship under paragraph (3) shall carry a certificate of identification indicating his or her authority and produce it to relevant people. *<Amended on Jul. 30, 2013; Jan. 6, 2015>*

(6) Matters necessary for the prevention of any port entry and departure under paragraphs (2) and (4) and the inspections and inquiries under paragraph (3) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

Article 14 (Port State Control Inspections)

(1) When a ship laden with overseas catches intends to enter a domestic port, it shall submit an entry report to the Minister of Oceans and Fisheries, along with documents indicating the names and quantity of catches, such as certificates of catches, at least 24 hours before the scheduled entry to the port, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020; Oct. 24, 2023>*

(2) Where there is sufficient evidence that a ship which has submitted a report pursuant to paragraph (1), conducted or assisted illegal, unreported, or unregulated fisheries, the Minister of Oceans and Fisheries may prohibit the entry into the port of the ship. *<Added on Jan. 6, 2015>*

(3) In any of the following cases, the Minister of Oceans and Fisheries may instruct public officials in charge of port state inspections prescribed by Ministerial Decree of Oceans and Fisheries, to board a ship that reported its entry to a port pursuant to paragraph (1), and conduct an inspection on catches, logbooks, documents, or other things suspected of being involved in illegal, unreported, or unregulated fishing or make inquiries of people involved: *<Added on Jul. 30, 2013; Jan. 6, 2015; Feb. 18, 2020>*

1. If the ship is laden with fish species managed by international fisheries organizations;

2. If the ship is listed by international fisheries organizations or a foreign government as a vessel involved in illegal, unreported, or unregulated fishing;

3. If the Minister of Oceans and Fisheries is notified by international fisheries organizations or a foreign government that the ship is suspected of having been involved in illegal, unreported, or unregulated fishing and is requested to inspect the ship;

4. Where the ship has the nationality of any state designated by a foreign government as a state of illegal, unreported, or unregulated fisheries;

5. Where the ship is laden with any fish specifies provided for in an agreement on the prevention of illegal, unreported, or unregulated fisheries concluded with a foreign government;

6. If the Minister of Oceans and Fisheries has evidence to suspect that the ship has been involved in illegal, unreported, or unregulated fishing or finds it necessary to conduct a special inspection.

(4) If it is found, as a result of a Port State control inspection conducted under paragraph (3), that a ship was involved in illegal, unreported, or unregulated fishing, the Minister of Oceans and Fisheries may prevent the entry, departure, and use of ports or may place restrictions on the unloading, transshipment, packing, processing of catches, the supply of fuel and goods, the utilization of port services such as maintenance and repair, and so forth. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(5) Each public official who boards and inspects a ship under paragraph (3) shall carry a certificate of identification indicating his or her authority and produce it to relevant people. *<Amended on Jul. 30, 2013; Jan. 6, 2015>*

(6) Matters necessary for the prevention of any port entry and departure under paragraphs (2) and (4) and the inspections and inquiries under paragraph (3) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

Article 15 (Installation of Fishing Vessel Monitoring System)

(1) A distant water fisheries operator shall install a fishing vessel monitoring system on the permitted fishing vessel under Article 6 (1) prior to departing from port. *<Amended on Jul. 30, 2013>*

(2) An operator of an overseas cargo transportation business who has been registered as a fishery products transportation business pursuant to Article 24 (2) of the Marine Transportation Act shall install a fishing vessel monitoring system. *<Added on Jan. 6, 2015>*

(3) Requirements for vessel monitoring systems under paragraphs (1) and (2) and other matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

Article 15-2 (Special Management of Ships Belonging to High-Risk Group)

The Minister of Oceans and Fisheries shall, in order to eradicate illegal, unreported, or unregulated fisheries, categorize any of the following ships as those belonging to a high-risk group to specially manage them:

1. A ship for which a permit for distant water fisheries has been canceled pursuant to Article 11 or against which a disposition of suspension has been taken twice in the recent three years;

2. A ship which has been sold to a third party or its nationality has been changed to a third state while subject to an administrative disposition or investigation for the suspicion of its involvement in illegal, unreported, or unregulated fisheries;

3. A ship of a national of the Republic of Korea who has violated Article 12-2 (1).

(2) The Minister of Oceans and Fisheries shall establish and implement a plan for special management with respect to ships belonging to high-risk group of illegal, unreported, or unregulated fisheries.

Article 15-3 (Allocation of Catch Quota)

(1) The Minister of Oceans and Fisheries may allocate a catch quota set by international fisheries organizations for each type of fish species, sea area, type of distant water fisheries, and fishing vessel.

(2) The Minister of Oceans and Fisheries shall collect the opinions of institutions, corporations, and organizations related to the distant water fisheries industry to allocate the catch quota under paragraph (1).

(3) The Minister of Oceans and Fisheries may reduce or withdraw a catch quota allocated under paragraph (1) for the following fishing vessels:

1. A fishing vessel for which an administrative disposition under Article 11 (1) 5 is made for violating the matters to be observed by an operator, etc. of a distant water fisheries business under Article 13;

2. A fishing vessel not having the records of fisheries operations or expected to suffer difficulties in reducing the allocated catch quota.

