ACT ON THE RESTRUCTURING OF AND SUPPORT FOR COASTAL AND INSHORE FISHERIES

Act No. 10947, Jul. 25, 2011
Amended by Act No. 11356, Feb. 22, 2012
Act No. 11690, Mar. 23, 2013
Act No. 13383, Jun. 22, 2015
Act No. 14351, Dec. 2, 2016
Act No. 15462, Mar. 13, 2018
Act No. 16212, Jan. 8, 2019
Act No. 16698, Dec. 3, 2019
Act No. 17047, Feb. 18, 2020
Act No. 18061, Apr. 13, 2021
Act No. 18755, Jan. 11, 2022
Act No. 18756, Jan. 11, 2022
Act No. 19415, May 16, 2023

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to establishing a sustainable production base for fisheries and to enhancing competitiveness thereof by efficiently implementing the restructuring of and supporting measures for coastal and inshore fisheries in response to changes, etc. in the marine environment and the fishing conditions at home and abroad. *<Amended on Feb. 22, 2012>*

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Mar. 13, 2018; Jan. 11, 2022>*

1. The term "coastal and inshore fisheries" means set-net fishery business under Article 7 of the Fisheries Act and inshore fishery business, coastal fishery business, and fishery business within a demarcated zone under Article 41 of that Act;
2. The term "restructuring of fisheries" means a series of measures taken for the advancement of fisheries, such as promoting buybacks of fishing vessels and gear, integrating or altering types of

fisheries, and adjusting the usage or scale of fishing gear, in order to create and protect fishery resources, to strengthen competitiveness of coastal and inshore fisheries, and to prevent the weakening of fishery business which is restricted or banned from fishing activities in waters of the other signatory country to a fisheries agreement due to the delay, etc. of implementation of the agreement concluded with such foreign country;

3. The term "fishery owner" means a person who runs a business of coastal and inshore fisheries;

4. The term "fishery employee" means a person who engages in catching or gathering marine animals or plants for or on behalf of a fishery owner.

Article 3 (Responsibilities of the State and Local Governments)

The State and local governments shall prepare supporting measures to build a sustainable production base for and strengthen competitiveness of coastal and inshore fisheries, and shall improve relevant statutes and institutions.

Article 4 (Fact-Finding Surveys on Fisheries)

(1) To efficiently promote the restructuring of fisheries, the Minister of Oceans and Fisheries and a Metropolitan City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall conduct a fact-finding survey on the following matters (hereinafter referred to as "fact-finding survey on fisheries") each year. In such cases, the Minister of Oceans and Fisheries shall conduct the fact-finding survey on fisheries with regard to the inshore fishery business; and a Mayor/Do Governor, with regard to the coastal fishery business, fishery business within a demarcated zone, and set-net fishery business after hearing the opinions of the head of a relevant Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter referred to as the "heads of Sis/Guns/Gus"): *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

1. The status of fishery owners and fishery employees by type of coastal and inshore fisheries;

2. The actual operation conditions as well as the status of fisheries management by type of coastal and inshore fisheries;

3. Any Other matters prescribed by Presidential Decree.

(2) Where necessary to conduct a fact-finding survey on fisheries, the Minister of Oceans and Fisheries and a Mayor/Do Governor may have public officials under his or her jurisdiction visit a fishing vessel, fishing area, place of business, office, etc. of a fishery owner to inspect them. *<Amended on Mar. 23, 2013>*

(3) A public official who visits another person's fishing vessel, fishing area, etc. pursuant to paragraph (2) shall carry an identification certificate indicating his or her authority and present it to the relevant person.

(4) The details of a fact-finding survey on fisheries, method of conducting the survey, and other necessary matters shall be prescribed by Presidential Decree.

