

ENFORCEMENT DECREE OF THE FISHERIES SEED INDUSTRY PROMOTION ACT

Presidential Decree No. 27245, jun. 21, 2016
Amended by Presidential Decree No. 30932, Aug. 11, 2020
Presidential Decree No. 31380, Jan. 5, 2021
Presidential Decree No. 33109, Dec. 20, 2022

Article 1 (Purpose)

The purpose of this Decree is to provide for matters mandated by the Fisheries Seed Industry Promotion Act and matters necessary for the enforcement thereof.

Article 2 (Range of Seeds of Aquatic Animals and Aquatic Plants)

(1) "Others prescribed by Presidential Decree" in subparagraph 2 of Article 2 of the Fisheries Seed Industry Promotion Act (hereinafter referred to as the "Act") shall mean fertilized eggs of aquatic animals and young populations of the following aquatic animals:

1. Amphibians and terrapins among vertebrates;
 2. Following aquatic animals among invertebrates:
 - (a) Cephalopods among mollusks;
 - (b) Sea urchins and sea cucumbers among echinoderms;
 - (c) Crustaceans among arthropods;
 - (d) Spoon worms and lugworms among annelids;
 3. Tunicates among chordates.
- (2) "Others prescribed by Presidential Decree" in subparagraph 3 of Article 2 of the Act means sporophytes and gametophytes.

Article 3 (Basic Plan)

- (1) "Matters specified by Presidential Decree" in Article 5 (2) 8 of the Act means the following:
1. A plan for managing quality of seeds for fisheries;
 2. A plan to coordinate supply of and demand for seeds for fisheries;
 3. A plan for promoting international cooperation related to seeds for fisheries.

(2) "Minor matters prescribed by Presidential Decree" in the proviso to Article 5 (3) of the Act means the following:

1. Current status and prospects of the fisheries seed industry under Article 5 (2) 1 of the Act;
 2. A plan for promoting expansion into overseas markets, such as the expansion of exports, under Article 5 (2) 6 of the Act;
 3. A plan for managing the quality of seeds for fisheries referred to in paragraph (1) 1;
 4. A plan for coordinating supply of and demand for seeds for fisheries under paragraph (1) 2;
 5. A plan for promoting international cooperation related to seeds for fisheries under paragraph (1) 3.
- (3) The Minister of Oceans and Fisheries shall formulate a yearly action plan for the following year by December 31 every year pursuant to Article 5 (5) of the Act.

Article 4 (Time and Scope of Fact-Finding Research)

(1) The Minister of Oceans and Fisheries shall conduct fact-finding research (hereinafter referred to as "fact-finding research") under the former part of Article 6 (1) of the Act by classifying it into regular research and occasional research. In such cases, he or she shall conduct regular research in the year he or she formulates a basic plan pursuant to Article 5 (1) of the Act, and conduct occasional research when he or she deems it necessary.

(2) The scope of fact-finding research shall be as follows:

1. Current status of producers of seeds for fisheries and the current status of the production of each producer of seeds for fisheries;
 2. Current status of research institutions and research related to seeds for fisheries;
 3. Current status of exportation and importation related to the fisheries seed industry;
 4. Current status of the distribution of seeds for fisheries;
 5. Other matters necessary for promoting and developing the fisheries seed industry.
- (3) A fact-finding research may be conducted on-site, by document review, or using telephone, e-mail, etc.
<Amended on Jan. 5, 2021>

Article 5 (Designation of Institutions to Train Professionals)

(1) Any institution that intends to be designated as an institution to train professionals (hereinafter referred to as "institution to train professionals") under Article 8 (2) of the Act shall file an application for the designation thereof with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) Criteria for designating an institution to train professionals shall be as follows:

1. The institution shall have adequate educational facilities and equipment;
2. The institution shall have adequate specialized faculty members;
3. A plan concerning curricula and educational content shall be formulated appropriately;

4. A plan for raising operating funds shall be appropriate.

(3) The Minister of Oceans and Fisheries may subsidize the following expenses to an institution to train professionals pursuant to Article 8 (3) of the Act:

1. Tuition fees and allowances;
2. Expenses incurred in developing and supplying educational materials;
3. Expenses incurred in producing teaching materials and expenses incurred in purchasing equipment and materials for practice;
4. Other expenses deemed necessary by the Minister of Oceans and Fisheries to train professionals.

(4) Criteria for revoking designation and suspending business of institutions to train professionals pursuant to Article 8 (4) of the Act shall be as specified in attached Table 1.

