

ENFORCEMENT DECREE OF THE FISHING GROUND MANAGEMENT ACT

Presidential Decree No. 35105, Dec. 24, 2024

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Fishing Ground Management Act and matters necessary for the enforcement thereof.

Article 2 (Formulation of fishing ground management master plans)

Upon receipt of a request from the Minister of Oceans and Fisheries to submit materials necessary for formulating a fishing ground management master plan under Article 3 (5) of the Fishing Ground Management Act (hereinafter referred to as the "Act"), the head of a relevant administrative agency shall submit the requested materials to the Minister within 1 month from the date of receipt of the request.

<Amended on Feb. 29, 2008; Mar. 23, 2013>

Article 3 (Formulation of fishing ground management implementation plans)

(1) The head of a Si (referring to a Special Self-Governing Province Governor in cases of a Special Self-Governing Province; hereinafter the same shall apply)/Gun or the head of a Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may, if necessary to formulate a fishing ground management implementation plan for fishing grounds under their jurisdiction under Article 4 of the Act, request the president of the National Institute of Fisheries Science (including the heads of its affiliated fisheries research institutes; hereinafter the same shall apply) to submit opinions on the management of fishing grounds. *<Amended on Feb. 29, 2008; Aug. 12, 2014>*

(2) Upon receipt of a request to submit opinions under paragraph (1), the head of a relevant agency shall comply with such request unless there is a compelling reason not to do so.

Article 4 (Targets for designation as sea areas subject to fishing ground management)

A fishing ground shall be deemed to have, or be likely to have, an impediment to the conservation of the fishing ground environment under Article 5 (1) 2 of the Act, if it falls under any of the following categories:

1. A fishing ground where damage to aquaculture organisms frequently occurs due to the occurrence of an oxygen-deficient water mass (referring to a mass of water with little or no oxygen) or harmful algal blooms;
2. A fishing ground where long-term aquaculture operations have resulted in frequent outbreaks of diseases among aquaculture organisms and a decline in productivity;
3. Other fishing grounds similar to those specified in subparagraphs 1 and 2, for which designation as a sea area subject to fishing ground management is deemed necessary by the Minister of Oceans and Fisheries.

Article 5 (Details and methods of fishing ground environment surveys)

(1) A fishing ground environment survey under Article 6 (1) of the Act shall include the following details:

<Amended on Aug. 12, 2014; Aug. 26, 2020>

1. Current status of the fishing ground, including its distribution and area;
2. Current status of fishery business rights and aquaculture business rights;
3. The water quality and sediment conditions of the fishing ground;
4. Current status of pollutant generation and inflow;
5. Contamination status of aquaculture organisms by harmful substances;
6. Other matters necessary for the effective conservation and use of the fishing ground.

(2) The Minister of Oceans and Fisheries may request the head of a Si/Gun/Gu having jurisdiction over the relevant fishing ground to submit necessary materials, if necessary for conducting a fishing ground environment survey. In such cases, the head of the Si/Gun/Gu shall submit the requested materials within 20 days from the date of receipt of the request unless there is a compelling reason not to do so. *<Amended on Feb. 29, 2008; Mar. 23, 2013; Aug. 12, 2014>*

(3) If the Minister of Oceans and Fisheries conducts a fishing ground environment survey at the request of the head of a Si/Gun/Gu under Article 6 (2) of the Act, the Minister shall notify the relevant requesting agency of the results of the survey within 60 days from the date of its completion unless there is a compelling reason not to do so. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(4) If the Minister of Oceans and Fisheries conducts a fishing ground environment survey at the request of the head of a Si/Gun/Gu under Article 6 (2) of the Act, the Minister may require the requesting agency to bear all or part of the costs necessary for the survey. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(5) A fishing ground environment survey under Article 6 (1) and (2) of the Act shall be conducted by direct on-site survey methods; provided, indirect survey methods may be concurrently employed, such as remote sensing using aircraft or satellites, interviews with interested parties, and literature surveys. *<Added on Aug. 12, 2014>*

(6) When conducting a fishing ground environment survey, the Minister of Oceans and Fisheries shall comply with the Korean standard method of examination for the marine environment under Article 10 of the Marine Environment Management Act to ensure the accuracy and consistency of the survey. *<Amended*

on Jan. 11, 2008; Feb. 29, 2008; Mar. 23, 2013; Aug. 12, 2014>

Article 5-2 (Establishment and operation of fishing ground environment information network)

(1) The Minister of Oceans and Fisheries shall establish an information network on fishing ground environments under Article 6-2 (1) of the Act (hereinafter referred to as "fishing ground environment information network") to standardize and manage information on fishing ground environments in an integrated manner.