(4) Matters necessary for the allocation, reduction, withdrawal, etc. of a catch quota under paragraphs (1) and (3) shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 16 (Reporting on Results of Fishing Operations)

(1) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) or a person who has obtained approval for exploratory fishing pursuant to Article 17 (1) shall report the current status of operations of the relevant fisheries, the amounts of catches, and the amount of unloading or the amount of transshipment or sales to the Minister of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(2) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) or a person who has obtained approval for exploratory fishing pursuant to Article 17 (1) shall, in cases of intending to transship the catch of fish, obtain, in advance, a permit from the Minister of Oceans and Fisheries. *<Amended on Jan. 6, 2015>*

(3) Fisheries subject to reporting under paragraph (1) and other necessary matters concerning the procedure and method for reporting shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

(4) Detailed matters necessary for obtaining a permit for transshipment under paragraph (2) shall be determined and publicly notified by the Minister of Oceans and Fisheries. *<Added on Jan. 6, 2015>*

Article 16-2 (Fact-Finding Surveys)

(1) The Minister of Oceans and Fisheries shall conduct a performance review on the operations of the distant water fisheries industry including, inter alia, illegal, unreported, and unregulated fishing (hereinafter referred to as "performance review"), as prescribed by Ministerial Decree of Oceans and Fisheries, and shall publish the results of the review.

(2) The methods and time-frame for conducting the performance review under paragraph (1), the means to publish the results, and other relevant procedures shall be prescribed by Ministerial Decree of Oceans and Fisheries.

Article 17 (Exploratory, Research, and Training Fishing)

(1) A person who intends to engage in exploratory fishing in order to develop new fishing gear, fishing method, or fishing ground in international waters (hereinafter referred to as "exploratory fishing") shall formulate a plan for exploratory fishing and obtain approval for such exploratory fishing from the Minister of Oceans and Fisheries, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries deems it necessary to develop new fishing gear, fishing method, or fishing ground in view of the regulations, etc. imposed by international fisheries organizations and coastal states, he or she may require a person who has obtained approval for exploratory fishing to engage in exploratory fishing jointly with a testing and research institute. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Feb. 18, 2020>*

(3) Notwithstanding paragraphs (1) and (2) and Article 6, where a person intends to engage in research fishing or training fishing at research institutions designated by the Minister of Oceans and Fisheries, institutions for the training and dissemination of fisheries technologies, training institutions or educational institutions, he or she may engage in research fishing or training fishing. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(4) Matters necessary for exploratory fishing, research fishing, or training fishing under paragraphs (2) and (3) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 17-2 (Authority of Judicial Police)

A public official in charge of monitoring, surveillance, and control of fisheries and a public official in charge of the Port State inspection shall, with respect to acts of violation of this Act or a measure under this Act, perform the duties of judicial officers pursuant to the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of their Duties.

Section 2 International Cooperation and Research and Development

Article 18 (Promotion of, and Assistance to, International Fisheries Cooperation Projects)

(1) The Minister of Oceans and Fisheries shall formulate policies to establish a system for international cooperation in fisheries, secure marine resources in international waters for enterprises engaged in the distant water fisheries industry, and promote international cooperation in fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may fully or partially subsidize expenses incurred in implementing the following international fisheries cooperation projects within budgetary limits, as prescribed by Presidential Decree: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013>*

1. Negotiations with an international fisheries organization, a foreign government, or a foreign fisheries-related institution or organization in relation to the distant water fisheries industry and the conclusion of agreements thereon;
2. International exchange of information, technology, and human resources in relation to the distant water fisheries industry;
3. International standardization of technology, joint surveys and research, and technological cooperation in relation to the distant water fisheries industry;
4. Hosting international academic conferences and international exhibitions in relation to the distant water fisheries industry;
5. Market research and analysis of overseas fishery products and systematic dissemination of information collected in relation to the distant water fisheries industry;
6. Nurturing and education of foreign seafarers and ship officers;
7. Other matters deemed necessary for international cooperation in the distant water fisheries industry.

(3) The Minister of Oceans and Fisheries may provide administrative and financial assistance necessary to facilitate activities of institutions and organizations related to international fisheries for international cooperation in fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013>*

Article 19 (Establishment of Comprehensive Information System on Distant Water Fisheries Industry)

(1) The Minister of Oceans and Fisheries may establish and operate a comprehensive information system on the distant water fisheries industry to facilitate the revitalization of the distant water fisheries industry. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) Deleted. *<Jul. 30, 2013>*

Article 19-2 (Establishment of Fisheries Operation Monitoring System)

(1) The Minister of Oceans and Fisheries may establish and operate a fisheries operation monitoring system to monitor the fisheries operations of deep-sea fishing vessels and to enhance the transparency of the distant water fisheries industry.

