

# ENFORCEMENT DECREE OF THE FISHERY RESOURCES MANAGEMENT ACT

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Amended by Presidential Decree No. 22224, jun. 28, 2010  
Presidential Decree No. 22449, Oct. 14, 2010  
Presidential Decree No. 22476, Nov. 10, 2010  
Presidential Decree No. 22962, jun. 7, 2011  
Presidential Decree No. 23021, Jul. 5, 2011  
Presidential Decree No. 23488, Jan. 6, 2012  
Presidential Decree No. 23510, Jan. 13, 2012  
Presidential Decree No. 23718, Apr. 10, 2012  
Presidential Decree No. 23795, May 22, 2012  
Presidential Decree No. 24001, Jul. 31, 2012  
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Presidential Decree No. 24625, jun. 17, 2013  
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Presidential Decree No. 25273, Mar. 24, 2014  
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Presidential Decree No. 26030, Jan. 6, 2015  
Presidential Decree No. 26619, Nov. 4, 2015  
Presidential Decree No. 26635, Nov. 11, 2015  
Presidential Decree No. 26848, Dec. 31, 2015  
Presidential Decree No. 26943, Feb. 3, 2016  
Presidential Decree No. 27245, jun. 21, 2016  
Presidential Decree No. 27751, Dec. 30, 2016  
Presidential Decree No. 27832, Feb. 3, 2017  
Presidential Decree No. 28583, Jan. 16, 2018  
Presidential Decree No. 28794, Apr. 10, 2018  
Presidential Decree No. 29502, Jan. 22, 2019  
Presidential Decree No. 30354, Jan. 14, 2020

Presidential Decree No. 30717, May 26, 2020  
Presidential Decree No. 30977, Aug. 26, 2020  
Presidential Decree No. 31036, Sep. 22, 2020  
Presidential Decree No. 31157, Nov. 10, 2020  
Presidential Decree No. 31380, Jan. 5, 2021  
Presidential Decree No. 31929, Aug. 3, 2021

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Presidential Decree is to provide for matters delegated by the Fishery Resources Management Act and matters necessary for the enforcement thereof.

### **Article 2 (Service of Documents by Public Notice)**

When a public announcement is made pursuant to the Fishery Resources Management Act (hereinafter referred to as the "Act"), matters within jurisdiction of the Minister of Oceans and Fisheries shall be announced through the Official Gazette, while matters within jurisdiction of the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), or of the head of a Si (referring to the Metropolitan Autonomous City Mayor and the Special Self-Governing Province Governor in cases of a Metropolitan Autonomous City and a Special Self-Governing Province; the same shall apply hereinafter) or the head of a Gun or autonomous Gu (hereinafter referred to as the "head of a Si/Gun/Gu") shall be announced through the official bulletin of the competent local government.

*<Amended on Mar. 23, 2013; Jun. 17, 2013>*

## CHAPTER II MASTER PLANS FOR MANAGEMENT OF FISHERY RESOURCES

### **Article 3 (Formulation and Implementation of Implementation Plans for Management of Fishery Resources)**

(1) Pursuant to Article 8 (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall formulate an implementation plan for the management of fishery resources (hereinafter referred to as "implementation plan") for the following year by not later than December 31 each year. *<Amended on Mar. 23, 2013>*

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

1. The target quantity of management of eligible fishery resources, the target duration of management, and a scheme for restoration;
2. The roles of related central administrative agencies or local governments in the management of fishery resources and mutual cooperation between and among them;
3. Participation of fishermen;
4. Assistance to fishermen whose fisheries are restricted as a consequence of the implementation of the master plan for the management of fishery resources under Article 7 (1) of the Act (hereinafter referred to as the "master plan") and the implementation plan thereof;
5. A scheme for securing human resources and procuring financial resources for the implementation of the master plan;
6. Establishment of a period of suspension of fishing, when it is particularly necessary to protect fishery resources specified as those significantly decreasing or when the ecosystem in a particular sea area is significantly imbalanced;
7. Formulation of plans for surveys and assessments of whales and for rational preservation and use of such resources;
8. Other matters that the Minister of Oceans and Fisheries or a Mayor/Do Governor deems necessary for the implementation of the master plan.

#### **Article 4 (Details of Investigation and Evaluation of Fishery Resources)**

(1) Pursuant to Article 10 (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall formulate plans for the investigation and evaluation of fishery resources by sea areas and by species for each year and conduct investigations and evaluations according to the plan. <Amended on Mar. 23, 2013>

(2) Plans for the investigation and evaluation of fishery resources under paragraph (1) shall include the following matters: <Amended on Mar. 23, 2013>

1. Matters to be included in a plan for the investigation into fishery resources:
  - (a) The distribution of species and trends of changes in fishery resources;
  - (b) Changes in fishing efforts, trends in production, the environment of habitats, etc.;
  - (c) Biological characteristics of fishery resources;
  - (d) Composition of species of fish by fishery types;
  - (e) Other matters that the Minister of Oceans and Fisheries or a Mayor/Do Governor deems it necessary to conduct surveys for the formulation of a master plan and an implementation plan;
2. Matters to be included in a plan for the evaluation of fishery resources:
  - (a) The actual state of fishery resources, causes of changes in the quantity of resources, and examination of resources;
  - (b) The appropriate quantity of catches by fishery types;

- (c) Other matters that the Minister of Oceans and Fisheries or a Mayor/Do Governor deems it necessary to conduct evaluations for the formulation of a master plan and an implementation plan.
- (3) If the Minister of Oceans and Fisheries or a Mayor/Do Governor deems it necessary for the investigation and evaluation of fishery resources, he or she may request appropriate institutions to furnish him or her with necessary data or to cooperate with him or her. *<Amended on Mar. 23, 2013>*
- (4) When the Minister of Oceans and Fisheries or a Mayor/Do Governor completes an investigation or evaluation pursuant to paragraph (1), he or she shall make available the results thereof to interested parties, including related central administrative agencies, local governments, and fishermen concerned, for perusal. *<Amended on Mar. 23, 2013>*

#### **Article 5 (Scope of Fishery Activities)**

“Data on the fishery activities and the results of catch prescribed by Presidential Decree” in Article 12 (4) of the Act means data about the place of fishing, the date and time of fishing, the quantity of catches by species, fishing efforts, the port of discharge, etc.

## **CHAPTER III PROTECTION OF FISHERY RESOURCES**

### **SECTION 1 Restriction on Capture and Gathering**

#### **Article 6 (Prohibition of Capture and Gathering)**

- (1) The period during which capture and gathering of fishery resources are prohibited under Article 14 (5) of the Act and the zone and depth of waters subject to such prohibition shall be as prescribed in attached Table 1.
- (2) The length or weight of fishery resources subject to prohibition of capture and gathering under Article 14 (5) of the Act shall be as prescribed in attached Table 2.
- (3) The female of specific species subject to prohibition of capture and gathering under Article 14 (5) of the Act shall be as follows: *<Amended on Feb. 3, 2016>*
1. The female of snow crabs and red crabs;
  2. The female of swimming crabs and Japanese swimming crabs bearing eggs at the exterior of abdomen.
- (4) Notwithstanding paragraphs (1) and (2), the Minister of Oceans and Fisheries may apply different periods during which capture and gathering of fishery resources are prohibited and different lengths and weights of fishery resources subject to prohibition of capture and gathering to a fishery business entity or an organization thereof that has obtained approval under Article 30 during a specified period by entering into an agreement between fishery business entities that meet all of the following requirements under Article 28: *<Newly Inserted on May 26, 2020>*

1. A period of suspension of fishing shall be determined in consideration of the spawning period of major species, separately from the period of suspension of fishing under Article 19 of the Act;
2. A quota shall be allocated and complied with under Article 37 (2) of the Act;
3. Standards more stricter than those for the scale of a net knot provided in Article 45-3 (3) of the Enforcement Decree of the Fisheries Act shall be established;
4. Zones subject to prohibition of fishing shall be established to protect spawning grounds of major species;
5. Results of fishing operations shall be reported in accordance with the fishing operation result reporting system determined by the Minister of Oceans and Fisheries;
6. A system shall be prepared and operated for the safety of fishing vessels and monitoring of fishing operations;
7. Other matters determined by the Minister of Oceans and Fisheries shall be complied with for the sustainable use of fishery resources.