CHAPTER II FORMULATION OF MATER PLANS FOR RESTRUCTURING OF FISHERIES

Article 5 (Mater Plans for Restructuring of Fisheries)

(1) To establish a sustainable production base for and enhance competitiveness of coastal and inshore fisheries, the Minister of Oceans and Fisheries shall formulate a master plan for the restructuring of fisheries (hereinafter referred to as "master plan") every five years based on the results of the investigation into and evaluation of fishery resources conducted pursuant to Article 10 of the Fishery Resources Management Act and those of a fact-finding survey on fisheries conducted pursuant to Article 4 of this Act. *<Amended on Mar. 23, 2013>*

(2) A master plan shall include the following matters: *<Amended on Mar. 23, 2013>*

1. Objectives of and basic direction-setting for the restructuring of fisheries;
2. Strategies and methods for promoting the restructuring of fisheries;
3. The amount of finances required for the restructuring of fisheries and yearly fundraising therefor;
4. Evaluation of the restructuring of fisheries;
5. Any other matters the Minister of Oceans and Fisheries deems necessary for the restructuring of fisheries.

(3) To formulate a master plan, the Minister of Oceans and Fisheries shall undergo deliberation by the Central Fisheries Mediation Committee established pursuant to Article 95 of the Fisheries Act, after hearing opinions of the heads of relevant central administrative agencies, the Mayors/Do Governors, and the heads of Sis/Guns/Gus via the Mayors/Do Governors. The same shall also apply to any modification of such master plan. *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

(4) The Minister of Oceans and Fisheries shall review a master plan each year, taking account of changes in the domestic and overseas fishing conditions, changes in particular fishery resources, the management status of fishery owners, etc.; and amend the plan if necessary. *<Amended on Mar. 23, 2013>*

(5) Upon formulating or amending a master plan, the Minister of Oceans and Fisheries shall notify the Mayors/Do Governors thereof, publicly announce the details thereof, and submit such plan to the competent Standing Committee of the National Assembly. *<Amended on Mar. 23, 2013; Dec. 3, 2019>*

Article 6 (Formulation of Implementation Plans for Buybacks of Fishing Vessels and Gear)

(1) The Minister of Oceans and Fisheries and a Mayor/Do Governor shall formulate an implementation plan for buybacks of fishing vessels and gear (hereinafter referred to as "implementation plan for buybacks") according to the relevant master plan and endeavor to secure financial resources necessary for such plan. In such cases, the Minister of Oceans and Fisheries shall formulate an implementation plan for buybacks for the inshore fishery business; and a Mayor/Do Governor, for the coastal fishery business, fishery business within a demarcated zone, and set-net fishery business. *<Amended on Mar. 23, 2013; Mar. 13, 2018; Dec. 3, 2019; Jan. 11, 2022>*

(2) An implementation plan for buybacks shall include the following matters: *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

1. Detailed objectives for executing the relevant master plan;
2. Types of fishery business that require buybacks of fishing vessels and gear, target quantities, and a promotion plan for buybacks;
3. A plan to designate fishery businesses subject to buybacks as well as a plan to select persons subject to buybacks of fishing vessels and gear;
4. The amount of finances required for buybacks of fishing vessels and gear as well as fundraising;
5. Analysis and evaluation of buybacks of fishing vessels and gear;
6. Any other matters the Minister of Oceans and Fisheries or a Mayor/Do Governor deems necessary for buybacks of fishing vessels and gear.

(3) A decision on the types of fishery business requiring buybacks of fishing vessels and gear provided in paragraph (2) 2 shall be made based on the outcomes of a fact-finding survey on fisheries; but any of the following fishery businesses shall be considered first: *<Amended on Feb. 22, 2012; Mar. 13, 2018; Jan. 11, 2022>*

1. Fishery business for which more permits have been granted than the quota of permits therefor under Articles 40 and 55 of the Fisheries Act;
2. Fishery business for which the number of vessels in operation is restricted pursuant to Article 20 of the Fishery Resources Management Act;
3. Fishery business deemed or expected to have significant impacts on protecting fishery resources, which needs to be restricted in order to protect other fishery businesses;
4. Fishery business for which the area of operation, catch quota, etc. are restricted according to an international agreement on fisheries concluded or joined by the Republic of Korea as a party thereto;
5. Fishery business the competitiveness or productivity of which has significantly weakened or declined or is likely to weaken or decline due to import liberalization, changes in the fishery environment, etc. (including changes in the fishery environment caused by an intergovernmental agreement on fisheries between North Korea and the People's Republic of China or by inter-private cooperation on fisheries).

