

ACT ON THE PROMOTION OF AND SUPPORT FOR RETURN TO AGRICULTURAL AND FISHING VILLAGES AND RURAL COMMUNITIES

Act No. 13019, Jan. 20, 2015

Amended by Act No. 13383, Jun. 22, 2015

Act No. 14642, Mar. 21, 2017

Act No. 16117, Dec. 31, 2018

Act No. 17618, Dec. 8, 2020

Article 1 (Purpose)

The purpose of this Act is to contribute to the sustainable development of rural communities by inducing stable settlement of persons returning to farming or fishing and persons returning to rural communities by prescribing matters related to promoting and supporting return to farming and fishing and return to rural communities.

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jun. 22, 2015; Dec. 31, 2018; Dec. 8, 2020>*

1. The term "agriculture and fisheries" means agriculture defined in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry, and fisheries and aquaculture defined in subparagraph 1 (a) and (e) of Article 3 of the Framework Act on Fisheries and Fishing Villages Development, respectively;
2. The term "rural community" means a farming village defined in subparagraph 5 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry or a fishing village defined in subparagraph 6 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development;
3. The term "person returned to farming or fishing" means a person meeting the standards prescribed by Presidential Decree other than a farmer defined in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry or a fisherman defined in subparagraph 3 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development, among those who have migrated from non-rural communities to rural communities to become farmers or fishermen prescribed by Presidential Decree;

4. The term "person returned to a rural community" means a person prescribed by Presidential Decree other than a farmer defined in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry or a fisherman defined in subparagraph 3 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development, among those who have voluntarily migrated to rural communities;

5. The term "subsidy" means all kinds of financial support provided by the State or local governments such as grants, loans, compensation for differences in interest and tax benefits pursuant to Articles 15 through 21.

Article 3 (Obligations of the State)

The State and each local government shall create necessary systems and conditions to enable persons who have returned to farming or fishing and persons who have returned to rural communities to lead a stable rural community life and to formulate and implement policies therefor.

Article 4 (Relationship to Other Statutes)

With respect to programs related to supporting persons who have returned to farming or fishing and persons who have returned to rural communities, this Act shall prevail over other Acts.

Article 5 (Formulation of Comprehensive Plans)

(1) In order to support the stable settlement of persons who have returned to farming or fishing and persons who have returned to rural communities and the formation of foundation for the management of agricultural or fisheries business, the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall formulate a comprehensive plan for supporting return to farming or fishing and return to rural community (hereinafter referred to as "comprehensive plan") every five years.

(2) A comprehensive plan shall include the following matters:

1. Status of and prospects for return to farming and fishing and return to rural communities;
2. Basic direction-setting and targets of the support for return to farming and fishing and return to rural communities;
3. Matters concerning the fact-finding investigation on return to farming and fishing and return to rural communities;
4. Plans for education and training related to return to farming and fishing and return to rural communities and for training of experts;
5. Plans for publicity of return to farming and fishing and return to rural communities and for the facilitation of informatization;
6. Matters concerning the provision of support for the dwelling, living, and management of agricultural and fisheries business of persons who have returned to farming or fishing and persons who have returned to rural communities;

7. Plans for financing for the provision of support for return to farming and fishing and return to rural communities;

8. Other matters prescribed by Presidential Decree for the provision of support for return to farming and fishing and return to rural communities.

(3) In formulating or modifying a comprehensive plan, the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall pre-consult with the heads of central administrative agencies concerned: Provided, That the same shall not apply to the modification of any minor matters prescribed by Presidential Decree.

(4) In formulating or modifying a comprehensive plan, the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall submit such formulation or modification for deliberation by the Central Council for Deliberation on Policies for Agriculture, Farming Villages and Food Industry under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry and the Central Council for Deliberation on Policies for Fisheries and Fishing Villages under Article 8 of the Framework Act on Fisheries and Fishing Villages Development: Provided, That the same shall not apply to the modification of any minor matter of the comprehensive plan prescribed by Presidential Decree.

<Amended on Jun. 22, 2015>

(5) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall formulate and execute an implementation plan for supporting return to farming and fishing and return to rural communities (hereinafter referred to as "implementation plan") each year based on the comprehensive plan.

