

# DISTANT WATER FISHERIES DEVELOPMENT ACT

Act No. 8626, Aug. 3, 2007

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9627, Apr. 22, 2009

Act No. 10122, Mar. 17, 2010

Act No. 11690, Mar. 23, 2013

Act No. 11982, Jul. 30, 2013

Act No. 12486, Mar. 18, 2014

Act No. 13001, Jan. 6, 2015

## Article 1 (Purpose)

The purpose of this Act is to advance the sustainable development of the distant water fisheries industry and contribute to the growth of national economy, through the rational preservation, management, exploitation, and utilization of maritime living resources, and the promotion of international cooperation.

*<Amended by Act No. 13001, Jan. 6, 2015>*

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

1. The term "distant water fisheries industry" means distant water fisheries activities defined under subparagraph 2 and businesses related to distant water fisheries defined under subparagraph 3;
2. The term "distant water fisheries" means a business capturing or collecting marine animals and plants in international waters by a national of the Republic of Korea, either solely or jointly with a foreigner (limited to where the capital stock paid or voting rights held by nationals of the Republic of Korea exceed the criteria prescribed by Presidential Decree; hereinafter the same shall apply);
3. The term "business related to distant water fisheries" means a business transporting, processing, distributing, selling, etc., of fishery products produced by distant water fisheries by nationals of the Republic of Korea, either solely or jointly with foreign nationals, and fishery products produced through investments as prescribed by Presidential Decree in a foreign country (including aquaculture and businesses incidental thereto);
4. The term "distant water fisheries industry operator" means any person engaged in distant water fisheries under subparagraph 2 (hereinafter referred to as "distant water fishery operator") or any person engaged in a business related to distant water fisheries under subparagraph 3 (hereinafter referred to as

"business operator related to distant water fisheries");

5. The term "persons engaged in the distant water fisheries industry" means persons engaged in distant water fisheries (hereinafter referred to as "persons engaged in distant water fisheries"), who are employed by an operator of a distant water fisheries business, and those persons engaged in any business related to distant water fisheries, who are employed by an operator of any distant water fisheries-related business;

6. The term "activities for fisheries operations" means activities in distant water fisheries, or activities related thereto such as the search and harvest of fish, the custody, storage and processing of caught fish, the transportation of caught fish or products made therefrom (hereinafter referred to as "fisheries operations"), and the supply of things necessary for ships;

7. The term "international fisheries organization" means any international organization or regional fisheries management organization established in accordance with a treaty, international convention, or agreement, etc. (hereinafter referred to as "international law");

8. The term "preservation and management measures" means measures to preserve or manage one or more species of marine and fisheries resources as adopted and applied in accordance with international law;

9. The term "state of flag" means a state which is represented by the national flag a fishing vessel, etc. displays to indicate its nationality;

10. The term "overseas waters" means the sea area excluding the East Sea, Yellow Sea, Eastern Chinese Sea, and the Pacific Ocean area north 25 degrees North Latitude and west 140 degrees East Longitude;

11. The term "observer" means a person designated by the relevant state or international fisheries organization, who engages in activities on board a vessel to monitor or supervise compliance with international standards for fisheries operations or to conduct scientific surveys;

12. The term "illegal fisheries" means any of the following fisheries activities:

(a) Fisheries operations or fisheries activities in any waters under the jurisdiction of any state, conducted by a ship of the said state or a foreign state without a permit from such state, or in violation of the law of such state;

(b) Fisheries activities engaged in by a ship of a member state of any international fisheries organization in violation of a legally binding preservation and management measure of the said international fisheries organization, or any provision of the relevant international law;

(c) Fisheries activities conducted in violation of domestic law or international duty of the relevant state, including states which cooperate with an international fisheries organization;

13. The term "unreported fisheries" means any of the following fisheries activities:

(a) Fisheries operation conducted in waters under the jurisdiction of any state, for which a report has not been or has been made falsely to the relevant authorities in violation of the domestic law of such state;

(b) Fisheries operation conducted in any waters under the jurisdiction of an international fisheries organization, for which a report determined by the international fisheries organization has not been made or has falsely been made;

14. The term “unregulated fisheries” means any of the following fisheries activities:

(a) Fisheries activity in any waters under the jurisdiction of an international fisheries organization, engaged in by a stateless ship or a ship of a non-member state or virtual non-member state of the international fisheries organization in non-conformity with or in violation of a preservation and management measure of the said organization;

(b) Fisheries activity conducted in any waters not subject to a preservation and management measure of an international fisheries organization or conducted with respect to fisheries resources in circumvention of any obligation of states for the preservation of marine living resources under international law;

15. The term “coastal state” means a state, the border of the land territory of which is adjacent to a belt of sea;

16. The term “overseas marine resources” means marine products prescribed by Ordinance of the Ministry of Oceans and Fisheries, which are produced or processed, in the distant water fisheries industry (including marine products for acquiring raw materials of bioenergy under subparagraph 2 (f) of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy);

17. The term “transshipment” means transfer for transportation of the whole or part of marine products (including products manufactured or processed with marine products as raw materials or ingredients) under custody of a fishing vessel into other fishing vessel, or a fish carrier or support vessel).

### **Article 3 (Relationship with other Acts)**

Permission, etc. for distant water fisheries shall be governed by the Fisheries Act, except as otherwise expressly provided for in this Act.

### **Article 4 (Formulation of Comprehensive Plans to Develop Distant Water Fisheries Industry)**

(1) The Minister of Oceans and Fisheries shall formulate a comprehensive plan to develop the distant water fisheries industry (hereinafter referred to as "comprehensive plan to develop the distant water fisheries industry") every five years, as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries shall consult thereon in advance with the heads of relevant central administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) A comprehensive plan to develop the distant water fisheries industry shall include the following matters: <Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. Matters concerning the rational preservation and management and exploration and exploitation of marine living resources;

2. Objectives of and strategies for national distant water fisheries industry and phase-by-phase implementation plans;

3. Changes in the environment of overseas marine resources waters and prospect therefor;
4. Matters concerning strengthening the competitiveness of the distant water fisheries industry and the promotion of and support for the distant water fisheries industry;
5. Matters concerning the training of professional human resources for the distant water fisheries industry and the development of relevant technologies;
6. Matters concerning international cooperation with coastal states, international fisheries organizations, etc.;
7. Matters concerning restricting illegal fishing, unreported fishing, and unregulated fishing (hereinafter referred to as “illegal, unreported, and unregulated fishing”);
8. Other matters necessary for the efficient promotion of the distant water fisheries industry.

