

ENFORCEMENT DECREE OF THE ACT ON PROMOTION OF RECYCLING OF FISHERY BYPRODUCTS

Presidential Decree No. 35696, Aug. 5, 2025

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on Promotion of Recycling of Fishery Byproducts and matters necessary for the enforcement thereof.

Article 2 (Types of fishery byproducts subject to application)

The types of fishery byproducts subject to the application of the Act on Promotion of Recycling of Fishery Byproducts (hereinafter referred to as the "Act") under Article 3 (4) of the Act shall be shells of the following shellfish:

1. Oysters;
2. Manila clams;
3. Abalones (including *Haliotis gigantea*);
4. Pen shells;
5. Mussels (including *Mytilus coruscus*);
6. Cockles (including *Tegillarca granosa*).

Article 3 (Formulation of master plans and implementation plans for recycling of fishery byproducts)

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

1. Matters regarding the improvement of laws and systems to ensure the environmentally friendly and hygienic treatment of fishery byproducts and to promote the recycling of such byproducts;
2. Matters regarding the research, development, and utilization of fishery byproduct recycling technology;
3. Matters regarding support for expanding sales channels for recycled products made from fishery byproducts;
4. Other matters deemed necessary by the Minister of Oceans and Fisheries to ensure the environmentally friendly and hygienic treatment of fishery byproducts and to promote the recycling of such byproducts.

(2) The Minister of Oceans and Fisheries shall formulate an action plan for the recycling of fishery byproducts under Article 5 (3) of the Act (hereinafter referred to as "recycling action plan") by December 31 of each year.

(3) A recycling action plan shall include the following:

1. Evaluation of the implementation results of the previous year's recycling action plan;
2. Objectives and tasks for implementing projects to ensure the environmentally friendly and hygienic treatment of fishery byproducts and to promote the recycling of such byproducts;
3. Detailed implementation plans for each project;
4. Other matters necessary to ensure the environmentally friendly and hygienic treatment of fishery byproducts and to promote the recycling of such byproducts.

(4) The Minister of Oceans and Fisheries may request the head of the relevant central administrative agency or the head of the relevant local government to submit related materials, if necessary to formulate a master plan for the recycling of fishery byproducts under Article 5 (1) of the Act or a recycling action plan under paragraph (3) of that Article.

(5) When the Minister of Oceans and Fisheries formulates a master plan for the recycling of fishery byproducts under Article 5 (1) of the Act or a recycling action plan under paragraph (3) of that Article, the Minister shall notify the head of the relevant central administrative agency and the head of the relevant local government.

Article 4 (Persons with obligation for separate discharge of fishery byproducts)

“ Person prescribed by Presidential Decree” in Article 7 (1) of the Act means any of the following persons who discharge at least 10 tons of fishery byproducts annually, calculated according to the calculation method determined and publicly notified by the Minister of Oceans and Fisheries:

1. A person who owns a workplace established to separate fishery byproducts from fishery products (referring to a workplace on land for separation work or a fixed work platform at sea for the same purpose);
2. A person who owns a marine product processing facility that has been reported under Article 16 (1) of the Seafood Industry Promotion and Support Act.

Article 5 (Standards for separate discharge of fishery byproducts)

(1) A person who has an obligation for separate discharge of fishery byproducts under Article 7 (1) of the Act and Article 4 of this Decree (hereinafter referred to as “person with an obligation for separate discharge”) shall discharge fishery byproducts (referring to the act of transferring fishery byproducts to a person who has obtained permission for fishery byproduct treatment business under Article 9 (1) of the Act, a fishery byproduct resource recovery facility under Article 16 (1) of the Act, a separate discharge facility under Article 7, or other relevant entities; hereinafter the same shall apply) in accordance with the following standards:

