

ENFORCEMENT DECREE OF THE ACT ON EXPERIMENTS AND RESEARCH FOR THE PROMOTION OF SCIENCE AND TECHNOLOGY OF FISHERIES

Presidential Decree No. 33858, Nov. 16, 2023

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on Experiments and Research for the Promotion of Science and Technology of Fisheries and matters necessary for the enforcement thereof.

Article 2 (Scope of fisheries-related industries)

(1) "Fisheries-related industries prescribed by Presidential Decree" in Article 2 (1) 1 of the Act on Experimental and Research Projects for the Promotion of Fisheries Science and Technology (hereinafter referred to as the "Act") means the following:

1. The industry involved in constructing, modifying, or improving fishing vessels;
2. The industry involved in producing fishing gear, materials, pharmaceuticals, and other related materials for fisheries use;
3. The industry involved in producing feed for aquatic animals and plants;
4. The industry involved in the control of diseases in aquatic animals and plants.

(2) "Projects prescribed by Presidential Decree" in Article 2 (1) 3 h of the Act means the following:

1. Experimental and research projects on the impact of global warming on fisheries;
2. Experimental and research projects on identifying the causes of harmful organisms or abnormal tidal currents and developing eradication technologies;
3. Experimental and research projects on the assessment of shared international fishery resources and international cooperation.

(3) "Projects prescribed by Presidential Decree" in Article 2 (1) 4 f of the Act means the following:

1. Support projects for the operation of mobile repair centers for fishing equipment and supplies;
2. Support projects for fisheries technology start-up.

(4) "Projects prescribed by Presidential Decree" in Article 2 (1) 5 d of the Act means the following:

1. Fisheries-related education projects for multicultural families defined in subparagraph 1 of Article 2 of the Multicultural Families Support Act;

2. Information technology education projects for persons engaged in fisheries.

Article 3 (Formulation of master development plans)

(1) The Minister of Oceans and Fisheries may request the head of a relevant central administrative agency or local government to submit technical data and basic information necessary for formulating a master plan for the development of fisheries science and technology under Article 4 (2) of the Act (hereinafter referred to as "master development plan"). *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries shall formulate a master development plan for the following year by November 30 of each year and notify the president of the National Institute of Fisheries Science and the head of a relevant local government of such plan. *<Amended on Mar. 23, 2013>*

(3) The president of the National Institute of Fisheries Science and the head of a relevant local government shall formulate and implement an action plan for the development of fisheries science and technology that reflects regional conditions and circumstances based on the master development plan and notify the Minister of Oceans and Fisheries of the results of such action plan by January 31 of the following year. *<Amended on Mar. 23, 2013; Nov. 16, 2023>*

Article 4 (Projects subject to joint research)

(1) Projects subject to joint research under Article 5 (1) of the Act shall be as follows: *<Amended on Mar. 23, 2013>*

1. Projects for developing practical technologies through technological cooperation between fisheries and other industrial sectors;
2. Joint research projects with foreign or international research institutes, international organizations, and foreign universities;
3. Projects for developing applied technologies using science and technology of fisheries;
4. Projects for developing export-oriented strategic species;
5. Projects for developing aquaculture technologies for high-quality and safe fisheries products;
6. Other projects for developing science and technology of fisheries that the Minister of Oceans and Fisheries deems necessary to pursue through joint research.

(2) To select projects subject to joint research under paragraph (1), the Minister of Oceans and Fisheries may formulate a joint research and development plan each year and select such projects through a public invitation process. *<Amended on Mar. 23, 2013>*

(3) Matters necessary for the procedures for selecting projects subject to joint research under paragraph (1) and for the implementation of such projects shall be prescribed by Decree of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 5 (Deliberation on, and coordination of, experimental and research projects)

(1) To prevent overlap in experimental and research projects, the Minister of Oceans and Fisheries shall, if deemed necessary, establish basic guidelines for the implementation of tasks specified in the subparagraphs of Article 8 (1) of the Act before deliberating on and coordinating such tasks, notify the president of the National Institute of Fisheries Science and the head of a local government of such guidelines, and conduct the deliberation and coordination based on the guidelines. <Amended on Mar. 23, 2013>

(2) Matters necessary for deliberation and coordination under paragraph (1) shall be prescribed by Decree of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 6 (Formulation of master plans for education and training)

(1) The Minister of Oceans and Fisheries shall formulate a master plan for education and training for the following year by November 30 of each year and notify the heads of local governments of such plan under Article 9 (1) of the Act. <Amended on Mar. 23, 2013>

(2) A master plan for education and training shall include the following:

1. Objectives and directions of education and training;
2. Recipients and duration of education and training;
3. Categories and methods of education and training;
4. Other matters necessary for education and training.