(3) The Minister of Oceans and Fisheries shall finalize a comprehensive plan to develop the distant water fisheries industry following deliberation thereon by the Deliberation Committee for Development of the Distant Water Fisheries Industry under Article 5 and publicly announce such plan. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the formulation of comprehensive plans to develop the distant water fisheries industry and other matters shall, be prescribed by Presidential Decree. <Amended by Act No. 13001, Jan. 6, 2015>

#### **Article 5 (Establishment and Operation of Deliberative Committee for Development of Distant Water Fisheries Industry)**

(1) A Deliberative Committee for Development of the Distant Water Fisheries Industry (hereinafter referred to as the "Deliberative Committee") shall be established under the jurisdiction of the Ministry of Oceans and Fisheries to deliberate on the following matters concerning the development of the distant water fisheries industry: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. The formulation of comprehensive plans to develop the distant water fisheries industry;
2. The balanced development of the distant water fisheries industry;
3. Decisions on permitted quotas for distant water fisheries;
4. Matters necessary for the structural improvement of distant water fisheries, strengthening the competitiveness of distant water fisheries, and establishing foundations for the development of the distant water fisheries industry;
5. Matters concerning administrative and financial assistance for the development of the distant water fisheries industry;
6. Other important matters tabled by the Minister of Oceans and Fisheries for deliberation with regard to the development of the distant water fisheries industry.

(2) The Deliberative Committee shall be comprised of not exceeding 20 members, including one Chairperson.

(3) Committee members shall be appointed or commissioned by the Minister of Oceans and Fisheries from among the following persons: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Public officials at Director General-level or with an equivalent position in a relevant central administrative agency;
  2. Persons with abundant knowledge about and experience in the distant water fisheries industry;
  3. Persons recommended by the competent Standing Committee of the National Assembly.
- (4) The Vice Minister of Oceans and Fisheries shall serve as the Chairperson. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*
- (5) A majority of the current committee members shall be appointed from among non-public official members, term of office of which shall be two years; renewable for only one further term.
- (6) The Chairperson shall represent the Deliberative Committee and shall preside over the business affairs of the Deliberative Committee.
- (7) Matters necessary for the organization and operation of the Deliberative Committee shall be prescribed by Presidential Decree, except as otherwise expressly provided for in this Act. *<Amended by Act No. 13001, Jan. 6, 2015>*

#### **Article 6 (Permission for and Reporting on Distant Water Fisheries)**

- (1) Each person who intends to engage in distant water fisheries shall obtain a permit for each fishing vessel from the Minister of Oceans and Fisheries. The foregoing shall also apply where a person intends to amend any permitted matter: Provided, That minor matters prescribed by Presidential Decree shall be reported. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*
- (2) Notwithstanding paragraph (1), where a fishing vessel which is granted a permit for offshore fisheries under Article 41 (1) of the Fisheries Act is permitted to be engaged in fishery activities in any waters under the jurisdiction of a foreign state in accordance with an agreement on fisheries or an agreement on fisheries cooperation with a foreign state or foreigner (hereinafter referred to as “fisheries cooperation with a foreign state”), the Minister of Oceans and Fisheries may grant a permit under paragraph (1) without applying the permission standards for distant water fisheries under paragraph (8). *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*
- (3) A person who intends to obtain a permit for distant water fisheries pursuant to paragraph (1) may file an application for permission for concurrent businesses with respect to the very same fishing vessel depending on the structure and performance of such fishing vessel, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*
- (4) The Minister of Oceans and Fisheries shall, where granting a permit for distant water fisheries, do so by dividing the areas of fisheries operations into the Pacific, the Atlantic, and the Indian Ocean: Provided, that he/she may, depending on the type of distant water fishery, grant a permit for the Pacific, the Atlantic, and the Indian Ocean as one area of fisheries operations. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*
- (5) Notwithstanding paragraph (4), if deemed necessary, the Minister of Oceans and Fisheries may grant a permit for the area of fisheries operations after adjustment thereof through fisheries cooperation with a foreign state. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

(6) Where it is deemed necessary for fisheries cooperation with a foreign state, protection of overseas fisheries resources, or public interests, the Minister of Oceans and Fisheries may grant permits, specifying the time for fisheries. <Newly Inserted by Act No. 13001, Jan. 6, 2015>

(7) A person who intends to be engaged in distant water fisheries through an overseas local corporation established jointly with a foreigner, shall report thereon to the Minister of Oceans and Fisheries. Any person who intends to modify any reported matter shall report such modification. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>

(8) The types of distant water fisheries that require permission under paragraph (1) shall be prescribed by Presidential Decree, and those matters necessary for permission, standards for permission, permission for modification, and reporting on minor matters under paragraph (1), and report or report of modification under paragraph (7) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>

(9) The Minister of Oceans and Fisheries shall grant a permit under paragraph (1) to an applicant, except in any of the following cases: <Newly Inserted by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. Where any defect is found in any application document specified by Ordinance of the Ministry of Oceans and Fisheries, such as a business plan for distant water fisheries;
2. Where permission is subject to restriction under Article 7 (1);
3. Where an applicant falls under a ground for disqualification as prescribed in Article 8 (1);
4. Where an application fails to meet any of the standards for permission for distant water fisheries prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as the size of a fishing vessel;
5. Where the permit quota for distant water fisheries under paragraph (10) is exceeded;
6. Where permission contravenes any other restriction under this Act or any other statute.

(10) If necessary, the Minister of Oceans and Fisheries may determine the permit quota for distant water fisheries, based upon the status of marine resources, the number of deep-sea fishing vessels, other natural and social conditions, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

(11) A person who has obtained a new permit for distant water fisheries under Article 7 (2) shall be deemed to have succeeded to an administrative disposition, burdens, conditions, etc., imposed with respect to the previous permit for distant water fisheries. <Newly Inserted by Act No. 13001, Jan. 6, 2015>

(12) Matters necessary for the permit quota for distant water fisheries under paragraph (10) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

#### **Article 6-2 (Suspension of Permits for Distant Water Fisheries)**

(1) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) may, in any of the following cases, file an application for suspension of permit therefor with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where such person fails to file a report on the closure of business under Article 10, he/she shall not allowed to file an

application for suspension of permit therefor:

1. Where the relevant fishing vessel has been sunk or been destroyed;
2. Where the relevant fishing vessel has become disused;
3. Where it is impossible to conduct fisheries operations because the whereabouts of the relevant fishing vessel is unknown.

