

ENFORCEMENT DECREE OF THE FRAMEWORK ACT ON MARINE FISHERY
DEVELOPMENT

Amended By	2002·11·20	Presidential Decree No. 17786
------------	------------	----------------------------------

Article 1 (Purpose)

The purpose of this Decree is to prescribe such matters as delegated by the Framework Act on Marine Fishery Development, and as necessary for the enforcement thereof.

Article 2 (Establishment of Objectives and Directions of Midterm and Long-Term Policies)

(1) The Minister of Maritime Affairs and Fisheries shall establish the objectives and directions of midterm and long-term policies (hereafter in this Article, referred to as the "objectives of midterm and long-term policies, etc.") for the rational management, preservation, development and utilization of seas and marine resources and the fosterage of marine industries under Article 6 (1) of the Framework Act on Marine Fishery Development (hereinafter referred to as the "Act"), and notify the heads of related central administrative agencies thereof, and announce their contents publicly.

(2) When the Minister of Maritime Affairs and Fisheries establishes the objectives of midterm and long-term policies, etc. under paragraph (1), he shall go through a deliberation by the Marine Fishery Development Committee prescribed in Article 7 of the Act (hereinafter referred to as the "Committee").

(3) Where deemed necessary for establishing the objectives of midterm and long-term policies, etc., the Minister of Maritime Affairs and Fisheries may request the head of related central administrative agency, local government, and enterprises having participated in the State's research and development projects, to furnish data.

Article 3 (Establishment of Basic Plan)

(1) The basic plan for marine fishery development under Article 6 of the Act (hereinafter referred to as the "basic plan") shall be established by the Minister of Maritime Affairs and Fisheries by holding a consultation with the heads of related central administrative agencies.

(2) The heads of related central administrative agencies shall prepare the plans by their jurisdiction, and submit them to the Minister of Maritime Affairs and Fisheries so as to make them to be utilized as the data necessary for establishing the basic plan under paragraph (1).

Article 4 (Establishment of Execution Plans)

(1) The head of related central administrative agency shall establish the execution plan for marine fishery development by his jurisdiction (hereinafter referred to as the "execution plan") every year pursuant to the basic plan, and execute it.

(2) The head of related central administrative agency shall submit to the Minister of Maritime Affairs and Fisheries not later than the end of March each year, the data on an execution plan for current year and on an actual promotion record of execution plan for preceding year.

Article 5 (Preparation and Submission of Report)

(1) The Minister of Maritime Affairs and Fisheries shall prepare a written report every year on the principal contents of basic plan, the execution plan for current year, and the actual promotion record of execution plan for preceding year, on the basis of the data submitted under Article 4 (2).

(2) The Minister of Maritime Affairs and Fisheries shall file a report on a written report prepared under paragraph (1) with the Committee, and thereafter submit it to the National Assembly not later than the end of June each year, by going through a deliberation by the State Council.

Article 6 (Composition of Marine Fishery Development Committee)

(1) The heads of related central administrative agencies who are to become the members of the Committee under Article 8 (2) of the Act shall be the Minister of Finance and Economy, the Minister of Education and Human Resources Development, the Minister of Unification, the Minister of Foreign Affairs and Trade, the Minister of National Defense, the Minister of Government Administration and Home Affairs, the Minister of Science and Technology, the Minister of Culture and Tourism, the Minister of Agriculture and Forestry, the Minister of Commerce, Industry and Energy, the Minister of Information and Communication, the Minister of Environment, the Minister of Labor, the Minister of Construction and Transportation, the Minister of Maritime Affairs and Fisheries, and the Minister of Planning and Budget.

(2) The Minister of Maritime Affairs and Fisheries may recommend the commissioned members under Article 8 (2) of the Act from among the persons having professional knowledge of, and profound experiences in, the sea, marine resources or marine industries.

Article 7 (Operation of Committee)

(1) The chairman of the Committee (hereafter in this Article and Article 8, referred to as the "chairman") shall exercise overall control over its affairs, and convene the meetings of the Committee.

