

FISHERIES SEED INDUSTRY PROMOTION ACT

Act No. 13385, jun. 22, 2015
Amended by Act No. 13426, Jul. 24, 2015
Act No. 16510, Aug. 20, 2019
Act No. 16568, Aug. 27, 2019
Act No. 17040, Feb. 18, 2020
Act No. 18699, Jan. 4, 2022
Act No. 19136, Dec. 27, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the fisheries seed industry as a high-value-added industry and to contribute to the sustainable development of fisheries by providing for matters concerning research on and the preservation, production, and distribution of seeds for fisheries and the promotion of and support to the fisheries seed industry.

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Feb. 18, 2020>*

1. The term "seeds for fisheries" means seeds of aquatic animals and seeds of aquatic plants;
2. The term "seeds of aquatic animals" means sperm, eggs, fry, and spat of aquatic animals, and others prescribed by Presidential Decree;
3. The term "seeds of aquatic plants" means seeds, spores, and leaves, stems, and roots which are nutritious substances of aquatic plants, and others prescribed by Presidential Decree;
4. The term "fisheries seed industry" means the industry that researches and develops, preserves, breeds, increases, produces, distributes, exports, and imports seeds for fisheries;
5. The term "business operator in the fisheries seed industry" means a person who operates the business involved in the fisheries seed industry;
6. The term "business of producing seeds for fisheries" means business of producing and selling seeds for fisheries by building facilities in any of the following waters, or selling seeds produced for fisheries as seeds for fisheries after raising them for a certain period:

- (a) Sea;
 - (b) Seashore;
 - (c) Inland waters;
 - (d) Inland waters artificially created with seawater, freshwater, or brackish water (water resulting from mixing of seawater with freshwater);
7. The term "producer of seeds for fisheries" means a person who operates a business of producing seeds for fisheries;
8. The term "broodfish" means fish that have characteristics appropriate for the purpose of multiplication because they have pure pedigree;
9. The term "broodstock" means shellfish that have characteristics appropriate for the purpose of multiplication because they have pure pedigree.

Article 3 (Responsibilities of the State and Local Governments)

- (1) The State and local governments shall formulate and implement policies necessary to strengthen ties between the fisheries seed industry and the fishing industry and to promote the healthy development of the fisheries seed industry.
- (2) A business operator in the fisheries seed industry shall endeavor to produce seeds of high quality for fisheries and endeavor to develop the fisheries seed industry.

Article 4 (Relationship to Other Statutes)

Except as otherwise provided in other statutes, this Act shall apply to the fisheries seed industry.

CHAPTER II LAYING FOUNDATION FOR FISHERIES SEED INDUSTRY

Article 5 (Basic Plan)

- (1) The Minister of Oceans and Fisheries shall formulate and implement a basic plan concerning promotion of and support for the fisheries seed industry (hereinafter referred to as "basic plan") every five years to promote and support the fisheries seed industry.
- (2) A basic plan shall include the following:
- 1. Current status and prospects of the fisheries seed industry;
 - 2. Direction-setting and goals for providing support for the fisheries seed industry;
 - 3. A medium-term and long-term investment plan for promoting and supporting the fisheries seed industry;
 - 4. A plan for technical education and training of professionals related to the fisheries seed industry;
 - 5. Projects for researching and developing seeds for fisheries and lay the foundation therefor;

6. A plan to promote expansion into overseas markets, such as the increase of exports;
 7. A local government's plan to support the fisheries seed industry;
 8. Other matters prescribed by Presidential Decree to promote and support the fisheries seed industry.
- (3) Where the Minister of Oceans and Fisheries intends to formulate or alter a basic plan, he or she shall hold consultations with the heads of related central administrative agencies in advance: Provided, That the foregoing shall not apply to cases where he or she intends to alter any minor matters prescribed by Presidential Decree.
- (4) The Minister of Oceans and Fisheries shall notify the heads of related central administrative agencies and the heads of local governments of a finalized basic plan.
- (5) The Minister of Oceans and Fisheries shall formulate and implement an action plan (hereinafter referred to as "action plan") each year after consulting with the heads of related central administrative agencies to implement a basic plan and endeavor to secure financial resources necessary therefor, as prescribed by Presidential Decree. *<Amended on Aug. 20, 2019>*
- (6) Where necessary to formulate a basic plan and action plan, the Minister of Oceans and Fisheries may request the heads of related central administrative agencies, local governments, related institutions, and organizations to submit data. In such cases, those in receipt of a request for submission of data shall comply with such request, except in extenuating circumstances.
- (7) When the Minister of Oceans and Fisheries formulates or alters a basic plan and action plan, he or she shall without delay submit such plans to the competent Standing Committee of the National Assembly and publish them. *<Newly Inserted on Aug. 20, 2019>*

Article 6 (Compilation of Statistics and Fact-Finding Research)

- (1) The Minister of Oceans and Fisheries may compile statistics or conduct fact-finding research on the fisheries seed industry to procure basic data necessary for formulating policy on the promotion of the fisheries seed industry, such as the efficient formulation and implementation of a basic plan and action plan. In such cases, where he or she compiles statistics on the fisheries seed industry, the Statistics Act shall apply *mutatis mutandis* thereto.
- (2) The Minister of Oceans and Fisheries may request the heads of related central administrative agencies, local governments, public institutions under the Act on the Management of Public Institutions, business operators in the fisheries seed industry, and the heads of related institutions and organizations to submit data for compiling statistics. In such cases, those who receive a request for submission of data shall comply with such request, except in extenuating circumstances.
- (3) Necessary matters, such as the time and scope of fact-finding research, shall be prescribed by Presidential Decree.