(5) Notwithstanding paragraphs (1) and (2), if necessary for the sustainable use of fishery resources, the Minister of Oceans and Fisheries may apply different periods during which capture and gathering of fishery resources are prohibited and different lengths and weights of fishery resources subject to prohibition of capture and gathering to a person who captures and gathers fishery resources while meeting all of the following requirements, subject to deliberation by the Central Fisheries Mediation Committee under Article 88 of the Fisheries Act: <Newly Inserted on Aug. 3, 2021>

1. The maximum annual catch quota for each species of aquatic animals determined by the Minister of Oceans and Fisheries shall be complied with;
2. A fishing vessel shall have a ship location transmitter meeting the standards determined by the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard under Article 5-2 (1) of the Fishing Vessels Act, and operate such device normally;
3. Results of fishing operations shall be reported in accordance with the fishing operation result reporting system determined by the Minister of Oceans and Fisheries;
4. Other matters determined by the Minister of Oceans and Fisheries, such as setting up systems for the safety of fishing vessels and monitoring of fishing operations, shall be complied with.

(6) Details of the period of prohibition, and the lengths and weights applied differently pursuant to paragraphs (4) and (5), the period of application thereof, the procedures and methods for selecting persons eligible for such different periods, lengths, and weights, and the requirements prescribed in the subparagraphs of paragraphs (4) and (5) shall be determined and publicly announced by the Minister of Oceans and Fisheries. <Newly Inserted on May 26, 2020, Aug. 3, 2021>

#### **Article 7 (Zones subject to Prohibition of Fishing by Fishery Types)**

(1) The zones subject to prohibition of fishing by fishery types under Article 15 (2) of the Act shall be as follows: <Amended on Mar. 24, 2014>

1. One-boat large bottom trawling: attached Table 3 and Map 1;
  - 1-2. Two-boat large bottom trawling: attached Table 3-2 and Map 1;
  2. One-boat medium bottom trawling in the East Sea Zone, one-boat medium bottom trawling in the South-west Sea Zone, and two-boat medium bottom trawling in the South-west Sea Zone; attached Table 4 and Map 1;
  3. Large trawling: attached Table 5 and Map 1;
  4. Medium trawling in the East Sea Zone: attached Table 6 and Map 1;
  5. Large purse seine fishing, small purse seine fishing, offshore gill-net fishing, and coastal gill-net fishing for catching Japanese Spanish mackerel: attached Table 7;
  6. Offshore stow-net fishing: attached Table 8;
  7. Anchovy boat seine fishing: attached Table 9;
  8. Offshore dredge fishing: attached Table 10;
  9. Offshore eel pot fishing and offshore pot fishing: attached Table 11.
- (2) The Minister of Oceans and Fisheries may determine and publicly notify the details of zones subject to prohibition of fishing by fishery types under paragraph (1), taking into consideration the actual state of fishery resources in the waters concerned, the number of persons who operate fisheries at present, natural and social conditions, etc. <Amended on Mar. 23, 2013>

#### **Article 8 (Establishment and Operation of Period of Suspension of Fishing)**

- (1) When the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to establish a period of suspension of fishing under Article 19 (1) of the Act, he or she shall take into account the actual state of fishery resources in the waters concerned, the number of persons who operate fisheries concerned at present, natural and social conditions, etc. <Amended on Mar. 23, 2013>
- (2) When the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to establish a period of suspension of fishing due to an event referred to in Article 19 (1) 2 of the Act, he or she shall consult thereon with the competent Mayor/Do Governor or the competent head of a Si/Gun/Gu. <Amended on Mar. 23, 2013>
- (3) When the Minister of Oceans and Fisheries or a Mayor/Do Governor establishes a period of suspension of fishing under paragraph (1), he or she shall give public notice thereof. <Amended on Mar. 23, 2013>
- (4) The Minister of Oceans and Fisheries or a Mayor/Do Governor may provide assistance as follows for the fishing vessels, fisheries of which are limited by the establishment and operation of a period of suspension of fishing under Article 19 (3) of the Act: <Amended on Mar. 23, 2013>
1. Subsidization for costs of removing facilities, etc. installed in a fishing ground or on the waters;
  2. Subsidization for basic expenses, such as insurance premium, living cost, wages of crew, etc.;
  3. Assistance in reducing the number of vessels for fishing vessels, fisheries of which are limited by the establishment of a period of suspension of fishing.

(5) Except as otherwise provided for in paragraphs (1) through (4), details about the method, procedure, etc. for the operation of a period of suspension of fishing shall be determined and publicly notified by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

## SECTION 2 Restriction on Fishing Vessels, Fishing Implements and Fishing Methods

### **Article 9 (Guidelines and Methods for Restriction on Number of Fishing Vessels in Operation)**

(1) Pursuant to Article 20 (1) of the Act, the Minister of Oceans and Fisheries or a Mayor/Do Governor may place restrictions on the number of fishing vessels in operation: <Amended on Mar. 23, 2013>

1. If he or she finds that the number of the main species for catching by the fishery concerned has significantly decreased;
2. If it is necessary for the restoration of fishery resources and the conservation of ecosystem;
3. If a plan for the restoration of fishery resources is formulated and implemented pursuant to Article 7 (2) 4 of the Act.

(2) When the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to place restrictions on the number of vessels in operation under paragraph (1), he or she shall hear opinions thereon from the President of the National Fisheries Research and Development Institute and fishermen involved. <Amended on Mar. 23, 2013>

(3) If a fishery business entity with fishing vessels not permitted to be put in operation due to the restriction on the number of vessels in operation under Article 20 (2) of the Act wishes to reduce the number of vessels, the Minister of Oceans and Fisheries or the competent Mayor/Do Governor shall endeavor to reduce the number of vessels of such fishery business entity prior to other applicants. <Amended on Mar. 23, 2013>

**Article 10 Deleted.** <Dec. 17, 2013>

### **Article 11 (Sea Areas in which Use of Double or Multi-Layered Gill Nets Permitted)**

"The sea area prescribed by Presidential Decree" in the proviso of Article 23 (3) of the Act means the sea area around Wangdolcho specified in Map 2 attached hereto.

### **Article 12 (Specific Fishing Implements of which Production and Sale are Permitted)**

"Fishing implements prescribed by Presidential Decree" in the proviso of Article 24 of the Act means the following fishing implements: <Amended on Mar. 23, 2013>

1. Fishing implements specified in the regulations on the management and use of the relevant waters for the management of fishery resources (hereinafter referred to as "waters subject to management") under Article 49 (1) of the Act for the use in the waters subject to management under Article 48 (1) of the Act;

2. Fishing implements specified by Ordinance of the Ministry of Oceans and Fisheries, such as fishing implements produced and sold for exportation upon orders from abroad.

### **Article 13 (Permission for Application of Dangerous Fishing Methods)**

Pursuant to the proviso of Article 25 (2) of the Act, a person who intends to keep or use any toxic chemical for the purpose of cultivating fishery resources or removing foreign matters attached to fishing implements or fishing nets shall obtain permission therefor from the head of a Si/Gun/Gu having jurisdiction over the waters concerned. <Amended on Sep. 22, 2020>

### **Article 14 (Exclusion from Application of Prohibiting Provisions)**

(1) Pursuant to Article 26 (1) of the Act, a person who intends to obtain permission for the capture or gathering of fishery resources excluded from the application of Article 14, 23, or 24 of the Act (hereafter in this Article referred to as "permission for the release of prohibition of capture or gathering") shall obtain permission therefor from the competent Mayor/Do Governor or the competent head of a Si/Gun/Gu as follows:

1. Cases subject to permission from the competent Mayor/Do Governor:

- (a) Where a zone subject to scientific research or survey stretches over an area within jurisdiction of at least two municipalities, such as Sis/Guns/autonomous Gus, among cases referred to in Article 26 (1) 2 of the Act;
- (b) Where a test is necessary, among cases referred to in Article 26 (1) 2 of the Act;
- (c) Where it is necessary to secure mother fishes, among cases referred to in Article 26 (1) 3 of the Act;
- (d) Where a case falls under Article 26 (1) 4 or 5 of the Act;

2. Cases subject to permission from the competent Si/Gun/Gu:

- (a) Where a case falls under Article 26 (1) 1 of the Act;
- (b) Where it is necessary for scientific research or survey (excluding cases referred to in subparagraph 1 (a)), among cases referred to in Article 26 (1) 2 of the Act;
- (c) Where it is necessary for a survey on the quantity of returned anadromous fishes, among cases referred to in Article 26 (1) 3 of the Act.