(2) The Minister of Oceans and Fisheries shall, upon receipt of an application for suspension of permit for distant water fisheries under paragraph (1), suspend a new permit replacing any permit for the relevant fishing vessel, for a fixed period not exceeding two years from the date such fishing vessel sank or was destroyed, disappeared, or became disused: Provided, that where a fishing vessel is under construction or the importation of a ship is in progress as at the expiry date of suspension, the period of suspension may be extended by up to a period not exceeding two years.

(3) The Minister of Oceans and Fisheries shall, where the mortgagee has notified the fact in order to execute a mortgage on the fishing vessel, suspend a new permit replacing any permit for the relevant fishing vessel during the period from the date of receipt of such notification to the date three months after the date of full payment of the price of successful bid for such fishing vessel.

#### **Article 7 (Restrictions on Permission for Distant Water Fisheries)**

(1) The Minister of Ocean and Fisheries may restrict permission for distant water fisheries of a ship, suspend the distant water fisheries thereof, or restrict mooring of a ship or its entry into and departure from a port in any of the following cases, when granting a permit for distant water fisheries under Article 6, or if a ship for which such permit has been granted falls under any of the following subparagraphs: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*

1. Where an international fisheries organization has made a resolution for preservation and management of resources;
2. Where the permit for distant water fisheries fails to meet international standards regarding fisheries in high seas;
3. Where a request for restrictions is made by a coastal state or international fisheries organization;
4. Where an international fisheries organization whose establishment is in progress has adopted a voluntary or tentative measure;
5. Where the relevant fishing vessel conducts any fisheries operation in any waters under the jurisdiction of any coastal state in which it is deemed that the said state does not grant a licence, permit, or authorization to, and monitor, supervise, and control foreign ships conducting fishery operations, in an effective manner under its fisheries-related statute;
6. Where it is necessary for managing, etc. overseas fisheries resources;
7. Where the relevant fishing vessel falls under any of the ships for which permit for distant water fisheries has ever been cancelled under Article 11 (1);
8. Where the name of a ship against which a disposition for the cancellation, etc. of permit for distant water fisheries has ever been taken under Article 11 (1) has been changed without any justifiable

reason;

9. Where a ship belonging to a high risk group under Article 15-2 has ever been specially managed;

10. Where a ship is or was registered in the list of ships involved in illegal, unreported or unregulated fisheries prepared by an international fisheries organization or a coastal state;

11. Where the Minister of Oceans and Fisheries deems that there is sufficient evidence to suspect that any ship is illegal, unreported, or unregulated, or that it is necessary to specially place any restriction on such ship for public interests;

12. A case falling under any of the grounds prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as prevention, etc. of accidents related to fishing activities.

(2) Restrictions concerning fishing areas, the age of a vessel, etc. may be imposed on fishing vessels allocated for a new permit for distant water fisheries prescribed by Presidential Decree or for replacement of permitted fishing vessels, if necessary.

#### **Article 8 (Grounds for Disqualification)**

(1) None of the following persons shall be qualified for a permit for a distant water fisheries under Article 6 (1). The foregoing shall also apply to a corporation that has any of the following persons as its executive: *<Amended by Act No. 9627, Apr. 22, 2009; Act No. 12486, Mar. 18, 2014; Act No. 13001, Jan. 6, 2015>*

1. An incompetent under the adult guardianship;

2. A person in whose case two years have not passed since a sentence of imprisonment or any heavier punishment for a violation of this Act, the Fisheries Act, or the Fishing Vessels Act was fully executed (including where a sentence is deemed completely executed) or since such execution was discharged;

3. A person subject to a suspended execution of imprisonment or heavier punishment sentenced for a violation of this Act, the Fisheries Act, or the Fishing Vessels Act;

4. A person in whose case two years have not passed since his/her permit was cancelled under Article 11 (1) (excluding where a permit was cancelled due to their falling under Article 8 (1) 1).

#### **Article 9 (Term of Validity of Permit for Distant Water Fisheries)**

A permit for distant water fisheries under Article 6 shall be valid for five years: Provided, That the term of validity may be reduced in any case specified by Ordinance of the Ministry of Oceans and Fisheries, such as using a chartered fishing vessel. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 10 (Reporting on Business Closure of Distant Water Fisheries)**

(1) When a person who has obtained a permit to engage in distant water fisheries under Article 6 (1) or a person who has reported on his/her distant water fisheries pursuant to Article 6 (7), closes his/her business or becomes unable to continue his/her business, he/she shall report thereon with the Minister of Oceans and Fisheries: Provided, That no person subject to a disposition for suspension of distant water fisheries under Article 11, or for whom an investigation regarding a ship suspected of having conducted illegal, unreported or unregulated fisheries is in progress, shall file a report on the closure of business until the period of such disposition has expired or such investigation has been completed. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*



(2) The method, procedure, and deadline for reporting on business closures under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

#### **Article 11 (Cancellation, etc. of Permit for Distant Water Fisheries)**

(1) The Minister of Oceans and Fisheries may cancel a permit for distant water fisheries or order the suspension of distant water fisheries for a specified period not exceeding six months in any of the following cases: Provided, That a permit for distant water fisheries shall be cancelled where a person commits an offense falling under subparagraph 1: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>

1. Where a person has obtained a permit by fraudulent or other unjust means;
2. Where a person breaches any term or condition of a permit under Article 6;
3. Where a person becomes disqualified as prescribed in Article 8;
4. Where a distant water fishery operator violates Article 12;
5. When a person breaches any rule prescribed in Article 13.

(2) Where a person engaged in distant water fisheries violates this Act or an order issued under this Act, the Minister of Oceans and Fisheries may request the head of the relevant administrative agency to cancel or suspend the person's license as a ship officer or to issue a reprimand to the ship officer. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Upon receipt of a request under paragraph (2), the head of the relevant administrative agency shall comply with such request.