1. The person shall remove foreign substances and other similar materials attached to fishery byproducts before discharging such products in accordance with the methods determined and publicly notified by the Minister of Oceans and Fisheries;
 2. The person shall discharge fishery byproducts by type;
 3. The person shall discharge fishery byproducts within a period prescribed by Decree of the Ministry of Oceans and Fisheries; provided, in cases of unavoidable circumstances, such as fire, serious accident, or natural disaster, the period may be extended as prescribed by Decree of the Ministry of Oceans and Fisheries.
- (2) If a person with an obligation for separate discharge stores fishery byproducts independently before discharging such byproducts under paragraph (1), the person shall comply with the following:
1. The person shall store fishery byproducts by type;
 2. The person shall take measures to prevent the generation of leachate, malodors, pests, and other similar matters at the storage site;
 3. The person must not transport fishery byproducts to any place other than a location where such byproducts can be recycled or stored;
 4. When transporting fishery byproducts to a storage site, the person shall use a vehicle equipped with a cover or any similar device to prevent leakage of fishery byproducts, leachate, and other similar matters;
 5. The person shall comply with other matters prescribed by Decree of the Ministry of Oceans and Fisheries for the efficient storage of fishery byproducts.
- (3) Except as provided in paragraphs (1) and (2), matters necessary for the separate discharge of fishery byproducts by persons with an obligation for separate discharge and other details shall be prescribed by Decree of the Ministry of Oceans and Fisheries.

Article 6 (Orders of compliance issued to persons with obligation for separate discharge)

- (1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") may issue the following orders to take measures to a person with an obligation for separate discharge under Article 7 (3) of the Act:
1. Where the person fails to comply with the discharge standards under Article 5 (1): An order of compliance with the discharge standards or an improvement order;
 2. Where the person fails to comply with the obligations under Article 5 (2): An order of compliance with such obligations or an improvement order.
- (2) When a Mayor/Do Governor intends to issue an order to take measures to a person with an obligation for separate discharge under paragraph (1), the Mayor/Do Governor shall give written notice (including notice in electronic form), specifying the specific measures to be taken by the person, the period for compliance, and other relevant details.

Article 7 (Support for persons with obligation for separate discharge)

(1) If a person with an obligation for separate discharge falls under any of the following cases, the competent Mayor/Do Governor may, under Article 8 (1) of the Act, fully or partially subsidize the person to cover the expenses incurred in establishing a facility to separately discharge fishery byproducts (hereafter in this Article referred to as “separate discharge facility”) or in employing personnel to manage such facility:

1. Where the person has established and operated a separate discharge facility or employs personnel to manage such facility for joint use with other members of a producers' association (referring to a producers' association defined in subparagraph 5 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development) to which the person belongs as a member;
2. Where at least two persons with an obligation for separate discharge jointly invest to establish and operate a separate discharge facility or employ personnel to manage such facility.

(2) Matters necessary for subsidization under paragraph (1) for persons with an obligation for separate discharge shall be prescribed by ordinance of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province (hereinafter referred to as "City/Do").

Article 8 (Requirements for permission for fishery byproduct treatment business)

(1) The requirements for facilities, equipment, and personnel to be met by a person intending to conduct fishery byproduct treatment business under the former part of Article 9 (1) of the Act shall be as follows:

1. Fishery byproduct collection and transportation business: The requirements for facilities and equipment prescribed in subparagraph 1 of Appendix 1;
2. Fishery byproduct intermediate treatment business: The requirements for facilities, equipment, and personnel prescribed in subparagraph 2 of Appendix 1.

(2) “Modification of important matters prescribed by Presidential Decree” in the latter part of Article 9 (1) of the Act means the following: <Amended on Apr. 1, 2025>

1. Fishery byproduct collection and transportation business: The following:
2. Fishery byproduct intermediate treatment business: The following:

Article 9 (Compliance obligations of fishery byproduct treatment business entities)

A person who has obtained permission for fishery byproduct treatment business under Article 9 (1) of the Act (hereinafter referred to as "fishery byproduct treatment business entity") shall comply with the following obligations under Article 11 (1) of the Act: <Amended on Apr. 1, 2025; Aug. 5, 2025>

1. The following obligations regarding the separation of fishery byproducts from other waste:
2. The following obligations regarding fishery byproduct treatment facilities and equipment:
 - 1) A storage facility located within a place of business with a manufacturing or processing facility;

- 2) A storage facility located within 100 meters of a place of business with a manufacturing or processing facility;
3. The following obligations regarding the prevention of environmental pollution during the treatment of fishery byproducts:
4. The following obligations necessary for the efficient treatment of fishery byproducts and the prevention of public health hazards:

Article 10 (Criteria for administrative dispositions against fishery byproduct treatment business entities)

The criteria for the revocation of permission and suspension of business operations for fishery byproduct treatment business entities under Article 13 (2) of the Act shall be as specified in Appendix 2.

