

# SPECIAL ACT ON ASSISTANCE TO FARMERS AND FISHERS FOLLOWING THE CONCLUSION OF FREE TRADE AGREEMENTS

Wholly Amended by Act No. 10890, Jul. 21, 2011

Amended by Act No. 11172, Jan. 17, 2012

Act No. 11505, Oct. 22, 2012

Act No. 11703, Mar. 23, 2013

Act No. 11821, May 28, 2013

Act No. 12063, Aug. 13, 2013

Act No. 12412, Mar. 11, 2014

Act No. 13383, Jun. 22, 2015

Act No. 14528, Jan. 17, 2017

Act No. 16548, Aug. 27, 2019

## Article 1 (Purpose)

The purpose of this Act is to contribute to the business management and to the stability of livelihood of farmers, fishermen, etc. by improving the competitiveness of agriculture, fisheries, etc. and formulating efficient measures for supporting farmers, fishermen, etc. who sustain or are likely to sustain any loss or damage in the course of implementing free trade agreements.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 13383, Jun. 22, 2015; Act No. 14528, Jan. 17, 2017>*

1. The term "free trade agreement" means an international agreement that the Republic of Korea concludes with any other country or a regional trade bloc on the liberalization of trade, which includes matters concerning the reduction or removal of tariffs on agricultural or fishery products, etc. and the expansion, etc. of market accessibility;
2. The term "agriculture, etc." means agriculture as defined in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and the food industry as defined in subparagraph 8 of Article 3 of the aforesaid Act;

3. The term "fisheries, etc." means fisheries as defined in subparagraph 1 of Article 2 of the Fisheries Act;
4. The term "agriculture, fisheries, etc." means agriculture, etc. and fisheries, etc.;
5. The term "farmer, etc." means a farmer as defined in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and an agricultural corporation as defined in subparagraph 2 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises;
6. The term "fisherman, etc." means a fishery owner as defined in subparagraph 13 of Article 2 of the Fisheries Act and a fisheries corporation as defined in subparagraph 5 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises;
7. The term "farmers, fishermen, etc." means farmers, etc. and fishermen, etc.;
8. The term "producers' organization" means an organization as defined in subparagraph 4 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and subparagraph 5 of Article 3 of the Framework Act on Fishers and Fishing Villages Development;
9. The term "agricultural product" means an item prescribed in Article 2 of the Agreement on Agriculture in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, other than fishery products as defined in subparagraph 10 below;
10. The term "fishery product" means a fishery product as defined in subparagraph 1 of Article 2 of the Quality Control of Fishery Products Act and a processed fishery product as defined in subparagraph 4 of Article 2 of the aforesaid Act;
11. The term "agricultural village" means an agricultural village as defined in subparagraph 5 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry;
12. The term "fishing village" means a fishing village as defined in subparagraph 6 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development;
13. The term "agricultural and fishing village" means an agricultural village and a fishing village;
14. The term "private enterprise" means a company as defined in Article 169 of the Commercial Act (including a foreign company under Article 614 of the Commercial Act) which is established pursuant to Article 172 of that Act and a cooperative established pursuant to the Framework Act on Cooperatives which is a domestically located corporation;
15. The term "public enterprise" means a public enterprise designated pursuant to Article 5 (3) 1 of the Act on the Management of Public Institutions;
16. The term "the National Agricultural Cooperatives Federation" means the National Federation as defined in subparagraph 4 of Article 2 of the Agricultural Cooperatives Act;
17. The term "the National Federation of Fisheries Cooperatives" means the National Federation as defined in subparagraph 5 of Article 2 of the Fisheries Cooperatives Act;
18. The term "private enterprise, etc." means a private enterprise, a public enterprise, the National Agricultural Cooperatives Federation, the National Federation of Fisheries Cooperatives, etc.;

19. The term “collaborative cooperation” means joint activities conducted by ‘private enterprises, etc.’ and ‘agricultural fishing villages, and farmers, fishermen, etc.’ to promote mutual interest in the fields of technologies, manpower, production, distribution, marketing, etc., and support activities conducted by private enterprises, etc. targeting agricultural and fishing villages and farmers and fishermen to develop agricultural and fishing villages and improve the life quality of farmers and fishermen.