Article 7 (Surveys of Seeds for Fisheries)

(1) The Minister of Oceans and Fisheries may conduct a survey of seeds for fisheries, which examines and analyzes the area of production, production output, distribution, and information about overseas markets, every year with respect to important seeds for fisheries for the stability of supply of and demand for seeds for fisheries, and publish the results thereof.

(2) Where the Minister of Oceans and Fisheries deems it necessary to efficiently conduct surveys of seeds for fisheries, he or she may designate items and require a person prescribed by Ordinance of the Ministry of Oceans and Fisheries to conduct surveys of seeds for fisheries, and subsidize expenses incurred in conducting surveys.

(3) Matters necessary for the designation of items subject to surveys of seeds for fisheries and the operation of an institution conducting surveys of seeds for fisheries under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 8 (Training of Professionals)

(1) The Minister of Oceans and Fisheries shall train professionals necessary to promote and support the fisheries seed industry.

(2) The Minister of Oceans and Fisheries may designate institutions that have appropriate facilities and human resources, such as colleges referred to in subparagraphs 1 through 6 of Article 2 of the Higher Education Act, research institutes or organizations established for the purpose of research, activities, etc. concerning the fisheries seed industry, or business operators in the fisheries seed industry, as institutions to train professionals, and require them to conduct education and training to train professionals pursuant to paragraph (1).

(3) The Minister of Oceans and Fisheries may fully or partially subsidize expenses incurred in conducting education and training to institutions to train professionals designated pursuant to paragraph (2).

(4) Where an institution to train professionals designated pursuant to paragraph (2) falls under any of the following, the Minister of Oceans and Fisheries may revoke the designation thereof or order it to suspend all or some of its operations for a fixed period not exceeding three months, as prescribed by Presidential Decree: Provided, where it falls under subparagraph 1, he or she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it fails to meet any criteria for designation of an institution to train professionals;
3. Where it refuses or delays the training of professionals without just cause;
4. Where it fails to train professionals for at least one year continuously without just cause.

(5) Criteria for and methods of designation of institutions to train professionals under paragraph (2) and necessary matters concerning support, etc. referred to in paragraph (3) shall be prescribed by Presidential Decree.

Article 9 (Promotion of Development of Techniques Related to Fisheries Seed Industry)

(1) The State and local governments shall implement the following matters to promote the development of techniques related to the fisheries seed industry:

1. Surveys of the trends in and demand for techniques related to the fisheries seed industry;
2. Research and development concerning techniques related to the fisheries seed industry;
3. Industrialization of developed techniques related to the fisheries seed industry;
4. Exchange of techniques related to the fisheries seed industry;
5. Support for investment, financing, and guarantee for the provision of funds necessary for the development of techniques;
6. Other matters necessary to promote the development of techniques related to the fisheries seed industry.

(2) In order to promote the development of techniques related to the fisheries seed industry under paragraph (1), the Minister of Oceans and Fisheries may subsidize expenses incurred by persons who research and develop or industrialize techniques related to the fisheries seed industry.

Article 10 (Promotion of International Cooperation and Expansion into Overseas Markets)

(1) The State and local governments shall ascertain the international trends of the fisheries seed industry and promote international cooperation and expansion into overseas markets.

(2) In order to promote international cooperation and expansion into overseas markets of the fisheries seed industry, the State and local governments may conduct programs, such as the international exchange of techniques and human resources related to the fisheries seed industry and international joint research.

(3) The State and local governments may provide persons who promote international cooperation related to the fisheries seed industry or make inroads into overseas markets with necessary support, as prescribed by Presidential Decree.

Article 11 (Financing and Financial Support)

(1) In order to lay the foundations for the fisheries seed industry and promote technological innovation thereof, the Minister of Oceans and Fisheries may provide business operators in the fisheries seed industry and producers of seeds for fisheries with financing and financial support for their projects to install equipment and with materials and facilities necessary for research and development, preservation, breeding, multiplication, production, distribution, exportation, and importation of seeds.

(2) Persons who intend to obtain support under paragraph (1) shall register information related to the management of fisheries pursuant to Article 27 of the Framework Act on Fishers and Fishing Villages Development.

CHAPTER III PROMOTION OF AND SUPPORT FOR FISHERIES SEED INDUSTRY

Article 12 (Provision of Diagnosis of and Guidance on Techniques and Management)

- (1) The Minister of Oceans and Fisheries may require institutions or business operators that provide diagnosis of or guidance on techniques or management (hereinafter referred to as "technical diagnosis or guidance") to provide technical diagnosis or guidance to promote technical innovation in and commercialization of the fisheries seed industry.
- (2) For an effective provision of technical diagnosis or guidance, the Minister of Oceans and Fisheries may foster and support institutions or business operators that provide technical diagnosis or guidance.
- (3) Matters necessary for technical diagnosis or guidance under paragraph (1) and the fostering and support under paragraph (2) shall be prescribed by Presidential Decree.

