

ENFORCEMENT DECREE OF THE FISHING VESSELS ACT

Presidential Decree No. 33913, Dec. 12, 2023

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Fishing Vessels Act and matters necessary for the enforcement thereof. *<Amended on Jun. 25, 2008>*

Article 1-2 (Repair of fishing vessel position transmitting devices)

“Deadline prescribed by Presidential Decree” in Article 5-2 (3) of the Fishing Vessels Act (hereinafter referred to as the "Act") means 15 days; provided, such period may be extended only once for a period not exceeding 15 days, if there are unavoidable reasons, such as a natural disaster or adverse weather conditions.

Article 2 (Registration of seizure of small-sized fishing vessels)

If a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter referred to as the "head of a Si/Gun/Gu") receives a request for the registration of the seizure of a small-sized fishing vessel under Article 13-3 of the Act, the relevant authority shall register the seizure by recording the creditor, the amount of the claim, the requesting agency, the date of the request, and other relevant details in the original register of the vessel and shall notify the shipowner of such fact without delay. *<Amended on Mar. 27, 2017; Jun. 27, 2017; Apr. 24, 2018>*

Article 3 Deleted. *<Apr. 7, 1999>*

Article 4 (Exceptions to ex officio deregistration)

The head of a Si/Gun/Gu may deregister a relevant fishing vessel ex officio under the proviso of Article 19 (2) 3 of the Act, even if 1 year has not passed since permission, report, license, etc. for fisheries became invalid, in cases where an order under the Fisheries Act, the Aquaculture Industry Development Act, the Distant Water Fisheries Development Act, or the Inland Water Fisheries Act is violated. *<Amended on Apr. 7, 1999; Jun. 3, 2002; Jun. 25, 2008; Mar. 27, 2017; Jun. 27, 2017; Aug. 26, 2020>*

Article 4-2 (Designation requirements for type-approval testing laboratories)

(1) The designation requirements for a type-approval testing laboratory under Article 24-3 (1) of the Act shall be as follows:

1. The laboratory shall have a dedicated department capable of conducting type approval tests under the latter parts of Article 24 (1) and (2) of the Act (hereinafter referred to as “type approval tests”) for articles for fishing vessel use (hereinafter referred to as “fishing vessel supplies”) required for the equipment specified in the subparagraphs of Article 3 of the Act, or for small-sized fishing vessels;
2. The laboratory shall not be an entity that directly manufactures, imports, or sells fishing vessel supplies or small-sized fishing vessels subject to type approval test, nor an entity that supplies such products (including parts thereof) to manufacturers;
3. The laboratory shall be equipped with the necessary facilities, apparatus (including devices calibrated or verified in accordance with the Framework Act on National Standards or the Measures Act; hereafter in this Article, the same shall apply), and personnel required for conducting type approval tests;
4. Where the laboratory seeks international recognition for specific test items of the type approval tests, it shall be a testing and inspection agency accredited under Article 23 of the Framework Act on National Standards.

(2) Notwithstanding paragraph (1) 3, if an institution seeking designation as a type-approval testing laboratory or an existing type-approval testing laboratory falls under any of the following cases, it shall be deemed to satisfy the requirements specified in paragraph (1) 3, as prescribed by Decree of the Ministry of Oceans and Fisheries:

1. Where it leases part of the facilities or apparatus necessary for conducting the type approval tests;
2. Where it commissions certain type approval test items to another testing institution that has the facilities, apparatus, and personnel necessary for conducting such tests.

Article 5 (Registration requirements for fishing vessel brokerage business)

“Requirements prescribed by Presidential Decree” in subparagraph 3 of Article 31-2 of the Act means securing (the right to use shall be secured by means of ownership, lease on a deposit basis, or loan for use, etc.) a brokerage office in a building (referring to a building that has undergone a completion inspection, authorization for completion, approval for use, inspection for use, etc., and including one that has not yet been recorded in the building register) recorded in the building register under Article 38 (1) of the Building Act (excluding a temporary building register under Article 20 (5) of the Building Act; hereinafter referred to as “building register”).

Article 6 (Criteria for imposition of penalty surcharges)

Where a penalty surcharge is imposed under Article 31-6 (1) of the Act, the amount of the penalty surcharge determined based on the type, severity, etc. of the violation shall be as specified in Appendix 1.