### **Article 3 (Basic Principles for Support to Farmers, Fishermen, etc.)**

The Government shall take necessary measures to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization for improving the competitiveness of agriculture, fisheries, etc. and promoting the efficient restructuring and business stabilization of agriculture, fisheries, etc. in order to minimize any loss or damage that might be sustained by farmers, fishermen, etc. due to the implementation of a free trade agreement (hereinafter referred to as "agreement").

### **Article 4 (Formulation of Comprehensive Measures to Support Farmers and Fishermen)**

(1) The Government shall formulate comprehensive measures to support farmers, fishermen, etc. following the implementation of a free trade agreement (hereinafter referred to as "comprehensive measures to support farmers and fishermen") in order to efficiently support farmers, fishermen, etc. who have suffered, or are likely to suffer, any loss or damage due to the implementation of an agreement.

(2) The comprehensive measures to support farmers and fishermen shall include each of the following:

1. Measures to compensate for the loss or damage sustained by farmers, fishermen, etc.;
2. Measures to improve relevant systems for supporting farmers, fishermen, etc.;
3. Other necessary measures to promote the comprehensive measures to support farmers and fishermen.

(3) When the Government formulates or modifies comprehensive measures to support farmers and fishermen, it shall report thereon to the Standing Committees of the National Assembly having jurisdiction over the issue, subject to deliberation thereon by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. referred to in Article 19. *<Amended by Act No. 11703, Mar. 23, 2013>*

(4) When the Government formulates comprehensive measures to support farmers and fishermen, it shall, in advance, investigate and analyze any possible effects of the implementation of an agreement on agriculture and fisheries, such as production decline in agriculture and fisheries and reduction of rural income, and shall fully reflect the results thereof.

(5) Necessary matters concerning criteria, procedures, etc. for formulating and modifying comprehensive measures to support farmers and fishermen, and detailed time frames, methodology, etc. for the investigation and analysis provided for in paragraph (4) shall be prescribed by Presidential Decree.

### **Article 5 (Support for Improvement of Competitiveness of Agriculture, Fisheries, etc.)**

(1) The Government may provide special support for the following activities by granting subsidies or loans in order to improve the competitiveness of agriculture, fisheries, etc. that have sustained, or are likely to sustain, any loss or damage due to the implementation of an agreement: Provided, That special support shall not be granted to an agricultural or a fisheries cooperation that belongs to an enterprise group subject to the limitations on mutual investment, etc. designated pursuant to Article 14 (1) of the Monopoly Regulation and Fair Trade Act: <Amended by Act No. 11703, Mar. 23, 2013; Act No. 12063, Aug. 13, 2013>

1. Expanding agricultural or fishery businesses by the purchase, rent, etc. of farmland;
  2. Improving infrastructure for production, such as channels for supply and drainage of water and paths for cultivation;
  3. Promoting the production of high-quality agricultural or fishery products, through supply of seeds or breeding stock of superior quality, and support of agricultural materials;
  4. Promoting the production and distribution of environment-friendly agricultural or fishery products;
  5. Establishing and operating processing and distribution facilities for agricultural or fishery products;
  6. Conducting research and development and dissemination activities for the development and improvement of varieties of agricultural or fishery products, and the promotion of the processing of agricultural or fishery products;
  7. Promoting modernization and expansion of production facilities for agriculture, fisheries, etc.;
  8. Consulting on and promoting the development of techniques for the management, planning, distribution, advertisement, accounting, technology development, conversion in breeding, etc. for agriculture, fisheries, etc.;
  9. Other activities deemed necessary by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries for improving the competitiveness of agriculture, fisheries, etc.
- (2) Necessary matters concerning criteria for and methods of calculating loss or damage to agriculture, fisheries, etc. and detailed standards, period, and procedures for assistance or loan shall be prescribed by Presidential Decree.