(6) The Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries shall submit an implementation plan and a performance record for five years preceding the formulation of a comprehensive plan to the Central Council for Deliberation on Policies for Agriculture, Farming Villages and Food Industry and the Central Council for Deliberation on Policies for Fisheries and Fishing Villages referred to in paragraph (4). *<Amended on Jun. 22, 2015>*

(7) Where deemed necessary for formulating an implementation plan, the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries may request a Metropolitan City Mayor, Metropolitan Autonomous City Mayor, Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") to submit data necessary for formulating the implementation plan. In such cases, a Mayor/Do Governor in receipt of the request for submission of data shall comply therewith except in extenuating circumstances.

Article 6 (Formulation and Implementation of City/Do Plans and Si/Gun/Gu Plans)

(1) A Mayor/Do Governor shall formulate and implement a City/Do plan for supporting return to farming and fishing and return to rural communities (hereinafter referred to as "City/Do plan") every five years based upon the comprehensive plan formulated under Article 5.

(2) The head of a Si/Gun or an autonomous Gu of a Metropolitan City (hereinafter referred to as "head of a Si/Gun/Gu") shall formulate and implement a Si/Gun/Gu plan for supporting return to farming and fishing and return to rural communities (hereinafter referred to as "Si/Gun/Gu plan") every five years based upon the City/Do plan.

(3) In formulating a City/Do plan or Si/Gun/Gu plan, a Mayor/Do Governor or the head of a Si/Gun/Gu shall undergo deliberation by the City/Do Council for Deliberation on Policies for Agriculture, Farming Villages and Food Industry and the Si/Gun/Gu Council for Deliberation on Policies for Fisheries and Fishing Villages under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry and the City/Do Council for Deliberation on Policies for Fisheries and Fishing Villages and Si/Gun/Gu Council for Deliberation on Policies for Fisheries and Fishing Villages under Article 8 of the Framework Act on Fisheries and Fishing Villages Development, respectively. The same shall also apply to any modification of a City/Do plan or Si/Gun/Gu plan. *<Amended on Jun. 22, 2015>*

(4) When a Mayor/Do Governor formulates or modifies a City/Do plan, he or she shall notify the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries thereof without delay.

(5) Matters necessary for the formulation, implementation, etc. of a City/Do plan and a Si/Gun/Gu plan shall be prescribed by Presidential Decree.

Article 7 (Support for Settlement of Persons Who Have Returned to Farming or Fishing and Persons Who Have Returned to Rural Communities)

(1) The State and each local government may promote necessary programs to enable persons who have returned to farming or fishing and persons who have returned to rural communities to engage in agricultural or fishery business or to settle in rural communities. In such cases, persons who intend to become farmers or fishermen and meet the standards prescribed by Presidential Decree among those residing in a rural community may be subject to the programs. *<Amended on Dec. 31, 2018>*

(2) The State and each local government may fully or partially subsidize expenses incurred in the promotion of the programs under paragraph (1).

Article 8 (Support for Early Stage of Return to Farming or Fishing)

(1) Where it is deemed impracticable for a person who have returned to farming or fishing to manage stable farming or fishing due to any natural disaster, etc. within the period prescribed by Presidential Decree after his or her return to farming or fishing, the State and the competent local government may provide necessary support.

(2) The standards for supporting persons who have returned to farming or fishing, persons eligible for the support and the details of the support under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Fact-Finding Investigation, Production of Statistics on Return to Farming and Fishing and Return to Rural Communities)

(1) In order to efficiently formulate and implement a comprehensive plan and policies for supporting persons who have returned to farming or fishing and persons who have returned to rural communities, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall conduct a fact-finding investigation on the status, etc. of return to farming and fishing and return to rural communities, etc.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall produce, manage and announce statistics on return to farming and fishing and return to rural communities by referring to the fact-finding investigation conducted under paragraph (1), and may consult with the Commissioner of the Statistics Korea, if necessary.

(3) Where necessary for the production of statistics under paragraph (2), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies, the heads of local governments, etc. to provide data. In such cases, the heads of the relevant central administrative agencies, etc. shall provide them, except in extenuating circumstances.

(4) The frequency of conducting fact-finding investigations under paragraph (1), the scope and methods thereof, and other necessary matters, shall be prescribed by Presidential Decree.