Article 7 (Procedures for imposition and payment of penalty surcharges)

- (1) When the Minister of Oceans and Fisheries imposes a penalty surcharge under Article 31-6 (1) of the Act, the Minister shall notify the relevant person subject to the surcharge, in writing, specifying the type of violation and the amount of the surcharge and shall require the payment thereof.
- (2) Upon receipt of notification under paragraph (1), a person shall pay the penalty surcharge in a lump sum to a collecting agency designated by the Minister of Oceans and Fisheries within 20 days from the date of receipt of such notification. *<Amended on Dec. 12, 2023>*
- (3) Upon receipt of a penalty surcharge under paragraph (2), a collecting agency shall issue a receipt to the payer and notify the fact of receiving such surcharge to the Minister of Oceans and Fisheries without delay.
- (4) If a person notified of the payment of a penalty surcharge under paragraph (2) fails to pay the surcharge by the payment deadline, the Minister of Oceans and Fisheries shall issue a reminder within 7 days after the deadline expires. In such cases, the extended payment deadline shall be within 10 days from the date the reminder is issued.

Article 8 (Preparation of transaction contracts)

A person who has filed for registration of fishing vessel brokerage business under Article 31-2 of the Act (hereinafter referred to as "fishing vessel broker") shall include the following details in a transaction contract under Article 31-8 (1) of the Act:

1. The names and other identifying particulars of the contracting parties;
2. A description of the subject matter of the transaction (referring to a fishing vessel and its equipment specified in Article 3 of the Act (including radio equipment under Article 5 of the Act; hereinafter referred to as "fishing vessel equipment, etc."); hereafter in this Article, the same shall apply);
3. The date of the contract;
4. Matters regarding the payment, such as the transaction price, contract price, and payment date;
5. The date and time of delivery of the subject matter of the transaction;
6. The details of the transfer of rights;
7. The conditions or time limits of the contract, if any;
8. Matters regarding brokerage fees, expenses, etc.;
9. Matters regarding the refund of brokerage fees, expenses, etc. in case of rescission or termination;
10. Matters regarding liability for damages;
11. Matters verified by the fishing vessel broker regarding the subject matter of the transaction;
12. Other terms and conditions.

Article 9 (Surety insurance coverage amount)

A fishing vessel broker shall subscribe to surety insurance covering the following amounts under Article 31-9 (1) of the Act:

1. For a corporate broker: At least 200 million won; provided, if a branch office is established, at least 100 million won shall be added for each branch office;
2. For a non-corporate broker: At least 100 million won.

Article 10 (Claim for payment of surety insurance proceeds)

If a party to a transaction suffers property damage in connection with the transaction of a fishing vessel or fishing vessel equipment, etc., and seeks compensation through payment of surety insurance proceeds, the party shall file a claim with the relevant surety insurance company by submitting one of the following documents:

1. A written agreement on compensation for damages or a written settlement between the transaction party and the fishing vessel broker;
2. A copy of the final and conclusive judgment of the court;
3. A document with equivalent effect to those specified in subparagraph 1 or 2.

Article 11 Deleted. <Apr. 7, 1999>

Article 12 Deleted. <Apr. 7, 1999>

Article 13 Deleted. <Apr. 7, 1999>

Article 14 Deleted. <Apr. 7, 1999>

Article 15 Deleted. <Apr. 7, 1999>

Article 16 (Delegation and entrustment of authority)

(1) The Minister of Oceans and Fisheries shall delegate the authority over the following tasks to the Director General of a Fisheries Management Service under Article 40 (1) of the Act: <Amended on Nov. 17, 2020>

1. Registration of fishing vessel brokerage business and modification of such registration under Article 31-2 of the Act (including verification of subscription to surety insurance under Article 31-9 of the Act);
2. Revocation of registration of fishing vessel brokerage business or suspension of business operations under Article 31-4 of the Act;
3. Receipt of reports on temporary or permanent closure, etc. of fishing vessel brokerage business under Article 31-5 of the Act;

4. Imposition and collection of penalty surcharges under Article 31-6 of the Act;

4-2. Receipt of reports under Article 74 (1) of the Ship Safety Act applied mutatis mutandis under Article 37 (2) of the Act, verification of facts under Article 74 (2) of the Ship Safety Act, and issuance of a detention order under paragraph (3) of that Article;