(4) Where the Minister of Oceans and Fisheries and a Mayor/Do Governor intend to formulate an implementation plan for buybacks, they shall be subject to deliberation by the Central Fisheries Mediation Committee and the relevant City/Do fisheries mediation committee (hereinafter referred to as "relevant fisheries mediation committee"), respectively, established pursuant to Article 95 of the Fisheries Act, after hearing opinions of the Mayors/Do Governors and the heads of Sis/Guns/Gus, respectively. The same shall also apply to any modification of the implementation plan for buybacks. *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

(5) Notwithstanding the latter part of paragraph (4), deliberation by the Central Fisheries Mediation Committee or the relevant fisheries mediation committee shall not be required if any change is made to insignificant matters prescribed by Ministerial Decree of Oceans and Fisheries, such as the period for

recruiting persons subject to buybacks under an implementation plan for buybacks. *<Amended on Mar. 23, 2013>*

(6) Upon formulating or amending an implementation plan for buybacks, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall notify the Mayors/Do Governors or the heads of Sis/Guns/Gus of the details thereof; and a Mayor/Do Governor shall report to the Minister of Oceans and Fisheries on the details thereof. *<Amended on Mar. 23, 2013>*

(7) The Minister of Oceans and Fisheries may request a Mayor/Do Governor to supplement an implementation plan for buybacks the Mayor/Do Governor has formulated; and the Mayor/Do Governor in receipt of such request shall formulate supplementary measures. *<Amended on Mar. 23, 2013>*

(8) The Minister of Oceans and Fisheries or a Mayor/Do Governor shall review an implementation plan for buybacks each year, taking account of changes in the fishing conditions, changes in particular fishery resources, the management status of fishery owners, etc.; and amend the plan if necessary. *<Amended on Mar. 23, 2013>*

Article 7 (Formulation of Implementation Plans for Advancement of Fisheries)

(1) The Minister of Oceans and Fisheries and a Mayor/Do Governor shall formulate an implementation plan for the advancement of fisheries (hereinafter referred to as "implementation plan for advancement") according to the relevant master plan and endeavor to secure financial resources necessary for such plan. In such cases, the Minister of Oceans and Fisheries shall formulate an implementation plan for the advancement of the inshore fishery business; and a Mayor/Do Governor, for the advancement of the coastal fishery business, fishery business within a demarcated zone, and set-net fishery business after hearing the opinions of the heads of Sis/Guns/Gus. *<Amended on Mar. 23, 2013; Dec. 3, 2019; Jan. 11, 2022>*

(2) An implementation plan for advancement shall include the following matters: *<Amended on Mar. 23, 2013>*

1. Detailed objectives for executing the relevant master plan;
2. A promotion plan to integrate types of fishery business and to adjust the usage of fishing gear;
3. The amount of finances required to implement the projects specified in subparagraph 2 and fundraising therefor;
4. Analysis and evaluation in relation to the implementation of the projects for the advancement of fisheries specified in each subparagraph of Article 16;
5. Any other matters the Minister of Oceans and Fisheries or a Mayor/Do Governor deems necessary for the advancement of fisheries.

(3) Article 6 (4) through (8) shall apply mutatis mutandis to the procedures for formulating an implementation plan for advancement.

CHAPTER III IMPLEMENTATION OF BUYBACK PROGRAMS FOR FISHING VESSELS AND GEAR

Article 8 (Public Notice of Fishery Businesses subject to Buybacks)

To designate any fishery business which requires buybacks of fishing vessels and gear specified in Article 6 (2) 2 as a fishery business subject to buybacks, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall notify relevant district fisheries cooperatives or fisheries cooperatives by type of business established under the Fisheries Cooperatives Act; relevant fishery owners' organizations with the rules of autonomy; relevant fisheries corporations the incorporation of which has been approved by the Minister of Oceans and Fisheries; and fishery owners who are not members of any fishery owners' organization (hereinafter referred to as "fishery owners' organization, etc.") of the following matters: *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

1. The necessity of implementing buyback programs for fishing vessels and gear;
2. Target quantities and a promotion plan for buybacks of fishing vessels and gear;
3. Procedures for designating a fishery business subject to buybacks and the application period for such designation;
4. Effects of designating a fishery business subject to buybacks, the details of support, etc.