(4) The criteria and procedure for the measures provided for in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 12 (Reporting on Temporary Business Closure)**

(1) If a person who has obtained a permit for distant water fisheries under Article 6 intends to temporarily close his/her business for at least one consecutive year, he/she shall determine the period of temporary business closure and report thereon with the Minister of Oceans and Fisheries in advance, but no temporary business closure shall continue for more than two years. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a person who has filed a report pursuant to paragraph (1) intends to resume distant water fisheries before the end of the reported period of temporary business closure, he/she shall file a report thereon with the Minister of Oceans and Fisheries in advance. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 12-2 (Control and Management of Nationals)**

(1) No nationals of the Republic of Korea shall conduct illegal, unreported, or unregulated fisheries in overseas waters, and shall comply with rules for operators, etc. of distant water fisheries business under Article 13 (2).

(2) The Minister of Oceans and Fisheries shall, where a national of the Republic of Korea is suspected of having conducted or supported illegal, unreported, or unregulated fisheries, take appropriate measures necessary for preventing the recurrence of such illegal, unreported, or unregulated fisheries, to an extent not hindering the relevant state from taking responsibilities.

(3) The Minister of Oceans and Fisheries shall endeavor to prevent any person from conducting or supporting illegal, unreported, or unregulated fisheries, in cooperation with an international fisheries organization or a coastal state.

### **Article 13 (Rules for Distant Water Fishery Operators to Observe)**

(1) Each operator of a distant water fisheries business and a person engaged in distant water fisheries (hereinafter referred to “an operator, etc. of a distant water fisheries business) shall conscientiously conduct fishing operations within the permitted scope of operations and shall comply with resolutions made by international fisheries organizations for the conservation and management of resources and international standards regarding fisheries in high seas. <Amended by Act No. 13001, Jan. 6, 2015>

(2) No operator, etc. of a distant water fisheries business shall engage in any of the following activities related to serious violations in overseas waters: <Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. Conducting fishing operations without any valid licence, authorization or permit, or registration issued by the state of flag or the relevant coastal state;
2. Failing to maintain such the amount of catch and detailed records thereof (including the data transmitted from fishing vessels monitoring system) as demanded by an international fisheries organization, or of falsely reporting such allowable amount of catch;
3. Conducting fisheries operations in any marine preserve established by an international fisheries organization or any coastal state, conducting fisheries operations during a prohibitive period of fisheries, or conducting fisheries operations without being allocated a catch quota or in excess of the catch quota;
4. Directly conducting fisheries operations for any resources, the fisheries operations of which are tentatively or permanently prohibited;
5. Fishing with prohibited or unauthorized fishing gear;
6. Forging or concealing a fishing vessel’s unique marking/identifier and registered matters;
7. Concealing, damaging, or removing any evidence related to inspections onboard a vessel;
8. Fisheries in violation of conservation and management measures of an RFMO in the areas under the purview of such RFMO;
9. Transshipping fish or a joint fishing operation, with a vessel listed by any international fisheries organization engaged in illegal, unreported, or unregulated fishing or assisting such vessel;
10. Interrupting the duty performance of an observer, such as the movement, embarking, disembarking and inspection;

11. Interrupting the embarking, disembarking, ship inspection, and communications of an inspector of the Port State or on board or violate any measure following an inspection by the Port State;

12. Failing to install a fishing vessel monitoring system or intentionally not operating the installed fishing vessel monitoring system.

(3) The Minister of Oceans and Fisheries shall take measures necessary to improve working conditions for non-Korean crew on board a Korean-flagged vessel and to prevent the infringement on their human rights and shall ensure that an operator of a distant water fisheries business, etc. complies with such measures.

*<Newly Inserted by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

(4) Rules with which an operator of distant water fisheries business, etc. shall comply may be prescribed by Ordinance of the Ministry of Oceans and Fisheries for the implementation of international agreements, the sustainable use of fishery resources, etc., in addition to the rules prescribed in paragraphs (1) through (3). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

(5) If deemed necessary for conservation and management measures of international fisheries organizations, the Minister of Oceans and Fisheries may require an operator of a distant water fisheries business, etc. to cooperate in an inspection conducted on board a vessel and to take charge of necessary measures in accordance with the procedure prescribed by international fisheries organizations. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*

(6) If an operator of a distant water fisheries business, etc. violates any rule prescribed in paragraphs (1) through (4), the Minister of Oceans and Fisheries may suspend support for the company engaged in distant water fisheries under Article 25 or subsidies or loans under Article 26 or may deprive the operator of his/her eligibility for such support, subsidies, or loans. *<Newly Inserted by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

(7) An operator of a distant water fisheries business, etc. shall, where having obtained a license, permit, or authorization abroad from an coastal state or having violated any rule under paragraphs (1) through (4), report the fact, causes, etc. to the Minister of Oceans and Fisheries. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

(8) Every investigation as to whether violations exist against any rules in paragraphs (1) through (4) to be observed by an operator of a distant water fisheries business, etc. and every disposition against violations shall be proceeded with as rapidly as possible. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

(9) The Minister of Oceans and Fisheries shall immediately take the following measures against an operator of a distant water fisheries business, etc. whose violation or suspicious violation of a rule under paragraph (2) has been detected: *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

1. Immediate suspension of activities for fisheries operations;
2. Entry into a designated port;
3. Prohibition of discharge and transshipment of the catch of fish.

(10) Matters necessary for measures to be taken under paragraph (5), reporting procedures under paragraph (7), and other related matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

#### **Article 13-2 (Requests for Submission of Materials)**

The Minister of Oceans and Fisheries may, where it is necessary for investigating whether an operator, etc. of a distant water fisheries business, etc. has violated any of the rules under Article 13, request any operator, etc. of a distant water fisheries business, etc. to provide related materials and information, and the operator, etc. of a distant water fisheries business, etc. so requested shall, unless any extraordinary ground exists, comply with such request.