(2) Matters necessary for the establishment, operation, etc. of the fisheries operation monitoring system under paragraph (1) shall be prescribed by Ministerial Decree of Oceans and Fisheries.

Article 20 (Facilitation of Dissemination of New Technologies and Techniques concerning Distant Water Fisheries Industry)

(1) The Minister of Oceans and Fisheries shall devise measures to manage and disseminate relevant technological information in a systematic and comprehensive manner in order to facilitate the advancement of new technologies related to the distant water fisheries industry. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may recommend distant water fisheries industry operators to introduce and implement new technologies and techniques for the distant water fisheries industry and may provide them with administrative and financial assistance necessary therefor. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 21 (Facilitation of Surveys and Research of Marine Resources in International Waters)

The Minister of Oceans and Fisheries shall conduct the following projects, such as surveys of marine resources in international waters, the promotion of research on distant water fisheries, and the advancement of science and technology for distant water fisheries: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013; Jan. 6, 2015>*

1. International collaborative surveys and assessment of fishery resources;
2. Development of new fishing grounds and fish farms in international waters;
3. Operation of observer programs;
4. Surveys based on marine biodiversity.

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Article 22 (Implementation of Honorary Marine and Fisheries Officer Program)

(1) The Minister of Oceans and Fisheries may commission persons engaged in the distant water fisheries industry in major coastal states as honorary marine and fisheries officers to efficiently promote the distant water fisheries industry. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Feb. 18, 2020>*

(2) Allowances may be paid within budgetary limits to honorary marine and fisheries officers commissioned under paragraph (1).

(3) Matters necessary for the qualifications, missions and allowances of honorary marine and fisheries officers, and other matters shall be prescribed by Ordinance of Ministry of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(4) Deleted. *<Jul. 30, 2013>*

Section 3 Promotion of Distant Water Fisheries Industry

Article 23 (Reporting on Business Plans Related to Distant Water Fisheries)

(1) A person who intends to engage in a business related to distant water fisheries shall report his or her business plan to the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. The foregoing shall also apply where a person intends to revise any significant matters prescribed by Presidential Decree in the report already filed. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) Notwithstanding paragraph (1), where a distant water fisheries operator obtains a permit for distant water fisheries pursuant to Article 6 (1), he or she shall be deemed to file a report on a business plan related to distant water fisheries (including a report on modification). *<Added on Aug. 20, 2019>*

(3) Upon receipt of a report under paragraph (1), the Minister of Oceans and Fisheries may conduct necessary investigations, as prescribed by Presidential Decree, and recommend the person who reported his or her business plan to adjust or supplement it, if deemed necessary for public interests. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Aug. 20, 2019; Feb. 28, 2020>*

(4) Matters subject to investigations under paragraph (3), the detailed procedure for such investigations, subject-matter for adjustment and recommendation of a business plan, and other necessary matters shall be prescribed by Presidential Decree. *<Amended on Aug. 20, 2019>*

Article 24 (Joint Reporting)

(1) Two or more persons who intend to jointly file a report on the same business related to distant water fisheries pursuant to Article 23 (hereinafter referred to as "joint reporters") shall designate a representative and file a report with the Minister of Oceans and Fisheries. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) Joint reporters shall designate as their representative, a corporation incorporated by one or all of them under the relevant Act of the Republic of Korea to engage in the relevant business related to distant water fisheries. *<Amended on Aug. 20, 2019>*

(3) The representative designated under paragraph (2) shall represent the joint reporters in matters relating to the Government.

(4) If at least two persons compete with one another to operate an identical business related to distant water fisheries, the Minister of Oceans and Fisheries may advise the persons in the relevant competition on matters necessary for the prevention of overlapping investments, etc. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Aug. 20, 2019>*

Article 25 (Assistance to Companies related to Distant Water Fisheries)

(1) When a distant water fisheries operator classified as a small or medium enterprise defined under Article 2 of the Framework Act on Small and Medium Enterprises establishes another company to operate a business related to distant water fisheries (hereinafter referred to as "related company"), the Minister of Oceans and Fisheries may assist such operator in the incorporation and operation of the company, as prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) The Government may permit a related company established by a distant water fisheries operator to preferentially occupy any of the following facilities:

1. Logistics facilities in a port hinterland complex under the Harbor Act;
2. Other facilities prescribed by Presidential Decree.

(3) If a related company established by a distant water fisheries operator meets the requirements prescribed by Presidential Decree, such as the age of ships, the Minister of Oceans and Fisheries may grant a preferential permit for distant water fisheries under Article 6 to such company. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 26 (Subsidies and Loans)

(1) Where necessary to facilitate the development of related companies, the Government may subsidize the following expenses, as prescribed by Presidential Decree:

1. Expenses incurred in conducting surveys for the implementation of projects;
2. Expenses incurred in complying with international standards and in safety management;
3. Expenses incurred in relation to international cooperation and technological exchange with foreign countries as necessary for the implementation of projects;
4. Other expenses prescribed by Presidential Decree, incurred in implementing projects.