(5) Other matters necessary for designation, etc. of institutions to train professionals, such as specific criteria for designating institutions to train professionals under paragraph (2), shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 6 (Promotion of International Cooperation and Expansion into Overseas Markets)

The Minister of Oceans and Fisheries and the heads of local governments may provide support for the following activities to those who pursue international cooperation and expand into overseas markets in relation to the fisheries seed industry pursuant to Article 10 (3) of the Act:

1. International cooperation in the development of techniques related to seeds for fisheries;
2. Overseas marketing and publicity activities for seeds for fisheries;
3. Expansion into overseas markets for seeds for fisheries;
4. Establishment of a system of cooperation for the exportation of seeds for fisheries;
5. Other activities deemed necessary by the Minister of Oceans and Fisheries for international cooperation and expansion into overseas markets.

Article 7 (Provision of Diagnosis of and Guidance on Techniques and Management)

(1) The Minister of Oceans and Fisheries may require an institution or business operator that falls under any of the following to provide diagnosis of or guidance on techniques or management (hereinafter referred to as "technical diagnosis or guidance") pursuant to Article 12 (1) of the Act:

1. Universities, polytechnic universities, or technical colleges referred to in the Higher Education Act;
2. National or public research institutes, government-funded research institutes referred to in the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, or government-funded science and technology research institutes referred to in the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
3. Other institutions or business operators deemed by the Minister of Oceans and Fisheries to have human resources and ability to provide diagnosis of or guidance on techniques or management for the fisheries seed industry.

(2) The Minister of Oceans and Fisheries may foster and support the following to institutions or business operators that provide diagnosis of or guidance on techniques pursuant to Article 12 (2) of the Act:

1. Funds necessary for the construction, extension, improvement, replacement, etc. of testing and examination facilities;
2. Support for the study and training of persons who provide diagnosis of or guidance on techniques, who belong to an institution or business operator;
3. Development and management of methods of diagnosis of or guidance on techniques.

Article 8 (Support for Modernization of Seed Production and Research Facilities for Fisheries)

(1) Projects for which the Minister of Oceans and Fisheries and the heads of local governments may provide support for the modernization of facilities for production or research of seeds for fisheries pursuant to Article 13 (1) of the Act shall be as follows:

1. Projects to improve facilities and equipment for the production and facilities and equipment for raising seeds for fisheries;
2. Projects to develop techniques for the improvement of facilities and equipment for producing seeds for fisheries;
3. Projects to make investments and improvements in facilities and equipment for the production of seeds for fisheries.

(2) Any person who intends to obtain support for the modernization of facilities for production or research of seeds for fisheries pursuant to Article 13 (1) of the Act shall file an application for support with the Minister of Oceans and Fisheries, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Governor of a Do (hereinafter referred to as "Mayor/Do Governor"), the Special Self-Governing City, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (in cases of the head of a Gu, referring to the head of an autonomous Gu; hereinafter referred to as "head of a Si/Gun/Gu"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) The Minister of Oceans and Fisheries, the Mayor/Do Governor, or the head of a Si/Gun/Gu may fully or partially subsidize the costs for projects referred to in the subparagraphs of paragraph (1) within the budgetary limits.

(4) Except as provided in paragraphs (1) through (3), specific necessary matters concerning the subjects of support for the modernization of facilities for production of or research into seeds for fisheries, methods of, and procedures for support therefor shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 9 (Designation of Center for Promotion of Fisheries Seed Industry)

(1) Any institution or organization that intends to be designated as a center for the promotion of the fisheries seed industry (hereinafter referred to as "promotion center") under Article 14 (1) of the Act shall file an application for designation with the Minister of Oceans and Fisheries, as prescribed by Ordinance

of the Ministry of Oceans and Fisheries.

(2) Standards for human resources and facilities of the promotion center shall be as specified in attached Table 2.

(3) Where the Minister of Oceans and Fisheries designates a promotion center pursuant to Article 14 (1) of the Act or revokes the designation thereof or orders the suspension of business pursuant to paragraph (4) of the same Article, he or she shall announce the fact on the Internet homepage of the Ministry of Oceans and Fisheries or requires the relevant promotion center to post the fact on its website.

(4) Criteria for revoking designation and suspending business of a promotion center provided for in Article 14 (4) of the Act shall be as specified in attached Table 3.

(5) In addition to matters provided for in paragraphs (1) through (4), specific matters necessary for designating, operating, etc. of the promotion center shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 10 (Development of Technical Research Complex for Seeds for Fisheries)

(1) Where the Minister of Oceans and Fisheries intends to develop a technical research complex for seeds for fisheries or to support the development thereof pursuant to Article 15 (1) of the Act, he or she shall consider the following:

1. Area of the site: The area of the site shall be at least 50,000 square meters and the site shall be within an area where it is possible for him or her to develop the complex;
2. Environment for the production of seeds for fisheries: Climate conditions, such as the average temperature, precipitation, and snowfall; natural disasters; water quality; and ease of securing water;
3. Conditions for development: Ease of developing the site and constructing roads and irrigation ditches and drainage ditches.