(2) When a Mayor/Do Governor or the head of a Si/Gun/Gu intends to grant permission for the release of prohibition of capture or gathering under paragraph (1) (excluding cases referred to in paragraph (1) 2 (a)), he or she shall consult thereon with the President of the National Fisheries Research and Development Institute.

(3) When a Mayor/Do Governor or the head of a Si/Gun/Gu permits the release of prohibition of capture or gathering under paragraph (1), he or she shall issue a permit.

## **Article 15 (Development of Environment-Friendly Fishing Implements and Expansion of Use of such Fishing Implements)**

Pursuant to Article 27 (2) of the Act, a Mayor/Do Governor shall take the following measures in order to develop environment-friendly fishing implements and to expand the use of such fishing implements:

1. Development of environment-friendly fishing implements and assistance in the development of such fishing implements;
2. Development of optional fishing implements for reducing the over-fishing of immature fishes;
3. Encouragement of the use of environment-friendly fishing implements;
4. Development of fishing techniques for saving energy;
5. Subsidization of persons using environment-friendly fishing implements for the cost of fishing implements.

### SECTION 3 Agreement between Fishery Business Entities

## **Article 16 (Public Announcement of Approval for Agreement between Fishery Business Entities)**

When the Minister of Oceans and Fisheries or a Mayor/Do Governor approves an agreement between fishery business entities under Article 30 (3) of the Act, he or she shall make a public announcement of the details thereof through the Official Gazette or official bulletin. *<Amended on Mar. 23, 2013>*

## CHAPTER IV RESTORATION AND CREATION OF FISHERY RESOURCES

### SECTION 1 Restoration of Fishery Resources

## **Article 17 (Order for Restoration of Fishery Resources)**

When the Minister of Oceans and Fisheries, a Mayor/Do Governor, or the head of a Si/Gun/Gu (hereinafter referred to as "administrative authority") intends to restrict or prohibit fishing pursuant to any provision of Article 35 (1) 1 through 3, he or she shall consult thereon with the heads of related agencies. *<Amended on Mar. 23, 2013>*

## **Article 18 (Restriction on Exportation and Importation of Fishery Resources)**

(1) Pursuant to Article 35 (1) 5 of the Act, a person specified in any of the following subparagraphs shall obtain approval from the Minister of Oceans and Fisheries: *<Amended on Mar. 23, 2013; Jun. 21, 2016>*

1. A person who intends to import fishery resources from a foreign country to grow them in an aquafarm or a facility for producing fishery seeds;
2. A person who intends to import fishery resources from a foreign country to release them into the waters specified in any subparagraph of Article 3 of the Act;

3. A person who intends to export fishery resources specified and publicly notified by the Minister of Oceans and Fisheries to a foreign country.
- (2) Matters regarding the guidelines and procedure for the approval under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

#### **Article 19 (Protection of Fishery Resources in Danger of Extinction)**

- (1) Pursuant to Article 35 (1) 6 of the Act, the Minister of Oceans and Fisheries may specify the kinds of endangered fishery resources to prohibit the capture and gathering of such fishery resources or to instruct persons involved to release captured fishery resources or may take other necessary measures. *<Amended on Mar. 23, 2013>*
- (2) When the Minister of Oceans and Fisheries intends to specify the kinds of endangered fishery resources pursuant to paragraph (1), he or she shall take the following matters into account. In such cases, the Minister of Oceans and Fisheries shall hear the opinion of the Minister of Environment: *<Amended on Jul. 31, 2012; Mar. 23, 2013>*

1. Endangered wildlife referred to in subparagraph 2 of Article 2 of the Wildlife Protection and Management Act;
2. Globally endangered species referred to in subparagraph 3 of Article 2 of the Wildlife Protection and Management Act;
3. Species of fishery resources, the protection of which are found necessary as a result of a survey or study conducted by a testing or research institute or an educational institution designated by the Minister of Oceans and Fisheries, among fishery resources scientifically worthy of protection or likely to be threatened with extinction.

#### **Article 20 (Formulation or Revision of Total Catch Quota Plan)**

- (1) An implementation plan for the establishment and management of the total catch quota under Article 36 (2) of the Act (hereinafter referred to as "total catch quota plan") shall include the following matters: *<Amended on Jun. 17, 2013>*
  1. Basic direction-setting for the preservation and management of fishery resources;
  2. The total catch quota for each type of fishery, for each operational zone, or for each operational period and matters regarding the management of such quota;
  3. Trends of fishery resources subject to management and matters regarding the total catch quota;
  4. Matters regarding the total catch quota for each of the Special Metropolitan City, a Metropolitan City, a Metropolitan Autonomous City, a Do, or a Special Self-Governing Province (hereinafter referred to as "City/Do") according to the total catch quota for each type of fishery resources subject to management.
- (2) When the Minister of Oceans and Fisheries formulates a total catch quota plan, he or she shall notify each Mayor/Do Governor thereof and give public notice of the details thereof. *<Amended on Mar. 23, 2013>*

(3) Upon receipt of the notice of a total catch quota plan, a Mayor/Do Governor shall formulate and implement a detailed total catch quota plan, which shall include the following matters:

1. Policies on the preservation and management of fishery resources in the City/Do;
2. Matters regarding the management of the total catch quota for each type of fishery, for each operational zone, or for each operational period in the City/Do;
3. Matters regarding the management of the total catch quota of fishery resources subject to management in the City/Do.

(4) Article 36 (4) of the Act shall apply mutatis mutandis where the Minister of Oceans and Fisheries intends to revise a total catch quota plan. <Amended on Mar. 23, 2013>

#### **Article 21 (Submission of Total Catch Plan of each City/Do)**

(1) When a Mayor/Do Governor intends to formulate a total catch quota plan pursuant to Article 36 (3) or revise such plan, he or she shall submit the following documents to Minister of Oceans and Fisheries and hear the opinion thereon from the Minister of Oceans and Fisheries: <Amended on Mar. 23, 2013>

1. A total catch quota plan containing the following matters:
  - (a) The total catch quota of the fishery resources to be managed by the Mayor/Do Governor, the method of distribution of such quota, and a plan for the management of such quota;
  - (b) The type of fishery mainly aiming at the fishery resources to be managed by the Mayor/Do Governor and the fishery business entities engaging in such type of fishery;
  - (c) Matters regarding the evaluation of the appropriate level of catches of the fishery resources to be managed by the Mayor/Do Governor;
2. Results of deliberation by the City/Do Fishery Resources Management Committee under Article 54 of the Act;
3. A written opinion of the President of the National Fisheries Research and Development Institute.

(2) When a Mayor/Do Governor formulates or revises a total catch quota plan pursuant to Article 36 (3) of the Act, he or she shall submit the plan to the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

#### **Article 22 (Standards for Allocation of Quota)**

When a Mayor/Do Governor allocates a quota pursuant to Article 37 (2) of the Act, he or she shall take the following matters into account. When a Mayor/Do Governor intends to allocate a quota to a fisheries cooperative for a type of business under the Fisheries Cooperatives Act (hereinafter referred to as "fisheries cooperative for a type of business") or fishery business entities who are members of a fishery-related organization in such cases, he or she may require the president of the fisheries cooperative for the type of business or the head of the fishery-related organization to submit a plan for the allocation of the quota to each fishery business entity for allocation:

1. Records of past violations of this Act or the Fisheries Act;
2. Capability of fishing, such as records of past catches and the tonnage of fishing vessels;
3. The opinion of the president of the relevant fisheries cooperative for a type of business or the head of the fishery-related organization;
4. Actual state of fishery resources.

## SECTION 2 Creation of Fishery Resources

### **Article 23 (Restriction on Incubation and Release of Fishery Seeds)**

"Matters prescribed by Presidential Decree" in Article 42 (1) 4 of the Act means the following matters:  
<Amended on Jun. 21, 2016; Jan. 5, 2021>

1. Prohibition of the release of imported fishery feeds that are likely to adversely affect ecosystem;
2. Prohibition of the release of fishery feeds with its form or quality changed, such as deformed species, hybrids, and improvement of varieties;
3. Purification of the environment of a fishing ground, such as removal of starfishes before releasing sedentary aquatic species, such as abalone and top shell.