(2) The Government may wholly or partially subsidize or lend the necessary fund or provide support for securing a building site, where an operator, etc. of a distant water fisheries business performs any of the following business: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 6, 2015>*

1. Purchase of a fishing vessel (including carriers) or fishing gear necessary for a project, or the installation and operation of a facility;
2. Funds for leasing or purchasing the land necessary for a project;
3. Informatization, standardization of, or collaboration in projects;
4. Development and application of high technologies;
5. Advertising of fishery products produced by a project for facilitating the sale of such products and entry into overseas markets;
6. Surveys on resources in international fishing grounds and projects for the development of overseas fish farms;
7. Other business activities specified by Ministerial Decree of Oceans and Fisheries as necessary for the efficient management of the distant water fisheries industry.

(3) If deemed necessary for the improvement of management structure of a distant water fisheries business, the Government may scrap or reduce fishing vessels, or subsidize expenses incurred in doing so. *<Added on Jan. 6, 2015>*

(4) Matters regarding the standards for, and terms and conditions of subsidization and lending of the funds under paragraphs (1) and (2), and the standards for, and terms and conditions of scrapping and reductions under paragraph (3), shall be prescribed by Presidential Decree. *<Amended on Jul. 30, 2013; Jan. 6, 2015>*

Article 26-2 (Repatriation of Graves of Seafarers who Died Abroad while Engaged in Distant Water Fisheries)

(1) The Government may provide assistance, within budgetary limits, as necessary for the maintenance of graves of seafarers who died abroad while hired for a ship operated in distant water fisheries and were buried in a cemetery in a foreign country or for the repatriation of the corpses or remains of dead seafarers.

(2) Matters necessary for the eligibility for, and the scope of, the assistance under paragraph (1) shall be prescribed by Presidential Decree.

Article 26-3 (Fund Raising to Improve Safety of Deep-Sea Fishing Vessels)

(1) In order to efficiently support a shipbuilding project, etc. for replacing old fishing vessels to improve the safety of deep-sea fishing vessels, the Government may raise necessary funds annually, as prescribed by Presidential Decree.

(2) Matters regarding the management and operation of the funds raised under paragraph (1) shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 27 (Special Exception to Taxation)

The Government may fully or partially exempt a person from income tax, corporate tax, etc. as provided for in the Restriction of Special Taxation Act and other relevant Acts and subordinate statutes, in order to facilitate the advancement of the distant water fisheries industry.

Article 28 (Establishment of Korea Overseas Fisheries Association)

(1) Distant water fisheries industry operators may establish the Korea Overseas Fisheries Association (hereinafter referred to as the "Association"), upon obtaining authorization of the Minister of Oceans and Fisheries, in order to promote the sound development of the distant water fisheries industry and to pursue their common interests, as prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) The Association shall be formed upon filing for registration of its incorporation after obtaining approval for the establishment thereof referred to in paragraph (1).

(3) The Association shall be a legal entity.

(4) The provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to the Association, except as otherwise expressly provided for in this Act. *<Amended on Feb. 18, 2020>*

(5) The Minister of Oceans and Fisheries may provide assistance to the Association, if necessary for the development of the distant water fisheries industry. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(6) Duties of the Association and matters that shall be stipulated by its articles of association shall be prescribed by Presidential Decree.

Section 4 Safety Management of Deep-Sea Fishing Vessels

Article 28-2 (Preparation of Safety Management Guidelines)

(1) A distant water fisheries operator shall prepare guidelines for safety management of deep-sea fishing vessels (hereinafter referred to as "safety management guidelines") to ensure safe fisheries operations, as prescribed by Ministerial Decree of Oceans and Fisheries, and shall submit the guidelines to the Minister of Oceans and Fisheries and keep them in ships.

(2) Upon receipt of safety management guidelines pursuant to paragraph (1), the Minister of Oceans and Fisheries may require a distant water fisheries operator to supplement the guidelines, stating the grounds therefor, if necessary to ensure the safety of deep-sea fishing vessels.

(3) Upon receipt of a request to supplement safety management guidelines from the Minister of Oceans and Fisheries pursuant to paragraph (2), a distant water fisheries operator shall include the details thereof in the safety management guidelines.

(4) The Minister of Oceans and Fisheries may regularly or occasionally check whether a distant water fisheries operator complies with the safety management guidelines.

(5) A distant water fisheries operator may entrust a safety management agency under Article 53 of the Sea Traffic Safety Act with the affairs, such as preparation and submission of the safety management guidelines under paragraph (1). In such cases, the distant water fisheries operator shall notify the Minister of Oceans and Fisheries of such fact within 10 days. *<Amended on Jul. 25, 2023>*

(6) Matters necessary for the procedures for submission of the safety management guidelines and the checking thereof under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

(7) Matters to be included in the safety management guidelines, such as matters to be observed by distant water fisheries operators, etc. for the safe operation of a distant water fishing vessel, shall be prescribed by Presidential Decree.