(2) The Minister of Oceans and Fisheries may support the following related to a technical research complex for seeds for fisheries pursuant to Article 15 (1) of the Act:

1. Research into and development of techniques on seeds for fisheries;
2. Training of professionals for techniques on seeds for fisheries;
3. Expansion of facilities, equipment, etc. for research and development related to techniques on seeds for fisheries;
4. Other matters deemed necessary by the Minister of Oceans and Fisheries to develop a technical research complex for seeds for fisheries.

Article 11 (Establishment of Association of Fisheries Seed Industry)

(1) Business operators in the fisheries seed industry who intend to obtain approval for the establishment of the association of the fisheries seed industry (hereinafter referred to as the "Association") pursuant to Article 16 (1) of the Act shall file an application for approval with the Minister of Oceans and Fisheries, attaching the following documents:

1. Articles of incorporation;
 2. A list and resumes of the promoters;
 3. A list of the members;
 4. A business plan and a forecast of revenues and expenditures;
 5. Minutes of the inaugural meeting.
- (2) The articles of incorporation referred to in paragraph (1) shall include the following:
1. Objectives and the name thereof;
 2. Location of the head office;
 3. Matters concerning activities and the implementation thereof;
 4. Matters concerning executive officers;
 5. Matters concerning the qualifications of the members;
 6. Matters concerning the amendment of the articles of incorporation;
 7. Other matters necessary for operating the Association.

(3) Where the Minister of Oceans and Fisheries authorizes the establishment of the Association, he or she shall officially announce his or her authorization for the establishment thereof. The foregoing shall also apply to cases where he or she approves the alteration of the name of the Association or the location of its office.

(4) Where the Minister of Oceans and Fisheries deems it necessary to supervise the Association, he or she may require the Association to report matters concerning its affairs or to submit related information.

Article 12 (Setting of Improvement Targets)

(1) Where the Minister of Oceans and Fisheries intends to set the improvement targets for a fixed period for each variety of seeds for fisheries subject to improvement pursuant to Article 17 (1) of the Act, he or she shall seek advice from related experts, such as the organization of producers, academic circles, and business circles related to the relevant variety of seeds for fisheries.

(2) The range of varieties of seeds for fisheries subject to improvement under paragraph (1) shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 13 (Designation, etc. of Institution Presiding Over Improvement of Seeds for Fisheries)

(1) The Minister of Oceans and Fisheries may designate an institution under the jurisdiction of the Ministry of Oceans and Fisheries to be in charge of affairs for improving seeds for fisheries as an institution presiding over the improvement of seeds for fisheries (hereinafter referred to as "institution presiding over the improvement of seeds for fisheries") pursuant to Article 17 (2) of the Act.

(2) Where the Minister of Oceans and Fisheries designates the institution presiding over the improvement of seeds for fisheries pursuant to paragraph (1), he or she shall publicly notify the designation thereof.

(3) Affairs of the institution presiding over the improvement of seeds for fisheries shall be as follows:

1. Formulating an improvement plan for the setting, etc. of targets to improve seeds for fisheries subject to improvement;
 2. Inspecting and evaluating projects based on an improvement plan;
 3. Consulting and coordinating improvement projects among institutions to improve seeds for fisheries;
 4. Collecting, analyzing, and evaluating information obtained both domestically and internationally about the improvement of seeds for fisheries, and reporting of the result thereof;
 5. Evaluating the ability of important broodfish and broodstock to inherit characteristics on a national scale;
 6. Other affairs deemed necessary by the Minister of Oceans and Fisheries to promote the improvement of seeds for fisheries.
- (4) Where an institution presiding over the improvement of seeds for fisheries formulates a plan for the improvement of seeds for fisheries pursuant to paragraph (3) 1, it shall report the plan to the Minister of Oceans and Fisheries along with the results of improvement of the preceding year.
- (5) An institution presiding over the improvement of seeds for fisheries may request an institution to improve seeds for fisheries (hereinafter referred to as "institution to improve seeds for fisheries") designated pursuant to Article 17 (2) of the Act to submit a project plan to improve seeds for fisheries, the results of the project to improve seeds for fisheries, and other necessary data to implement affairs referred to in the subparagraphs of paragraph (3).