Article 13 (Support for Modernization of Seed Production and Research Facilities for Fisheries)

- (1) The Minister of Oceans and Fisheries and the heads of local governments may support the modernization of seed production and research facilities for fisheries.
- (2) Necessary matters concerning subjects, methods, procedures, etc. of support for the modernization of seed production and research facilities for fisheries shall be prescribed by Presidential Decree.

Article 14 (Designation of Center for Promotion of Fisheries Seed Industry)

- (1) For the efficient promotion of and support for the fisheries seed industry, the Minister of Oceans and Fisheries may designate an institution or organization that has human resources and facilities prescribed by Presidential Decree as a center for the promotion of the fisheries seed industry (hereinafter referred to as "promotion center").
- (2) A promotion center shall conduct the following affairs:
 1. Laying the foundations for the fisheries seed industry;
 2. Support for training professionals related to the fisheries seed industry;
 3. Support for starting businesses and managing the fisheries seed industry and collecting, sharing, and utilizing information;
 4. Support for revitalizing distribution in the fisheries seed industry, international cooperation, and expansion into overseas markets;
 5. Support for business operators in the fisheries seed industry for the development of the fisheries seed industry;
 6. Other projects necessary for the development of the fisheries seed industry.
- (3) The Minister of Oceans and Fisheries may subsidize institutions designated as promotion centers for expenses incurred in conducting the affairs referred to in the subparagraphs of paragraph (2).
- (4) Where a promotion center falls under any of the following, the Minister of Oceans and Fisheries may revoke the designation thereof or suspend all or some of its operations for a fixed period not exceeding three months, as prescribed by Presidential Decree: Provided, That where it falls under subparagraph 1, he

or she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it fails to meet the criteria for designation as a promotion center;
3. Where it refuses to perform or delays any affair referred to in paragraph (2) without just cause;
4. Where it fails to conduct affairs under paragraph (2) for at least one year continuously without just cause.

Article 15 (Development of Technical Research Complex for Seeds for Fisheries)

(1) The Minister of Oceans and Fisheries may develop a technical research complex for seeds for fisheries or support the development thereof in order to promote the efficient research and development of techniques related to the fisheries seed industry and the development the fisheries seed industry by organically integrating research related to seeds for fisheries with the fisheries seed industry.

(2) Matters necessary for the development of a technical research complex for seeds for fisheries and support for the development thereof provided for in paragraph (1) shall be prescribed by Presidential Decree.

Article 16 (Establishment of Association of Fisheries Seed Industry)

(1) Business operators in the fisheries seed industry may establish an association for the fisheries seed industry (hereinafter referred to as the "Association") after obtaining approval from the Minister of Oceans and Fisheries to promote the healthy development of the fisheries seed industry and the common interest.

(2) The Association shall be formed upon filing for registration of its incorporation after obtaining approval for the establishment thereof referred to in paragraph (1).

(3) The Association shall be a juristic person.

(4) Except as otherwise provided in this Act, the provisions concerning incorporated associations of the Civil Act shall apply mutatis mutandis to the Association.

(5) The Association shall conduct the following affairs:

1. Protection of rights and interests of and the promotion of welfare of business operators in the fisheries seed industry;
2. Statistical surveys related to the fisheries seed industry;
3. Quality management of seeds for fisheries;
4. Education and training of persons engaged in the fisheries seed industry;
5. Projects the State or a local government entrusts to the Association or requires the Association to perform on its behalf for the development of the fisheries seed industry;
6. Other projects prescribed by its articles of incorporation for the development of the fisheries seed industry.

(6) Where the Association conducts affairs referred to in the subparagraphs of paragraph (5) or where it is necessary for the development of the fisheries seed industry, the Minister of Oceans and Fisheries may

provide support to the Association.

(7) Necessary matters concerning approval of the Association, and affairs, the articles of incorporation, etc. of the Association shall be prescribed by Presidential Decree.

CHAPTER IV IMPROVEMENT OF SEEDS FOR FISHERIES

Article 17 (Setting of Improvement Targets)

(1) The Minister of Oceans and Fisheries shall establish and publicly notify improvement targets for seeds for fisheries by fixing a period for each variety of seed for fisheries subject to improvement, as prescribed by Presidential Decree.

(2) In order to achieve improvement targets referred to in paragraph (1) and to efficiently pursue the improvement of seeds for fisheries, the Minister of Oceans and Fisheries may designate an institution or organization that has facilities and human resources prescribed by Presidential Decree as an institution presiding over the improvement of seeds for fisheries and institution improving seeds for fisheries.

(3) The Minister of Oceans and Fisheries may provide good seeds for fisheries and subsidize working expenses incurred in pursuing the improvement of seeds for fisheries to an institution presiding over the improvement of seeds for fisheries and institution improving seeds for fisheries.

(4) Where an institution presiding over the improvement of seeds for fisheries or institution improving seeds for fisheries falls under any of the following, the Minister of Oceans and Fisheries may revoke the designation thereof: Provided, That where such institution falls under subparagraph 1, he or she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it fails to meet the criteria for designation provided for in paragraph (2).

Article 18 (Registration of Broodfish and Broodstock)

(1) Where it is necessary to achieve improvement targets referred to in Article 17 (1), the Minister of Oceans and Fisheries may designate an institution for registration, from among institutions or organizations that have facilities and human resources prescribed by Ordinance of the Ministry of Oceans and Fisheries, and require it to examine and register necessary matters, such as the stock, ability, and shape of broodfish and broodstock (hereinafter referred to as "broodfish, etc.").