(2) When the chairman intends to convene any meeting, he shall notify each member of the date and time, venue and referred cases for the meeting not later than 7 days prior to the opening of such meeting.

(3) The deliberation of the Committee meeting shall be started by the attendance of a majority of all incumbent members, and its resolution shall require the consent of a majority of those present.

(4) One secretary shall be assigned in order to assist the secretarymember of the Committee in dealing with administrative affairs, and the said secretary shall be named by the secretary-

member of the Committee from among the public officials belonging to the Ministry of Maritime Affairs and Fisheries.

(5) The chairman shall prepare and keep the Committee's minutes.

Article 8 (Composition and Operation of Working Committee)

(1) The working committee for marine fishery development under Article 11 of the Act (hereinafter referred to as the "working committee") shall be composed of not more than 30 members including one chairman.

(2) The chairman of the working committee shall be the Vice Minister of Maritime Affairs and Fisheries, and the persons falling under any of the following subparagraphs shall become its members:

1. Public officials of Grade III or higher in a central administrative agency whereto the Committee's member who is the head of a central administrative agency belongs (in the case of the Ministry of Foreign Affairs and Trade, persons serving at such position as prescribed in Article 3 (2) of the Decree on the Appointment of Foreign Service Officials), and who are named by the head of relevant central administrative agency; and

2. Persons commissioned by the Minister of Maritime Affairs and Fisheries from among the persons having a professional knowledge of, and profound experiences in, the sea, marine resources or marine industries.

(3) One secretary shall be assigned in order to deal with administrative affairs of the working committee, and the said secretary shall be named by the chairman of the working committee from among the public officials belonging to the Ministry of Maritime Affairs and Fisheries.

(4) The chairman of the working committee shall exercise the overall control over the affairs of working committee, and convene the meetings of working committee.

(5) The provisions of Article 7 (2) and (3) shall apply mutatis mutandis to the convocation, start of deliberation, and resolution of a meeting of the working committee.

(6) The working committee shall examine and deliberate the cases submitted to the Committee, and the matters entrusted by the Committee or those instructed by the chairman.

(7) The chairman of the working committee shall prepare and keep the working committee's minutes.

Article 9 (Composition and Operation of Subcommittee)

(1) Where deemed that there exists a necessity for a further professional examination of any cases in the working committee, such subcommittees as falling under any of the following subparagraphs may be composed and operated under Article 11 (2) of the Act:

1. Sea Subcommittee;

2. Marine Resources Subcommittee; and

3. Marine Industries Subcommittee.

(2) Any subcommittee falling under each subparagraph of paragraph (1) shall be composed of not more than 10 members of the working committee.

Article 10 (Allowances and Travel Expenses)

Allowances and travel expenses may be paid to any members, interested parties and specialists stating opinions, who have attended the Committee, working committee and subcommittees (hereinafter referred to as the "Committee, etc.") within the limit of budgets: Provided, That the same shall not apply to the cases where any members who are the public officials attend the Committee, etc. in a direct connection with the duties under their jurisdiction.

Article 11 (Detailed Operational Regulations)

In addition to the matters stipulated in this Decree, any matters necessary for the operation of the Committee, etc. shall be set forth respectively by the head of the Committee, etc., by going through a resolution by the related Committee, etc.

Article 12 (Preservation of Marine Environment)

Any policies required for the preservation of marine environment under Article 13 of the Act shall be as follows:

1. Establishment of basic policies for the preservation of marine environment;
2. Technology development for the prevention and control of marine pollution;
3. International cooperations for the preservation of marine environment; and
4. Other matters necessary for the preservation of marine environment.

Article 13 (Development, etc. of Marine Resources)

Any policies required for the development, etc. of marine resources under Article 16 of the Act shall be as follows:

1. Investigation and research on the marine resources;
2. Development of technology for utilizing the marine resources;
3. International cooperations for management, preservation, development and utilization of the marine resources;
4. Other matters necessary for management, preservation, development and utilization of the marine resources.