5. Hearings under subparagraph 3 of Article 38 of the Act;

6. Deleted. <Apr. 24, 2018>

(2) The Commissioner General of the Korea Coast Guard shall delegate the following authority to the chiefs of coast guard stations under Article 40 (1) of the Act: <Amended on Jul. 26, 2017; Apr. 24, 2018>

1. Receipt of reports on malfunction or loss of fishing vessel position transmitting devices under Article 5-2 (3) of the Act;

2. Imposing and collection administrative fines under Article 53 (1) 3 and 4 of the Act.

(3) The Minister of Oceans and Fisheries shall entrust the following tasks to the Korea Maritime Transportation Safety Authority established under the Korea Maritime Transportation Safety Authority Act (hereinafter referred to as the "Authority"), as prescribed in Article 40 (2) of the Act: <Amended on Apr. 24, 2018; Jun. 11, 2019>

1. Management and operation of the fishing vessel transaction system under Article 31 (1) and (2) of the Act;

2. Management of databases under Article 31 (3) of the Act;

3. Request for information on transactions of fishing vessels and fishing vessel equipment, etc. under Article 31 (5) of the Act;

4. Request for the provision of materials under Article 31 (6) of the Act (limited to request for the provision of materials necessary for the operation of databases under paragraph (3) of that Article).

(4) When the Director General of a Fisheries Management Service or the Authority exercises delegated authority or performs entrusted tasks under paragraph (1) or (3), the relevant entity shall compile and report the details to the Minister of Oceans and Fisheries on a semiannual basis. <Added on Nov. 17, 2020>

Article 16-2 (Suspension of agency services)

If the Authority or a classification society under Article 60 (2) of the Ship Safety Act performs agency services under Article 41 (1) of the Act by fraud or other improper means, the Minister of Oceans and Fisheries may suspend the performance of the relevant services for up to 6 months under Appendix 1-2, as prescribed in Article 41 (8) of the Act.

Article 17 (Management of personally identifiable information)

(1) The Minister of Oceans and Fisheries (including persons to whom the authority of the Minister of Oceans and Fisheries is delegated or entrusted under Article 16) may manage data containing resident registration numbers referred to in subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if unavoidable to perform the following business affairs:

1. Establishment and operation of the fishing vessel transaction system and databases under Article 31 of the Act;
2. Registration of fishing vessel brokerage business and modification of such registration under Article 31-2 of the Act (including verification of subscription to surety insurance under Article 31-9 of the Act);
3. Verification of grounds for disqualification under Article 31-3 of the Act;
4. Revocation of registration of fishing vessel brokerage business or suspension of business operations under Article 31-4 of the Act;
5. Receipt of reports on temporary or permanent closure, etc. of fishing vessel brokerage business under Article 31-5 of the Act;
6. Imposition and collection of penalty surcharges under Article 31-6 of the Act;
7. Hearings under subparagraph 3 of Article 38 of the Act.

(2) The head of a Si/Gun/Gu (including persons to whom the relevant authority has been delegated or entrusted, if such delegation or entrustment has occurred) may manage data containing resident registration numbers referred to in subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if unavoidable to perform the following business affairs:

1. Registration of fishing vessels under Article 13 of the Act;
2. Registration of modification regarding fishing vessels under Article 17 of the Act;
3. Deregistration of fishing vessels under Article 19 (2) of the Act;
4. Hearings under subparagraph 2 of Article 38 of the Act.

Article 18 (Re-examination of regulation)

The Minister of Oceans and Fisheries shall examine the appropriateness of the criteria for the imposition of administrative fines under Article 19 and Appendix 2 every 2 years, counting from January 1, 2017 (referring to the period that ends on the day before January 1 of every second year) and shall take measures, such as making improvements. *<Amended on Jun. 27, 2017>*

Article 19 (Criteria for imposition of administrative fines)

The criteria for the imposition of administrative fines under Article 53 of the Act shall be as specified in Appendix 2. *<Amended on Jun. 27, 2017>*

ADDENDA *<Presidential Decree No. 14090, Dec. 31, 1993>*

Article 1 (Enforcement date)

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

Article 2 (Special cases regarding registration of chartered fishing vessels)

If a fishing vessel subject to registration under Article 34 (2) of the Act and Article 11 of this Decree as at the time this Decree enters into force has been reported to a Mayor/Do Governor within 6 months

after this Decree enters into force, such vessel shall be deemed registered Article 13 (1) of the Act.
Article 3 Omitted.