#### **Article 6 (Compensation for Loss and Damage Caused by Implementation of Free Trade Agreements)**

(1) For items that have suffered price decline due to the rapid increase in the volume of imports by the implementation of an agreement, the Government may execute a policy to directly pay compensation for losses and damage caused by the implementation of the said agreement (hereinafter referred to as "direct compensation for losses and damage") to farmers, fishermen, etc. who had been producing the relevant items prior to the effective date of the said agreement, for ten years from the effective date of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the People's Republic of China. <Amended by Act No. 14528, Jan. 17, 2017>

(2) Necessary matters concerning criteria for the selection of eligible items under paragraph (1), procedures for the payment of the direct compensation for losses and damage, etc. shall be prescribed by Presidential Decree.

## **Article 7 (Criteria for Payment of Direct Compensation for Losses and Damage)**

(1) Where any item eligible for the payment of direct compensation for losses and damage falls under both of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall pay direct compensation for losses and damage each year, to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization: *<Amended by Act No. 11172, Jan. 17, 2012; Act No. 11703, Mar. 23, 2013>*

1. Where the average price of the item eligible for the payment of direct compensation for losses and damage for the relevant year declines to a level less than the base price (which refers to the price calculated by multiplying the average price for three years, out of the average prices for the latest five years immediately preceding the relevant year excluding the highest and lowest prices, by 90/100: hereinafter the same shall apply) due to the implementation of an agreement: Provided, That for the year of effectuation of the agreement, this means where the average price of the item eligible for the payment of direct compensation for losses and damage declines to a level less than the base price from the effective date of the agreement to the end of the relevant year;

2. Where the total import volume of the item eligible for the payment of direct compensation for losses and damage for the relevant year exceeds the base total volume of imports (which refers to the average total volume of imports for three years, out of the average total volumes of imports for the latest five years immediately preceding the relevant year excluding the highest and lowest prices: hereinafter the same shall apply) due to the implementation of an agreement and the volume of imports from the Contracting State for the relevant year exceeds the base volume of imports: Provided, That for the year of effectuation of the agreement, the total volume of imports and the volume of imports from the Contracting State for the relevant year shall be calculated on the basis of the volume of imports from the effective date of the agreement to the end of the relevant year, whereas the base total volume of imports and the base volume of imports shall be calculated by multiplying the annual total volume of imports and the annual base volume of imports by the ratio calculated by dividing the number of days from the effective date of the agreement to the end of the relevant year by 365 days.

(2) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries determine whether or not the eligibility requirements provided for in the subparagraphs of paragraph (1) are fulfilled, he/she shall undergo an investigation and analysis conducted by a center for supporting farmers, etc. or a center for supporting fishermen, etc. following the implementation of free trade agreements designated pursuant to Article 20 and deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. referred to in Article 19. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) Methods of investigating the average prices of the eligible items and methods of calculating the total volumes of imports, base total volumes of imports, volume of imports from the Contracting State for the relevant year, base volumes of imports, etc. under paragraph (1) shall be prescribed by Ordinance of the

Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.  
<Amended by Act No. 11703, Mar. 23, 2013>

#### **Article 8 (Methods of Calculating Direct Compensation for Losses and Damage)**

(1) Direct compensation for losses and damage shall be calculated by the following formulae: Provided, That the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may choose different calculation methods for each item subject to deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. referred to in Article 19, if he/she deems it inappropriate to calculate the direct compensation for losses and damage on the basis of production area or volume of production as in the case of the livestock industry: <Amended by Act No. 11703, Mar. 23, 2013>

1. Agriculture, etc.: production area for an eligible item  $\times$  national average volume of production per unit area  $\times$  payment rate for direct compensation for losses and damage (hereinafter referred to as "payment rate")  $\times$  adjustment factor;