### **Article 24 (Approval Authority for Production and Release of Fishery Seeds)**

"The head of an institution affiliated to the Ministry of Oceans and Fisheries and specified by Presidential Decree" in the main clause of Article 42 (3) of the Act means the President of the National Fisheries Research and Development Institute. <Amended on Mar. 23, 2013>

### **Article 24-2 (Entrustment of Duties of Certification of Released Fishery Seeds)**

(1) "Specialized institutions prescribed by Presidential Decree" in Article 42-2 (5) of the Act means the following institutions:

1. The Korea Fisheries Resources Agency referred to in Article 55-2 (1) of the Act (hereinafter referred to as the "Agency");
2. Research institutes related to fishery resources established and operated by the State or local governments;
3. Research institutes related to fishery resources affiliated with national schools or public schools established under the Higher Education Act.

(2) Where the Minister of Oceans and Fisheries has entrusted the duties of certification of released fishery seeds pursuant to Article 42-2 (5) of the Act, he or she shall publicly announce the name, etc. of the institution entrusted with such duties through the website.

### **Article 25 (Exemption from Formation Levy)**

(1) In order for a person to be eligible for the exemption from the levy for the formation of fishery resources under Article 44 (2) 3 of the Act (hereinafter referred to as "formation levy"), he or she shall report his fishery by bare hands, fishery with no oxygen feeder, or fishery by casting a net.

(2) In order for a person to be eligible for the exemption from the formation levy under Article 44 (2) 5 of the Act, he or she shall fall under any of the following subparagraphs: <Amended on Jun. 21, 2016; Aug. 26, 2020>

1. A person who holds a license for fishing with a small fixed shore net;
2. A person who holds a license for the cultivation of seaweeds in an area of less than 10 hectares;
3. A person who holds a license for the cultivation of shellfish in the manner specified in any of the following items:
  - (a) Cage culture in an area of less than one hectare;
  - (b) Hanging culture in an area of less than three hectares;
  - (c) Floor culture in an area of less than 10 hectares;
4. A person who holds a license for the cultivation of fish in the manner specified in any of the following items:
  - (a) Cage culture in an area of less than one hectare;
  - (b) Embankment culture or floor culture in an area of less than five hectares;
  - (c) Hanging culture in an area of less than three hectares;
5. A person who holds a license for combined culture specified in any of the following items:
  - (a) Floor culture in an area of less than five hectares;
  - (b) Hanging culture or mixed culture in an area of less than three hectares;
6. A person who holds a license for cooperative culture in a scale equivalent to the cultivation of fish eligible for exemption under any provision of subparagraphs 2 through 5 for each method of cultivation;
7. A person who holds a permit for shrimp beam trawling, grass-eel stow net fishery, or shellfish dredge fishery with non-powered fishing vessels or powered fishing vessels of less than five gross tons (6.94 tons in cases of fishing vessels with gross tonnage measured in accordance with previous provisions of the Ship Act pursuant to the main clause of Article 3 (1) of the Addenda to the amendment (Act No. 3641) to the Ship Act) (the gross tonnage of fishing vessels shall include the gross tonnage of tenders excluding vessels for processing and transportation), among offshore fisheries, coastal fisheries, and fisheries in a demarcated zone;
8. A person who holds a permit for fishing with set nets in various forms, for fishing with lever nets, for boat seine fishing, for fishing with fyke nets, for fishing with stow nets, for fishing with gape nets, for ground seine fishing, or for traditional shrimp boat fishing with nets in an area of less than three hectares (10 hectares for a fishing village fraternity or for a fisheries cooperative for a district defined in the Fisheries Cooperatives Act (hereinafter referred to as "fisheries cooperative for a district"));
9. A person who holds a permit for seawater culture with inland water tanks or seawater culture with inland embankment in an area of less than 1,000 square meters;

10. A person who holds a permit for the production of fishery seeds with inland water tanks or with inland embankment in an area of less than 1,000 square meters;
11. A person who holds a permit for the production of fishery seeds with ropes, racks, or rafts in an area of less than three hectares.

#### **Article 26 (Guidelines for Imposition of Formation Levy)**

The guidelines for the imposition of a formation levy under Article 44 (4) of the Act shall be as prescribed in attached Table 14.

#### **Article 27 (Guidelines for Reduction of Formation Levy)**

The guidelines for the reduction of a formation levy under Article 44 (5) of the Act shall be as prescribed in attached Table 15.

#### **Article 28 (Methods for Imposition and Payment of Formation Levy)**

(1) An administrative authority shall impose a formation levy calculated in accordance with the guidelines for imposition under Article 26 within five days from the date on which an event specified in any subparagraph of Article 44 (1) of the Act occurs.

(2) When an administrative authority intends to impose and collect a formation levy, he or she shall issue a payment notice stating the subject matter of payment, the amount of payment, the deadline for payment, the place of payment, etc.

(3) A formation levy imposed under paragraph (1) shall be paid by the deadline for payment, which shall not exceed 60 days from the date of imposition: Provided, That if it is impracticable to pay a formation levy by the deadline for payment due to a natural disaster or any other unavoidable circumstances, it shall be paid within 10 days from the date on which such event or cause terminates.

(4) If a person has an objection against the amount of a formation levy imposed upon him or her, he or she may file a petition for objection within 90 days from the date on which he or she receives the payment notice thereof.

#### **Article 29 (Adjusted Imposition of Formation Levy)**

(1) If an administrative authority finds that a formation levy imposed and collected is less or more than the correct amount, he or she shall calculate the amount again to adjust the amount and shall impose or return a difference if there is a difference between the amount already paid and the amount adjusted.

(2) The provisions of Article 28 (2) through (4) shall apply mutatis mutandis to the adjusted imposition of a formation levy under paragraph (1).

#### **Article 30 (Keeping and Management of Records)**

An administrative authority shall keep and manage records of matters regarding the imposition and collection of formation levies.

## CHAPTER V MANAGEMENT OF WATERS AND FISHERY RESOURCES PROTECTION ZONES

### **Article 31 (Designation of Protected Waters)**

(1) When the Minister of Oceans and Fisheries intends to, ex officio, designate protected waters under Article 46 (1) of the Act, he or she shall hear opinions thereon from the President of the National Fisheries Research and Development Institute and the Mayor/Do Governor having jurisdiction over the waters concerned. *<Amended on Mar. 23, 2013>*

(2) If the head of a Si/Gun/Gu intends to have an area of waters designated as protected waters under Article 46 (1) of the Act, he or she shall submit an application for designation of protected waters to the competent Mayor/Do Governor, along with the following documents:

1. Zonal maps of the area of waters to be designated as protected waters;
2. A report prepared by the head of the competent Fisheries Research Institute affiliated to the National Fisheries Research and Development Institute and covering the area of the City/Do involved.

(3) When a Mayor/Do Governor or the head of a Si/Gun/Gu intends to apply for the cancellation of designation of protected waters pursuant to Article 46 (3) of the Act, he or she shall file an application for the cancellation of designation of protected waters with the Minister of Oceans and Fisheries or the competent Mayor/Do Governor. *<Amended on Mar. 23, 2013>*

(4) Upon receipt of an application for the cancellation of designation of protected waters from a Mayor/Do Governor under paragraph (3), he or she shall determine whether to cancel the designation of protected waters after hearing the opinion thereon from the President of the National Fisheries Research and Development Institute. The foregoing shall also apply where the Minister of Oceans and Fisheries intends to ex officio cancel the designation of protected waters. *<Amended on Mar. 23, 2013>*

(5) Paragraphs (1) and (4) shall apply mutatis mutandis to the designation of protected waters by a Mayor/Do Governor and the cancellation of designation. In such cases, the term "Minister of Oceans and Fisheries" shall be construed as "Mayor/Do Governor", the term "Mayor/Do Governor" as "head of a Si/Gun/Gu", and the term "President of the National Fisheries Research and Development Institute" as "head of the competent Fisheries Research Institute" *<Amended on Mar. 23, 2013>*

(6) When the Minister of Oceans and Fisheries or a Mayor/Do Governor designates protected waters or cancels such designation under Article 46 (1) or (3) of the Act, he or she shall notify the Minister of Oceans and Fisheries, the competent Mayor/Do Governor, or the competent head of Si/Gun/Gu thereof. *<Amended on Mar. 23, 2013>*

### **Article 32 (Application for Approval for Designation of Waters subject to Management)**

(1) If a Mayor/Do Governor intends to designate an area of waters as waters subject to management under Article 48 (2) of the Act, he or she shall file an application for approval for designation of waters subject to management with the Minister of Oceans and Fisheries, along with the following documents: *<Amended on Mar. 23, 2013>*

1. Regulations on the management and use of waters subject to management under Article 49 (1) of the Act;
2. The location and zonal maps of the area of waters to be designated as waters subject to management;
3. A survey report on the actual state of inhabitation of fishery resources, prepared by an institution specializing in fishery resources with respect to the area of waters to be designated as waters subject to management (referring to a survey report on the effects of creation of resources in cases of an area of waters where facilities for the creation of fishery resources, such as artificial fishing banks, are installed);
4. A report on the mediation of disputes between fishery business entities over fisheries, if disputes over fisheries have arisen with respect to the area of waters to be designated as waters subject to management.