(2) Where an institution for registration pursuant to paragraph (1) falls under any of the following, the Minister of Oceans and Fisheries may revoke the designation thereof: Provided, That where it falls under subparagraph 1, he or she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it fails to meet any of the criteria for designation under paragraph (1).

(3) Necessary matters concerning varieties of broodfish, etc. subject to registration under paragraph (1), procedures and criteria for examination and registration shall be prescribed by Ordinance of the Ministry

of Oceans and Fisheries.

Article 19 (Examination of Broodfish)

(1) Where it is necessary to check and evaluate the degree of improvement in the ability of broodfish, etc., the Minister of Oceans and Fisheries may designate an institution for examination, from among institutions or organizations that have facilities and human resources prescribed by Ordinance of the Ministry of Oceans and Fisheries, and require it to examine the following broodfish, etc.:

1. Broodfish, etc. registered pursuant to Article 18;
2. Broodfish, etc. raised for producing seeds prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) Where an institution for examination under paragraph (1) falls under any of the following, the Minister of Oceans and Fisheries may revoke the designation thereof: Provided, That where it falls under subparagraph 1, he or she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it fails to meet the criteria for designation under paragraph (1).

(3) Necessary matters concerning procedures for applying for examination pursuant to paragraph (1), types of and standards for examination shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 20 (Lending and Exchange of Broodfish)

Where the Minister of Oceans and Fisheries, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Special Self-Governing City Mayor, the Governor of a Do, or the Special Self-Governing Province Governor deems it necessary to promote the improvement, multiplication, or aquaculture of seeds for fisheries, he or she may lend broodfish, etc. owned by the State or a local government to other persons without compensation or exchange such broodfish, etc. with broodfish, etc. owned by other persons, as prescribed by Ordinance of the Ministry of Oceans and Fisheries or municipal ordinance.

CHAPTER V MANAGEMENT OF PRODUCTION AND DISTRIBUTION OF SEEDS FOR FISHERIES

Article 21 (Permission to Conduct Business of Producing Seeds for Fisheries)

(1) A person who intends to conduct business of producing seeds for fisheries shall obtain permission for each production facility from the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter referred to as the "head of a Si/Gun/Gu").

(2) Where the head of a Si/Gun/Gu deems it necessary to protect public interest, coordinate fisheries, or propagate and protect fishery resources, he or she may restrict permission or attach conditions upon issuance thereof.

(3) Paragraph (1) shall not apply to cases where a test and research agency designated by the Minister of Oceans and Fisheries propagates, produces, sells, or supplies seeds for fisheries.

(4) The period of validity of permission referred to in paragraph (1) shall be five years: Provided, That where prescribed by Ordinance of the Ministry of Oceans and Fisheries, where it is necessary for the protection of the environment of a fishing ground, the coordination of fisheries, and public interest, the period of validity may be shortened or extended by up to five years. *<Amended on Feb. 18, 2020>*

(5) Notwithstanding paragraph (4), where a person replaces a facility permitted with another facility or succeeds to the position of a person who has obtained permission pursuant to Article 22 during the period of validity of permission, the period of validity of permission shall be the remainder of the previous permission.

(6) Types of business of producing seeds for fisheries that subject to permission pursuant to paragraph (1) shall be prescribed by Presidential Decree, and other matters necessary to obtain permission, such as kinds of seeds for fisheries, standards of facilities, and priority of permission, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 22 (Succession to Position of Person Who Has Obtained Permission)

(1) A person who inherits, purchases, or leases a facility of a person who has obtained permission to conduct business of producing seeds for fisheries from a person who has obtained such permission (where the person who has obtained permission to conduct business of producing seeds for fisheries is a corporation, including the corporation that survives merger or division) shall succeed to the position of the person who has obtained permission (in cases of inheritance, the foregoing shall not apply where a successor expresses his or her disagreement). In such cases, the effect of the position of a person who has previously obtained permission shall be lost.

(2) A person who succeeds to the position of a person who has obtained permission pursuant to paragraph (1) shall report the succession to the position to the head of a Si/Gun/Gu who has granted the relevant permission within 30 days from the date the person succeeds to the position in accordance with procedures prescribed by Ordinance of the Ministry of Oceans and Fisheries, and a person who fails to meet the standards of facilities permitted and to be qualified as an applicant for permission prescribed by Ordinance of the Ministry of Oceans and Fisheries shall meet such standards and hold such qualification within 90 days from the date he or she succeeds to the position.

(3) A person who succeeds to the position of a person who has obtained permission pursuant to paragraph (1) shall be deemed to have also become subject to administrative measures imposed on the relevant permission or burden or conditions: Provided, That the foregoing shall not apply where the person who succeeds to the position of a person who has obtained permission proves that he or she was unaware of

such measures or violations.

(4) Where the head of a Si/Gun/Gu receives a report pursuant to paragraph (2), he or she may share computerized information and data under Article 11 (4) of the Act on the Registration of Family Relationships (including processing pursuant to subparagraph 2 of Article 2 of the Personal Information Protection Act) pursuant to the Electronic Government Act.