(2) The information to be included in the fishing ground environment information network shall be as follows:

1. Designation of sea areas subject to fishing ground management or modification or revocation of such designation under Article 5 of the Act;
2. Results of fishing ground environment surveys under Article 6 of the Act;
3. Results of fishing ground environment assessments under Article 11-2 of the Act;
4. Results of surveys and research related to the fishing ground environment conducted by the Ministry of Oceans and Fisheries and its affiliated agencies;
5. Other results of surveys or research related to the fishing ground environment conducted by the State or local governments.

(3) In addition to the information specified in the subparagraphs of paragraph (2) requested by a user of the fishing ground environment information network, the Minister of Oceans and Fisheries may also provide the underlying data used to produce such information; provided such data must not be provided if they constitute information subject to non-disclosure under Article 9 of the Official Information Disclosure Act or personally identifiable information under Article 24 of the Personal Information Protection Act.

Article 6 Deleted. <Aug. 12, 2014>

Article 7 (Procedures for simultaneous renewal of licenses and permission)

(1) If the head of a Si/Gun/Gu intends to simultaneously renew a license or permission under Article 8 (1) of the Act, the head shall determine the timing thereof in consideration of the remaining period of the fishery or aquaculture business license or fishery business permission, the aquaculture period, the condition of aquaculture organisms, and the timing of catch or harvest. <Amended on Aug. 26, 2020>

(2) If a new fishery or aquaculture business license or a new fishery business permission is granted as a result of the simultaneous renewal of licenses and permission, their expiration dates shall be aligned. <Amended on Aug. 26, 2020>

(3) When the sea areas and fishing grounds subject to the simultaneous renewal of licenses and permission are finalized, the head of a Si/Gun/Gu shall publicly notify the relevant details and shall notify interested parties, such as those who have obtained a fishery or aquaculture business license or fishery business

permission for the relevant sea areas and fishing grounds, of such fact. *<Amended on Aug. 26, 2020>*

(4) The public notice and notification under paragraph (3) shall include the following information: *<Amended on Aug. 26, 2020>*

1. Grounds for the simultaneous renewal of licenses and permission;
2. Scope and area of the sea area subject to fishing ground management for which the simultaneous renewal of licenses and permissions has been conducted;
3. Details of the fishery or aquaculture business licenses and fishery business permission subject to the simultaneous renewal of licenses and permission;
4. Commencement date of the simultaneous renewal of licenses and permission;
5. Matters to be addressed in the fishing ground of the sea area for which the simultaneous renewal of licenses and permission has been conducted.

Article 8 (Formulation of plans for leaving fishing grounds fallow)

(1) When formulating a plan leaving fishing grounds fallow under Article 9 of the Act, the head of a Si/Gun/Gu shall consider the aquaculture period, the condition of aquaculture organisms, and the timing of catch or harvest in the sea area where fishing grounds are to be left fallow.

(2) To enhance the effectiveness of leaving fishing grounds fallow, the head of a Si/Gun/Gu shall, if possible, prepare a plan to ensure that fishing grounds within sea areas subject to fishing ground management are left fallow simultaneously. *<Amended on Aug. 12, 2014>*

(3) When the head of a Si/Gun/Gu publicly notifies the formulation or modification of a plan for leaving fishing grounds fallow under Article 9 (3) of the Act, such public notice shall include the following information and the details thereof shall be forwarded to Eup/Myeon/Dong offices under the relevant jurisdiction and to the relevant district or sector-specific fisheries cooperatives, to allow relevant persons to inspect such details: *<Amended on Aug. 26, 2020>*

1. Grounds for leaving fishing grounds fallow;
2. Scope and area of the sea area where fishing grounds are left fallow;
3. Status of each fishing ground left fallow (the type of fishery or aquaculture business, area of the fishing ground, fishery or aquaculture business license number, address and name of the license holder, and other relevant information) and the fallow period for each fishing ground;
4. Matters to be handled by fishery or aquaculture business license holders during the fishing ground fallow period.