Article 9 (Voluntary Application for Fishery Business subject to Buybacks)

(1) To obtain the designation of a fishery business subject to buybacks, a fishery owners' organization, etc. upon receipt of a public notice under Article 8 shall submit a plan for buybacks of fishing vessels and gear which includes the following matters to the Minister of Oceans and Fisheries if the relevant business is the inshore fishery business; and to the competent Mayor/Do Governor if the relevant business is the coastal fishery business, fishery business within a demarcated zone, or set-net fishery business: *<Amended on Mar. 23, 2013; Mar. 13, 2018; Jan. 11, 2022>*

1. The number of fishing vessels and gear to be bought back as well as a promotion plan for buybacks;
2. The amount of funds required for buybacks of fishing vessels and gear;
3. Effects of buybacks of fishing vessels and gear.

(2) Upon receipt of a plan for buybacks of fishing vessels and gear under paragraph (1), the Minister of Oceans and Fisheries or the competent Mayor/Do Governor shall determine whether to designate the relevant business as a fishery business subject to buybacks after reviewing the appropriateness, etc. of the details of the plan; and notify the relevant fishery owners' organization, etc. of the results of the review and matters concerning application, etc. for persons subject to buybacks of fishing vessels and gear if the Minister or the Mayor/Do Governor determines the business as a fishery business subject to buybacks. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Mar. 13, 2018>*

(3) Procedures for designating a fishery business subject to buybacks and application for a person subject to buybacks of fishing vessels and gear provided in paragraphs (1) and (2), and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

Article 10 (Ex Officio Designation of Fishery Businesses subject to Buybacks)

(1) If necessary to establish a sustainable production base for coastal and inshore fisheries when no fishery owners' organization, etc. apply for the designation of a fishery business subject to buybacks during the application period for designation specified in Article 8, the Minister of Oceans and Fisheries or a Mayor/Do Governor may designate a fishery business subject to buybacks ex officio (excluding the set-net fishery business under Article 7 of the Fisheries Act). *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

(2) To designate a fishery business subject to buybacks ex officio, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall prepare a plan for buybacks of fishing vessels and gear and be subject to deliberation by the relevant fisheries mediation committee, after consulting with the Mayors/Do Governors if the relevant business is the inshore fishery business and with the heads of Sis/Guns/Gus if the relevant business is the coastal fishery business or fishery business within a demarcated zone and hearing opinions of the relevant fishery owners' organization, etc. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

(3) Upon designating a fishery business subject to buybacks under paragraph (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall notify the relevant fishery owners' organization, etc. of the details of the designation and matters concerning application, etc. for persons subject to buybacks of fishing vessels and gear. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

(4) Procedures for designating a fishery business subject to buybacks and application for a person subject to buybacks of fishing vessels and gear provided in paragraphs (1) through (3), and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

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Article 11 (Selection of Persons subject to Buybacks of Fishing Vessels and Gear)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor shall select a person subject to buybacks of fishing vessels and gear, upon receipt of an application from a fishery owner who runs a fishery business designated as a fishery business subject to buybacks pursuant to Article 9 or 10. In such cases, if the fishery owner of a fishing vessel, which is unable to be put in operation due to the restriction on the number of vessels in operation under Article 20 of the Fishery Resources Management Act or which is restricted or banned from engaging in fishing activities in waters of the other signatory country to a fisheries agreement due to the delay, etc. of implementation of the agreement concluded with such foreign country, is interested in acquiring buybacks, the Minister of Oceans and Fisheries or the competent Mayor/Do Governor shall preferentially select such fishery owner as a person subject to buybacks of fishing vessels and gear. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

(2) If deemed particularly necessary to strengthen competitiveness of fisheries when no fishery owner applies for buybacks of fishing vessels and gear or when the number of applicants falls short of the targets specified in the relevant implementation plan for buybacks, the Minister of Oceans and Fisheries or a

Mayor/Do Governor may select a person subject to buybacks of fishing vessels and gear ex officio, taking account of the following criteria, notwithstanding paragraph (1): Provided, That where the Minister of Oceans and Fisheries or a Mayor/Do Governor establishes criteria otherwise after obtaining the consent of a fishery owners' organization, etc., such criteria shall apply: *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

1. The age of a fishing vessel and the life of fishing gear;
2. The scale of a fishing vessel and gear (such as tonnage and horsepower);
3. Fishing performance;
4. The degree of compliance with statutes related to fisheries;
5. Any other matters determined by the Minister of Oceans and Fisheries or a Mayor/Do Governor.