2. Fisheries, etc.: volume of production for an eligible item  $\times$  payment rate  $\times$  adjustment factor.

(2) The payment rate referred to in the subparagraphs of paragraph (1) shall be calculated by multiplying the difference between the base price and the average price for the relevant year by 95/100: Provided, That for the year of effectuation of the agreement, the payment rate shall be calculated by multiplying the difference between the base price and the average price from the effective date of the agreement to the end of the relevant year by 95/100. <Amended by Act No. 14528, Jan. 17, 2017>

(3) The adjustment factor referred to in the subparagraphs of paragraph (1) shall be determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries subject to deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. as referred to in Article 19, to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization for the payment of direct compensation for losses and damage. <Amended by Act No. 11703, Mar. 23, 2013>

(4) Notwithstanding paragraph (1), the maximum amount of direct compensation for losses and damage for each item shall be prescribed by Presidential Decree, within the limit of 50 million won for an agricultural corporation as defined in subparagraph 2 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises and a fisheries corporation as defined in subparagraph 5 of the aforesaid Article, and 35 million won for a farmer as defined in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and a fishery owner as defined in subparagraph 13 of Article 2 of the Fisheries Act. <Newly Inserted by Act No. 11172, Jan. 17, 2012; Act No. 13383, Jun. 22, 2015>

(5) Methods of calculating the production areas for the eligible items, national average volumes of production per unit area in the case of agriculture, etc., and volumes of production for the eligible items in the case of fisheries, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of

Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11172, Jan. 17, 2012; Act No. 11703, Mar. 23, 2013>

#### **Article 9 (Subsidization for Discontinuance of Business)**

(1) If it is deemed difficult to continue a business of growing, raising, collecting, picking, or cultivating any kind of fruit, greenhouse plant, or livestock or fishery product as a consequence of the implementation of an agreement, the Government may execute a policy for a specific period to pay a subsidy for discontinuance of business to farmers, fishermen, etc. who discontinue such business.

(2) Necessary matters concerning criteria for the selection of products eligible under paragraph (1), guidelines for the payment, methods of calculation, procedures for payment, and the period of implementation of subsidies for discontinuance of business shall be prescribed by Presidential Decree.

#### **Article 10 (Support to Producers' Organizations)**

The Government may support any producers' organization to purchase, store, or process agricultural or fishery products that have suffered, or are likely to suffer, price decline, reduced output, etc. due to an rapid increase in imports as a consequence of the implementation of an agreement.

#### **Article 11 (Subsidies to Processors of Agricultural or Fishery Products)**

The Government may subsidize funds necessary for the normalization of business, if processors of agricultural or fishery products sustain losses and damage, such as a rapid decline in sales, as a consequence of the implementation of an agreement.

#### **Article 12 (Support from Local Governments)**

Where a local government deems that the stabilization of the local economy is likely to be undermined by losses and damage caused by the implementation of an agreement, such as a decrease in the prices or output of agricultural or fishery products mainly produced in its jurisdiction due to an rapid increase in imports as a consequence of the implementation of an agreement, it may establish a plan for subsidizing such products and provide subsidies and support as provided in Articles 5, 6, 9 through 11.

#### **Article 12-2 (Submission to National Assembly of Investment or Loan Plan and Written Report on Performance Analysis to Support Farmers and Fishermen)**

(1) The Government shall prepare a written report (hereinafter referred to as “the plan for investment or loan to support farmers and fishermen”) on the planned amount of the next fiscal year, being analysed by function and character, from the financial support in accordance with the comprehensive measures to support farmers and fishermen, and submit it to the Standing Committee of National Assembly having jurisdiction over the issue before 120 days of the commencement date of every fiscal year. In such cases, performance objectives, expected effect, financial procure plan, annual financial support plan, etc. shall be

included in the plan for investment and loan to support farmers and fishermen. *<Amended by Act No. 11821, May 28, 2013>*

(2) The Government shall prepare a written report (hereinafter referred to as “the written report on the performance analysis for supporting farmers and fishermen”) in which the financial support of Government is estimated whether to improve the competitiveness of agriculture, fisheries, etc. and contribute to the business management and to the stability of livelihood of farmers, fishermen, etc. by analysing the performance result, outcome, and effect of the previous fiscal year by the financial support in accordance with the comprehensive measures to support farmers and fishermen, and submit it to the Standing Committee of National Assembly having jurisdiction over the issue by 31st of May every year.