(4) “Fishing ground prescribed by Presidential Decree” in the proviso of Article 9 (5) of the Act means a fishing ground determined and publicly notified by the Minister of Oceans and Fisheries as one for which fishing ground fallowing is deemed unnecessary because it has undergone fishing ground purification or maintenance, or its environment has improved due to changes in marine conditions. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

Article 9 (Notification of adjustment of fishing ground area)

If the head of a Si/Gun/Gu intends to adjust the area or location of a fishing ground or to prohibit new fishery business permission or new fishery or aquaculture business licenses under Article 10 (1) and (2) of the Act, the head shall notify the relevant persons, including those who have obtained such licenses or permission (hereinafter in this Article referred to as "relevant persons"), of the following information:

<Amended on Aug. 26, 2020>

1. The name of the disposition (hereafter in this Article referred to as “disposition”) such as the adjustment of the area or location of the fishing ground or the prohibition of new fishery business permission or new fishery or aquaculture business licenses;
2. The names or titles, and addresses of the relevant persons;
3. The details and grounds for the disposition;
4. The results of the fishing ground environment assessment under Article 11-2 of the Act;
5. The procedures for filing an objection to the disposition, if any, including the method and period for submission;
6. Other necessary matters related to the disposition.

Article 10 (Establishment of standards for fishing ground environment)

(1) The standards for fishing ground environment to be established and publicly notified by the Minister of Oceans and Fisheries under Article 11 of the Act shall include the following: *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

1. Standards for the fishing ground environment for each detailed item, such as water quality and sediment that are suitable for the habitation of aquatic animals and plants;
2. Standards for the timing and period for restricting or prohibiting the catching, harvesting, or aquaculture of aquatic animals and plants;
3. Other matters deemed particularly necessary for the protection of public health.

(2) If the head of a Si/Gun/Gu intends to restrict or prohibit the catching, harvesting, or aquaculture of aquatic animals and plants under Article 11 (2) or (3) of the Act, the head shall request the president of the National Institute of Fisheries Science to submit opinions on such restriction or prohibition for the relevant fishing ground. *<Amended on Aug. 12, 2014>*

(3) Upon receipt of a request to submit opinions under paragraph (2), the president of the National Institute of Fisheries Science shall comply with such request unless there is a compelling reason not to do so.

Article 11 Deleted. *<Aug. 12, 2014>*

Article 12 (Fishing ground cleaning)

(1) A person who has obtained a fishery business license under Article 7 (1) 2 of the Fisheries Act or an aquaculture business license under Article 10 (1) 1 through 5 of the Aquaculture Industry Development Act shall, in accordance with Article 12 (1) of the Act, collect and treat sediment or waste discarded in the relevant fishing ground (hereinafter referred to as "fishing ground cleaning") within 3 months from the date of obtaining such license and shall thereafter conduct fishing ground cleaning in accordance with the cycle and method specified in Appendix 1, starting from the date the initial cleaning is completed. <Amended on Oct. 31, 2007; Jun. 16, 2009; Apr. 20, 2010; Aug. 12, 2014; Aug. 26, 2020; Jul. 5, 2022; and Jan. 10, 2023>

(2) Notwithstanding paragraph (1), if a person who has obtained a fishery or aquaculture business license under paragraph (1) falls under any of the following categories, the person shall conduct fishing ground cleaning in accordance with the cycle and method specified in Appendix 1, starting from the following dates: <Added on Dec. 12, 2023>

1. If a person who has obtained a fishery or aquaculture business license under paragraph (1) obtains permission to extend the validity period of the license under Article 14 (2) of the Fisheries Act or Article 17 (2) of the Aquaculture Industry Development Act: The date on which the last fishing ground clearing was completed before obtaining permission for such extension;

2. If a person who has obtained a communal fishery business license under Article 7 (1) 2 of the Fisheries Act obtains a new communal fishery business license for the same fishing ground consecutively after the expiration of the extended validity period of the license permitted under Article 14 (2) of that Act: The date on which the last fishing ground cleaning was completed during the validity period of the previous license;

3. If a person who has obtained an aquaculture business license under Article 10 (1) 1 through 5 of the Aquaculture Industry Development Act obtains a new license of the same kind, using the same method of aquaculture as the previous license (referring to the same method of aquaculture specified in Article 10 (3) 3 of that Act) for the same fishing ground consecutively after the expiration of the extended validity period of the license under Article 17 (2) of that Act: The date on which the last fishing ground clearing was completed during the validity period of the previous license.