(3) The head of a local government shall formulate a detailed education and training plan that reflects regional circumstances and the conditions of training facilities based on the master plan for education and training and shall implement education and training accordingly.

Article 7 (Qualifications for public officials engaged in research and in technology extension)

“Those who have completed the established professional education prescribed by Presidential Decree” in Article 11 (1) of the Act means any of the following persons: <Amended on Mar. 23, 2013>

1. A person who has been appointed as a public official or local public official engaged in research services or in technical advice services under the Regulations on the Appointment of Public Officials Engaged in Research and Technical Advice Services or the Regulations on the Appointment of Local Public Officials Engaged in Research and Technical Advice Services, has served for at least 1 year, and has completed at least 2 weeks of specialized training at the Oceans and Fisheries Human Resources Development Institute;
2. A person who has served for at least 1 year as a public official in the Oceans and Fisheries functional category and has completed at least 2 weeks of specialized training at the Oceans and Fisheries Human Resources Development Institute;
3. A public official in the Oceans and Fisheries functional category who has obtained a master's degree or higher in a field related to oceans or fisheries from a graduate school under Article 29 of the Higher Education Act or who has acquired a certificate in a relevant field specified in the Appendix.

Article 8 (Honorary public official engaged in research)

The Minister of Oceans and Fisheries may appoint as an honorary public official engaged in research, a public official who has served as a public official engaged in research for at least 20 years under Article 11 (2) of the Act, has retired upon reaching the mandatory retirement age, has made particularly notable research achievements during his or her tenure, and has held any of the following positions: *<Amended on Mar. 23, 2013>*

1. A position specified in subparagraph 1 a or b, 2 a, or 3 a of Appendix 2 of the Regulations on the Appointment of Public Officials Engaged in Research and Technical Advice Services;
2. A position specified in subparagraph 1 a or b, 2 a, or 3 a of Appendix 2 of the Regulations on the Appointment of Local Public Officials Engaged in Research and Technical Advice Services.

Article 9 (Commissioning period for honorary public officials engaged in research)

- (1) The commissioning period for honorary public officials engaged in research shall be up to 3 years.
- (2) Honorary public officials engaged in research may receive research allowances and reimbursement for actual expenses necessary to conduct commissioned research projects within the budget.

Article 10 (Termination of commissioning honorary public officials engaged in research)

- (1) The Minister of Oceans and Fisheries may terminate the commission of an honorary public official engaged in research if the person falls under any of the following categories: *<Amended on Mar. 23, 2013>*
 1. Where the person falls under any category specified in the subparagraphs 1 through 6 and 6-2 of Article 33 of the State Public Officials Act;
 2. Where the person falls under any category specified in the subparagraphs 1 through 6 and 6-2 of Article 31 of the Local Public Officials Act;
 3. Where the person is deemed to have neglected the assigned testing and research duties or to lack the competence required for performing the duties during the commissioning period;
 4. Where the person violates any other obligations related to his or duties or service separately determined by the Minister of Oceans and Fisheries.

Article 11 (Service of honorary public officials engaged in research)

- (1) A current or former honorary public official engaged in research must not divulge any confidential information obtained in the course of performing his or her duties.
- (2) An honorary public official engaged in research may serve on a non-full-time basis and shall faithfully conduct the commissioned research project.

Article 12 (Application for payment of subsidies)

A school, organization, or individual that intends to receive a subsidy under Article 13 (2) of the Act shall submit an application for the payment of a subsidy in the form prescribed by Decree of the Ministry of Oceans and Fisheries, to the Minister of Oceans and Fisheries by January 31 of each year, along with the following documents: *<Amended on Mar. 23, 2013>*

1. A business plan;
2. A design document, its specifications, and design drawings (applicable only if a subsidy is applied for a facility, and omissible for a facility already installed);
3. A sales contract (applicable only to equipment or a facility already installed);
4. Organizational structure, bylaws, or articles of incorporation (applicable only to a school or organization);
5. Other documents determined by the Minister of Oceans and Fisheries.