Article 28-3 (Persons in Charge of Safety Management)

(1) A distant water fisheries operator shall have a person in charge of safety management to formulate and implement the safety management guidelines and to ensure the safe operation of deep-sea fishing vessels.

(2) Matters regarding the qualification standards for and number of persons in charge of safety management under paragraph (1) and other matters shall be prescribed by Presidential Decree.

Article 28-4 (Maritime Safety Supervisors)

(1) A maritime safety supervisor under Article 60 (2) of the Sea Traffic Safety Act shall check the status of compliance with and implementation of the safety management guidelines, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Jul. 25, 2023>*

(2) Where necessary for the safe operation of a deep-sea fishing vessel, a maritime safety supervisor may request the following matters from the Minister of Oceans and Fisheries, as prescribed by Ministerial

Decree of Oceans and Fisheries. In such cases, where a request from the maritime safety supervisor is reasonable, the Minister of Oceans and Fisheries shall comply with such request:

1. Orders for departure suspension;

2. Measures against violations of the safety management guidelines by a distant water fisheries operator.

(3) Notwithstanding paragraph (2), where there are reasons that an emergency measure is required to ensure the safety of a deep-sea fishing vessel, a maritime safety supervisor may directly issue an order for departure suspension to the relevant distant water fisheries operator or the captain of a deep-sea fishing vessel. In such cases, the maritime safety supervisor shall report such fact to the Minister of Oceans and Fisheries without delay.

(4) A maritime safety supervisor may have access to a distant water fishing vessel to conduct a safety inspection or investigation of the relevant vessel, and a distant water fisheries operator shall provide cooperation in any request made by the maritime safety supervisor in connection with the safety inspection or investigation.

(5) A maritime safety supervisor who gains access and conducts an inspection, etc. under paragraph (4) shall carry an identification verifying his or her authority and present it to interested persons.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 29 Deleted. *<Jan. 6, 2015>*

Article 30 (Delegation and Entrustment Authority)

(1) The Minister of Oceans and Fisheries may partially delegate his or her authority under this Act to the heads of subordinate agencies, as prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may partially entrust his or her authority under this Act to the Association or an institution or organization related to international fisheries under Article 18 (3), as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries may fully or partially subsidize expenses incurred in conducting entrusted business affairs. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jul. 30, 2013>*

Article 31 Deleted. *<Jan. 6, 2015>*

Article 31-2 (Imposition of Penalty Surcharges)

(1) The Minister of Oceans and Fisheries may impose a penalty surcharge on any of the following persons within the limit not exceeding the amount calculated by multiplying the value of fishery products on the basis of the average wholesale price for three years (hereinafter referred to as "value of fishery products")

by 5, and may impose a penalty surcharge on a person who commits a violation at least twice within five years within the limit not exceeding the amount calculated by multiplying the value of fishery products by 8. In such cases, the lowest amount of a penalty surcharge shall be 200 million won: Provided, That a penalty surcharge may be imposed within the limit not exceeding 500 million won (800 million won in cases of a person who has committed a violation at least twice within five years), where no profit has been gained from the violation or it is difficult to calculate the amount of profit:

1. A person who engages in distant water fisheries without obtaining a permit or permit for modification under Article 6 (1);
2. A person who engages in distant water fisheries after obtaining a permit or permit for modification under Article 6 (1) by fraud or other improper means;
3. A person who violates Article 13 (2) 1 through 13 (including a person who violates Article 13 (2) 1 through 13, among the nationals of the Republic of Korea who shall comply with the matters to be observed under Article 13 (2) pursuant to Article 12-2 (1)).

(2) The Minister of Oceans and Fisheries may impose a penalty surcharge on any of the following persons within the limit not exceeding the amount calculated by multiplying the value of fishery products by 3, and may impose a penalty surcharge on a person who commits a violation at least twice within five years within the limit not exceeding the amount calculated by multiplying the value of fishery products by 5. In such cases, the lowest amount of a penalty surcharge shall be 100 million won: Provided, That a penalty surcharge may be imposed within the limit not exceeding 300 million won (500 million won in cases of a person who has committed a violation at least twice within five years), where no profit has been gained from the violation or it is difficult to calculate the amount of profit:

1. A person who violates Article 13 (2) 14 and 15 (including a person who violates Article 13 (2) 14 and 15, among the nationals of the Republic of Korea who shall comply with the matters to be observed under Article 13 (2) pursuant to Article 12-2 (1));
2. A person who fails to report on or falsely reports on the amount of catches, and the amount of unloading, or the amount of transshipment under Article 16 (1), among persons who have obtained approval for exploratory fishing;
3. A person who fails to obtain a permit for transshipment under Article 16 (2) or obtains such permit in a false manner, among persons who have obtained approval for exploratory fishing.