(3) If a person who has obtained a fishery or aquaculture business license under paragraph (1) intends to conduct fishing ground cleaning under Article 12 (1) of the Act, the person shall prepare a fishing ground cleaning plan in a manner prescribed by Decree of the Ministry of Oceans and Fisheries and submit it to the head of the competent Si/Gun/Gu having jurisdiction over the relevant waters. <Amended on Feb. 29, 2008; Mar. 23, 2013; Aug. 26, 2020; Jul. 5, 2022; Dec. 12, 2023>

(4) Upon receipt of a fishing ground cleaning plan under paragraph (3), the head of the competent Si/Gun/Gu shall direct a public official under his or her jurisdiction to verify whether such cleaning and other relevant measures have been conducted; provided, such verification need not be performed, if the relevant fisher submits photographic evidence of the cleaning, a waste treatment certificate, and other

relevant supporting materials. <Amended on Dec. 12, 2023>

(5) If the head of a Si/Gun/Gu issues an order to clean a fishing ground under Article 12 (4) of the Act, the head shall determine a compliance period of up to 60 days in consideration of the preparation period for the fishing ground cleaning and other relevant factors. <Added on Dec. 12, 2023>

(6) If it is deemed impracticable to comply with an order to clean a fishing ground within the period under paragraph (5) due to a natural disaster or other unavoidable reasons, the head of a Si, Gun, or Gu may extend the compliance period by up to 30 days, upon application by the person subject to the order. <Added on Dec. 12, 2023>

Article 12-2 (Charges for compelling compliance)

(1) Charges for compelling compliance under Article 12-2 (1) of the Act shall be calculated by multiplying the area of a fishing ground by the amount levied per unit area. In such cases, such charges shall not exceed the upper limit under Article 12-2 (1) of the Act.

(2) The amount levied per unit area under the former part of paragraph (1) shall be 500,000 won per hectare.

Article 13 (Registration requirements for fishing ground purification or maintenance business)

The registration requirements for fishing ground purification or maintenance business under Article 17 (1) of the Act shall be as specified in Appendix 2. <Amended on Jul. 5, 2022>

Article 14 (Delegation and entrustment of authority)

(1) The Minister of Oceans and Fisheries shall delegate the authority over the following tasks to the president of the National Institute of Fisheries Science under Article 26 (1) of the Act: <Amended on Dec. 12, 2023; Dec. 24, 2024>

1. Establishment and operation of the fishing ground environment monitoring network and investigation of fishing ground environments under Article 6 (1) of the Act;
2. Investigation of fishing ground environments under Article 6 (2) of the Act;
3. Establishment of a fishing ground environment information network and provision of information on fishing ground environments, such as the results of fishing ground environmental investigations, under Article 6-2 (1) of the Act;
4. Request for the submission of materials under Article 6-2 (2) of the Act;
- 4-2. Assessment of fishing ground environments under Article 11-2 (1) of the Act (excluding the measurement of assessment items);
5. Imposition and collection of administrative fines under Article 33 (2) 4 of the Act.

(2) The Minister of Oceans and Fisheries may entrust the measurement of the assessment items for the fishing ground environment assessment under Article 11-2 (1) of the Act to any of the following entities under Article 26 (3) of the Act: <Added on Dec. 24, 2024>

1. The National Marine Biodiversity Institute of Korea established under the Act on the Establishment and Operation of the National Marine Biodiversity Institute of Korea;
 2. The Korea Fisheries Resources Agency established under Article 55-2 of the Fishery Resources Management Act;
 3. The Korea Fisheries Infrastructure Public Agency established under Article 57 of the Fishing Villages and Fishery Harbors Act;
 4. The Korea Institute of Ocean Science and Technology established under the Korea Institute of Ocean Science and Technology Act;
 5. An assessment agency under Article 31 (1) of the Marine Use Impact Assessment Act;
 6. The Korea Marine Environment Management Corporation established under Article 96 of the Marine Environment Management Act;
 7. A school under Article 2 of the Higher Education Act that has a department, faculty, or equivalent organization or research institute related to fisheries.
- (3) When entrusting tasks under paragraph (2), the Minister of Oceans and Fisheries shall publicly notify the entrusted entities and the details of the entrusted tasks. <Added on Dec. 24, 2024>

Article 14-2 (Management of sensitive information and personally identifiable information)

A Mayor/Do Governor (limited to the business affairs specified in subparagraph 3, and including a person to whom the relevant authority is delegated, redelegated, or entrusted) and the head of a Si/Gun/Gu (limited to the business affairs specified in subparagraphs 1 and 2, and including a person to whom the relevant authority is delegated or entrusted) may manage information constituting criminal records under subparagraph 2 of Article 18 of the Enforcement Decree of the Personal Information Protection Act and data containing resident registration numbers, passport numbers, or residence card numbers referred to in subparagraph 1, 2, or 4 of Article 19 of that Decree, if it is inevitable for performing the following business affairs:

1. Simultaneous renewal of licenses and permission under Article 8 of the Act;
2. Leaving fishing grounds fallow under Article 9 of the Act;
3. Registration, modification of registration, or reporting of fishing ground purification or maintenance business under Article 17 of the Act.