#### **Article 14 (Port State Control Inspections)**

(1) When a ship laden with overseas catches intends to enter a domestic port, it shall submit an entry report to the Minister of Oceans and Fisheries, along with documents indicating the names and quantity of catches, such as certificates of catches, at least 48 hours before the scheduled entry to the port, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

(2) Where there is sufficient evidence that a ship which has submitted a report pursuant to paragraph (1), conducted or assisted illegal, unreported, or unregulated fisheries, the Minister of Oceans and Fisheries may prohibit the entry into the port of the ship. <Newly Inserted by Act No. 13001, Jan. 6, 2015>

(3) In any of the following cases, the Minister of Oceans and Fisheries may instruct public officials in charge of port state inspections prescribed by Ordinance of the Ministry of Oceans and Fisheries, to board a ship that reported its entry to a port pursuant to paragraph (1), and conduct an inspection on catches, logbooks, documents, or other things suspected of being involved in illegal, unreported, or unregulated fishing or make inquiries of people involved: <Newly Inserted by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. If the ship is laden with fish species managed by international fisheries organizations;
2. If the ship is listed by international fisheries organizations or a foreign government as a vessel involved in illegal, unreported, or unregulated fishing;
3. If the Minister of Oceans and Fisheries is notified by international fisheries organizations or a foreign government that the ship is suspected of having been involved in illegal, unreported, or unregulated fishing and is requested to inspect the ship;
4. Where the ship has the nationality of any state designated by a foreign government as a state of illegal, unreported, or unregulated fisheries;
5. Where the ship is laden with any fish species provided for in an agreement on the prevention of illegal, unreported, or unregulated fisheries concluded with a foreign government;
6. If the Minister of Oceans and Fisheries has evidence to suspect that the ship has been involved in illegal, unreported, or unregulated fishing or finds it necessary to conduct a special inspection.

(4) If it is found, as a result of a Port State control inspection conducted under paragraph (3), that a ship was involved in illegal, unreported, or unregulated fishing, the Minister of Oceans and Fisheries may prevent the entry, departure, and use of ports or may place restrictions on the unloading, transshipment, packing, processing of catches, the supply of fuel and goods, the utilization of port services such as maintenance and repair, and so forth. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

(5) Each public official who boards and inspects a ship under paragraph (3) shall carry a certificate of identification indicating his/her authority and produce it to relevant people. *<Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

(6) Matters necessary for the prevention of any port entry and departure under paragraphs (2) and (4) and the inspections and inquiries under paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

#### **Article 15 (Installation of Fishing Vessel Monitoring System)**

(1) A distant water fishery operator shall install a fishing vessel monitoring system on the permitted fishing vessel under Article 6 (1) prior to departing from port. *<Amended by Act No. 11982, Jul. 30, 2013>*

(2) An operator of a overseas cargo transportation business who has been registered as a fishery products transportation business pursuant to Article 24 (2) of the Marine Transportation Act shall install a fishing vessel monitoring system. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

(3) Requirements for vessel monitoring systems under paragraphs (1) and (2) and other matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*

#### **Article 15-2 (Special Management of Ships Belonging to High-Risk Group)**

The Minister of Oceans and Fisheries shall, in order to eradicate illegal, unreported or unregulated fisheries, categorize any of the following ships as those belonging to a high-risk group to specially manage them:

1. A ship for which a permit for distant water fisheries has been cancelled pursuant to Article 11 or against which a disposition of suspension has been taken twice in the recent three years;
  2. A ship which has been sold to a third party or its nationality has been changed to a third state while subject to an administrative disposition or investigation for the suspicion of its involvement in illegal, unreported, or unregulated fisheries;
  3. A ship of a national of the Republic of Korea who has violated Article 12-2 (1).
- (2) The Minister of Oceans and Fisheries shall establish and implement a plan for special management with respect to ships belonging to high-risk group of illegal, unreported, or unregulated fisheries.

#### **Article 16 (Reporting on Results of Fishing Operations)**

(1) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) or a person who has obtained approval for exploratory fishing pursuant to Article 17 (1) shall report the current status

of operations of the relevant fisheries, the amounts of catches, and the amount of unloading or the amount of transshipment or sales to the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

(2) A person who has obtained a permit for distant water fisheries pursuant to Article 6 (1) or a person who has obtained approval for exploratory fishing pursuant to Article 17 (1) shall, in cases of intending to transship the catch of fish, obtain, in advance, a permit from the Minister of Oceans and Fisheries. <Amended by Act No. 13001, Jan. 6, 2015>

(3) Fisheries subject to reporting under paragraph (1) and other necessary matters concerning the procedure and method for reporting shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

(4) Detailed matters necessary for permission for transshipment under paragraph (2) shall be determined and publicly announced by the Minister of Oceans and Fisheries. <Newly Inserted by Act No. 13001, Jan. 6, 2015>

#### **Article 16-2 (Performance Review on Distant Water Fisheries Operation)**

(1) The Minister of Oceans and Fisheries shall conduct a performance review on the operations of the distant water fisheries industry including, inter alia, illegal, unreported, and unregulated fishing (hereinafter referred to as "performance review"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and shall publish the results of the review.

(2) The methods and time-frame for conducting the performance review under paragraph (1), the means to publish the results, and other relevant procedures shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 17 (Exploratory, Research, and Training Fishing)**

(1) A person who intends to engage in exploratory fishing in order to develop new fishing gear, fishing method, or fishing ground in international waters (hereinafter referred to as "exploratory fishing") shall formulate a plan for exploratory fishing and obtain approval for such exploratory fishing from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) When the Minister of Oceans and Fisheries deems it necessary to develop new fishing gear, fishing method, or fishing ground in view of the regulations, etc. imposed by international fisheries organizations and coastal states, he/she may require a person who has obtained approval for exploratory fishing to engage in exploratory fishing jointly with a testing and research institute. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Notwithstanding paragraphs (1) and (2) and Article 6, where a person intends to engage in research fishing or training fishing at research institutions designated by the Minister of Oceans and Fisheries, institutions for the training and dissemination of fisheries technologies, training institutions or educational institutions, he/she may engage in research fishing or training fishing. <Amended by Act No. 8852, Feb. 29,

2008; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for exploratory fishing, research fishing, or training fishing under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 17-2 (Authority of Judicial Police)**

A public official in charge of monitoring, surveillance, and control of fisheries and a public official in charge of the Port State inspection shall, with respect to acts of violation of this Act or a measure under this Act, perform the duties of judicial officers pursuant to the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of their Duties.