Article 11 (Criteria and procedures for imposition of penalty surcharges)

- (1) The criteria for the imposition of penalty surcharges under Article 14 (1) of the Act shall be as specified in Appendix 3.
- (2) When a Mayor/Do Governor imposes a penalty surcharge under Article 14 (1) of the Act, the Mayor/Do Governor shall give written notice to the person subject to such imposition, specifying the type of violation and the amount of the relevant penalty surcharge.
- (3) A person who has received a notice under paragraph (2) shall pay the penalty surcharge to a receiving agency designated by a Mayor/Do Governor within 20 days from the date of receipt of such notice.
<Amended on Dec. 12, 2023>
- (4) Upon receipt of a penalty surcharge under paragraph (3), a receiving agency shall issue a receipt to the payer and shall notify the relevant Mayor/ Do Governor of such fact.

Article 12 (Purpose of use of penalty surcharges)

"Purposes prescribed by Presidential Decree, such as supporting and promoting the recycling of fishery byproducts" in Article 14 (4) of the Act means the following:

1. Providing financial support for the construction of facilities and employment of personnel necessary for the separate discharge of fishery byproducts under Article 8 (1) of the Act;
2. Expanding fishery byproduct resource recovery facilities under Article 16 (1) of the Act;
3. Providing support for expanding sales channels for recycled products under Article 18 (1) of the Act.

Article 13 (Establishment of fishery byproduct resource recovery facilities)

- (1) When the Minister of Oceans and Fisheries or a Mayor/Do Governor establishes fishery byproduct resource recovery facilities under Article 16 (1) of the Act, they shall comply with the requirements for facilities, equipment, and personnel for fishery byproduct treatment business under Appendix 1.

(2) Matters necessary for the operation of fishery byproduct resource recovery facilities established under paragraph (1) and other relevant details shall be prescribed by Decree of the Ministry of Oceans and Fisheries or ordinance of the relevant City/Do.

Article 14 (Support for expanding sales channels for recycled products)

The Minister of Oceans and Fisheries or a Mayor/Do Governor may, under Article 18 (1) of the Act, fully or partially subsidize an individual, institution, or organization that produces recycled products from fishery byproducts or engages in research and development of fishery byproduct recycling technology, to cover the expenses necessary for conducting the following projects:

1. A project to promote the excellence of recycled products made from fishery byproducts;
2. A project for education, surveys, and research on recycled products made from fishery byproducts;
3. A project for research and development of fishery byproduct recycling technology;
4. Other projects deemed necessary by the Minister of Oceans and Fisheries to expand sales channels for recycled products made from fishery byproducts.

Article 15 (Entrustment of tasks)

The Minister of Oceans and Fisheries shall entrust the following tasks under Article 19 (2) of the Act to the Korea Fisheries Infrastructure Public Agency established under Article 57 of the Fishing Villages and Fishery Harbors Act:

1. Receipt and notification of the results of statistical surveys under Article 6 (3) of the Act;
2. Tasks necessary to support the expansion of sales channels for recycled products under Article 18 (1) of the Act.

Article 16 (Criteria for imposition of administrative fines)

The criteria for the imposition of administrative fines under Article 21 (1) and (2) of the Act shall be as specified in Appendix 4.

ADDENDUM <Presidential Decree No. 32811, Jul. 19, 2022>

This Decree shall enter into force on July 21, 2022.

ADDENDUM <Presidential Decree No. 33913, Dec. 12, 2023>

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

ADDENDA <Presidential Decree No. 34988, Nov. 12, 2024>

Article 1 (Enforcement date)

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

Articles 2 through 6 Omitted.

ADDENDUM <Presidential Decree No. 35429, Apr. 1, 2025>

This Decree shall enter into force 3 months after the date of its promulgation.

ADDENDA <Presidential Decree No. 35696, Aug. 5, 2025>

Article 1 (Enforcement date)

This Decree shall enter into force on August 7, 2025.

Article 2 Omitted.



Last updated : - -