(2) Upon receipt of an application under paragraph (1), the Minister of Oceans and Fisheries may require the competent Mayor/Do Governor to amend or supplement the regulations on the management and use of waters subject to management, which have been submitted along with the application, or to submit additional data as necessary and may approve the designation of waters subject to management with any restriction or condition attached the management and use of waters subject to management as necessary. *<Amended on Mar. 23, 2013>*

(3) When a Mayor/Do Governor intends to have an area of waters released from the designation of waters subject to management under Article 48 (4) of the Act, he or she shall submit the following documents to the Minister of Oceans and Fisheries: *<Amended on Mar. 23, 2013>*

1. The location and zonal maps of the area of waters to be released from the designation of waters subject to management;
2. A survey report on the actual state of inhabitation of fishery resources, prepared by an institution specializing in fishery resources with respect to the area of waters to be released from the designation of waters subject to management, and a written opinion thereon;
3. A report on the mediation of disputes between fishery business entities over fisheries, if disputes have arisen with respect to the cancellation of designation of waters subject to management.

(4) Except as provided in paragraphs (1) and (2), necessary matters regarding the guidelines, procedure, etc. for the designation of waters subject to management shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Mar. 23, 2013>*

### **Article 33 (Reduction or Extension of Effective Period of Designation of Waters subject to Management)**

(1) Pursuant to the proviso of Article 48 (3) of the Act, a Mayor/Do Governor may reduce the effective period of designation of waters subject to management in any of the following cases:

1. Where fishing activities in an area designated as waters subject to management are restricted by any other statute;
2. Where a case falls under any provision of Article 34 (1) 1 through 6 of the Fisheries Act;
3. Where the head of Si/Gun/Gu responsible for the management of waters subject to management under Article 49 (4) of the Act does not manage the waters subject to management in accordance with the regulations on the management and use of the waters subject to management.

(2) If it is necessary to extend the effective period of the designation of waters subject to management in order to achieve the purposes of the designation of waters subject to management and if no reason for reducing the effective period under any subparagraph of paragraph (1) exists, the competent Mayor/Do Governor may extend the effective period pursuant to the proviso of Article 48 (3) of the Act.

(3) Where a Mayor/Do Governor intends to extend the effective period of the designation of waters subject to management designated under the proviso of Article 48 (3) of the Act with approval from the Minister of Oceans and Fisheries pursuant to paragraph (2) of the same Article, he or she shall submit the following documents to the Minister of Oceans and Fisheries: <Amended on Mar. 23, 2013; Sep. 22, 2020>

1. A statement of results of use and management during the effective period of the designation of waters subject to management;
2. A survey report on the actual state of fishery resources, prepared by an institution specializing in fishery resources with respect to the extension of the effective period of the designation of waters subject to management, and a written opinion thereon;
3. A copy of minutes of meetings held by the committee on the management of the waters subject to management with respect to the extension of the effective period of the designation of waters subject to management;
4. A report on the progress of management and use of waters subject to management.

### **Article 34 (Regulations on Management and Use of Waters subject to Management)**

The regulations on the management and use of waters subject to management, which shall be established by each Mayor/Do Governor pursuant to Article 49 (1) of the Act, shall include the following matters:

1. Matters regarding the area of waters subject to management and fishery resources to be managed;
2. Matters regarding the management and use of waters subject to management;
3. Matters regarding the organization of the committee on the management of waters subject to management;
4. Matters regarding the restriction on, or the prohibition of, fishing activities, etc. in the waters subject to management;

5. Deleted; <Mar. 24, 2014>

6. Matters regarding the collection and use of fees for the use of waters subject to management;

7. Matters regarding sanctions against persons who violate regulations on the management and use of waters subject to management.

#### **Article 34-2 (Designation and Operation of Eco-Experience Site)**

(1) The Minister of Ocean and Fisheries or a Mayor/Do Governor may designate an eco-experience site prescribed in Article 49 (2) of the Act (hereinafter referred to as "eco-experience site") from among waters for fishery resources management where projects for the formation of fishery resources referred to in Article 41 of the Act were implemented. In such cases, the Minister of Ocean and Fisheries or a Mayor/Do Governor shall hear in advance the opinions of the head of the competent Si/Gun/Gu who manages the relevant waters for fishery resources management pursuant to Article 49 (4) of the Act.

(2) Where the Minister of Ocean and Fisheries or a Mayor/Do Governor designates an eco-experience site under paragraph (1), he or she shall prescribe an operational regulation for the relevant eco-experience site.

(3) The operational regulation for the eco-experience site prescribed in paragraph (2) shall include each of the following matters:

1. Matters concerning the use of an eco-experience site and fee charged therefor;
2. Matters to be observed by the users of an eco-experience site and matters necessary for securing the safety of users;
3. Other matters necessary for the operation of an eco-experience site.

(4) The Minister of Ocean and Fisheries or a Mayor/Do Governor may require the head of the competent Si/Gun/Gu who manages the relevant waters for fishery resources management under Article 49 (4) of the Act to manage the eco-experience site.

#### **Article 35 (Restriction on Activities in Waters subject to Management)**

When a Mayor/Do Governor intends to permit activities specified in any provision of Article 49 (7) 1 through 4 of the Act in waters subject to management, he or she shall hear the opinion on the following matters from the President of the National Fisheries Research and Development Institute:

1. Impact on the reproduction and inhabitation of sedentary fishery resources;
2. Impact on fishery resources and facilities artificially created, such as artificial fishing banks and marine ranches.

#### **Article 36 (Harmful Acts)**

"Acts prescribed by Presidential Decree" in Article 49 (7) 5 of the Act means the following acts:

1. Dumping waste, or discharging sewage or wastewater, from land or a vessel;

2. Extracting minerals from public waters as referred to in the Mining Industry Act.

### **Article 37 (Scope of Basic Investigations)**

(1) A basic investigation that shall be conducted under Article 50 (1) of the Act as necessary for the designation of waters subject to management shall include the following matters:

1. The actual state of management of artificial fishing banks and marine ranches already installed and the impact of such facilities;
2. The area of waters appropriate for the installation of artificial fishing banks or marine ranches;
3. The environment of the fishing ground in the area of waters to be designated as waters subject to management and the actual state of management of fishery resources;
4. The actual state of fisheries in the area of waters to be designated as waters subject to management.

(2) Further details of the scope of the basic investigation under paragraph (1) and the method for such basic investigations shall be determined and publicly notified by the Minister of Oceans and Fisheries.

*<Amended on Mar. 23, 2013>*

(3) When a Mayor/Do Governor intends to conduct a basic investigation under Article 50 (1) of the Act, he or she shall formulate an investigation plan and shall notify the heads of related administrative agencies of the plan by not later than 10 days before commencing the investigation.

(4) A Mayor/Do Governor may request the head of a related administrative agency, who is notified of an investigation plan pursuant to paragraph (3), to cooperate with him or her in the following matters so that public officials subordinate to him or her can smoothly conduct an investigation under Article 50 (1), and the head of a related administrative agency so requested shall comply with the request, unless an extraordinary reason exists otherwise:

1. Entering into a restricted zone within his or her jurisdiction;
2. Inspecting or borrowing data relevant to the investigation;
3. Providing vessels, equipment, and personnel as necessary for the investigation.

(5) A public official who intends to enter another's land or fishing ground pursuant to Article 50 (2) of the Act shall notify the owner, occupant, or manager of such property of his or her intention.