Article 10 (Designation of Support Centers for Return to Farming and Fishing and Return to Rural Communities)

(1) The State and each local government may provide necessary support to, and conduct education and training of, persons who have returned to farming or fishing and persons who have returned to rural communities.

(2) If necessary to provide support and conduct education and training under paragraph (1), the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of a local government may designate a corporation or organization that meets the requirements prescribed by Presidential Decree, including those for professional human resources and facilities, as a support center for return to farming and fishing and return to rural communities (hereinafter referred to as "support center").

(3) Where the head of a local government intends to designate a support center under paragraph (2), he or she shall pre-consult with the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.

(4) A support center shall perform the following programs:

1. Provision of counselling, guidance, and information to persons who are desirous of returning to farming or fishing or returning to rural communities, and implementation of education programs for them;
2. Teaching of farming and fishing technique to persons who desire to return to farming or fishing or returning to rural communities, and implementation of education programs for their adaptation to rural

communities;

3. Programs for the investigation and publicity related to return to farming or fishing and return to rural communities and to the development, etc. of policies;

4. Other programs prescribed by Presidential Decree to support persons returning to farming or fishing and persons returning to rural communities.

(5) The State and each local government may fully or partially subsidize expenses incurred in support centers designated under paragraph (2) for the performance and operation of the programs prescribed in subparagraphs of paragraph (4). *<Amended on Mar. 21, 2017>*

(6) Matters necessary for education and training under paragraph (1), designation of support centers under paragraph (2), etc. shall be prescribed by Presidential Decree.

Article 11 (Revocation, etc. of Designation of Support Centers)

(1) Where a support center designated under Article 10 (2) falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government may revoke such designation or order it to take corrective measures: Provided, That he or she shall revoke the designation in cases falling under subparagraph 1:

1. Where the designation is obtained by deceit or other illegal means;

2. Where it fails to meet the requirements for designation;

3. Where it fails to commence the programs prescribed in subparagraphs of Article 10 (4) continuously for not less than one year without just grounds;

4. Where it submits false data or report to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of the central administrative agency concerned or the head of a local government or interferes with inspection, in connection with Article 24 (1).

(2) Where the head of a local government revokes the designation of a support center or orders to take corrective measures under paragraph (1), he or she shall notify the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries thereof.

Article 12 (Establishment and Operation of Integrated Information System)

(1) In order to efficiently formulate and implement policies to support persons who have returned to farming or fishing and persons who have returned to rural communities, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may establish and operate an integrated information system concerning the programs to support persons who have returned to farming or fishing and persons who have returned to rural communities, farming and fishing technique, information on rural community life, and institutions, organizations, etc. related to persons who have returned to farming or fishing.

(2) Matters necessary for establishing and operating an integrated information system under paragraph (1) shall be prescribed by Presidential Decree.

Article 13 (Exchange with Local Residents, Promotion of Policies for Cooperation)

(1) In order to promote the exchange and cooperation between persons who have returned to farming or fishing or persons who have returned to rural communities and local residents, the State and each local government may promote the following policies for exchange and cooperation:

1. Programs for local residents to promote return to farming or fishing and return to rural community;
2. Programs for exchange and cooperation between persons who have returned to farming or fishing or persons who have returned to rural communities and local residents;
3. Organization and operation of organizations located inside and outside the area of jurisdiction, which are comprised of persons who have returned to farming or fishing, persons who have returned to rural communities and local residents, and programs linked thereto;
4. Other matters necessary for the exchange and cooperation between persons who have returned to farming or fishing or persons who have returned to rural communities and local residents.

(2) The State and each local government may fully or partially subsidize expenses incurred in implementing the programs prescribed in subparagraphs of paragraph (1).

(3) Details of programs under paragraph (1), ways to provide support, and other necessary matters shall be prescribed by Presidential Decree.

Article 14 (Holding of Exhibitions)

In order to promote return to farming and fishing and return to rural communities, the State and each local government may hold exhibitions on return to farming and fishing and return to rural communities, conventions to present outstanding examples of return to farming and fishing and return to rural communities, etc.

Article 15 (Support for Business Start-up and Purchase of House)

(1) The State and each local government may provide the following support for the stabilization of livelihood and the formation of foundation for the management of agricultural or fisheries business of persons who have returned to farming or fishing and persons who have returned to rural communities:

1. Recommendation of jobs for the stabilization of livelihood of persons who have returned to farming or fishing and persons who have returned to rural communities;
2. Support of funds, technology, management consulting necessary for business start-up by persons who have returned to farming or fishing and persons who have returned to rural communities;
3. Provision of information necessary for the employment and business start-up of persons who have returned to farming or fishing and persons who have returned to rural communities.