Article 23 (Alteration or Closure of Business of Producing Seeds for Fisheries)

(1) Where a person who has obtained permission to conduct business of producing seeds for fisheries intends to alter any of the matters permitted, he or she shall obtain permission to alter such matters from the head of a Si/Gun/Gu: Provided, That where he or she intends to alter any minor matter prescribed by Presidential Decree, he or she shall report the alteration thereof to the head of a Si/Gun/Gu.

(2) Where a person who has obtained permission closes his or her business or becomes unable to conduct business of producing seeds for fisheries, he or she shall report such to the head of the relevant Si/Gun/Gu.

(3) Matters regarding, and procedures for, permission to make alterations, report of alterations, and report of business closure under paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 24 (Removal of Facilities)

(1) A person who has obtained permission to conduct business of producing seeds for fisheries shall remove facilities built in waters within a period prescribed by Ordinance of the Ministry of Oceans and Fisheries if the permission loses effect: Provided, That where he or she is unable to remove such facilities or the removal thereof is deemed unnecessary, the head of a Si/Gun/Gu may exempt a person liable for the removal of the relevant facilities from his or her obligation to remove the relevant facilities upon receiving application from the person concerned liable for removal.

(2) Where a person is exempted from an obligation pursuant to the proviso of paragraph (1), he or she shall be deemed to have relinquished his or her ownership of facilities.

(3) Where a person liable for removal under paragraph (1) fails to remove facilities after the compulsory period for the removal thereof has expired, the head of a Si/Gun/Gu may remove such facilities, as prescribed by the Administrative Vicarious Execution Act.

(4) The provisions of paragraphs (1) through (3) shall apply mutatis mutandis to facilities built by a person who has failed to obtain permission to conduct business of producing seeds for fisheries.

Article 25 (Reporting of Commencement of Business and Suspension of Business)

(1) A person who obtains permission to conduct business of producing seeds for fisheries shall commence his or her business within one year from the date he or she obtains such permission.

(2) Where a person who obtains permission to conduct business of producing seeds for fisheries intends to continuously suspend his or her business for at least one year, he or she shall fix the period for suspension

of business and report to the head of a Si/Gun/Gu in advance, and he or she shall not suspend his or her business for at least two consecutive years.

(3) Notwithstanding paragraphs (1) and (2), where a person is unable to secure seeds due to a natural disaster or other extenuating circumstances, he or she may obtain an extension of the period of commencement or suspension of business within one year after he or she files a report with the head of a Si/Gun/Gu in advance.

(4) Where a person who has filed a report under paragraph (2) intends to continue to conduct business of producing seeds for fisheries before the period of suspension of business he or she has reported expires, he or she shall file a report with the head of a Si/Gun/Gu in advance.

(5) The period under paragraphs (1) and (2) shall not include the period during which business of producing seeds for fisheries has been suspended in accordance with an order referred to in Article 26 of the Aquaculture Industry Development Act applied mutatis mutandis pursuant to Article 27. *<Amended on Aug. 27, 2019>*

Article 26 (Revocation of Permission to Conduct Business of Producing Seeds for Fisheries)

(1) Where a producer of seeds for fisheries falls under any of the following, the head of a Si/Gun/Gu may revoke permission to conduct business of producing seeds for fisheries or order him or her to suspend all or part of his or her business for a fixed period not exceeding six months: Provided, That where he or she falls under subparagraph 1, the head of a Si/Gun/Gu shall revoke such permission: *<Amended on Aug. 27, 2019>*

1. Where he or she obtains permission to conduct business of producing seeds for fisheries under Article 21 by fraud or other improper means;
2. Where he or she fails to comply with an order to report whether he or she has used protected varieties pursuant to Article 81 of the Act on the Protection of New Varieties of Plants;
3. Where he or she violates Article 25;
4. Where he or she falls under any subparagraph of Article 26 (1) of the Aquaculture Industry Development Act applied mutatis mutandis pursuant to Article 27;
5. Where he or she sells seeds he or she has not reported after producing or importing them, in violation of Article 28 (1);
6. Where he or she exports or imports seeds for fisheries restricted from exporting or importing pursuant to Article 29, or distributes in the Republic of Korea any imported seed for fisheries restricted from domestic distribution;
7. Where he or she sells or supplies imported seeds of which eligibility for importation has not been examined, in violation of Article 30;
8. Where he or she sells or supplies seeds for fisheries upon which a quality mark has not been put, in violation of Article 31;

9. Where he or she refuses, interferes with, or avoids an examination of seeds for fisheries or the collection of seeds for fisheries under Article 32 (1);
10. Where he or she produces or sells seeds for fisheries of which production or sale under Article 32 (2) he or she has been ordered to suspend.
- (2) Where a business operator who produces seeds for fisheries continues to conduct his or her business during a period of suspension, in violation of an order to suspend business pursuant to paragraph (1), the head of a Si/Gun/Gu may revoke the permission.
- (3) The head of a Si/Gun/Gu shall not grant permission to conduct business of producing seeds for fisheries to a person for whom the permission to conduct business of producing seeds for fisheries was revoked pursuant to paragraph (1) or (2) until one year has passed from the date the permission was revoked, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Feb. 18, 2020>*
- (4) Detailed guidelines for administrative measures provided for in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries in consideration of the type and degree of violation.

