

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

Presidential Decree No. 33858, Nov. 16, 2023

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on the Restructuring of and Support for Coastal and Inshore Fisheries and matters necessary for the enforcement thereof.

Article 2 (Items and methods of fact-finding surveys on fisheries)

(1) "Matters prescribed by Presidential Decree" in Article 4 (1) 3 of the Act on the Restructuring of and Support for Coastal and Inshore Fisheries (hereinafter referred to as the "Act") means any of the following matters: *<Amended on Dec. 24, 2018>*

1. The standard quantity of fishing gear by type of coastal and inshore fisheries;

2. The number of fishing vessels and gear desired for inclusion in the buyback program, by fishery type.

(2) In principle, a fact-finding survey on fisheries under Article 4 (1) of the Act shall be conducted each year to investigate the actual conditions from January 1 to December 31 of the preceding year; provided, if it is impracticable to conduct a fact-finding survey for the preceding year, the survey may cover the year immediately preceding that year.

(3) A Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall submit the results of a fact-finding survey on fisheries under paragraph (2) to the Minister of Oceans and Fisheries by January 31 of the following year. *<Amended on Mar. 23, 2013; Nov. 16, 2023>*

(4) Except as prescribed in paragraphs (1) through (3), the number of samples to be surveyed, the areas to be surveyed, the standard forms, the survey period, and other matters necessary for fact-finding surveys on fisheries shall be determined by the Minister of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

Article 3 (Selection of persons eligible for buyback program for fishing vessels and gear)

(1) If the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to select a person eligible for the buyback program for fishing vessels and gear upon application by a fishery owner under Article 11 (1) of the Act, the competent authority shall publish the following details on the website of the Ministry of

Oceans and Fisheries or the relevant Metropolitan City, Do, or Special Self-Governing Province (hereinafter referred to as “City/ Do”) at least 15 days before the start date of the period specified in subparagraph 1: *<Amended on Mar. 23, 2013; Dec. 24, 2018>*

1. The application period for the buyback of fishing vessels and gear;
 2. The criteria for selecting persons eligible for the buyback program for fishing vessels and gear;
 3. The number of fishing vessels and gear designated for the buyback program;
 4. The procedures for the buyback program of fishing vessels and gear;
 5. The purport that if no fishery owner applies for the buyback program for fishing vessels and gear, or if the number of applicants falls short of the target specified in the buyback implementation plan established under Article 6 (1) of the Act (hereinafter referred to as the “buyback implementation plan”), the competent authority may, ex officio, select a person eligible for the buyback program for fishing vessels and gear, along with other relevant details.
- (2) A fishery owner who intends to apply for the buyback program for fishing vessels and gear under paragraph (1) shall submit an application to the following authorities, as prescribed by Decree of the Ministry of Oceans and Fisheries: *<Amended on Mar. 23, 2013; Dec. 24, 2018; Jul. 11, 2022>*

1. Inshore fishery business under Article 40 (1) of the Fisheries Act: The Minister of Oceans and Fisheries;
 2. Set-net fishery business under Article 7 (1) 1 of the Fisheries Act, coastal fishery business under Article 40 (2) of that Act, and fishery business within a demarcated zone of waters under paragraph (3) of that Article: The competent Mayor/Do Governor.
- (3) Upon receipt of an application submitted under paragraph (2), the Minister of Oceans and Fisheries or a Mayor/Do Governor may select a person eligible for the buyback program for fishing vessels and gear, prioritizing the following vessels and gear: *<Amended on Mar. 23, 2013; Dec. 24, 2018>*

1. Fishing vessels of advanced age and fishing gear used exceeding their designated service life;
 2. Large-scale fishing vessels and fishing gear;
 3. Fishing vessels and gear of fishery owners who have applied for a smaller amount of the business closure subsidy within the scope of the subsidy under Article 5;
 4. Other fishing vessels and gear that meet the requirements determined by the Minister of Oceans and Fisheries or the competent Mayor/Do Governor, including those with a significant impact on fishery resources.
- (4) If the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to select a person eligible for the buyback program for fishing vessels and gear ex officio under Article 11 (2) of the Act, the competent authority shall publish the following details on the website of the Ministry of Oceans and Fisheries or the relevant City/Do at least 60 days before the date of such selection: *<Amended on Mar. 23, 2013; Dec. 24, 2018; Jan. 12, 2021>*

1. The purport that the competent authority selects, ex officio, a person eligible for the buyback program for fishing vessels and gear due to the absence of applications by fishery owners or the failure to meet

the target number of applicants specified in the buyback implementation plan;