Article 14 (Installation of Marine Science Base, and Investigation and Research)

Any support plans required for the installation of a marine science base in the specific area,

and for a vitalization of investigation and research on the sea under Article 20 of the Act shall contain the matters falling under any of the following subparagraphs:

1. Basic policies for the installation and operation of a marine science base in the specific area;
2. Plans for investigation and research to be performed in a marine science base in the specific area;
3. International cooperations for the installation of a marine science base in the specific area, and for investigation and research; and
4. Other matters necessary to operate and support the marine science bases in the specific areas.

Article 15 (Strengthening of Competitiveness of Maritime Traffic Harbor Industry)

Policies for strengthening the competitiveness of maritime traffic harbor industry under Article 23 of the Act shall be as follows:

1. Elevation of the technology and productivity of maritime traffic harbor industry;
2. Training of the manpower for maritime traffic harbor industry, and its efficient management;
3. Expansion of the foundation for maritime traffic harbor industry;
4. Improvement of international cooperations for maritime traffic harbor industry; and
5. Other matters necessary for strengthening the competitiveness of maritime traffic harbor industry.

Article 16 (Expansion of Harbor Facilities, etc.)

Policies required for the expansion of harbor facilities and fishing port facilities under Article 24 of the Act shall be as follows:

1. Basic policies for expanding the harbor facilities and fishing port facilities;
2. Matters concerning the development of technology for harbor construction;
3. Plans for supply and demand of harbor facilities and fishing port facilities;
4. Construction and operation of the combined information system for supporting the harbor and fishing port, and matters for designating the exclusive-charge institution; and
5. Other matters necessary for expanding the harbor facilities and fishing port facilities.

Article 17 (Fosterage, etc. of Fisheries)

Any policies required for the fosterage, etc. of fisheries under Article 25 of the Act shall be as follows:

1. Formulation of objectives and basic directions for the fishery policies;
2. Matters concerning the structural restructuring of fisheries;
3. Matters concerning the fostering of breeding fisheries;
4. Matters concerning the environmental purification of fishing grounds;
5. Matters concerning the promotion of exports of marine products;
6. Matters concerning the overseas cooperation and investment in fisheries; and
7. Other matters concerning fosterage and development of fisheries.

Article 18 (Improvement, etc. of Environment of Domiciliating in Fishing Villages)

Any policies required for the improvement, etc. of environment of domiciliating in the fishing villages under Article 27 of the Act shall be as follows:

1. Formulation of objectives and basic directions for the development of fishing village areas;
2. Matters concerning the consolidation and expansion of facilities for the production or income basis and for living environments, etc. of fishing villages;
3. Matters concerning supports for the production complex of fishing villages' principal products; and
4. Other matters required for the improvement, etc. of environment of domiciliating in the fishing villages.

Article 19 (Advancement in Maritime Tourism)

Any policies for the advancement of maritime tourism under Article 28 (1) of the Act shall be as follows:

1. Formulation of basic policies for an advancement in maritime tourism;
2. Improvement of systems for an advancement in maritime tourism;
3. Expansion of facilities for an advancement in maritime tourism;
4. Finding and diffusion of projects for an advancement in maritime tourism; and
5. Other matters required for an advancement in maritime tourism.

Article 20 (Designation of Underseas Scenic Zone)

(1) When the Minister of Maritime Affairs and Fisheries intends to designate the underseas scenic zone under Article 28 (2) of the Act, he shall hear the opinions of the competent Metropolitan City Mayor or Do governor.

(2) When the Minister of Maritime Affairs and Fisheries designates the underseas scenic zone, he shall publicly announce the matters falling under any of the following subparagraphs:

1. Title of the underseas scenic zone;
2. Location and scope of the underseas scenic zone;
3. Area of the underseas scenic zone;
4. Objectives and applicable Acts and subordinate statutes for the designation of the underseas scenic zone;
5. Title, location or scope, and area of principal resources within the underseas scenic zone; and
6. Date of designation, public announcement number, and title of agency making a public announcement.

Article 21 (Support, etc. for New Technology)

(1) In case where any sales have occurred by commercializing the new technology which has been developed under the supports pursuant to Article 29 (1) of the Act, the Minister of Maritime Affairs and Fisheries may collect as the technical fees from the relevant business operator under the conditions as set by himself, the amount equivalent to a specific ratio of support money.