(3) The Minister of Oceans and Fisheries may impose a penalty surcharge on a person who violates Article 13 (2) 16 through 18 (including a person who violates Article 13 (2) 16 through 18, among the nationals of the Republic of Korea who shall comply with the matters to be observed under Article 13 (2) pursuant to Article 12-2 (1)) within the limit not exceeding the amount calculated by multiplying the value of fishery products by 1.5. In such cases, the lowest amount of a penalty surcharge shall be 20 million won: Provided, That a penalty surcharge may be imposed within the limit not exceeding 100 million won, where no profit has been gained from the violation or it is difficult to calculate the amount of profit.

(4) Where the Minister of Oceans and Fisheries imposes a penalty surcharge pursuant to paragraph (1), he or she may impose the penalty surcharge in consideration of the degree of the punishment, if a person has been punished for the relevant violation pursuant to this Act or in the relevant country. *<Amended on Aug. 17, 2021>*

(5) Where a person liable to pay a penalty surcharge pursuant to paragraphs (1) through (3) fails to pay it by the payment deadline, the Minister of Oceans and Fisheries shall collect it in the same manner as delinquent national taxes are collected.

(6) The Minister of Oceans and Fisheries shall use an amount equivalent to the amount collected as penalty surcharges pursuant to paragraphs (1) through (3) for the safety management of deep-sea fishing vessels and projects for the development of the distant water fisheries industry and shall formulate and implement an annual plan for the operation of penalty surcharges for the following year.

(7) The amount of a penalty surcharge based on the type, degree, etc. of a violation subject to the imposition of the penalty surcharge under paragraphs (1) through (3), the procedures for imposition thereof, the methods of calculating profit gained from the violation, and other necessary matters shall be prescribed by Presidential Decree.

Article 32 (Hearings)

When the Minister of Oceans and Fisheries intends to cancel or suspend a permit for fisheries under Article 11, he or she shall hold a hearing thereon. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

CHAPTER V PENALTY PROVISIONS

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Article 33 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not less than five years, or by a fine not exceeding five times the value of fishery products or a fine of at least 500 million won but not exceeding one billion won, whichever is greater: Provided, That a person who has committed violations at least twice within five years shall be punished by imprisonment with labor for not less than five years, or by a fine not exceeding eight times the value of fishery products or a fine not exceeding 1.6 billion won, whichever is greater: *<Amended on Jan. 6, 2015; Nov. 26, 2019>*

1. A person who has performed distant water fisheries without obtaining a permit or a permit for modification under Article 6 (1) or who has obtained a permit or permit for modification by fraud or other improper means;
2. A person who has violated Article 13 (2) 1 through 4, among the nationals of the Republic of Korea who shall comply with the matters to be observed under Article 13 (2) pursuant to Article 12-2 (1) (excluding where a person has received punishment for the violation corresponding to that under this Act in the relevant state);

3. A person who violates any of subparagraphs 1 through 4 of Article 13 (2);

4. Deleted; <*Nov. 26, 2019*>

5. Deleted. <*Nov. 26, 2019*>

(2) Any of the following persons shall be punished by imprisonment for not exceeding two years, or by a fine not exceeding 20 million won: <*Amended on Jul. 30, 2013; Jan. 6, 2015*>

1. A person fails to report on port entry under Article 14 (1);

2. A person who has engaged in any distant water fisheries without making an initial report or report of modification under Article 6 (7) or has conducted a business related to distant water fisheries without making an initial report or report of modification under Article 23 (1);

3. A person who has conducted a business other than the reported purpose after having made an initial report or report of modification under Article 6 (7), or has conducted a business other than the reported purpose after having made an initial report or report of modification under Article 23 (1);

4. A person who has made a false initial report or false report of modification under Article 6 (7), or has made a false initial report or false report of modification under Article 23 (1).

(3) Any of the following persons shall be punished by imprisonment for not exceeding one year, or by a fine not exceeding 10 million won: <*Amended on Jul. 30, 2013; Jan. 6, 2015; Nov. 26, 2019*>

1. Deleted; <*Nov. 26, 2019*>

2. A person who fails to comply with a request to provide materials and information under Article 13-2 without any justifiable reason;

3. A person who departs from a port or conducts fisheries operations without submitting safety management guidelines in violation of Article 28-2 (1) (including cases where a request for supplementation under paragraph (3) of the same Article is not reflected) or who refuses, obstructs, or evades an inspection under paragraph (4) of the same Article;

4. A person who departs from a port without complying with an order for departure suspension issued by the Minister of Oceans and Fisheries or a maritime safety supervisor under Article 28-4 (2) or (3);

5. A person who refuses, obstructs, or evades access, inspections, etc. of a maritime safety supervisor under Article 28-4 (4).

(4) In cases falling under any of paragraphs (1) through (3), imprisonment with labor and a fine may be imposed concurrently. <*Amended on Jul. 30, 2013; Jan. 6, 2015*>

(5) In cases falling under any of paragraphs (1) through (3), a fine shall be the amount corresponding to the gravity of the relevant violation so as to effectively deprive the relevant party of economic gains attributable to such violation and suppress illegal, unreported, or unregulated fisheries, and shall, if two or more violations have been discovered at the same time, be calculated by aggregating the amounts corresponding to the respective violations: Provided, That the degree of such punishment shall not infringe upon the legitimate rights of a person engaged in distant water fisheries to perform the business. <*Added on Jan. 6, 2015*>

Article 34 (Joint Penalty Provisions)

If the representative of a corporation, or an agent or employee of, or other persons employed by, a corporation or individual commits an offense under Article 33 in relation to the business affairs of the corporation or individual, not only such offender shall be punished, but the corporation or the individual shall also be punished by a fine under the relevant Article: Provided, That this shall not apply to cases where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense.