Article 27 (Application Mutatis Mutandis of the Aquaculture Industry Development Act)

Except as provided in this Act, Articles 13 (2), 18 through 20, 26, and 41 (1) and (4) of the Aquaculture Industry Development Act shall apply mutatis mutandis to the business of producing seeds for fisheries. In such cases, "license" shall be construed as "permission"; "limited aquaculture business license" as "limited permission to conduct business of producing seeds for fisheries"; "aquaculture business" as "business of producing seeds for fisheries"; "period of license" as "period of permission"; "licensing authority" as "permitting authority"; "aquaculture business right holder" as "person who has obtained permission to conduct business of producing seeds for fisheries"; and "fish farm" as "waters in which permission to conduct business of producing seeds for fisheries is granted". *<Amended on Aug. 27, 2019; Jan. 4, 2022; Dec. 27, 2022>*

Article 28 (Reporting of Production, Importation, and Sale of Varieties of Seeds of Aquatic Plants)

- (1) A person who intends to produce or import a variety of seed other than varieties of seeds for which applications have been published pursuant to Article 37 (1) of the Act on the Protection of New Varieties of Plants shall file a report with the Minister of Oceans and Fisheries along with a sample of the seed of the relevant aquatic plant.
- (2) Where a person has altered important matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among matters reported pursuant to paragraph (1), he or she shall report such altered matters to the Minister of Oceans and Fisheries without delay.
- (3) A variety of seed which a person reports to produce or import seed of an aquatic plant pursuant to paragraph (1) shall have one unique denomination of a variety of seed.
- (4) The provisions of Articles 106 through 117 of the Act on the Protection of New Varieties of Plants shall apply mutatis mutandis to an application for and registration of the denomination of a variety of seed

referred to in paragraph (3).

(5) Methods, procedures, etc. for reporting under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 29 (Restrictions on Exportation, Importation and Distribution of Seeds for Fisheries)

Where it is likely to seriously interfere with the protection of aquatic ecosystems and the conservation of fishery resources in the Republic of Korea, the Minister of Oceans and Fisheries may restrict the exportation or importation of seeds for fisheries or the distribution of imported seeds for fisheries in the Republic of Korea, as prescribed by Presidential Decree.

Article 30 (Examination to Determine Eligibility for Importation)

(1) A person who intends to import, for sale or supply, a variety of seed imported into the Republic of Korea for the first time, which is a seed for fisheries determined and publicly notified by the Minister of Oceans and Fisheries, shall undergo examination for the seeds of the relevant variety of seed to determine eligibility for importation conducted by the Minister of Oceans and Fisheries.

(2) Where a variety of seed is found not to meet any of the standards for examination to determine eligibility for importation prescribed by Ordinance of the Ministry of Oceans and Fisheries as a result of the examination to determine eligibility for importation conducted pursuant to paragraph (1), the Minister of Oceans and Fisheries may restrict the distribution of the relevant variety of seed in the Republic of Korea.

(3) Methods of and procedures for examination to determine eligibility for importation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 31 (Quality Mark of Distributed Seeds for Fisheries)

(1) A person who intends to sell or supply seeds for fisheries shall describe the following on the container, package, etc. of seeds for fisheries:

1. The place of production, year of production, or date of packaging of seeds for fisheries;
2. Other matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, which are matters concerning permission and reports provided for in Articles 21 (1) and 28.

(2) Standards, methods, etc. for affixing a quality mark provided for in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 32 (Survey of Distribution of Seeds for Fisheries)

(1) Where necessary for the production and smooth distribution of good seeds for fisheries, the Minister of Oceans and Fisheries, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Special Self-Governing City Mayor, the Governor of a Do, or the Special Self-Governing Province Governor may require related public officials to have access to the place of business, office, etc. of a

business operator producing seeds for fisheries or person who distributes seeds for fisheries to examine the facility thereof, related documents or books, seeds for fisheries, etc. or to inspect the quality of seeds for fisheries, and to collect the necessary minimum quantity of seeds for fisheries.

(2) The Minister of Oceans and Fisheries, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Special Self-Governing City Mayor, the Governor of a Do, or the Special Self-Governing Province Governor may order suspension of the production or sale of seeds for fisheries which are produced or sold in violation of this Act, or require related public officials to collect such seeds for fisheries. In such cases, a related public official who collects seeds for fisheries shall prepare a list of seeds for fisheries he or she collects, and produce the list he or she has prepared to a person who has owned or had such seeds for fisheries at the time he or she collects the seeds for fisheries.

(3) Where a related public official performs his or her duties pursuant to paragraph (1) or (2), he or she shall carry an identity document proving his or her authority and produce it to the relevant persons, and present a document stating matters, such as the objectives and time of examination, and the identity of the examiner.

(4) Matters concerning standards, methods, procedures, etc. for conducting quality inspection under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 33 (Keeping of Samples of Seeds for Fisheries)

The Minister of Oceans and Fisheries shall keep and manage samples of varieties of seeds for fisheries reported pursuant to Article 28, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 34 (Testing and Analysis of Seeds for Fisheries in Dispute)

(1) Where a dispute arises regarding a seed for fisheries, either of the parties to the dispute may request the Minister of Oceans and Fisheries to perform necessary testing and analysis of the seed for fisheries in dispute.

(2) Where the parties to a dispute request testing and analysis pursuant to paragraph (1), they shall submit samples of the seed for fisheries in dispute in a sealed envelope to the Minister of Oceans and Fisheries after they jointly collect and confirm the samples of such seed.