#### **Article 18 (Promotion of, and Assistance to, International Fisheries Cooperation Projects)**

(1) The Minister of Oceans and Fisheries shall formulate policies to establish a system for international cooperation in fisheries, secure marine resources in international waters for enterprises engaged in the distant water fisheries industry, and promote international cooperation in fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may fully or partially subsidize expenses incurred in implementing the following international fisheries cooperation projects within budgetary limits, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

1. Negotiations with an international fisheries organization, a foreign government, or a foreign fisheries-related institution or organization in relation to the distant water fisheries industry and the conclusion of agreements thereon;
2. International exchange of information, technology, and human resources in relation to the distant water fisheries industry;
3. International standardization of technology, joint surveys and research, and technological cooperation in relation to the distant water fisheries industry;
4. Hosting international academic conferences and international exhibitions in relation to the distant water fisheries industry;
5. Market research and analysis of overseas fishery products and systematic dissemination of information collected in relation to the distant water fisheries industry;
6. Nurturing and education of foreign seafarers and ship officers;
7. Other matters deemed necessary for international cooperation in the distant water fisheries industry.

(3) The Minister of Oceans and Fisheries may provide administrative and financial assistance necessary to facilitate activities of institutions and organizations related to international fisheries for international cooperation in fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

#### **Article 19 (Establishment of Comprehensive Information System on Distant Water Fisheries Industry)**

(1) The Minister of Oceans and Fisheries may establish and operate a comprehensive information system on the distant water fisheries industry to facilitate the revitalization of the distant water fisheries industry. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Deleted. *<by Act No. 11982, Jul. 30, 2013>*

#### **Article 20 (Facilitation of Dissemination of New Technologies and Techniques concerning Distant Water Fisheries Industry)**

(1) The Minister of Oceans and Fisheries shall devise measures to manage and disseminate relevant technological information in a systematic and comprehensive manner in order to facilitate the advancement of new technologies related to the distant water fisheries industry. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may recommend distant water fisheries industry operators to introduce and implement new technologies and techniques for the distant water fisheries industry and may provide them with administrative and financial assistance necessary therefor. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 21 (Facilitation of Surveys and Research of Marine Resources in International Waters)**

The Minister of Oceans and Fisheries shall conduct the following projects, such as surveys of marine resources in international waters, the promotion of research on distant water fisheries, and the advancement of science and technology for distant water fisheries: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

1. International collaborative surveys and assessment of fishery resources;
2. Development of new fishing grounds and fish farms in international waters;
3. Operation of observer programs;
4. Surveys based on marine biodiversity.

#### **Article 22 (Implementation of Honorary Marine and Fisheries Officer Program)**

(1) The Minister of Oceans and Fisheries may commission persons engaged in the distant water fisheries industry in major coastal states as honorary marine and fisheries officers to efficiently promote the distant water fisheries industry. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Allowances may be paid within budgetary limits to honorary marine and fisheries officers commissioned under paragraph (1).

(3) Matters necessary for the qualifications, missions and allowances of honorary marine and fisheries officers, and other matters shall be prescribed by Ordinance of Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Deleted. *<by Act No. 11982, Jul. 30, 2013>*

#### **Article 23 (Reporting on Business Plans concerning Distant Water Fisheries)**

(1) A person who intends to engage in a business related to distant water fisheries shall report his/her business plan to the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. The foregoing shall also apply where a person intends to revise any significant matters prescribed by Presidential Decree



in the report already filed. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Upon receipt of a report under paragraph (1), the Minister of Oceans and Fisheries may conduct necessary investigations, as prescribed by Presidential Decree, and recommend the person who reported his/her business plan to adjust or supplement it, if deemed necessary for public interests. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters subject to investigations under paragraph (2), the detailed procedure for such investigations, subject-matter for adjustment and recommendation of a business plan, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 24 (Joint Reporting, etc.)**

(1) Two or more persons who intend to jointly file a report on the same business related to distant water fisheries pursuant to Article 23 (hereinafter referred to as "joint reporters") shall designate a representative and file a report with the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Joint reporters shall designate as their representative, a corporation incorporated by one or all of them under the relevant Act of the Republic of Korea to engage in the relevant business related to distant water fisheries.

(3) The representative designated under paragraph (2) shall represent the joint reporters in matters relating to the Government.

(4) If at least two persons compete with one another to operate an identical business related to distant water fisheries, the Minister of Oceans and Fisheries may advise the persons in competition on matters necessary for the prevention of overlapping investments, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 25 (Assistance to Companies related to Distant Water Fisheries)**

(1) When a distant water fishery operator classified as a small or medium enterprise defined under Article 2 of the Framework Act on Small and Medium Enterprises establishes another company to operate a business related to distant water fisheries (hereinafter referred to as "related company"), the Minister of Oceans and Fisheries may assist such operator in the incorporation and operation of the company, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Government may permit a related company established by a distant water fishery operator to preferentially occupy any of the following facilities:

1. Logistics facilities in a port hinterland complex under the Harbor Act;
2. Other facilities prescribed by Presidential Decree.

(3) If a related company established by a distant water fishery operator meets the requirements prescribed by Presidential Decree, such as the age of ships, the Minister of Oceans and Fisheries may grant a preferential permit for distant water fisheries under Article 6 to such company. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

## **Article 26 (Subsidies and Loans)**

(1) Where necessary to facilitate the development of related companies, the Government may subsidize the following expenses, as prescribed by Presidential Decree:

1. Expenses incurred in conducting surveys for the implementation of projects;
2. Expenses incurred in complying with international standards and in safety management;
3. Expenses incurred in relation to international cooperation and technological exchange with foreign countries as necessary for the implementation of projects;
4. Other expenses prescribed by Presidential Decree, incurred in implementing projects.

(2) The Government may subsidize or lend all or some of the necessary fund or provide support for securing a building site, where an operator, etc. of a distant water fisheries business performs any of the following business: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13001, Jan. 6, 2015>*

1. Purchase of a fishing vessel (including carriers) or fishing gear necessary for a project, or the installation and operation of a facility;
2. Funds for leasing or purchasing the land necessary for a project;
3. Informatization, standardization of, or collaboration in projects;
4. Development and application of high technologies;
5. Advertising of fishery products produced by a project for facilitating the sale of such products and entry into overseas markets;
6. Surveys on resources in international fishing grounds and projects for the development of overseas fish farms;
7. Other business activities specified by Ordinance of the Ministry of Oceans and Fisheries as necessary for the efficient management of the distant water fisheries industry.