(2) For the residence stability of persons who have returned to farming or fishing and persons who have returned to rural communities, the State and each local government may subsidize expenses incurred in the purchase, new construction, repair or lease of their houses.

(3) Where any on-the-job training is conducted by an agricultural or fisheries corporation, etc. for persons who have returned to farming or fishing for their settlement in rural communities, the State and each local government may partially subsidize expenses incurred therein.

(4) Matters necessary for the qualifications, methods, procedures, etc. for the application under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 15-2 (Request for Data and Verification of Supporting Information)

(1) If necessary to ensure the smooth support and post management under this Act and to verify supporting information, etc., the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government may request related data from the head of a relevant central administrative agency, the head of a relevant local government or the head of a relevant public institution under the Act on the Management of Public Institutions. In such cases, the head of the relevant central administrative agency, etc. in receipt of the request shall comply with such request unless there is a compelling reason not to do so.

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government may require a relevant public official to conduct a field survey on a person who has received or intends to receive support, if necessary to verify whether supporting information is correct.

(3) The relevant public officials who enter land, farms, breeding ground, etc. of other persons to conduct a field survey under paragraph (2) shall carry an identification indicating authority and present it to interested persons.

Article 16 (Preferential Support to Persons Returned to Farming or Fishing and Persons Returned to Rural Communities)

Where the State and each local government provides any support for business start-up, housing purchasing fund, etc. to persons who relocated to areas requiring special support defined in subparagraph 7 of Article 2 of the Special Act on Balanced National Development among farming and fishing villages, as persons who have returned to farming or fishing and persons who have returned to rural communities, it may provide preferential treatment in taxation and interest rates.

Article 17 (Support for Purchase of Farmland and Fishing Ground)

(1) The State and each local government may subsidize expenses incurred by a person who have returned to farming or fishing to purchase or lease any farmland, cattle shed, breeding ground, fishing boat, fishing gear, etc. to form foundation for agricultural or fisheries business.

(2) Matters necessary for the qualifications, methods, procedures, etc. for the application under paragraph (1) shall be prescribed by Presidential Decree.

Article 18 (Support of Facilities and Equipment)

(1) The State, each local government, agricultural cooperatives and the National Agricultural Cooperatives Federation under the Agricultural Cooperatives Act, fisheries cooperatives and the National Fisheries Cooperatives Federation under the Fisheries Cooperatives Act, etc. may support business renting farming and fishing equipment and banking business to enable persons who have returned to farming or fishing and persons who have returned to rural communities to readily use the facilities, equipment, etc. necessary for their farming and fishing.

(2) The State, each local government, agricultural cooperatives and the National Agricultural Cooperatives Federation under the Agricultural Cooperatives Act, fisheries cooperatives and the National Fisheries Cooperatives Federation under the Fisheries Cooperatives Act, etc. may arrange mediation for idle farmland and facilities located inside and outside the jurisdiction and for newly installing, improving and repairing facilities to enable persons who have returned to farming or fishing and persons who have returned to rural communities to generate income through controlled agriculture or fisheries.

Article 19 (Selection of and Support for Outstanding Persons Who Have Returned to Farming or Fishing)

(1) The State and each local government may select a person who have returned to farming or fishing with professional agricultural or fisheries technology and management ability and is capable of taking a pivotal and leading role in the development of agricultural or fisheries business as an outstanding person who have returned to farming or fishing and provide him or her with necessary support.

(2) Matters necessary for the criteria, methods, procedures, application, etc. for the selection of outstanding persons who have returned to farming or fishing under paragraph (1) shall be prescribed by Presidential Decree.

Article 20 (Support to Corporations)

(1) The State and each local government may fully or partially subsidize expenses incurred in a corporation that implements programs for supporting persons who have returned to farming or fishing and persons who have returned to rural communities or provide administrative support required in performing such duties.