(3) In selecting a person subject to buybacks of fishing vessels and gear pursuant to paragraph (1) or (2), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall consult with a relevant Mayor/Do Governor in cases of the inshore fishery business and with the heads of Sis/Guns/Gus in cases of the coastal fishery business, fishery business within a demarcated zone, and set-net fishery business. In such cases, the selection of a person subject to buybacks of fishing vessels and gear under paragraph (2) shall be made after deliberation by the relevant fisheries mediation committee. *<Amended on Mar. 23, 2013; Dec. 2, 2016; Mar. 13, 2018; Jan. 11, 2022>*

(4) Upon selecting a person subject to buybacks of fishing vessels and gear pursuant to paragraph (1) or (2), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall notify the relevant fishery owner of the details of selection, details of support, procedures for buying back fishing vessels and gear, etc. without delay. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

(5) The procedures for selecting persons subject to buybacks of fishing vessels and gear pursuant to paragraphs (1) through (4), detailed standards for selecting such persons, and other necessary matters shall be prescribed by Presidential Decree. *<Amended on Mar. 13, 2018>*

Article 12 (Measures to Implement Buybacks of Fishing Vessels and Gear)

(1) Where a fishery owner selected as a person subject to buybacks of fishing vessels and gear pursuant to Article 11 fails to comply with the procedures for implementing buyback programs for fishing vessels and gear without just cause, the Minister of Oceans and Fisheries may take any of the following measures; and the competent Mayor/Do Governor may request the Minister of Oceans and Fisheries to take any of the following measures against such fishery owner: *<Amended on Mar. 23, 2013; Mar. 13, 2018; Jan. 11, 2022>*

1. Restricting new loans provided in Article 93 of the Fisheries Act;
2. Adjusting the annual quantity of tax-free petroleum pursuant to Article 106-2 of the Restriction of Special Taxation Act.

(2) Matters necessary for the detailed standards and procedures for taking measures pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 13 (Support for Fishery Owners)

(1) Where a fishery owner selected as a person subject to buybacks of fishing vessels and gear pursuant to Article 11 intends to discontinue the business of coastal and inshore fisheries, the Minister of Oceans and Fisheries or the competent Mayor/Do Governor may provide any of the following support to such fishery owner; and in such cases, the Minister or the Mayor/Do Governor shall be subject to deliberation by the relevant fisheries mediation committee in advance if he or she intends to support a fishery owner selected as a person subject to buybacks of fishing vessels and gear pursuant to Article 11 (2): *<Amended on Mar. 23, 2013; Dec. 2, 2016; Mar. 13, 2018>*

1. Purchasing the relevant fishing vessel or gear at its appraised value;
2. A subsidy for discontinuance of business prescribed by Presidential Decree within the limit of average annual earnings of three years.

(2) Application for the subsidy provided in paragraph (1), detailed standards and method for calculating the subsidy, notice on the determination of the subsidy, procedures for granting the subsidy, and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

(3) To facilitate buybacks of fishing vessels and gear, the Minister of Oceans and Fisheries or a Mayor/Do Governor may provide administrative, financial and technical support to a fishery owners' organization, etc. participating in buyback programs for fishing vessels and gear. *<Amended on Mar. 23, 2013; Mar. 13, 2018>*

(4) Where a fishery owner who has discontinued the business of coastal and inshore fisheries pursuant to paragraph (1) intends to alter the type of business or to find a job in another industry, the Minister of Oceans and Fisheries or the competent Mayor/Do Governor may provide any of the following support to such fishery owner: *<Amended on Mar. 23, 2013>*

1. Vocational education and training;
2. Provision of employment information, vocational guidance, and referral of employment;
3. A subsidy or loan for industry transfer;
4. Any other matters prescribed by Presidential Decree.