2. The criteria for selecting persons eligible for the buyback program for fishing vessels and gear;

3. The number of fishing vessels and gear designated for the buyback program;

4. The procedures, etc. for the buyback program of fishing vessels and gear.

(5) The Minister of Oceans and Fisheries or a Mayor/Do Governor who intends to select a person eligible for the buyback program for fishing vessels and gear ex officio under paragraph (4) may select such eligible person from among fishery owners whose fishing vessels and gear are of the same fishery type or have the same port of registry, prioritizing the following fishing vessels and gear: *<Amended on Mar. 23, 2013; Dec. 24, 2018>*

1. Fishing vessels and gear under paragraph (3) 1, 2, and 4;

2. Fishing vessels and gear of a fishery owner who has committed multiple or serious violations of fisheries-related statutes and regulations.

(6) The scoring criteria and scoring tables by selection criteria for selecting persons eligible for the buyback program for fishing vessels and gear under paragraphs (3) and (5) shall be determined by the Minister of Oceans and Fisheries or a Mayor/Do Governor, taking into account the characteristics of each type of fishery business. *<Amended on Mar. 23, 2013; Dec. 24, 2018>*

(7) Except as provided in paragraphs (1) through (5), matters necessary for the methods and procedures for selecting persons eligible for the buyback program for fishing vessels and gear shall be prescribed by Decree of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013; Dec. 24, 2018>*

Article 4 (Detailed standards and procedures for restrictions on new loans)

(1) The detailed standards for restrictions on new loans and for the adjustment of the annual supply quantity of tax-free petroleum under Article 12 (1) of the Act shall be as specified in Appendix 1.

(2) If the Minister of Oceans and Fisheries intends to take measures under the subparagraphs of Article 12 (1) of the Act, the Minister shall notify the following information to the relevant fishery owner, the head of the relevant administrative agency, and the Chairperson of the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act: *<Amended on Mar. 23, 2013>*

1. The name, date of birth, and address of the fishery owner subject to the measures;

2. The details and period of the measures and the reasons therefor.

Article 5 (Scope of business closure subsidies)

“Business closure subsidy prescribed by Presidential Decree” in Article 13 (1) 2 of the Act means the amount obtained by multiplying the amount equivalent to 3 years' worth of average annual revenue specified in subparagraph 2 a of Appendix 10 of the Enforcement Decree of the Fisheries Act by a ratio determined by the Minister of Oceans and Fisheries in consultation with the Minister of Economy and Finance. *<Amended on Mar. 23, 2013; Jan. 10, 2023>*

Article 6 (Standards for calculation of management improvement subsidies)

The standards for calculation of management improvement subsidies and the eligible recipients of such subsidies under Article 17 (1) 2 of the Act shall be as specified in Appendix 2.

Article 7 (Appraisal)

Subparagraph 4 b 1) and 4) of Appendix 10 of the Enforcement Decree of the Fisheries Act shall apply *mutatis mutandis* to the request for service surveys or appraisal under Article 18 (1) of the Act. <Amended on Jan. 10, 2023>

Article 8 (Disposal of purchased fishing vessels and gear)

(1) If the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to dispose of fishing vessels and gear by a method specified in Article 19 (1) 1 or 3 of the Act, the competent authority shall receive a document containing the following information from a person seeking to purchase fishing vessels and gear, receive them by transfer, or use them for public projects: <Amended on Mar. 23, 2013>

1. The purpose of use of the fishing vessels and gear to be purchased, received by transfer, or utilized;
2. The quantity and scale of the fishing vessels and gear to be purchased, received by transfer, or utilized;
3. The management method for the fishing vessels and gear to be purchased, received by transfer, or utilized;
4. Other matters determined by the Minister of Oceans and Fisheries.

(2) When selling fishing vessels and gear under Article 19 (1) 1 of the Act, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall sell them through competitive bidding at or above the reserve price determined by the Minister of Oceans and Fisheries, taking into consideration the purchase price, condition, and marketability of the relevant fishing vessels and gear. <Amended on Mar. 23, 2013>

(3) Fishing vessels and gear not sold under paragraph (2) may be sold by private contract at a price determined by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(4) The proceeds from the sale of fishing vessels and gear under paragraphs (2) and (3) shall be incorporated into the Fisheries Development Fund under Article 46 of the Framework Act on Fisheries and Fishing Villages Development or vested in the relevant City/Do or Si/Gun/Gu (referring to an autonomous Gu). <Amended on Dec. 22, 2015>

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

(6) Except as provided in paragraphs (1) through (5), matters necessary for the proportion of proceeds from the sale to be incorporated into the Fisheries Development Fund or vested in the relevant City/Do or Si/Gun/Gu, for the procedures for the disposal of fishing vessels and gear, and for other relevant matters shall be determined by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 9 (Approval for disposal of fishing vessels and gear)

A Mayor/Do Governor shall submit a fishing vessel and gear disposal plan to the Minister of Oceans and Fisheries when seeking approval for such disposal under the proviso of Article 19 (1) of the Act.