(2) The technical fees may be allowed to be paid in equal installment for a specific period on the basis of the year wherein any sales have occurred by commercializing the new technology.

(3) The technical fees may be spent for the uses falling under any of the following subparagraphs: Provided, That the collected technical fees shall be spent for the uses of subparagraph 1 in excess of 50%:

1. Support for a development of new technology;
 2. Demand survey and evaluation of business feasibility for the supported business;
 3. Prize for business operators who have succeeded in the development of distinguished technology or commercialization; and
 4. Other businesses as set forth by the Minister of Maritime Affairs and Fisheries.
- (4) Matters necessary for the payment and spending, etc. of the technical fees, except as otherwise prescribed in this Decree, shall be set forth by the Minister of Maritime Affairs and Fisheries.

Article 22 (Training, etc. of Professional Manpower in Marine Fishery)

Any policies required for a training of the professional manpower in the marine fishery under Article 31 of the Act shall be as follows:

1. Formulation of objectives and basic directions for training the professional manpower in the marine fishery;
2. Understanding of educational demands for the professional manpower in the marine fishery;
3. Expansion of facilities and fostering of instructors for the education of the professional manpower in the marine fishery; and
4. Other matters necessary for the training of the professional manpower in the marine fishery.

Article 23 (Promotion of Informatization for Marine Development, etc.)

(1) Any policies required for a high development of data processing and a harmonization of information distribution pertaining to the marine development, etc. under Article 32 (1) of the Act shall be as follows:

1. Improvement of the management systems for information on marine development, etc.;
2. Demarcation of scopes of the data subject to the management of information on marine development, etc.;
3. Pan-national collection, management and furnishing of the information on marine development, etc., and arrangement for their utilization means;
4. Standardization of the information on marine development, etc., and construction of data base; and
5. Other matters necessary for a high development of data processing and a harmonization of information distribution pertaining to the marine development, etc.

(2) Functions of the national marine fishery information center under Article 32 (2) of the Act shall be as follows:

1. Collection, management and provision of the information on marine development, etc.;
2. Establishment and operation of the information system, communication networks and relay systems for an efficient collection, management and provision of the information on marine development, etc.;
3. Designation and connection of the information communication networks for a joint use of the information on marine development, etc.; and
4. Domestic and international cooperations for the information and data on marine development, etc.

(3) The Minister of Maritime Affairs and Fisheries may request the head of an agency which produces and manages the information on marine fishery to furnish the required data, in order to smoothly promote the matters under paragraphs (1) and (2). In this case, the head of an agency in receipt of such request shall comply with such request unless there exist any justifiable grounds.

Article 24 (Support, etc. for Research and Development Project)

(1) The Minister of Maritime Affairs and Fisheries shall devise and implement the plans for supports, etc. to the research and development project for marine development, etc. every year under Article 33 of the Act.

(2) Any person intending to receive the supports pursuant to the plans under paragraph (1) shall file an application therefor with the Minister of Maritime Affairs and Fisheries by clarifying the matters falling under any of the following subparagraphs:

1. Subject title and composition of research teams;
2. Objectives for implementing the subjects;
3. Capabilities for implementing the subjects;
4. Expenses required for implementing the subjects; and
5. Other matters as set and publicly announced by the Minister of Maritime Affairs and Fisheries.

(3) When the Minister of Maritime Affairs and Fisheries has received an application under paragraph (2), he shall examine the matters falling under any of the following subparagraphs, and make a decision on whether or not granting supports:

1. Whether or not the subjects are duplicated;
2. Propriety of the research teams' composition and the capability for implementing the subjects; and
3. Superiority and importance of subjects, and effects of social and economic diffusion.

(4) The Minister of Maritime Affairs and Fisheries may designate the specialized agency to be entrusted with the planning, evaluation, management, etc. of the projects under paragraph (1).

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Abrogation of Other Acts and Subordinate Statutes) The Enforcement Decree of the Framework Act on Marine Development shall be abrogated.