Article 15 (Criteria for imposition of administrative fines)

(1) The criteria for the imposition of administrative fines under Article 33 (2) of the Act shall be as specified in Appendix 3. <Amended on Jul. 5, 2022; Dec. 12, 2023>

(2) The authority to impose administrative fines under Article 33 (2) of the Act shall be classified as follows: <Amended on Dec. 12, 2023>

1. In cases specified in Article 33 (2) 1 of the Act: The head of a Si/Gun/Gu;

2. In cases specified in Article 33 (2) 2 and 3 of the Act: A Mayor/Do Governor;
3. In cases specified in Article 33 (2) 4 of the Act: The Minister of Oceans and Fisheries.

ADDENDA <Presidential Decree No. 20107, Jun. 26, 2007>

Article 1 (Enforcement date)

This Decree shall enter into force on June 29, 2007.

Article 2 (Applicability to fishing ground cleaning)

The amended provisions of Article 12 shall begin to apply to the first person who obtains a fishery business license or permission under the Fisheries Act after this Decree enters into force.

Article 3 (Transitional measure regarding administrative fines)

Notwithstanding the amended provisions of Appendix 2, the previous provisions shall apply to the imposition and collection of administrative fines for acts committed before this Decree enters into force.

ADDENDA <Presidential Decree No. 20351, Oct. 31, 2007>

Article 1 (Enforcement date)

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

Articles 2 through 9 Omitted.

ADDENDA <Presidential Decree No. 20544, Jan. 11, 2008>

Article 1 (Enforcement date)

This Decree shall enter into force on January 20, 2008. (Proviso Omitted.)

Articles 2 through 5 Omitted.

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.

ADDENDA <Presidential Decree No. 21536, Jun. 16, 2009>

Article 1 (Enforcement date)

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

Article 2 (Applicability)

The amended provisions of the proviso of Article 12 (1) shall begin to apply to the first completion of the purification or maintenance of a fishing ground conducted with budgetary support from the State or a local government after this Decree enters into force.

ADDENDA <Presidential Decree No. 22127, Apr. 20, 2010>

Article 1 (Enforcement date)

This Decree shall enter into force on April 23, 2010.

Articles 2 through 12 Omitted.

ADDENDA <Presidential Decree No. 24155, Oct. 29, 2012>

Article 1 (Enforcement date)

This Decree shall enter into force on November 1, 2012. (Proviso Omitted.)

Articles 2 through 11 Omitted.

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. 25551, Aug. 12, 2014>

This Decree shall enter into force on August 14, 2014.

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.

ADDENDA <Presidential Decree No. 32781, Jul. 5, 2022>

Article 1 (Enforcement date)

This Decree shall enter into force 6 months after the date of its promulgation; provided, the amendments to the notes in the amended provisions of Appendix 2 shall enter into force on the date of the promulgation.

Article 2 (Transitional measures following change in interval of fishing ground cleaning)

Notwithstanding the amended provisions of Article 12 (1) and Appendix 1, if the cleaning interval for a fishing ground becomes shorter under the amended provisions of that paragraph and that Appendix than under the previous provisions of Article 12 (1) following the enforcement of this Decree, the cleaning of such fishing ground may be conducted by the deadline under the previous provisions of Article 12 (1) only for the first cleaning conducted after this Decree enters into force.

Article 3 (Transitional measures regarding methods of fishing ground cleaning)

Notwithstanding the amended provisions of Article 12 (1) and Appendix 1, for a fishing ground for which a cleaning plan was submitted under the previous provisions of Article 12 (2) before this Decree enters into force, cleaning may be conducted according to the methods included in the cleaning plan submitted under the previous provisions of Article 12 (2), only if the cleaning is being conducted or scheduled in accordance with the fishing ground cleaning plan submitted as at the time this Decree enters into force.

ADDENDA <Presidential Decree No. 33225, Jan. 10, 2023>

Article 1 (Enforcement date)

This Decree shall enter into force on January 12, 2023.

Articles 2 through 12 Omitted.

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.

ADDENDA <Presidential Decree No. 33955, Dec. 12, 2023>

Article 1 (Enforcement date)

This Decree shall enter into force on December 28, 2023.

Article 2 (Applicability to special cases regarding interval of fishing ground cleaning)

The amended provisions of Article 12 (2) 2 and 3 shall begin to apply where a person obtains a consecutive license after the expiration of the extension of an extended license validity period, following the grant of a fishery business license under Article 7 (1) 2 of the Fisheries Act or an aquaculture business license under Articles 10 (1) 1 through 5 of the Aquaculture Industry Development Act, after this Decree enters into force.

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. 35105, Dec. 24, 2024>

This Decree shall enter into force on January 24, 2025.

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