(2) The scope of corporations eligible for the subsidy of expenses or administrative support, the details of support, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 21 (Registration of and Support for Communities of Persons Who Have Returned to Farming or Fishing and Communities of Persons Who Have Returned to Rural Communities)

(1) Persons who have returned to farming or fishing or persons who have returned to rural communities may voluntarily organize an organization (hereinafter referred to as "community of persons who have returned to farming or fishing or community of persons who have returned to a rural community") to

engage jointly in farming or fishing or to share community life.

(2) The State and each local government may fully or partially subsidize expenses incurred in the operation of a community of persons who have returned to farming or fishing and a community of persons who have returned to a rural community.

(3) A community of persons who have returned to farming or fishing or a community of persons who have returned to a rural community that intends to obtain support under paragraph (2) shall select its representative and file a registration with the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu.

(4) The standards, procedures, methods, etc. for the registration under paragraph (3) shall be prescribed by Presidential Decree.

Article 21-2 (Restitution of Subsidies)

(1) Where a person who has received a subsidy falls under any of the following cases, the State or a local government may retribute all or part of the subsidy:

1. Where the person receives the subsidy by fraud or other improper means;
2. Where the person uses the subsidy for other than the purpose of subsidization;
3. Where the person fails to meet the requirements for receiving the subsidy.

(2) Matters necessary for the restitution of subsidies under paragraph (1) shall be prescribed by Presidential Decree.

Article 22 (Provision of Information)

The State and each local government may provide information related to dwelling, environment, transport, culture, education, etc. to enable persons who have returned to farming or fishing and persons who have returned to rural communities to lead a stable rural community life.

Article 23 (Reduction or Exemption of Tax)

The State and each local government may reduce or exempt any national tax or local tax for an organization or individual that operates a business that supports persons who have returned to farming or fishing and persons who have returned to rural communities, as prescribed by the Restriction of Special Taxation Act, the Restriction of Special Local Taxation Act, and other tax-related statutes.

Article 24 (Reports and Inspections)

(1) If necessary to facilitate implementation of support programs under this Act, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the head of a central administrative agency concerned, or the head of a local government may require a support center or a corporation under Article 20 (1) to file a report or submit data or require affiliated officials to inspect the affairs related to the support programs performed under this Act.

(2) A public official who conducts an inspection under paragraph (1) shall carry a document indicating his or her authority and present it to interested persons.

Article 25 (Hearings)

If the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of a local government intends to revoke a designation under Article 11 (1), he or she shall hold a hearing.

Article 26 (Delegation or Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of a related central administrative agency may delegate part of the his or her authority bestowed under this Act to Mayors/Do Governors or the heads of Sis/Guns/Gus, as prescribed by Presidential Decree.

(2) The State and each local government may entrust some of its duties imposed under this Act to institutions or organizations related to return to farming or fishing and return to rural communities, as prescribed by Presidential Decree.

Article 27 (Legal Fiction of Public Official in Application of Penalty Provisions)

An executive officer or employee of an organization related to return to farming or fishing and return to rural communities engaged in the affairs entrusted by the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, a Mayor/4Do Governor, or the head of a Si/Gun/Gu shall be deemed a public official in the application of penal provisions under Articles 129 through 132 of the Criminal Act or other Acts.

Article 28 (Penalty Provisions)

(1) A person who receives subsidies by fraud or other improper means or has other persons to receive subsidies shall be punished by imprisonment with labor for not more than 10 years or by a fine not exceeding 20 million won.

(2) A person who uses subsidies for other than the purpose of subsidization shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won.

ADDENDA <Act No. 13019, Jan. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Support Centers for Return to Farming or Fishing and Return to Rural Communities)

A support center for return to farming or fishing and return to rural communities having been established and operated under any other Act or ordinance of a local government as at the time this Act enters into force, shall be deemed a support center for return to farming or fishing and return to rural

communities under this Act.

Article 3 (Transitional Measures concerning Support Programs for Persons Returned to Farming or Fishing and Persons Returned to Rural Communities)

A support program for persons who have returned to farming or fishing and persons who have returned to rural communities that has been implemented under any other Act or ordinance of a local government as at the time this Act enters into force shall be deemed a support program for persons who have returned to farming or fishing and persons who have returned to rural communities under this Act.

ADDENDA <Act No. 13383, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 14642, Mar. 21, 2017>

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

ADDENDA <Act No. 16117, Dec. 31, 2018>

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

ADDENDA <Act No. 17618, Dec. 8, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

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