### **Article 38 (Actual State of Fishery Resources Protection Zones)**

Pursuant to Article 51 (2) of the Act, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Special Self-governing Province Governor, or the head of a Si/Gun (hereinafter referred to as "management authority"), who is responsible for the management of a fishery resources protection zone under subparagraph 4 of Article 3 of the Act (hereinafter referred to as "fishery resources protection zone"), shall conduct an investigation at least once a year into the actual state of use of the land or public waters in the fishery resources protection zone within his or her jurisdiction and shall submit a report on the results thereof to the Minister of Oceans and Fisheries by December 31 each year. *<Amended on Mar. 23, 2013; Jun. 17, 2013>*

### **Article 39 (Projects Permitted in Fishery Resources Protection Zones)**

"Projects prescribed by Presidential Decree" in Article 52 (1) of the Act means the urban or Gun planning projects (referring to urban or Gun planning projects defined in subparagraph 11 of Article 2 of the National Land Planning and Utilization Act; hereinafter the same shall apply) that are inevitably required to implement in a fishery resources protection zone for national defense or for public interest and that the Minister of Oceans and Fisheries finds will not frustrate the achievement of purposes of designation of the fishery resources protection zone at the request of the head of a related central administrative agency.

*<Amended on Apr. 10, 2012; Mar. 23, 2013>*

### **Article 40 (Activities subject to Permission in Fishery Resources Protection Zones, Procedure for Permission)**

(1) The activities that may be conducted in a fishery resources protection zone only with permission by the competent management authority pursuant to Article 52 (2) of the Act shall be as specified in attached Table 16.

(2) A person who intends to obtain permission pursuant to Article 52 (2) of the Act shall file an application for permission for activities in a fishery resources protection zone (or an application or report in the proper form under the Building Act, if the activities involved are for a building subject to permission for, or reporting on, building under the Building Act or a structure subject to reporting on construction under the aforesaid Act) with the competent management authority, along with the following documents attached thereto:

1. A business plan;
2. Design drawings for the project;
3. Plans for installing infrastructure for such activities, securing the land necessary for such infrastructure, preventing environmental pollution, and preserving scenery or landscaping.

(3) Deleted. *<Jun. 17, 2013>*

(4) Deleted. *<Jun. 17, 2013>*

(5) If a management authority finds that the permission granted under Article 52 (2) of the Act is likely to frustrate an urban or Gun planning project implemented in a fishery resources protection zone, he or she shall hear the opinion thereon from the implementer of the urban or Gun planning project involved.

*<Amended on Apr. 10, 2012>*

(6) Articles 55 and 56 of the Enforcement Decree of the National Land Planning and Utilization Act shall apply mutatis mutandis to the kinds and scales of acts subject to permission under Article 52 (2) 1 or 2 of the Act, and to the standards for permission under Article 52 (3) 1 of the Act. *<Amended on Jun. 17, 2013>*

(7) "Acts prescribed by Presidential Decree" in Article 52 (2) 3 of the Act means the extraction of soil and rocks. *<Newly Inserted on Jun. 17, 2013>*

(8) The standards for the permission for forestation, forest care, and the installation of forest roads in a forest within a fishery resources protection zone under Article 52 (2) 3 of the Act shall be governed by the Forest Resources Creation and Management Act, while the standards for the permission for the extraction of soil and rocks shall be governed by the Management of Mountainous Districts Act. *<Amended on Jun. 17, 2013>*

#### **Article 41 (Restoration of Fishery Resources Protection Zones to Original State)**

A management authority may issue an order to restore a fishery resources protection zone to its original state within the period specified by him or her as prescribed by Article 52 (5) of the Act, which shall not exceed one year, but may extend the period only once by not more than six months, if it is impracticable to restore it to its original state within the specified period. *<Amended on Jun. 17, 2013>*

#### **Article 42 (Compensation for Losses Incurred as Consequence of Designation of Fishery Resources Protection Zones)**

(1) A person who intends to receive compensation for his or her losses pursuant to Article 53 (2) of the Act shall file a claim for compensation for losses with the Minister of Oceans and Fisheries, along with documents proving his or her losses. *<Amended on Mar. 23, 2013>*

(2) Upon receipt of a claim for compensation for losses under paragraph (1), the Minister of Oceans and Fisheries shall notify the claimant of the following matters: *<Amended on Mar. 23, 2013>*

1. The period and method of negotiation;
2. The timing, method, and procedure for compensation.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

#### **Article 43 (Formation of Fishery Resources Management Committees)**

(1) The Central Fishery Resources Management Committee under Article 54 (1) of the Act (hereinafter referred to as the "Central Committee") shall be comprised of not more than 20 members, including one chairperson and one vice chairperson, while each City/Do Fishery Resources Management Committee (hereinafter referred to as "City/Do Committee") shall be comprised of not more than 15 members, including one chairperson and one vice chairperson.

(2) The Minister of Oceans and Fisheries shall serve as the chairperson of the Central Committee, while a person appointed by the Minister of Oceans and Fisheries, from among public officials in general service who belong to the Senior Executive Service of the Ministry of Oceans and Fisheries, shall serve as the vice chairperson, and the other members shall be appointed from among the following persons: *<Amended on Mar. 23, 2013; Apr. 10, 2018>*

1. One person appointed by the President of the National Institute of Fisheries Science, from among public officials in general or research service who belong to the Senior Executive Service of the

National Institute of Fisheries Science;

2. One person appointed by the President of the Agency, from among executive officers and employees of the Agency;

3. One person appointed by the Chairperson of the National Federation of Fisheries Cooperatives, from among standing directors of the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act;

4. Not more than four persons commissioned by the Minister of Oceans and Fisheries in consideration of gender, from among persons who have abundant knowledge and experience in fishery resources;

5. Not more than 11 persons recommended by Mayors/Do Governors in consideration of gender, from among local fishermen who are not members of a City/Do Committee.

(3) A Deputy Mayor or Deputy Governor shall serve as the chairperson of each City/Do Committee, while a person appointed by each Mayor/Do Governor, from among Grade-III or IV public officials of each City/Do or public officials in general service who belong to the Senior Executive Service, shall serve as the vice chairperson, and the other members shall be commissioned or recommended in consideration of gender according to the following: *<Amended on May 22, 2012; Apr. 10, 2018>*

1. Not more than two persons commissioned by the competent Mayor/Do Governor, from among presidents of fisheries cooperatives for each district and presidents of fisheries cooperatives for each type of business (the representative of cooperative members or fishermen, if a fisheries cooperative for a type of business has no president);

2. Not more than two persons recommended by the head of each Si/Gun/Gu, from among next-generation fisheries enterprisers defined in the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;

3. Not more than two persons recommended by presidents of fisheries cooperatives for each district, from among heads of fishing village fraternities;

4. Not more than three persons commissioned by the competent Mayor/Do Governor, from among persons who operate a fishery business with a license or permit granted under the Fisheries Act or after reporting thereon pursuant to the aforesaid Act;

5. Not more than four persons commissioned by the competent Mayor/Do Governor, from among persons who have an extensive knowledge of and experience in fishery resources.

(4) The term of office of each member under paragraph (2) 4 or 5 or any subparagraph of paragraph (3) shall be three years: Provided, That the term of office of a member appointed to fill a vacancy shall be the remaining term of office of his or her predecessor. *<Amended on Apr. 10, 2018>*

(5) The Central Committee or a City/Do Committee (hereinafter referred to as "each Committee") shall appoint one secretary in order to carry out administrative affairs of the Committee, and the Director of the Division or Team responsible for the management of fishery resources shall serve as the secretary.

(6) Each Committee may organize subcommittees comprised of not more than 12 members for each sector.

#### **Article 43-2 (Dismissal of Members of Fishery Resources Management Committees)**

(1) A person who has appointed, recommended or commissioned a member of the Central Committee pursuant to Article 43 (2) may revoke such appointment or recommendation or dismiss the relevant member where the relevant member falls under any of the following cases:

1. Where the member becomes unable to perform his or her duties due to mental or physical disabilities;
2. Where he or she commits irregularities related to his or her duties;
3. Where he or she is deemed unfit for a member due to negligence, injury to dignity or other reasons;
4. Where he or she personally expresses his or her intent that fulfilling duties is difficult.

(2) A person who has appointed, recommended or commissioned a member of a City/Do Committee pursuant to Article 43 (3) may revoke such appointment or recommendation or dismiss the relevant member where the relevant member falls under any subparagraph of paragraph (1).