(3) Where no joint collection of samples under paragraph (2) is performed for reasons prescribed by Presidential Decree, such as non-cooperation by one of the parties to a dispute, the parties to the dispute may request the Minister of Oceans and Fisheries to collect the samples thereof. In such cases, a request for testing and analysis pursuant to paragraph (1) shall be deemed to have been made.

(4) Where the Minister of Oceans and Fisheries receives a request for the collection of samples under paragraph (3), he or she shall require a related public official to collect samples within seven days. In such cases, the parties to a dispute shall cooperate in the collection of the samples.

(5) Where the Minister of Oceans and Fisheries receives a request for test and analysis pursuant to paragraph (1) or (3), he or she shall notify the parties to a dispute of the result of the testing and analysis

without delay after he or she performs testing and analysis.

(6) The Minister of Oceans and Fisheries may require the parties to a dispute referred to in paragraph (1) to submit data necessary for test and analysis pursuant to paragraph (5).

(7) Where damage related to a seed for fisheries in dispute occurs due to a defect in the seed for fisheries, the relevant victim may request a business operator producing seeds for fisheries to compensate him or her for damage, as prescribed by Ordinance of Ministry of Oceans and Fisheries.

Article 35 (Arbitration of Disputes)

(1) For the purpose of compensation prescribed in Article 34 (7), the parties to a dispute may request the Minister of Oceans and Fisheries to arbitrate the dispute.

(2) Necessary matters concerning requests for the arbitration of a dispute pursuant to paragraph (1), procedures for arbitration, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 36 (Hearings)

(1) Where the Minister of Oceans and Fisheries intends to take any of the following measures, he or she shall hold a hearing:

1. Revocation of designation of an institution to train professionals pursuant to Article 8 (4);
2. Revocation of designation of the promotion center pursuant to Article 14 (4);
3. Revocation of designation of an institution presiding over the improvement of seeds for fisheries and institution improving seeds for fisheries pursuant to Article 17 (4);
4. Revocation of designation of an institution to register broodfish, etc. pursuant to Article 18 (2);
5. Revocation of designation of an institution to examine broodfish, etc. pursuant to Article 19 (2).

(2) Where the head of a Si/Gun/Gu intends to revoke permission to conduct business of producing seeds for fisheries pursuant to Article 26 (1) or (2), he or she shall hold a hearing.

Article 37 (Fees)

(1) Any of the following persons shall pay a fee:

1. A person who intends to report seeds for fisheries which he or she intends to sell after producing or importing them pursuant to Article 28 (1);
2. A person who intends to undergo an examination to determine eligibility for importation pursuant to Article 30 (1);
3. A person who requests testing and analysis pursuant to Article 34 (1);
4. A person who applies for arbitration of a dispute pursuant to Article 35 (1);
5. A person who intends to request certified copies, abridged copies, copies of various documents, or certificates under this Act.

(2) The amounts of fees, methods, and the period of payment of fees prescribed by paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 38 (Exemption from and Refund of Fees)

(1) Notwithstanding Article 37, the State, local governments, beneficiaries under the National Basic Living Security Act, and persons prescribed by Ordinance of the Ministry of Oceans and Fisheries shall be exempted from fees.

(2) Any person who intends to be exempted from a fee pursuant to paragraph (1) shall submit documents prescribed by Ordinance of the Ministry of Oceans and Fisheries to the Minister of Oceans and Fisheries.

(3) No fees paid shall be refunded: Provided, That a fee paid erroneously shall be refunded at the request of a person who has paid such fee.

(4) Where a fee has been paid erroneously, the Minister of Oceans and Fisheries shall notify the payer of such fact immediately after he or she becomes aware thereof.

(5) A request for refund of a fee under the proviso of paragraph (3) shall be made within three years from the date a person pays such fee.

Article 39 (Delegation and Entrustment of Authority)

(1) The Minister of Oceans and Fisheries may delegate part of his or her authority under this Act to the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Governor of a Do, the head of a Si/Gun/Gu, or the head of an agency under his or her jurisdiction, as prescribed by Presidential Decree.

(2) The Minister of Oceans and Fisheries may entrust part of his or her authority bestowed pursuant to this Act to a corporation or organization related to fisheries prescribed by Ordinance of the Ministry of Oceans and Fisheries, as prescribed by Presidential Decree.

CHAPTER VII PENTALTY PROVISIONS

Article 40 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended on Aug. 27, 2019>

1. A person who conducts business of producing seeds for fisheries without obtaining permission, in violation of Article 21 (1);
2. A person who violates restrictions, suspension, or measures for mooring of a fishing vessel under Article 26 (1) 2 or 3 of the Aquaculture Industry Development Act applied mutatis mutandis pursuant to Article 27.