Article 13 (Payment of subsidies)

(1) Upon receipt of an application for a subsidy under Article 12, the Minister of Oceans and Fisheries may, if deemed necessary, decide whether to grant a subsidy after examining the details of the application through on-site inspections or by other relevant methods. *<Amended on Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may pay subsidies decided to be paid under paragraph (1) in quarterly installments; provided, the Minister may disburse the full project cost in a lump sum, if deemed necessary for the effective implementation of the subsidized project. *<Amended on Mar. 23, 2013>*

Article 14 (Use of joint research and development outcomes)

(1) If an enterprise participating in joint research and development under Article 16 (1) of the Act intends to use the outcomes of such research and development, it shall conclude a contract for such use with the Minister of Oceans and Fisheries and pay technology usage fees, as prescribed by Decree of the Ministry of Oceans and Fisheries; provided, the Minister may exempt the enterprise from paying technology usage fee if the outcomes of joint research and development is deemed to fall under any of the following: *<Amended on Mar. 23, 2013>*

1. Where it is necessary to promptly disseminate technology nationwide to increase the income of persons engaged in fisheries;
2. Where it is necessary for the development of domestic fisheries, such as the promotion of exportation or import substitution;
3. Where it is necessary for nationwide dissemination to conserve the fishery environment;
4. Where it is necessary to promote government policies such as support and fostering of small and medium enterprises;
5. Where the Minister of Oceans and Fisheries deems it particularly necessary to strengthen the competitiveness of the fisheries sector.

(2) A person seeking to industrialize an employee's invention for which an application for a patent (including a utility model) is pending under Article 16 (3) of the Act shall conclude a contract for its use with the Minister of Oceans and Fisheries, as prescribed by Decree of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(3) If a contract is concluded under paragraphs (1) and (2), the contract term shall not exceed 3 years, in principle.

(4) If a contract is concluded under paragraphs (1) and (2), matters necessary for the method for calculating the technology usage fees shall be prescribed by Decree of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 15 (Payment of compensation)

(1) If the Minister of Oceans and Fisheries receives technology usage fees under the main clause of Article 14 (1), the Minister may pay compensation to a public official who participated in the relevant research and development under Article 16 (2) of the Act, based on the annual income from such fees for each right, by earmarking the compensation in the budget. *<Amended on Mar. 23, 2013>*

(2) Even if the Minister of Oceans and Fisheries exempts technology usage fees under the proviso of Article 14 (1), the Minister may pay compensation to a public official who participated in the relevant research and development in the same manner as provided in paragraph (1). *<Amended on Mar. 23, 2013>*

(3) If at least 2 public officials are entitled to compensation, it shall be paid in proportion to their respective shares.

(4) The detailed standards for calculating compensation under paragraphs (1) and (2) shall be prescribed by Decree of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 16 (Delegation of authority)

(1) The Minister of Oceans and Fisheries shall delegate the following authority to the president of the National Institute of Fisheries Science: *<Amended on Mar. 23, 2013>*

1. The authority to conduct joint research under Article 5 of the Act;
2. The commissioning or termination of the commissioning of a person to serve at the National Institute of Fisheries Science from among honorary public officials engaged in research under Article 10 (4) of the Act;
3. The authority regarding the transfer, etc. of the results of research and development under Article 16 of the Act;
4. The authority to promote academic-industrial cooperative projects for fisheries under Article 17 (1) of the Act.

(2) The Minister of Oceans and Fisheries shall delegate his or her authority regarding the commissioning or termination of commissioning of a person to serve at examination and research institutes in the Special Metropolitan City, a Metropolitan City, a Do, or a Special Self-Governing Province from among honorary

public officials engaged in research under Article 10 (4) of the Act, to the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, or a Special Self-Governing Province Governor.
<Amended on Mar. 23, 2013>

ADDENDA <Presidential Decree No. 23178, Sep. 29, 2011>

Article 1 (Enforcement date)

This Decree shall enter into force on September 30, 2011.

Article 2 (Transitional measures regarding public officials engaged in research and in technology extension)

A person who has served as a public official in charge of experimental and research duties, technology extension, or education and training at the National Institute of Fisheries Science or an experimental and research institute or technology extension agency of a local government before this Decree enters into force shall be deemed qualified as a public official engaged in research and in technology extension under Article 7.

ADDENDA <Presidential Decree No. 24455, Mar. 23, 2013>

Article 1 (Enforcement date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 33858, Nov. 16, 2023>

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

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