Article 14 (Designation of Institution to Improve Seeds for Fisheries)

- (1) The Minister of Oceans and Fisheries may designate an institution or organization that fully satisfies the following requirements as an institution to improve seeds for fisheries pursuant to Article 17 (2) of the Act:
1. It shall be an institution or organization related to fisheries that conducts affairs related to the improvement of seeds for fisheries;
 2. It shall be an institution or organization that has at least one of the following persons:
 - (a) A person who has at least a master's degree in either the field of breeding or heredity;
 - (b) A person who has at least three years' work experience in the field of aquaculture after having graduated from a department related to fisheries of a school referred to in Article 2 of the Higher Education Act;
 - (c) A person who has acquired a qualification for at least aquaculture engineer under the National Technical Qualifications Act.
- (2) Where the Minister of Oceans and Fisheries designates an institution to improve seeds for fisheries pursuant to paragraph (1), he or she shall publicly notify the designation thereof.

Article 15 (Types of Business of Producing Seeds for Fisheries)

The types of business of producing seeds for fisheries that should be permitted pursuant to Article 21 (1) shall be as follows: <Amended on Jan. 5, 2021>

1. Business of producing seeds for fisheries in inland water tanks: Business of producing seeds for fisheries in purpose-built facilities, such as water tanks, on land and selling produced seeds for fisheries (including cases where a business operator sells produced seeds for fisheries as seeds for fisheries after raising them for a certain period; hereinafter the same shall apply in this Article);
2. Business of producing seeds for fisheries in ponds: Business of producing seeds for fisheries in purpose-built facilities, such as ponds formed by building banks, on land and selling produced seeds for fisheries;
3. Business of producing seeds for fisheries on ropes: Business of producing seeds for fisheries by hanging ropes on the surface of water at regular intervals and suspending spat collectors (referring to strings with seeds for clams, etc.; hereinafter the same shall apply) vertically on the ropes, and selling produced seeds for fisheries;
4. Business of producing seeds for fisheries on piles: Business of producing seeds for fisheries by installing piles on tidal flats at regular intervals and attaching spat collectors to such piles, and selling produced seeds for fisheries;
5. Business of producing seeds for fisheries on rafts: Business of producing seeds for fisheries by floating rafts on the surface of water at regular intervals and attaching spat collectors to such rafts, and selling produced seeds for fisheries.

Article 16 (Reporting Alterations in Business of Producing Seeds for Fisheries)

"Cases where a producer of seeds for fisheries alters any minor matters prescribed by Presidential Decree" provided for in the proviso to Article 23 (1) of the Act means cases where he or she alters the name of the producer of seeds for fisheries (in cases of a corporation or organization, referring to the name thereof and the name of the representative thereof) or the address thereof.

Article 17 (Restrictions on Exportation, Importation and Distribution of Seeds for Fisheries)

(1) Cases where 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 pursuant to Article 29 of the Act shall be as follows:

1. Where poisonous seeds for fisheries are included in imported seeds for fisheries;
2. Where ecosystems in the Republic of Korea are likely to be seriously damaged due to genetic modification, etc. by multiplication or hybridization of imported seeds for fisheries;
3. Where a specific infectious disease or pest is likely to spread due to the aquaculture of imported seeds for fisheries;
4. Where a special component of fishery products produced from seeds for fisheries is likely to adversely affect people's health;

5. Where the conservation of genetic resources in the Republic of Korea is likely to be seriously hampered due to the reckless exportation of seeds for fisheries of native species or rare seeds for fisheries in the Republic of Korea.

(2) Detailed standards for the cases referred to in the subparagraphs of paragraph (1), such as poisonous seeds for fisheries referred to in paragraph (1) 1 and kinds of specific infectious diseases or pests referred to in subparagraph 3 of the same paragraph, shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 18 (Testing and Analysis of Seeds for Fisheries in Dispute)

"Cases where joint collection is not performed for reasons prescribed by Presidential Decree, such as non-cooperation of one of the parties to a dispute" in the former part of Article 34 (3) of the Act means the following cases:

1. Where one of the parties to the dispute does not agree to the joint collection of samples;
2. Where one of the parties to the dispute substantially refuses the joint collection of samples, such as where one party to the dispute does not accompany the other party to the site where samples are collected, even though both parties agreed to the joint collection of samples.