Article 35 (Confiscation)

(1) In cases falling under Article 33, catches, products, fishing vessels, fishing gear, explosives, or toxic substances owned or carried by a criminal may be confiscated. *<Amended on Jan. 6, 2015>*

(2) If it is impracticable to confiscate all or some of things owned or carried by a criminal under paragraph (1), a penalty equivalent to the value may be additionally levied on the criminal.

Article 36 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding five million won: *<Amended on Jul. 30, 2013; Nov. 26, 2019>*

1. A person who fails to file a report in accordance with the proviso to Article 6 (1);
2. Any person who fails to make a report under Article 10;
3. A person who temporarily closes his or her business or who engages in distant water fisheries, without filing a report thereon pursuant to Article 12 (1) or (2);
4. Deleted; *<Jan. 6, 2015>*
5. Deleted; *<Jan. 6, 2015>*
6. A person who fails to keep the safety management guidelines in a ship, in violation of Article 28-2 (1);
7. A person who fails to have a person in charge of safety management, in violation of Article 28-3 (1).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(3) Deleted. *<Jul. 30, 2013>*

(4) Deleted. *<Jul. 30, 2013>*

(5) Deleted. *<Jul. 30, 2013>*

Article 36 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding five million won: *<Amended on Jul. 30, 2013; Nov. 26, 2019; Oct. 24, 2023>*

1. A person who fails to file a report in accordance with the proviso to Article 6 (1);

1-2. A person who fails to file a report within 30 days (60 days, in cases of inheritance) from the date of succession or fails to meet the standards for a fishing vessel granted a permit for distant water fisheries within 90 days, in violation of Article 6-3 (2);

2. Any person who fails to make a report under Article 10;

3. A person who temporarily closes his or her business or who engages in distant water fisheries, without filing a report thereon pursuant to Article 12 (1) or (2);

4. Deleted; <*Jan. 6, 2015*>

5. Deleted; <*Jan. 6, 2015*>

6. A person who fails to keep the safety management guidelines in a ship, in violation of Article 28-2 (1);

7. A person who fails to have a person in charge of safety management, in violation of Article 28-3 (1).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. <*Amended on Feb. 29, 2008; Mar. 23, 2013*>

(3) Deleted. <*Jul. 30, 2013*>

(4) Deleted. <*Jul. 30, 2013*>

(5) Deleted. <*Jul. 30, 2013*>

ADDENDA <*Act No. 8626, Aug. 3, 2007*>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

Dispositions, proceedings, and other acts made or done under the previous Fisheries Act and the previous Overseas Resources Development Business Act before this Act enters into force shall be deemed made or done under this Act, if relevant provisions exist in this Act.

Article 3 (Transitional Measure concerning Permission, Reporting, etc.)

The previous provisions shall apply to cases regarding which an application for permission or a report was filed pursuant to the previous Fisheries Act and the former Overseas Resources Development Business Act before this Act enters into force and the process for which is still pending as at the time this Act enters into force.

Article 4 (Transitional Measure concerning Penalty Provisions, etc.)

A violation of the previous Fisheries Act before this Act enters into force shall be governed by the previous penalty provisions or previous provisions regarding administrative fines.

Article 5 (Transitional Measures concerning Korea Deep Sea Fisheries Association)

(1) When the Korea Deep Sea Fisheries Association (hereinafter referred to as the "Korea Deep Sea Fisheries Association"), established as an incorporated association under the Civil Act before this Act enters into force, completes the registration for incorporation with approval therefor from the Minister

of Maritime Affairs and Fisheries following resolution by its board of directors on succession to its status shall be deemed the Overseas Fisheries Association established under Article 28. In such cases, the Korea Deep Sea Fisheries Association shall be deemed dissolved, notwithstanding the provisions concerning the dissolution and liquidation of a corporation in the Civil Act.

(2) The assets, rights, and obligations of the Korea Deep Sea Fisheries Association under paragraph (1) shall be deemed the assets, rights, and obligations of the Overseas Fisheries Association established under Article 28, and the title of the Korea Deep Sea Fisheries Association registered in the registers and other official records concerning such assets, rights, and obligations shall be deemed the title of the Overseas Fisheries Association established under Article 28.

(3) The value of assets deemed owned by the Overseas Fisheries Association established under Article 28 under paragraph (2) shall be based on the book value as at the date immediately before the registration date of incorporation under paragraph (1).