(3) Detailed method of preparation and matters necessary for submission of the plan for investment and loan to support farmers and fishermen and the written report on the performance analysis to support farmers and fishermen shall be prescribed by Presidential Decree.

### **Article 13 (Establishment of Support Fund for Implementation of Free Trade Agreements)**

(1) The Government shall establish a support fund for the implementation of free trade agreements (hereinafter referred to as the "Fund") to secure financial resources necessary to take measures to support farmers, fishermen, etc. who have sustained or are likely to sustain losses and damage as a consequence of the implementation of an agreement.

(2) The Minister of Agriculture, Food and Rural Affairs shall open a fund account with the Bank of Korea to ensure a clear management of the revenue and expenditure of the Fund defined in paragraph (1).

*<Amended by Act No. 11703, Mar. 23, 2013>*

### **Article 14 (Raising of Fund)**

(1) The Government shall establish a plan for subsidy from the Fund amounting to a total of 1,200 billion won for seven years from the effective date of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile and shall raise funds required for implementing the plan.

(2) Where the Government formulates comprehensive measures to support farmers and fishermen pursuant to Article 4 following the implementation of an agreement, it shall formulate a new plan for subsidy from the Fund, which includes the subsidy plan established under paragraph (1).

(3) The Fund shall be raised from the following financial resources: *<Amended by Act No. 12412, Mar. 11, 2014>*

1. Contributions from the Government;
2. Contributions or donations from any person other than the Government;
3. Contributions from the special reserve referred to in Article 42 (4) of the Korean Racing Association Act;



4. Borrowings under paragraph (4);
  5. Contributions for public sale or margins from importation referred to in Article 22 (1);
  6. Gains from management of the Fund;
  7. Transferred money referred to in Article 4 (2) 5 of the Act on Special Accounts for the Structural Improvement of Agricultural and Fishing Villages.
- (4) If the Minister of Agriculture, Food and Rural Affairs deems it necessary for the management of the Fund, he/she may take a loan from the Bank of Korea, a financial institution referred to in Article 2 (2) of the Act on the Credit Guarantee for Farmers and Fishermen, or any other fund or account at the expense of the Fund. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 15 (Use of Fund)**

The Fund shall be used for the following purposes: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. For supporting the improvement of competitiveness of agriculture, fisheries, etc. pursuant to Article 5;
2. For compensating for losses and damage sustained by farmers, fishermen, etc. pursuant to Articles 6 through 8;
3. For supporting farmers, fishermen, etc. who discontinue their business pursuant to Article 9;
4. For supporting producers' organizations pursuant to Article 10;
5. For supporting processors of agricultural or fishery products pursuant to Article 11;
6. For repaying the principal and interest of borrowings under Article 14;
7. For disbursing expenses incurred in imposing and collecting margins, etc. from importation of agricultural products pursuant to Article 22;
8. For disbursing expenses incurred in the management and operation of the Fund;
9. For other activities deemed necessary by the Minister of Agriculture, Food and Rural Affairs specifies for supporting farmers, fishermen, etc. following the implementation of an agreement.

#### **Article 16 (Operation and Management of Fund)**

- (1) The Fund shall be operated and managed by the Minister of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11703, Mar. 23, 2013>*
- (2) The Minister of Agriculture, Food and Rural Affairs may entrust a person prescribed by Presidential Decree with administrative affairs for the operation and management of the Fund. *<Amended by Act No. 11703, Mar. 23, 2013>*
- (3) Other matters necessary for the operation and management of the Fund and the entrustment of administrative affairs therefor shall be prescribed by Presidential Decree.