(3) If deemed necessary for the improvement of management structure of a distant water fisheries business, the Government may scrap or reduce fishing vessels, or subsidize expenses incurred in doing so. *<Newly Inserted by Act No. 13001, Jan. 6, 2015>*

(4) Matters regarding the standards for, and terms and conditions of subsidization and lending of the funds under paragraphs (1) and (2), and the standards for, and terms and conditions of scrapping and reductions under paragraph (3), shall be prescribed by Presidential Decree. *<Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>*

## **Article 26-2 (Relocation of Graves of Seafarers who Died Abroad while Engaged in Distant Water Fisheries, etc.)**

(1) The Government may provide assistance, within budgetary limits, as necessary for the maintenance of graves of seafarers who died abroad while hired for a ship operated in distant water fisheries and were buried in a cemetery in a foreign country or for the transportation of the corpses or remains of dead seafarers to bury them in the Republic of Korea.

(2) Matters necessary for the eligibility for, and the scope of, the assistance under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 27 (Special Exception to Taxation)**

The Government may fully or partially exempt a person from income tax, corporate tax, etc. as provided for in the Restriction of Special Taxation Act and other relevant Acts and subordinate statutes, in order to facilitate the advancement of the distant water fisheries industry.

#### **Article 28 (Establishment of Korea Overseas Fisheries Association)**

(1) Distant water fisheries industry operators may establish the Korea Overseas Fisheries Association (hereinafter referred to as the "Association"), upon obtaining authorization of the Minister of Oceans and Fisheries, in order to promote the sound development of the distant water fisheries industry and to pursue their common interests, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Association shall be duly formed when it completes the registration for its establishment with the authorization for establishment under paragraph (1).

(3) The Association shall be a corporation.

(4) The provisions governing incorporated associations in the Civil Act shall apply mutatis mutandis to the Association, except as otherwise expressly provided for in this Act.

(5) The Minister of Oceans and Fisheries may provide assistance to the Association, if necessary for the development of the distant water fisheries industry. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) Duties of the Association and matters that shall be stipulated by its articles of association shall be prescribed by Presidential Decree.

**Article 29 Deleted.** *<by Act No. 13001, Jan. 6, 2015>*

#### **Article 30 (Delegation or Entrustment of Authority)**

(1) The Minister of Oceans and Fisheries may partially delegate his/her authority under this Act to the heads of subordinate agencies, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may partially entrust his/her authority under this Act to the Association or an institution or organization related to international fisheries under Article 18 (3), as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries may fully or partially subsidize expenses incurred in conducting entrusted business affairs. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>*

**Article 31 Deleted.** *<by Act No. 13001, Jan. 6, 2015>*

#### **Article 32 (Hearings)**

When the Minister of Oceans and Fisheries intends to cancel or suspend a permit for fisheries under Article 11, he/she shall hold a hearing thereon. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 33 (Penalty Provisions)**

(1) Each person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not exceeding five years, or by a fine of: ( ) not exceeding five times the value of the marine products on the basis of the three-year average wholesale prices thereof; or ( ) not exceeding one billion won, whichever is greater: Provided, That a person who has committed violations two or more times within five years shall be punished by imprisonment with labor for not exceeding five years, or by a fine prescribed in: ( ) not more than eight times the value of the marine products on the basis of the three-year average wholesale prices; or ( ) not more than 1.6 billion won, whichever is greater: <Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. A person who has performed distant water fisheries without obtaining a permit for modification under Article 6 (1) or who has obtained a permit for distant water fisheries in a false or other unjust manner;
2. A person who has violated any rules under Article 12-2 (1) (excluding where a person has received punishment for the violation corresponding to that under this Act in the relevant state);
3. A person who has committed an act amounting to a serious violation under Article 13 (2);
4. A person who fails to report on the amount of catches, and the amount unloaded or the amount transshipped under Article 16 (2), or who has falsely report thereon;
5. A person who fails to obtain a permit for transshipment under Article 16 (2) or who has obtained such permit in a false manner.

(2) Any of the following persons shall be punished by imprisonment for not exceeding two years, or by a fine not exceeding 20 million won: <Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. A person fails to report on port entry under Article 14 (1);
2. A person who has engaged in any distant water fisheries without making an initial report or report of modification under Article 6 (7) or has conducted a business related to distant water fisheries without making an initial report or report of modification under Article 23 (1);
3. A person who has conducted a business other than the reported purpose after having made an initial report or report of modification under Article 6 (7), or has conducted a business other than the reported purpose after having made an initial report or report of modification under Article 23 (1);
4. A person who has made a false initial report or false report of modification under Article 6 (7), or has made a false initial report or false report of modification under Article 23 (1).

(3) Any of the following persons shall be punished by imprisonment for not exceeding one year, or by a fine not exceeding ten million won: <Amended by Act No. 11982, Jul. 30, 2013; Act No. 13001, Jan. 6, 2015>

1. A person who fails to report under Article 13 (7);
2. A person who fails to comply with a request to provide materials and information under Article 13-2 without any justifiable reason.

(4) In cases falling under any of paragraphs (1) through (3), imprisonment with labor and a fine may be imposed concurrently.

(5) In cases falling under any of paragraphs (1) through (3), a fine shall be the amount corresponding to the gravity of the relevant violation so as to effectively deprive the relevant party of economic gains attributable to such violation and suppress illegal, unreported, or unregulated fisheries, and shall, if two or more violations have been discovered at the same time, be calculated by aggregating the amounts corresponding to the respective violations: Provided, That the degree of such punishment shall not infringe upon the legitimate rights of a person engaged in distant water fisheries to perform the business. <Newly Inserted by Act No. 13001, Jan. 6, 2015>

#### **Article 34 (Joint Penalty Provisions)**

If a representative of a corporation or an agent, employee, or other servant of the corporation or an individual commits an offence under Article 33 in connection with the business of the corporation or individual, not only shall such offender be punished, but the corporation or individual also shall be punished by a fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

#### **Article 35 (Confiscation)**

(1) In cases falling under Article 33, catches, products, fishing vessels, fishing gear, explosives, or toxic substances owned or carried by a criminal may be confiscated. <Amended by Act No. 13001, Jan. 6, 2015>

(2) If it is impracticable to confiscate all or some of things owned or carried by a criminal under paragraph (1), a penalty equivalent to the value may be additionally levied on the criminal.