ADDENDA <Presidential Decree No. 15135, Aug. 8, 1996>

Article 1 (Enforcement date)

This Decree shall enter into force on the date of its promulgation.
Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 15447, Jul. 29, 1997>

- (1) (Enforcement date) This Decree shall enter into force on the date of its promulgation.
(2) (Transitional measures regarding disposition of administrative fines) The previous provisions shall apply to the disposition of an administrative fine for a violation committed before this Decree enters into force.

ADDENDUM <Presidential Decree No. 15598, Dec. 31, 1997>

This Decree shall enter into force on January 1, 1998.

ADDENDA <Presidential Decree No. 15830, Jul. 1, 1998>

Article 1 (Enforcement date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)
Article 2 Omitted.

ADDENDUM <Presidential Decree No. 16226, Apr. 7, 1999>

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

ADDENDA <Presidential Decree No. 17623, Jun. 3, 2002>

- (1) (Enforcement date) This Decree shall enter into force on July 15, 2002.
(2) (Transitional measures regarding changes in authority) If the jurisdiction of authority has changed due to the amendments to Articles 4, 18, and 19, the act conducted by a person who held the relevant authority, such as the ex officio deregistration of a fishing vessel under the previous provisions before this Decree enters into force, shall be deemed an act conducted by a person who has such authority under the amended provisions of this Decree.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA <Presidential Decree No. 20677, Feb. 29, 2008>

Article 1 (Enforcement date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 20867, Jun. 25, 2008>

This Decree shall enter into force on the date of its promulgation; provided, the amended provisions of Article 2 shall enter into force on July 1, 2008.

ADDENDUM <Presidential Decree No. 21803, Nov. 2, 2009>

This Decree shall enter into force on November 28, 2009.

ADDENDUM <Presidential Decree No. 23649, Mar. 2, 2012>

This Decree shall enter into force on July 15, 2012.

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 6 Omitted.

ADDENDUM <Presidential Decree No. 24777, Sep. 26, 2013>

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

ADDENDA <Presidential Decree No. 25840, Dec. 9, 2014>

Article 1 (Enforcement date)

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

Articles 2 through 16 Omitted.

ADDENDUM <Presidential Decree No. 27960, Mar. 27, 2017>

This Decree shall enter into force on March 30, 2017. (Proviso Omitted.)

ADDENDUM <Presidential Decree No. 28167, Jun. 27, 2017>

This Decree shall enter into force on June 28, 2017.

ADDENDA <Presidential Decree No. 28211, Jul. 26, 2017>

Article 1 (Enforcement date)

This Decree shall enter into force on the date of its promulgation; provided, the amendments to the Presidential Decrees to be amended pursuant to Article 8 of the Addenda, which were promulgated before this Decree enters into force but the enforcement dates of which have yet to arrive, shall enter into force on the enforcement date of the relevant Presidential Decree.

Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 28833, Apr. 24, 2018>

Article 1 (Enforcement date)

This Decree shall enter into force on May 1, 2018.

Article 2 (Applicability to criteria for imposition of administrative fines)

Administrative fines imposed for violations committed before this Decree enters into force shall not be included in the calculation of the number of violations under the amended provisions of subparagraph 2 d through g and n of Appendix 2.

ADDENDA <Presidential Decree No. 29849, Jun. 11, 2019>

Article 1 (Enforcement date)

This Decree shall enter into force on July 1, 2019.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 30977, Aug. 26, 2020>

Article 1 (Enforcement date)

This Decree shall enter into force on August 28, 2020.

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 31164, Nov. 17, 2020>

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

ADDENDA <Presidential Decree No. 33434, Apr. 25, 2023>

Article 1 (Enforcement date)

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

Article 2 (Applicability to administrative dispositions, penalty surcharges, or administrative fines)

The amended provisions of Articles 1 through 61 shall also apply to an administrative disposition, a penalty surcharge, or an administrative fine that is made or imposed after this Decree enters into force for a violation committed before this Decree enters into force.

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

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

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