#### **Article 17 (Draft Plans for Fund Operation)**

The Minister of Agriculture, Food and Rural Affairs shall prepare a draft plan for the operation of the Fund for each fiscal year pursuant to Article 66 of the National Finance Act. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 18 (Accounting of Fund)**

(1) The Minister of Agriculture, Food and Rural Affairs shall appoint a fund revenue collection officer, a fund treasurer, a fund disbursement officer, and an officer in charge of accounts, from among public officials under his/her jurisdiction, in order to carry out administrative affairs for the revenue and expenditure of the Fund. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) If the Minister of Agriculture, Food and Rural Affairs entrusts administrative affairs for the operation and management of the Fund pursuant to Article 16 (2), he/she shall appoint an executive responsible for revenue of the Fund and an executive responsible for acts of incurring expenditure respectively, from among executives of the entrusted institution, and appoint a fund disbursing officer and a fund cashier respectively, from among employees of the entrusted institution. In such cases, the executive responsible for the revenue of the Fund shall serve as fund revenue collection officer; the executive responsible for incurring expenditure as fund treasurer; the fund disbursing officer as the fund disbursement officer; and the fund cashier as the officer in charge of accounts, respectively. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 18-2 (Establishment, etc. of Agricultural and Fishing Villages Collaborative Cooperation Fund)**

(1) The Agricultural and Fishing Villages Collaborative Cooperation Fund (hereinafter referred to as “Collaborative Cooperation Fund”) shall be established to systematically support projects for securing sustainable development of the agriculture, fisheries, etc. and agricultural and fishing villages, which have suffered, or are likely to suffer any loss or damage due to the implementation of an agreement, and projects for promoting collaborative cooperation between ‘private enterprises, etc.’ and ‘agricultural and fishing villages and farmers, fishermen, etc.’

(2) The Collaborative Cooperation Fund Operation Committee and the Collaborative Cooperation Fund Operation Headquarters shall be established within the Foundation for Large and Small-Medium Enterprises Cooperation and Agriculture and Fisheries Cooperation (hereinafter referred to as “the Foundation”) referred to in Article 20 (1) of the Act on the Promotion of Collaborative Cooperation between Large Enterprises and Small-Medium Enterprises, and the Collaborative Cooperation Fund shall be managed and operated by means of separate accounting.

(3) The Collaborative Cooperation Fund shall be created by contributions from persons other than the Government, goods, or other property. *<Amended by Act No. 16548, Aug. 27, 2019>*

(4) The target amount of the Collaborative Cooperation Fund shall be 100 billion won per year, and where the amount of the Collaborative Cooperation Fund created is insufficient, the Government shall take measures to address the deficit and report the results to the Agriculture, Food, Rural Affairs, Oceans and

Fisheries Committee of the National Assembly.

(5) A person who makes contributions pursuant to paragraph (3) may do so by designating the usages of such contributions and the projects using them. In such cases, the Foundation shall use contributions from persons other than the Government, goods, or other property for the designated usages and projects.

*<Amended by Act No. 16548, Aug. 27, 2019>*

(6) The Collaborative Cooperation Fund shall be used for the following and the Foundation shall endeavor to use the Collaborative Cooperation Fund in consideration of equity among districts: *<Amended by Act No. 16548, Aug. 27, 2019>*

1. Educational and scholarship projects targeting the children of farmers and fishermen;
- 1-2. Educational and scholarship projects targeting schools which organize and operate subjects regarding agriculture and forestry, maritime affairs, or fisheries among the educational courses determined by the Minister of Education under Article 23 (2) of the Elementary and Secondary Education Act; schools which operate academic courses related to agriculture and fisheries such as agriculture, veterinary science, or fishery science among the schools under the subparagraphs of Article 2 of the Higher Education Act; schools in agricultural and fishing districts; and students attending the aforesaid schools;
2. Projects for improving the welfare of residents in agricultural and fishing villages such as enlargement of medical services and promotion of cultural life;
3. Projects for developing and invigorating agricultural and fishing districts such as the improvement of settlement conditions, the invigoration of village communities, and the improvement of landscape;
4. Joint cooperation projects conducted for promoting mutual interests between 'private enterprises, etc.' and 'agricultural and fishing villages and farmers, fishermen, etc.' in the fields of production, distribution, sales, etc. of agricultural and fishery products;
5. Projects for the merchandise coupons issued by the National Agricultural Cooperatives Federation and the National Federation of Fisheries Cooperatives, etc;
6. Expenses for creating, operating and managing the Collaborative Cooperation Fund;
7. Other Projects determined by Presidential Decree, which are necessary for encouraging collaborative cooperation between private enterprises, etc. and agricultural and fishing villages and farmers, fishermen, etc.