#### **Article 36 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding five million: <Amended by Act No. 11982, Jul. 30, 2013>

1. A person who fails to file a report in accordance with the proviso to Article 6 (1);
2. A person who fails to file a report in accordance with Article 10;
3. A person who temporarily closes his/her business or who engages in distant water fisheries, without filing a report thereon pursuant to Article 12 (1) or (2);
4. and 5. Deleted. <by Act No. 13001, Jan. 6, 2015>

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) through (5) Deleted. <by Act No. 11982, Jul. 30, 2013>

### ADDENDA

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

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

#### **Article 2 (General Transitional Measures)**

Dispositions, proceedings, and other acts made or done under the previous Fisheries Act and the previous Overseas Resources Development Business Act before this Act enters into force shall be deemed made or done under this Act, if relevant provisions exist in this Act.

**Article 3 (Transitional Measure concerning Permission, Reporting, etc.)**

The previous provisions shall apply to cases regarding which an application for permission or a report was filed pursuant to the previous Fisheries Act and the former Overseas Resources Development Business Act before this Act enters into force and the process for which is still pending as at the time this Act enters into force.

**Article 4 (Transitional Measure concerning Penalty Provisions, etc.)**

A violation of the previous Fisheries Act before this Act enters into force shall be governed by the previous penalty provisions or previous provisions regarding administrative fines.

**Article 5 (Transitional Measures concerning Korea Deep Sea Fisheries Association)**

(1) When the Korea Deep Sea Fisheries Association (hereinafter referred to as the "Korea Deep Sea Fisheries Association"), established as an incorporated association under the Civil Act before this Act enters into force, completes the registration for incorporation with approval therefor from the Minister of Maritime Affairs and Fisheries following resolution by its board of directors on succession to its status shall be deemed the Overseas Fisheries Association established under Article 28. In such cases, the Korea Deep Sea Fisheries Association shall be deemed dissolved, notwithstanding the provisions concerning the dissolution and liquidation of a corporation in the Civil Act.

(2) The assets, rights, and obligations of the Korea Deep Sea Fisheries Association under paragraph (1) shall be deemed the assets, rights, and obligations of the Overseas Fisheries Association established under Article 28, and the title of the Korea Deep Sea Fisheries Association registered in the registers and other official records concerning such assets, rights, and obligations shall be deemed the title of the Overseas Fisheries Association established under Article 28.

(3) The value of assets deemed owned by the Overseas Fisheries Association established under Article 28 under paragraph (2) shall be based on the book value as at the date immediately before the registration date of incorporation under paragraph (1).

(4) For the purpose of paragraph (1), acts done by the Korea Deep Sea Fisheries Association before this Act shall be deemed acts done by the Overseas Fisheries Association established under Article 28, while acts done to or against the incorporated Korea Deep Sea Fisheries Association shall be deemed acts done to or against the Overseas Fisheries Association established under Article 28.

(5) For the purpose of paragraph (1), executives and employees of the Korea Deep Sea Fisheries Association as at the time this Act enters into force shall be deemed elected or appointed as executives and employees of the Overseas Fisheries Association established under Article 28. In such cases, the term of office for each executive shall coincide with the remaining term of office under the previous articles of association of the Korea Overseas Fisheries Association.

**Article 6 Omitted.**

**Article 7 (Relationship to other Acts and Subordinate Statutes)**

A citation of the Fisheries Act or any provision thereof in any other Act or subordinate statute in force as at the time this Act enters into force shall be deemed a citation of this Act or the relevant provision hereof in lieu of the Fisheries Act or the previous provision, if such provision exists herein.

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9627, Apr. 22, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDUM <Act No. 10122, Mar. 17, 2010>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11982, Jul. 30, 2013>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Reporting on Business Closure, etc. of Distant Water Fisheries)**

The amended provisions of Article 10 (1) shall apply beginning with the first person who permanently closes his/her business reported for distant water fisheries under Article 6 (2) or becomes unable to continue such business after this Act enters into force.

**Article 3 (Applicability to Restrictions on Assistance to Distant Water Fishery Operators)**

The amended provisions of Article 13 (6) shall apply beginning with the first distant water fishery operator who violate any rule prescribed in Article 13 (1) through (4) after this Act enters into force.

**Article 4 (Transitional Measure concerning Installation of Vessel Monitoring Systems in Fishing Vessels)**

A fishing vessel with permission for distant water fisheries under Article 6 (1) before this Act enters into force, but with no vessel monitoring system installed therein shall have a vessel monitoring system installed in accordance with the amended provisions of Article 15 (1) within six months after this Act enters into force.

**Article 5 (Transitional Measure concerning Penalty Surcharges)**

Notwithstanding the amended provisions of Article 29, the imposition of a penalty surcharge for a violation committed before this Act enters into force shall be governed by the previous provisions.

**Article 6 (Transitional Measure concerning Penalty Provisions)**

Notwithstanding the amended provisions of Article 33, the application of penalty provisions for a violation committed before this Act enters into force shall be governed by the previous provisions.

**Article 7 (Transitional Measure concerning Administrative Fines)**

Notwithstanding the amended provisions of Article 36, the imposition of an administrative fine for a violation committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 12486, Mar. 18, 2014>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measure concerning Incompetent Persons, etc.)**

The term “adult under guardianship” under the Amended provisions of Article 8 (1) 1 shall be deemed to include those person for whom the declaration of incompetency or quasi-incompetency shall remain effective pursuant to Article 2 of Attached Table of Act No. 10429, Partial Amendment to the Civil Act.

ADDENDA <Act No. 13001, Jan. 6, 2015>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measure concerning Penalties)**

The previous provisions of this Act shall apply to cases of imposing penalties on violations committed before this Act enters into force.

**Article 3 (Transitional Measure concerning Administrative Fines)**

The previous provisions of this Act shall apply to cases of imposing administrative fines on violations committed before this Act enters into force.