(5) The method and procedures for providing support under paragraph (4) and other necessary matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 14 (Support for Fishery Employees)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may support fishery employees unemployed due to discontinuance of the business of coastal and inshore fisheries in their stabilization of living under Article 26 (5) 3 of the Framework Act on Fisheries and Fishing Villages Development: Provided, That the Minister of Oceans and Fisheries or a Mayor/Do Governor may grant a subsidy for stabilization of living equivalent to six months of ordinary wages to fishery employees who are unemployed due to any fisheries agreement concluded with a foreign country. *<Amended on Mar. 23, 2013;*

Jun. 22, 2015>

(2) Where a fishery employee and a fishery owner are the same person, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall not grant such person the subsidy for stabilization of living provided in paragraph (1). *<Amended on Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries or a Mayor/Do Governor shall implement vocational training for fishery employees unemployed due to discontinuance of the business of coastal and inshore fisheries, and formulate policies for referral of employment. In such cases, the Minister or the Mayor/Do Governor shall pre-consult with the Minister of Employment and Labor. *<Amended on Mar. 23, 2013>*

Article 15 (Special Cases concerning Raising of Objections)

(1) A fishery owner dissatisfied with a disposition made under this Act, such as the selection of persons subject to buybacks of fishing vessels and gear under Article 11 (2) or the determination of subsidies under Article 13 (1), may raise an objection with the Minister of Oceans and Fisheries or the competent Mayor/Do Governor within 30 days after receipt of a notice on such disposition, as prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Mar. 13, 2018; May 16, 2023>*

(2) Where a fishery owner raises an objection pursuant to paragraph (1), he or she shall specify the reason and details thereof and also submit necessary evidentiary materials, if any.

(3) Except as provided in paragraphs (1) and (2), matters concerning raising of objections shall be governed by Article 36 of the Framework Act on Administration. *<Amended on May. 16, 2023>*

(4) Deleted. *<May 16, 2023>*

(5) Deleted. *<May 16, 2023>*

CHAPTER IV PROMOTION OF ADVANCEMENT OF FISHERIES

Article 16 (Implementation of Projects for Advancement of Fisheries)

The Minister of Oceans and Fisheries or a Mayor/Do Governor may implement any of the following projects based on the relevant implementation plan for advancement: *<Amended on Mar. 23, 2013>*

1. Integrating or changing the types of coastal and inshore fisheries;
2. Adjusting the usage or scale of fishing gear;
3. Modernizing fishing vessels to optimize the scale of fisheries management, such as energy saving and reducing the scale of a fleet;
4. Disseminating the standard fishing vessels publicly notified by the Minister of Oceans and Fisheries pursuant to Article 33 of the Fishing Vessels Act;
5. Improving equipment and installations of fishing vessels to save energy or enhance safety or performance thereof.

Article 17 (Support for Advancement of Fisheries)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may provide the following support to fishery owners subject to any project specified in subparagraph 1 or 2 of Article 16. In such cases, the Minister of Oceans and Fisheries or the Mayor/Do Governor shall be subject to deliberation by the relevant fisheries mediation committee: *<Amended on Mar. 23, 2013; Jan. 11, 2022>*

1. Where all or part of the relevant fishing vessel, fishing gear, or equipment or installations of the fishing vessel is no longer usable due to the integration or alteration of types of fishery businesses or adjustment of the usage or scale of fishing gear under Article 40 of the Fisheries Act: Purchasing the fishing vessel, fishing gear, or equipment or installations of the fishing vessel at the appraised value thereof;

2. Where the management status of the relevant fishery owner has seriously deteriorated due to the integration or alteration of the types of fishery businesses or adjustment of the usage or scale of fishing gear under subparagraph 1: Granting a management improvement subsidy prescribed by Presidential Decree.