#### **Article 19 (Committee for Supporting Farmers, etc. and Committee for Supporting Fishermen, etc.)**

(1) The Committee for Supporting Farmers, etc. following the implementation of Free Trade Agreements (hereinafter referred to as the "Committee for Supporting Farmers, etc.") and the Committee for Supporting Fishermen, etc. following the implementation of Free Trade Agreements (hereinafter referred to as the "Committee for Supporting Fishermen, etc.") shall be established under the jurisdiction of the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries, respectively, in order to deliberate on matters necessary for improving the competitiveness of agriculture, fisheries, etc.

and minimizing any loss or damage to be incurred. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) The chairpersons of the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries, respectively. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) The Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be comprised of not more than 20 members, including each chairperson of both Committees, the Vice Minister of Strategy and Finance, the Vice Minister of Trade, Industry and Energy, persons with abundant knowledge and experience in related fields who are commissioned by the chairperson through recommendation of the Standing Committees of the National Assembly having jurisdiction over the issue, and persons falling under any of the followings: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. Committee for Supporting Farmers, etc.: the Vice Minister of Agriculture, Food and Rural Affairs, representatives from organizations of farmers or consumers who are commissioned by the Minister of Agriculture, Food and Rural Affairs, certified public appraisers, experts from academic circles, and persons with abundant knowledge and experience in related fields;

2. Committee for Supporting Fishermen, etc.: the Vice Minister of Oceans and Fisheries, representatives from organizations of fishermen or consumers who are commissioned by the Minister of Oceans and Fisheries, certified public appraisers, experts from academic circles, and persons with abundant knowledge and experience in related fields.

(4) The Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall deliberate on matters related to agriculture, etc. and matters related to fishery, etc. respectively in the followings: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. Basic policies on support for farmers, fishermen, etc.;

2. Comprehensive measures to support farmers and fishermen under Article 4;

3. Measures for raising financial resources to support farmers, fishermen, etc.;

4. Matters concerning monitoring of the current status of the implementation of agreements in the fields of agriculture, fisheries, etc.;

5. Matters concerning support for improving the competitiveness of agriculture, fisheries, etc. pursuant to Article 5;

6. Matters concerning compensation for losses and damage sustained by farmers, fishermen, etc. pursuant to Articles 6 through 8;

7. Matters concerning support for the discontinuance of business by farmers, fishermen, etc. pursuant to Article 9;

8. Matters concerning support for producers' organizations under Article 10;

9. Matters concerning support for processors of agricultural or fishery products under Article 11.

(5) Except as otherwise provided for in paragraphs (1) through (4), necessary matters concerning the organization and operation of the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23,*

#### **Article 20 (Center for Supporting Farmers, etc. and Center for Supporting Fishermen, etc.)**

(1) In order to investigate and analyze the effects, etc. of the implementation of agreements on the volume of imports and prices of agricultural or fishery products and to provide consultations, guidance, etc. in relation to agreements and conduct other activities for supporting farmers, fishermen, etc. in a more efficient manner, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, subject to deliberation by the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, designate a research institute or organization related to agriculture, fisheries, etc. as a center for supporting farmers, etc. or a center for supporting fishermen, etc. (hereinafter referred to as "supporting center") following the implementation of free trade agreements. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, within budgetary limits, grant contributions or subsidies to supporting centers to cover the expenses incurred in operating the supporting centers. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) Necessary matters concerning the designation, operation, supervision, etc. of the supporting centers shall be prescribed by Presidential Decree.