Article 19 (Delegation and Entrustment of Authority)

(1) The Minister of Oceans and Fisheries shall delegate the authority over the following matters to the president of the National Institute of Fisheries Science pursuant to Article 39 (1) of the Act:

1. Compiling statistics and conducting fact-finding research on the fisheries seed industry pursuant to Article 6 (1) of the Act;
2. Requesting submission of data pursuant to Article 6 (2) of the Act;
3. Receiving reports on the production, importation, and sale of varieties of seeds of aquatic plants pursuant to Article 28 (1) of the Act;
4. Receiving reports on the alteration of important matters pursuant to Article 28 (2) of the Act;
5. Restricting the exportation or importation of seeds for fisheries or the distribution of imported seeds for fisheries in the Republic of Korea pursuant to Article 29 of the Act;
6. Conducting examination to determine eligibility for importation pursuant to Article 30 (1) of the Act;
7. Conducting examination or quality inspection of seeds for fisheries, etc. and collecting seeds for fisheries pursuant to Article 32 (1) of the Act;
8. Issuing orders to suspend the production or sale of seeds for fisheries and orders to collect seeds for fisheries pursuant to the former part of Article 32 (2) of the Act;
9. Preserving and managing samples of seeds for fisheries pursuant to Article 33 of the Act;
10. Receiving applications for the testing and analysis of seeds for fisheries in disputes pursuant to Article 34 (1) of the Act;

11. Receiving applications for the collection of samples of seeds for fisheries in disputes pursuant to Article 34 (3) of the Act;
 12. Issuing orders to collect samples pursuant to the former part of Article 34 (4) of the Act;
 13. Notifying the result of testing and analysis pursuant to Article 34 (5) of the Act;
 14. Issuing orders to submit data necessary for the testing and analysis pursuant to Article 34 (6) of the Act;
 15. Receiving applications for the arbitration of disputes pursuant to Article 35 (1) of the Act;
 16. Collecting fees pursuant to Article 37 (1) of the Act;
 17. Imposing and collecting administrative fines pursuant to the provisions of Article 43 (1) 7 through 10 of the Act.
- (2) The president of the National Institute of Fisheries Science may subdelegate part of the authority delegated to him or her pursuant to paragraph (1) to the head of an agency under his or her jurisdiction after obtaining approval from the Minister of Oceans and Fisheries.
- (3) The Minister of Oceans and Fisheries shall subdelegate his or her authority over the imposition and collection of administrative fines pursuant to the provisions of Article 43 (1) 1 through 6 to the head of a Si/Gun/Gu pursuant to Article 39 (1).

Article 20 (Criteria for Imposing Administrative Fines)

Criteria for imposing administrative fines pursuant to Article 43 of the Act shall be as specified in attached Table 4.

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

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Permit to Conduct Business for Purpose of Producing Seeds for Fisheries)

(1) Where a person engages in fisheries after obtaining a permit to engage in the production of seeds for fisheries referred to in the left column of the following Table pursuant to Article 27 (2) of the former Enforcement Decree of the Fisheries Act as at the time this Decree enters into force, he/she shall be deemed to have obtained a permit to conduct the relevant business for producing seeds for fisheries referred to in the right column of the aforesaid Table pursuant to Article 15 of this Decree until the period of validity of the relevant permit expires, respectively:

(2) Where a person engages in fisheries as shown in the left column of the following Table after reporting inland aquaculture (limited to aquaculture for the purpose of producing seeds) pursuant to Article 9 (1) 5 of the former Enforcement Decree of the Inland Water Fisheries Act as at the time this Decree enters into force, he/she shall be deemed to have obtained a permit to conduct the relevant business for the purpose of producing seeds for fisheries referred to in the right column of the same

Table pursuant to Article 15 of this Decree until the period of validity of the relevant report expires, respectively:

Article 3 Omitted.

Article 4 (Relationship to Other Statutes)

Where the former Enforcement Decree of the Fisheries Act, the former Enforcement Decree of the Inland Water Fisheries Act, the former Enforcement Decree of the Seed Industry Act, or any of the provisions thereof are cited in other statutes as at the time this Decree enters into force, and this Decree includes any provision corresponding thereto, this Decree or the relevant provision of this Decree shall be deemed cited in lieu of the former Enforcement Decree of the Fisheries Act, the former Enforcement Decree of the Inland Water Fisheries Act, the former Enforcement Decree of the Seed Industry Act, or the relevant provision thereof.

ADDENDA <Presidential Decree No. 30932, Aug. 11, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 19, 2020.

Article 2 (Transitional Measures concerning Criteria for Imposing Administrative Fines)

Administrative fines imposed for violations committed before this Decree enters into force shall not be included in the calculation of the number of violations under the amended provisions of subparagraph 2 (e), (f), (i), and (j) of attached Table 4.

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

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

ADDENDUM <Presidential Decree No. 33109, Dec. 20, 2022>

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

Last updated : 2023-10-19