(2) The Minister of Oceans and Fisheries or a Mayor/Do Governor may subsidize fishery owners participating in any project specified in subparagraphs 3 through 5 of Article 16 with part of the expenses incurred in modernizing fishing vessels or improving equipment or installations of fishing vessels. *<Amended on Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries or a Mayor/Do Governor shall analyze and evaluate the results of support provided under paragraph (1) or (2) to incorporate them into an implementation plan for the advancement of fisheries established pursuant to Article 7. *<Amended on Mar. 23, 2013>*

(4) Matters necessary for application for the subsidy provided in paragraph (1) or (2), notice on the determination thereof, procedures for making payment, and other matters shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 17-2 (Support following Delayed Implementation of Fisheries Agreement)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may provide support to fishery owners, who are restricted or banned from engaging in fishing activities in waters of the other signatory country to a fisheries agreement due to the delay, etc. of implementation of the agreement concluded with such foreign country, by including such support into the projects for the advancement of fisheries.

(2) The Minister of Oceans and Fisheries or a Mayor/Do Governor may assist fishery owners, who are restricted or banned from engaging in fishing activities in waters of the other signatory county to a fisheries agreement, in fishing at alternative fishing areas or developing a new fishing area.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 18 (Appraisal)

(1) Where necessary to determine subsidies, the Minister of Oceans and Fisheries or a Mayor/Do Governor may entrust surveys and appraisal to an institution specializing in surveys, research and education on fisheries or to an authorized specialized appraisal institution, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

(2) Where deemed necessary to ascertain the facts, the Minister of Oceans and Fisheries or a Mayor/Do Governor may conduct an on-site inspection, verification, etc., hear relevant persons' testimony or statements, or request relevant agencies to submit necessary data. *<Amended on Mar. 23, 2013>*

Article 19 (Disposal of Purchased Fishing Vessels and Gear)

(1) Notwithstanding the State Property Act, the Commodity Management Act, and the Public Property and Commodity Management Act, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall dismantle or incinerate fishing vessels and gear purchased pursuant to this Act, but may dispose of them by any of the following methods to the extent that the restructuring of fisheries is not impeded: Provided, That a Mayor/Do Governor shall obtain approval from the Minister of Oceans and Fisheries if he or she intends to dispose of them by any of the following methods: *<Amended on Mar. 23, 2013>*

1. Sale or concession;
2. Offering them without compensation to promote exportation or international cooperation;
3. Utilizing them for public projects;
4. Any other uses and methods determined by the Minister of Oceans and Fisheries.

(2) Matters necessary for the procedures for acquiring and disposing of fishing vessels and gear shall be prescribed by Presidential Decree.

Article 20 (Recovery of Subsidies)

(1) The Minister of Oceans and Fisheries or a Mayor/Do Governor may recover all or some of the subsidy granted if a person who has received the subsidy falls under any of the following cases: *<Amended on Mar. 23, 2013; Feb. 18, 2020; Apr. 13, 2021; Jan. 11, 2022>*

1. Where the person receives the subsidy by fraud or other improper means;
2. Where the subsidy is erroneously paid;
3. Where the person succeeds to the status of a fishery business permit holder prescribed in Article 45 of the Fisheries Act by purchasing or leasing fishing vessels and gear permitted for fishery business that is publicly notified as fishery business subject to buybacks under Article 8, within three years from the date of receipt of a subsidy for discontinuance of business provided in Article 13 (1) 2.

(2) In recovering a subsidy pursuant to paragraph (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor may recover the subsidy in the same manner as delinquent national or local taxes are collected, if a person required to return the subsidy fails to do so within the specified period. *<Amended on Mar. 23,*

2013; Feb. 18, 2020>

(3) Matters necessary for standards, procedures, etc. for recovering subsidies under paragraph (1) shall be prescribed by Ministerial Decree of Oceans and Fisheries. *<Added on Apr. 13, 2021>*

Article 21 (Delegation of Authority)

(1) Part of the authority of the Minister of Oceans and Fisheries bestowed by this Act may be delegated to the head of an agency under his or her jurisdiction or to a Mayor/Do Governor. *<Amended on Mar. 23, 2013>*

(2) Part of the authority of a Mayor/Do Governor bestowed by this Act may be delegated to the head of a Si/Gun/Gu.