Article 41 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended on Aug. 27, 2019>

1. A person who obtains permission to conduct business of producing seeds for fisheries under Article 21 (1) by fraud or other improper means;
2. A person who continues to conduct business of producing seeds for fisheries for which permission was revoked or continues to conduct business of producing seeds for fisheries despite receiving an order to suspend the business, in violation of Article 26 (1);
3. A person who violates Article 41 (1) or (4) of the Aquaculture Industry Development Act applied mutatis mutandis pursuant to Article 27;
4. A person who violates restrictions, suspension, or measures for mooring of a fishing vessel under Article 26 (1) 1, 4, 6, 8, or 9 of the Aquaculture Industry Development Act applied mutatis mutandis pursuant to Article 27;
5. A person who sells seeds of aquatic plants produced or imported without a report thereon, in violation of Article 28 (1) or who files a false report;
6. A person who exports or imports seeds for fisheries of which exportation or importation is restricted pursuant to Article 29, or distributes imported seeds for fisheries in the Republic of Korea;
7. A person who imports seeds for fisheries without undergoing an examination to determine eligibility for importation, in violation of Article 30 (1);
8. A person who distributes in the Republic of Korea seeds for fisheries that do not meet standards for examination to determine eligibility for importation, in violation of Article 30 (2);
9. A person who produces or sells seeds for fisheries production or sale of which was suspended pursuant to Article 32 (2);
10. A person who refuses, interferes with, or avoids collection of samples provided for in Article 34 (4).

Article 42 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee, or other worker of a corporation, or an individual commits an offense under Article 40 or 41 concerning the affairs of such corporation or individual, not only shall the person who commits such offense be punished but the corporation or individual also shall be punished by a fine under the relevant provisions: Provided, That the foregoing shall not apply to cases where the corporation or individual has not neglected to pay considerable attention to and exercise reasonable supervision over the relevant affairs to prevent such offense.

Article 43 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won:

1. A person who fails to commence business of producing seeds for fisheries within one year from the date he or she obtains permission, in violation of Article 25 (1);

2. A person who has suspended the business in the relevant place of business for at least two consecutive years, in violation of Article 25 (2);
 3. A person who sells or supplies any seeds of aquatic plants using an unreported denomination of a variety of seed, in violation of Article 28 (3);
 4. A person who sells or supplies any seeds for fisheries without affixing a quality mark on the distributed seeds for fisheries or by putting a false quality mark, in violation of Article 31.
- (2) Any of the following persons shall be subject to an administrative fine not exceeding five million won:
1. A person who fails to file a report within 30 days from the date he or she succeeds to the position pursuant to Article 22 (2) or who fails to meet the standards for facilities and to qualify himself or herself as an applicant for permission within 90 days from said date;
 2. A person who fails to obtain permission to make alterations, to report alterations, or to report the business closure pursuant to Article 23;
 3. A person who fails to remove a facility by the deadline prescribed by the Ordinance of the Ministry of Oceans and Fisheries, in violation of Article 24 (1);
 4. A person who suspends his or her business or conducts business of producing seeds for fisheries, without filing a report under Article 25 (2) through (4);
 5. A person who fails to report any alterations, in violation of Article 28 (2);
 6. A person who refuses, interferes with, or avoids access, examination, inspection, or collection under Article 32 (1).
- (3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree.

ADDENDA <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

Where acts done by or in relation to administrative agencies in relation to seeds for fisheries or business of producing seeds for fisheries pursuant to the previous Fisheries Act, the previous Inland Water Fisheries Act, or the previous Seed Industry Act as at the time this Act enters into force are provided for in this Act, such acts shall be deemed acts done by or in relation to administrative agencies pursuant to this Act.

Article 3 (Transitional Measures concerning Permission to Engage in Fishery)

(1) Where a person obtains permission to engage in business of producing seeds and seedlings pursuant to Article 41 (3) 3 of the previous Fisheries Act as at the time this Act enters into force, he/she shall be deemed to have obtained permission to conduct business of producing seeds for fisheries pursuant to Article 21 (1) until the date the period of validity of the relevant permission expires.

(2) Where a person reports inland aquaculture (limited to business of producing seeds and seedlings) pursuant to Article 11 of the Inland Water Fisheries Act as at the time this Act enters into force, he/she shall be deemed to have obtained permission to conduct business of producing seeds for fisheries pursuant to Article 21 (1) until the expiration date of the period of validity of the relevant permission.

Article 4 (Transitional Measures concerning Examination to Determine Adaptability to Importation)

Where a person undergoes an examination to determine adaptability to importation pursuant to Article 41 of the previous Seed Industry Act as at the time this Act enters into force, he/she shall be deemed to have undergone an examination to determine eligibility for importation under Article 30 (1).

Article 5 (Transitional Measures concerning Administrative Measures)

The previous Fisheries Act, the previous Inland Water Fisheries Act, and the previous Seed Industry Act shall apply to administrative measures against violations of the Fisheries Act, the Inland Water Fisheries Act, and the Seed Industry Act as at the time this Act enters into force.

Article 6 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The previous Fisheries Act, the previous Inland Water Fisheries Act, and the previous Seed Industry Act shall apply where penalty provisions and administrative fines apply to acts performed before this Act enters into force.

Article 7 Omitted.

ADDENDA <Act No. 13426, Jul. 24, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 39 Omitted.

ADDENDUM <Act No. 16510, Aug. 20, 2019>

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

ADDENDA <Act No. 16568, Aug. 27, 2019>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDUM <Act No. 17040, Feb. 18, 2020>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 43 shall enter into force six months after the date of the promulgation.

ADDENDUM <Act No. 18699, Jan. 4, 2022>

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

ADDENDA <Act No. 19136, Dec. 27, 2022>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Application Mutatis Mutandis of the Aquaculture Industry Development Act)

The amended provisions of Article 27 shall begin to apply to permission granted to foreigners or foreign corporations after this Act enters into force.

Last updated : 2023-10-12