<Amended on Mar. 23, 2013>

Article 10 (Delegation and entrustment)

(1) The Minister of Oceans and Fisheries shall delegate the following authority to a Mayor/Do Governor, who shall further delegate the following authority to the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) under Article 21 of the Act:

1. Receipt of a plan for the buyback of fishing vessels and gear under Article 9 (1) of the Act; and notification of the results of designation of fishery business subject to buyback, application for designation as a person eligible for the buyback program for fishing vessels and gear, and other relevant matters under paragraph (2) of that Article;
 2. Notification of details of designation of fishery business subject to buyback, matters regarding application for designation as a person eligible for the buyback program for fishing vessels and gear, and other relevant details under Article 10 (3) of the Act;
 3. Receipt of applications for designation as a person eligible for the buyback program for fishing vessels and gear under Article 11 (1) of the Act; and notification of the details of selection of a person eligible for the buyback program for fishing vessels and gear, the details of support, the procedures for the buyback program for fishing vessels and gear, and other relevant details under paragraph (4) of that Article;
 4. Receipt of applications for subsidies, notification of determination thereon, and payment of subsidies under Article 13 (1) of the Act;
 5. Matters regarding support for livelihood stabilization under Article 14 (1) of the Act;
 6. Receipt of objections under Article 15 (1) of the Act;
 7. Receipt of applications for subsidies, notification of determination thereon, and payment of subsidies under Article 17 (1) and (2) of the Act;
 8. On-site investigation and verification, hearing of testimony or statements, and request for the submission of materials under Article 18 (2) of the Act;
 9. Disposal of fishing vessels and gear under Article 19 (1) 1, 3, and 4 of the Act;
 10. Recovery of subsidies under Article 20 of the Act;
 11. Imposition and collection of administrative fines under Article 25 of the Act.
- (2) A Mayor/Do Governor shall delegate the authority to request a service survey and appraisal under Article 18 (1) of the Act to the head of a Si/Gun/Gu in accordance with Article 21 (2) of the Act.
- (3) The Minister of Oceans and Fisheries or a Mayor/Do Governor shall entrust the affairs related to fact-finding surveys on fisheries under Article 4 (1) of the Act 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 in accordance with Article 22 of the Act.

(4) The Minister of Oceans and Fisheries shall entrust the affairs of requesting service surveys and appraisal under Article 18 (1) of the Act 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 in accordance with Article 22 of the Act.

(5) When entrusting affairs under paragraphs (3) and (4), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall publicly notify the institution to which the affairs are entrusted and the details of the entrusted affairs.

Article 11 (Criteria for imposition of administrative fines)

The criteria for the imposition of administrative fines under Article 25 (1) of the Act shall be as specified in Appendix 3.

ADDENDA <Presidential Decree No. 23982, Jul. 24, 2012>

Article 1 (Enforcement date)

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

Article 2 (Repeal of other statute)

The Enforcement Decree of the Special Act on Assistance to Fishers and Development of Fisheries following the Conclusion of Fisheries Agreement shall be repealed.

Article 3 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.

ADDENDA <Presidential Decree No. 26754, Dec. 22, 2015>

Article 1 (Enforcement date)

This Decree shall enter into force on December 23, 2015.

Article 2 Omitted.

Article 3 Omitted.

ADDENDUM <Presidential Decree No. 29418, Dec. 24, 2018>

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

ADDENDUM <Presidential Decree No. 31392, Jan. 12, 2021>

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

ADDENDA <Presidential Decree No. 32797, Jul. 11, 2022>

Article 1 (Enforcement date)

This Decree shall enter into force on July 12, 2022.

Article 2 (Transitional measures regarding Articles 7 and 40 of the Fisheries Act)

"Article 40 (1) of the Fisheries Act" in the amended provisions of Article 3 (2) 1, and "Article 7 (1) 1 of the Fisheries Act", "Article 40 (2) of that Act", and "paragraph (3) of that Article" in the amended provisions of Article 3 (2) 2 shall be construed as "Article 41 (1) of the Fisheries Act", and "Article 8 (1) 1 of the Fisheries Act", "Article 41 (2) of that Act" and "paragraph (3) 1 of that Article", respectively, until the day before the enforcement date of the Fisheries Act (Act No. 18755).

ADDENDUM <Presidential Decree No. 33108, Dec. 20, 2022>

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

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 11 Omitted.

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

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

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