(3) Matters necessary for the delegation provided in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 22 (Entrustment of Duties)

(1) Part of the duties of the Minister of Oceans and Fisheries or a Mayor/Do Governor prescribed in this Act may be entrusted to the Korea Fisheries Resources Agency established under Article 55-2 of the Fishery Resources Management Act or to an institution, organization or association designated by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jan. 8, 2019>*

(2) Where the Minister of Oceans and Fisheries or a Mayor/Do Governor entrusts his or her duties pursuant to paragraph (1), he or she may fully or partially subsidize necessary expenses. *<Amended on Mar. 23, 2013>*

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Article 23 (Persons Deemed Public Officials for Purposes of Penalty Provisions)

For the purposes of Articles 129 through 132 of the Criminal Act, any of the following persons shall be deemed a public official: *<Amended on Mar. 23, 2013>*

1. A person entrusted by the Minister of Oceans and Fisheries or a Mayor/Do Governor to conduct a survey or appraisal pursuant to Article 18;
2. A person who performs the duties entrusted pursuant to Article 22.

CHAPTER VI PENALTY PROVISIONS

Article 24 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won: *<Amended on Mar. 13, 2018>*

1. A person who falsely applies for a subsidy under Article 13, 17, or 17-2;

2. A person who conducts a false survey or appraisal under Article 18.

Article 25 (Administrative Fines)

(1) A person who gives false testimony or makes a false statement under Article 18 (2) shall be subject to an administrative fine not exceeding two million won.

(2) The administrative fine provided in paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries or a Mayor/Do Governor, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

ADDENDA *<Act No. 10947, Jul. 25, 2011>*

Article 1 (Enforcement Date)

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

Article 2 (Repeal of other Acts)

The Special Act on Assistance to Fishers, etc. and Development of Fisheries Following the Conclusion of Fisheries Agreement shall be repealed.

Article 3 (Transitional Measures concerning Businesses subject to Restructuring of Fisheries)

The former provisions of Article 75 of the Fisheries Act shall apply to any business recruited and publicly announced as a fishery business that requires the acceleration of structural improvement under the former provisions of Article 75 of the Fisheries Act as at the time this Act enters into force.

Article 4 Omitted.

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ADDENDUM *<Act No. 11356, Feb. 22, 2012>*

This Act shall enter into force on July 26, 2012.

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. 13383, Jun. 22, 2015>*

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <*Act No. 14351, Dec. 2, 2016*>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Voluntary Application for Fishery Business subject to Buybacks)

The amended provisions of Articles 9 (2), 11 (3), and the latter part of the main sentence of Article 13 (1) shall also apply where a fishery owners' organization, etc. have submitted a fishing vessel buyback plan to the Minister of Oceans and Fisheries or the competent Mayor/Do Governor or where a fishery owner has filed an application for selection as a person subject to fishing vessel buybacks with the Minister of Oceans and Fisheries or the competent Mayor/Do Governor before this Act enters into force.

ADDENDA <*Act No. 15462, Mar. 13, 2018*>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Selection of Persons subject to Fishing Vessel Buybacks)

Notwithstanding the amended provisions of Article 11, the former provisions shall apply where a fishery owner who has submitted an application for selection as a person subject to fishing vessel buybacks under the former provisions as at the time this Act enters into force falls under the former provisions of Article 11 (1).

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ADDENDA <*Act No. 16212, Jan. 8, 2019*>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Article 3 Omitted.

ADDENDUM <*Act No. 16698, Dec. 3, 2019*>

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

ADDENDUM <*Act No. 17047, Feb. 18, 2020*>

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

ADDENDA <*Act No. 18061, Apr. 13, 2021*>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Restitution of Subsidies for Discontinuance of Business)

Notwithstanding the amended provisions of Article 20 (1) 3, the previous provisions shall apply where a person is subject to buybacks to receive a subsidy for discontinuance of business pursuant to the previous provisions as at the time this Act enters into force.

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. 18756, Jan. 11, 2022*>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Article 7 of the Fisheries Act)

"Article 7 of the Fisheries Act" in the amended provisions of subparagraph 1 of Article 2 and Article 10 (1) shall be deemed "Article 8 of the Fisheries Act" until the enforcement date of the Fisheries Act (Act No. 18755).

ADDENDA <*Act No. 19415, May 16, 2023*>

Article 1 (Enforcement Date)

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

Article 2 (General Applicability to Raising of Objections)

The amended provisions concerning raising of objections shall begin to apply to a disposition made after this Act enters into force.

Articles 3 through 9 Omitted.

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