#### **Article 44 (Duty of Chairperson)**

(1) The chairperson of each Committee shall represent the Committee and shall administer all business affairs of the Committee.

(2) The vice chairperson shall assist the chairperson and act on behalf of the chairperson where the chairperson is unable to perform his or her duties due to any unavoidable reason.

#### **Article 45 (Meetings)**

(1) The chairperson of each Committee shall convene meetings of the Committee and shall preside over the meetings.

(2) A meeting of each Committee shall be duly formed with the attendance of a majority of current members, and the Committee shall adopt a resolution by concurrent votes of a majority of members present at the meeting.

(3) Each Committee shall prepare minutes of each meeting, record the proceedings of the meeting, and keep the minutes with signatures and seals affixed thereon by members present at the meeting.

#### **Article 46 (Allowances)**

Members who attend a meeting of each Committee may be reimbursed for allowances and travel expense within the budget: Provided, That this shall not apply to members who attend a meeting of a Committee in direct connection with a business affair within the scope of their duties as public officials.

#### **Article 47 (Detailed Operating Rules)**

Except as otherwise provided for in this Chapter, necessary matters regarding the operation of each Committee shall be determined by the chairperson, subject to prior resolution by the competent Committee.

#### **Article 47-2 (Establishment, Operation, etc. of Korea Fisheries Resources Agency)**

- (1) The Agency shall be duly formed when its establishment is registered with the registry having jurisdiction over its principal place of business. <Amended on Jan. 13, 2012; Apr. 10, 2018>
- (2) The Agency may establish domestic and overseas branch offices, as stipulated by articles of incorporation, as necessary for executing its business affairs. <Amended on Jan. 13, 2012>
- (3) The Agency's articles of incorporation shall include the following matters: <Amended on Jan. 13, 2012>
  1. Purpose;
  2. Name;
  3. Principal place of business;
  4. The organization of the Agency and matters regarding president, directors, executive organs, and employees;
  5. Matters regarding the composition and operation of the board of directors;
  6. Matters regarding business affairs and the execution thereof;
  7. Matters regarding the establishment of branch offices;
  8. Matters concerning modification of the articles of incorporation;
  9. Matters regarding the appropriation of surpluses and the disposition of losses;
  10. Matters regarding property and accounting;
  11. Matters regarding the method of public notice.

#### **Article 47-3 (Projects of Agency)**

- "Projects prescribed by Presidential Decree" in Article 55-2 (3) 5 of the Act means the following projects:
1. Programs for experiencing and using the ecosystem of fishery resources;
  2. Projects for the enhancement of the value of brands of fishery resources and projects for the operation of facilities related to such projects;
  3. Programs for the exchange and cooperation of foreign countries as necessary for the projects for the management of fishery resources;
  4. Projects for the informatization of fishery resources.

#### **Article 47-4 (Grant of Government Contributions)**

- (1) When the Government intends to grant a contribution to the Agency pursuant to Article 55-2 (4) 1 of the Act, the Minister of Oceans and Fisheries shall appropriate the contribution in the relevant budget in advance. <Amended on Mar. 23, 2013>
- (2) When the budget for a contribution under paragraph (1) is finally fixed, the Minister of Oceans and Fisheries shall notify the Agency thereof. <Amended on Mar. 23, 2013>
- (3) When the Agency intends to receive a contribution, it shall file a grant application with the Minister of Oceans and Fisheries, along with a business plan on a quarterly basis and a budget execution plan on a

quarterly basis. <Amended on Mar. 23, 2013>

(4) Upon receipt of a grant application under paragraph (3), the Minister of Oceans and Fisheries shall examine the feasibility of the business plan on a quarterly basis and the budget execution plan on a quarterly basis submitted and shall grant the contribution in accordance with the plans, if he or she finds such plans feasible. <Amended on Mar. 23, 2013>

(5) Upon receipt of a contribution granted under paragraph (4), the Agency shall manage the contribution in separate accounts opened for project cost, operating expense, and facility cost respectively.

[Previous Article 47-4 moved to Article 47-5 <Jan. 13, 2012>]

#### **Article 47-5 (Free Transfer, etc. of State-owned Property)**

When it is intended to transfer or lease State-owned or public property or commodities to the Agency pursuant to Article 55-2 (6) of the Act, or to permit the Agency to use or enjoy for profit such property or commodities, without consideration, the terms and conditions thereof and the procedure therefor shall be stipulated by an agreement between the authority responsible for the management of the State-owned or public property or commodities involved and the Agency. <Amended on Jan. 13, 2012>

#### **Article 48 (Qualification and Duties of Fishery Resources Investigators)**

(1) Pursuant to Article 58 (1) of the Act, the Minister of Oceans and Fisheries or a Mayor/Do Governor may appoint persons specified in any of the following subparagraphs as fishery resources investigators (hereinafter referred to "investigators"): <Amended on Jan. 13, 2012; Mar. 23, 2013>

1. A person qualified at least as a technician specializing in marine fisheries under the National Technical Qualifications Act;
2. A person who graduated from a junior college or any higher school under the Higher Education Act, majoring in fisheries, resources, or biology, or a person who has an equivalent or higher educational background;
3. A person who has been engaged in a job related to the investigation and evaluation of fishery resources for at least one year;
4. A person who has been engaged in a job related to fisheries or aquatic living creatures for at least three years;
5. A person who has been directly engaged in fishing activities, or has been engaged in a job related to the investigation into fishery resources in a related organization, for at least one year.

(2) The scope of an investigator's duty shall be as follows:

1. Inspection of the quantity of catches of fishery resources, etc. subject to management of total catch quotas under Article 36 (1) and (3) of the Act;
2. Biological surveys on caught fishery resources;
3. Other business affairs related to the investigation into, and reporting on, fishery resources.

(3) An investigator shall perform the duty specified in paragraph (2) in good faith and shall not commit any of the following acts:

1. Pursuing his or her own profit in connection with his or her job;
2. Disclosing, without justification, any confidential information acquired in connection with his or her job.

#### **Article 49 (Payment of Allowances to Investigators)**

Pursuant to Article 58 (2) of the Act, the Minister of Oceans and Fisheries or a Mayor/Do Governor shall pay allowances, travel expense, insurance premiums, etc. to investigators within the budget. *<Amended on Mar. 23, 2013>*

#### **Article 50 (Delegation of Authority)**

(1) Pursuant to Article 60 of the Act, the Minister of Oceans and Fisheries shall delegate his or her authority over the following matters to the President of the National Fisheries Research and Development Institute: *<Amended on Mar. 23, 2013>*

1. Investigation and evaluation of fishery resources under Article 10 (1) of the Act;
2. Formulation and implementation of plans for detailed investigations and evaluations of fishery resources under Article 11 (1) of the Act;
3. Investigations into catches, etc. under Article 12 of the Act;
4. Establishment and operation of integrated information database about fishery resources under Article 13 of the Act;
5. Approval for transplantation of fishery resources under Article 35 (1) 5 of the Act;
6. Deleted. *<Jan. 13, 2012>*

(2) Pursuant to Article 60 of the Act, the Minister of Oceans and Fisheries shall delegate his or her authority over the following matters to the head of each Fisheries Supervision Office: *<Newly Inserted on Nov. 10, 2010; Jun. 7, 2011; Mar. 23, 2013>*

1. Approval for the use of double or multi-layered gill nets under the proviso of Article 23 (3) of the Act;
2. Revocation of approval for the use of double or multi-layered gill nets under Article 23 (4) of the Act.