(4) For the purpose of paragraph (1), acts done by the Korea Deep Sea Fisheries Association before this Act shall be deemed acts done by the Overseas Fisheries Association established under Article 28, while acts done to or against the incorporated Korea Deep Sea Fisheries Association shall be deemed acts done to or against the Overseas Fisheries Association established under Article 28.

(5) For the purpose of paragraph (1), executives and employees of the Korea Deep Sea Fisheries Association as at the time this Act enters into force shall be deemed elected or appointed as executives and employees of the Overseas Fisheries Association established under Article 28. In such cases, the term of office for each executive shall coincide with the remaining term of office under the previous articles of association of the Korea Overseas Fisheries Association.

Article 6 Omitted.

Article 7 (Relationship to other Acts and Subordinate Statutes)

A citation of the Fisheries Act or any provision thereof in any other Act or subordinate statute in force as at the time this Act enters into force shall be deemed a citation of this Act or the relevant provision hereof in lieu of the Fisheries Act or the previous provision, if such provision exists herein.

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. 9627, Apr. 22, 2009>*

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDUM *<Act No. 10122, Mar. 17, 2010>*

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

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. 11982, Jul. 30, 2013>*

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Reporting on Business Closure, etc. of Distant Water Fisheries)

The amended provisions of Article 10 (1) shall apply beginning with the first person who permanently closes his/her business reported for distant water fisheries under Article 6 (2) or becomes unable to continue such business after this Act enters into force.

Article 3 (Applicability to Restrictions on Assistance to Distant Water Fishery Operators)

The amended provisions of Article 13 (6) shall apply beginning with the first distant water fishery operator who violate any rule prescribed in Article 13 (1) through (4) after this Act enters into force.

Article 4 (Transitional Measure concerning Installation of Vessel Monitoring Systems in Fishing Vessels)

A fishing vessel with permission for distant water fisheries under Article 6 (1) before this Act enters into force, but with no vessel monitoring system installed therein shall have a vessel monitoring system installed in accordance with the amended provisions of Article 15 (1) within six months after this Act enters into force.

Article 5 (Transitional Measure concerning Penalty Surcharges)

Notwithstanding the amended provisions of Article 29, the imposition of a penalty surcharge for a violation committed before this Act enters into force shall be governed by the previous provisions.

Article 6 (Transitional Measure concerning Penalty Provisions)

Notwithstanding the amended provisions of Article 33, the application of penalty provisions for a violation committed before this Act enters into force shall be governed by the previous provisions.

Article 7 (Transitional Measure concerning Administrative Fines)

Notwithstanding the amended provisions of Article 36, the imposition of an administrative fine for a violation committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <*Act No. 12486, Mar. 18, 2014*>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measure concerning Incompetent Persons, etc.)

The term “adult under guardianship” under the amended provisions of Article 8 (1) 1 shall be deemed to include those person for whom the declaration of incompetency or quasi-incompetency shall remain effective pursuant to Article 2 of Attached Table of Act No. 10429, Partial Amendment to the Civil Act.

ADDENDA <*Act No. 13001, Jan. 6, 2015*>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measure concerning Penalties)

The previous provisions of this Act shall apply to cases of imposing penalties on violations committed before this Act enters into force.

Article 3 (Transitional Measure concerning Administrative Fines)

The previous provisions of this Act shall apply to cases of imposing administrative fines on violations committed before this Act enters into force.

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ADDENDA <*Act No. 14741, Mar. 21, 2017*>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation: Provided, That the amended provisions of Article 5 shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Suspension of Permits for Distant Water Fisheries)

The amended provisions of Article 6-2 (2) and (3) shall apply beginning with the first application for suspending a permit for distant water fisheries, filed after this Act enters into force.

ADDENDUM <*Act No. 16513, Aug. 20, 2019*>

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 24 shall enter into force on the date of its promulgation.

ADDENDA <*Act No. 16645, Nov. 26, 2019*>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Imposition of Penalty Surcharges)

The amended provisions of Article 31-2 shall begin to apply to violations committed on or after the date this Act enters into force.

Article 3 (Transitional Measures concerning Penalty Provisions)

The previous provisions shall apply to the application of penalty provisions to violations committed before this Act enters into force.

ADDENDUM <*Act No. 17050, Feb. 18, 2020*>

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

ADDENDA <*Act No. 18429, Aug. 17, 2021*>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Restrictions on Permit for Distant Water Fisheries)

The amended provisions of Article 7 (1) 16 and 17 shall begin to apply where a measure under Article 11-2 (1) or (2) of the Act on the Prevention of Damage to Ships on International Voyages has not been implemented, and where a person who intends to obtain a permit for distant water fisheries or a ship owner, etc. under Article 3 (3) of the Act on the Prevention of Damage to Ships on International Voyages has or have been sentenced to a fine or heavier punishment for failing to implement the measures under Article 11-2 (1) or (2) of the same Act and such sentence has become final and conclusive.

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.

ADDENDA <*Act No. 19573, Jul. 25, 2023*>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <*Act No. 19807, Oct. 31, 2023*>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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