(3) Pursuant to Article 60 of the Act, the Minister of Oceans and Fisheries shall delegate his or her authority over the purchase of land, etc. under Article 53 of the Act to each Mayor/Do Governor. *<Amended on Nov. 10, 2010; Mar. 23, 2013>*

(4) Pursuant to Article 60 of the Act, a Mayor/Do Governor shall delegate his or her authority over the following matters to the head of a Si/Gun/Gu: *<Amended on Nov. 10, 2010>*

1. Investigations into catches, etc. under Article 12 of the Act;
2. Deleted; *<Jun. 17, 2013>*

3. Deleted; <Jun. 17, 2013>

4. Guidance and supervision under Article 56 of the Act.

(5) The President of the National Fisheries Research and Development Institute, a Mayor/Do Governor, or the head of a Si/Gun/Gu, who has executed matters delegated under the provisions of paragraphs (1) through (4), shall report the results of execution during the preceding year to the Minister of Oceans and Fisheries, the head of the competent Fisheries Supervision Office, or the competent Mayor/Do Governor by the end of each year. <Amended on Nov. 10, 2010; Jun. 7, 2011; Mar. 23, 2013>

#### **Article 51 (Scope of Entrustment of Projects for Creation and Restoration of Fishery Resources)**

"Projects prescribed by Presidential Decree, such as projects for installing artificial fishing banks" in Article 61 (1) of the Act shall be as follows: <Amended on Jan. 13, 2012; Mar. 24, 2014; Jun. 21, 2016>

1. Installation of artificial fishing banks;
2. Installation of marine ranches;
3. Installation of sea jungles;
4. Production and release of fishery seeds;
5. Improvement of the environment for the inhabitation of fishery resources;
6. Operation and management of facilities and equipment for the creation of fishery resources;
7. Adjustment of fishing implements and fishing methods for the management of fishery resources;
8. Fisheries for the appropriate use and management of fishery resources;
9. Removal of unlawful fishing implements for the restoration of fishery resources;
10. Matters regarding the operation of an eco-experience site;
11. Matters regarding the management of investigators under Article 58 of the Act.

#### **Article 52 (Method and Procedure for Rewarding)**

(1) When the Minister of Oceans and Fisheries rewards a person pursuant to Article 63 of the Act, he or she may present the person with an award certificate, reward money, or both an award certificate and reward money. <Amended on Mar. 23, 2013>

(2) Necessary matters regarding the criteria for presenting a person with reward money under paragraph (1) and the method and procedure for rewarding shall be determined and publicly notified by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>

#### **Article 52-2 (Management of Personally Identifiable Information)**

If the Minister of Oceans and Fisheries (including a person to whom the authority of the Minister of Oceans and Fisheries is delegated under Article 50 (1)) or a Mayor/Do Governor (including a person to whom the relevant authority is delegated or entrusted) deems it necessary for carrying out administrative affairs for the management of fishery resources investigators under Article 58 of the Act, he or she may manage data containing any resident registration number, passport number, or alien registration number

defined in subparagraph 1, 2, or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act. <Amended on Mar. 23, 2013>

#### **Article 52-3 (Re-Examination of Regulation)**

The Minister of Oceans and Fisheries shall examine the appropriateness of the following matters every three years from each base date specified in the following subparagraphs (referring to periods that end the day before every third anniversary from the base date) and shall take measures for improvement, etc.:

1. Guidelines for imposition of formation levy referred to in Article 26 and attached Table 14: January 1, 2017;
2. Criteria for imposition of administrative fines referred to in Article 53 and attached Table 17: January 1, 2017.

## CHAPTER VII PENAL PROVISIONS

#### **Article 53 (Standards for Imposition of Administrative Fines)**

The standards for imposing administrative fines under Article 70 (1) and (2) of the Act shall be as specified in attached Table 17.

ADDENDA <Presidential Decree No. 22128, Apr. 20, 2010>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on April 23, 2010. (Proviso Omitted.) <Amended by Presidential Decree No. 22476, Nov. 10, 2010>

#### **Article 2 (Repeal of other Statutes)**

The Decree on the Protection of Fisheries Resources shall be hereby repealed.

#### **Article 3 (Transitional Measure concerning Master Plans, etc. for Establishment and Management of Total Catch Quotas)**

A master plan for the establishment and management of total catch quotas or an implementation plan for the management of total catch quotas for each type of business or for each City/Do, which has been formulated pursuant to Article 30 of the former Decree on the Protection of Fisheries Resources before this Decree enters into force, shall be deemed a plan or detailed plan formulated for total catch quotas pursuant to Article 20.

#### **Article 4 Omitted.**

#### **Article 5 (Relationship to other Statutes)**

The citation of the previous Enforcement Decree of the Fisheries Act, the previous Enforcement Decree of the Fish Farming Development Act, or the previous Decree on the Protection of Fisheries Resources or any provision thereof by any other statute in force when this Decree enters into force shall be deemed the citation of this Decree or the relevant provision of this Decree in lieu of the previous provision, if

the relevant provision exists in this Decree.

ADDENDA <Presidential Decree No. 22224, Jun. 28, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2010.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 22449, Oct. 14, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 16, 2010.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 22476, Nov. 10, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on November 18, 2010.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 22962, Jun. 7, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 15, 2011.

**Articles 2 and 3 Omitted.**

ADDENDUM <Presidential Decree No. 23021, Jul. 5, 2011>

This Decree shall enter into force one month after the date of its promulgation.

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDUM <Presidential Decree No. 23510, Jan. 13, 2012>

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

ADDENDA <Presidential Decree No. 23718, Apr. 10, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on April 15, 2012. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

ADDENDA <Presidential Decree No. 23795, May 22, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 23, 2012.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 24001, Jul. 31, 2012>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 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. 24625, Jun. 17, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. Provided, That amended provisions of Article 50 (4) shall enter into force on June 19, 2013.

**Articles 2 (Transitional Measure concerning Permission in Fishery Resources Protection Zones)**

The permission for activities in the fishery resources protection zones for which an application was filed before this Decree enters into force shall be governed by the previous provisions notwithstanding the amended provisions of Article 40.

ADDENDA <Presidential Decree No. 25014, Dec. 17, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on December 19, 2013. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 25273, Mar. 24, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDUM <Presidential Decree No. 25276, Mar. 24, 2014>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDUM <Presidential Decree No. 26030, Jan. 6, 2015>

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

ADDENDUM <Presidential Decree No. 26619, Nov. 4, 2015>

This Decree shall enter into force on November 4, 2015.

ADDENDUM <Presidential Decree No. 26635, Nov. 11, 2015>

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

ADDENDUM <Presidential Decree No. 26848, Dec. 31, 2015>

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

ADDENDA <Presidential Decree No. 26943, Feb. 3, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 1, 2016.

**Article 2 (Transitional Measures concerning Application of Standard Length of Fishery Resources Subject to Prohibition of Capture and Gathering to Fishery Business Entities etc. Who Concludes an Agreement between Fishery Business Entities)**

Subparagraphs 1 (u) through (w) of attached Table 2 shall not apply to a fishery business entity or an association thereof who concludes an agreement between fishery business entities under Article 28 (1) of the Act (including an agreement concluded in order to comply with standard length of fishery resources subject to prohibition of capture and gathering of hairtail, mackerel or yellow corvina) for the purpose of complying with standard length of fishery resources subject to prohibition of capture and gathering of hairtail, mackerel or yellow corvina and obtains an approval for such agreement from the Minister of Oceans and Fisheries or Mayor/Do Governor between the date such approval is obtained (for an agreement concluded and approved before May 1, 2016, May 1, 2016) and April 30, 2019.

ADDENDA <Presidential Decree No. 27245, Jun. 21, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 23, 2016.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 27751, Dec. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2017. (Proviso Omitted)

**Articles 2 through 12 Omitted.**

ADDENDA <Presidential Decree No. 27832, Feb. 3, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 4, 2017.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 28583, Jan. 16, 2018>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 18, 2018.

**Article 2 Omitted.**

ADDENDUM <Presidential Decree No. 28794, Apr. 10, 2018>

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

ADDENDUM <Presidential Decree No. 29502, Jan. 22, 2019>

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

ADDENDUM <Presidential Decree No. 30354, Jan. 14, 2020>

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

ADDENDUM <Presidential Decree No. 30717, May 26, 2020>

This Decree shall enter into force on June 4, 2020.

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. 31036, Sep. 22, 2020>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of attached Tables 1 and 2 shall enter into force on January 1, 2021, and the amended provisions of attached Table 17 on September 25, 2020.

**Article 2 (Special Cases concerning Length of Fishery Resources subject to Prohibition of Capture and Gathering)**

Notwithstanding the amended provisions of subparagraph 1 (b), (c), (aa), and (ab) of attached Table 2, the length of fishery resources subject to prohibition of capture and gathering under the relevant amended provisions shall not exceed 17 centimeters, respectively, until December 31, 2023.

ADDENDUM <Presidential Decree No. 31157, Nov. 10, 2020>

This Decree shall enter into force on January 1, 2021.

ADDENDUM <Presidential Decree No. 31380, Jan. 5, 2021>

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

ADDENDUM <Presidential Decree No. 31929, Aug. 3, 2021>

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