#### **Article 21 (Recovery of Subsidies)**

(1) If any person who has received a subsidy pursuant to Articles 5, 6, 9 through 12 falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government may recover all or some of the subsidy: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. If it is found that the person has received the subsidy by fraudulent or other unjust means;
2. If the subsidy was over-paid or erroneously paid;
3. If a farmer, fisherman, etc. who once discontinued his/her business resumes a business of growing, raising, collecting, picking, or cultivating any item eligible for subsidization for the discontinuance of business referred to in Article 9, as prescribed by Presidential Decree.

(2) When the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of a local government recovers a subsidy pursuant to paragraph (1), he/she shall recover it in the same manner as delinquent national or local taxes are collected. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 22 (Collection of Contributions for Public Sale, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may require a person who imports agricultural or fishery products subject to a tariff rate quota under an agreement and eligible for the tariff concession under the relevant agreement (hereinafter referred to as "importer") to pay a contribution for public sale, or may levy and collect margins from importation within

the limit of the difference between domestic price and import price, as prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) Contributions for public sale or margins from importation referred to in paragraph (1) shall be paid to the Fund or the Fisheries Development Fund under Article 46 of the Framework Act on Fishers and Fishing Villages Development, as determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and may be collected in the same manner as delinquent national taxes are collected, if the payment is not made within a prescribed deadline. *<Amended by Act No. 11703, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>*

(3) Matters necessary for control of importation, such as the designation of importers for each type of agricultural or fishery products under paragraph (1), shall be determined and publicly announced by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by the relevant statutes, including agreements and the Customs Act. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 23 (Delegation, etc. of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may partially delegate his/her authority or affairs relating to support for farmers, fishermen, etc. and producers' organizations under Articles 5, 6, 9 through 11 and the recovery of subsidies under Article 21 (1) to a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu), as prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may assign a person prescribed by Presidential Decree duties to collect contributions for public sale, etc. referred to in Article 22 on his/her behalf, as prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries assigns a person duties to collect contributions for public sale, etc. on his/her behalf pursuant to paragraph (2), he/she shall reimburse the expenses incurred in relation thereto from the Fund or the Fisheries Development Fund referred to in Article 76 of the Fisheries Act. *<Amended by Act No. 11703, Mar. 23, 2013>*

#### **Article 24 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)**

Members of the Committee for Supporting Farmers, etc. and the Committee of Supporting Fishermen, etc. who are not public officials shall be deemed public officials for purposes of Articles 127 and 129 through 132 of the Criminal Act.

ADDENDA

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

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

#### **Article 2 (Retroactive Application)**

The amended provisions of Articles 6 through 9 shall apply retroactively to the effective date of the Free Trade Agreement between the Republic of Korea, or the One Part, and the European Union and its Member States, of the Other Part.

#### **Article 3 (Transitional Measures)**

Any dispositions, procedures or other acts taken or done under the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements as at the time this Act enters into force shall be deemed dispositions, procedures, or other acts taken or done under this Act.

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

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

Where the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements or any provisions thereof are cited in other statutes as at the time this Act enters into force, this Act or the corresponding provisions of this Act shall be deemed cited in place of the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements or the provisions thereof if provisions corresponding thereto exist in this Act.

ADDENDA <Act No. 11172, Jan. 17, 2012>

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

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

#### **Article 2 (Retroactive Application)**

The amended provisions of Articles 7 (1) 1 and 8 (4) shall apply retroactively to the effective date of the Free Trade Agreement between the Republic of Korea, or the One Part, and the European Union and its Member States, of the Other Part.

ADDENDUM <Act No. 11505, Oct. 22, 2012>

This Act shall enter into force on the date of January 1, 2013.

ADDENDA <Act No. 11703, Mar. 23, 2013>

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

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

#### **Article 2 (Transitional Measures concerning Committee for Supporting Farmers, Fishermen, etc.)**

The Committee for Supporting Farmers, Fishermen, etc. which was established under the Minister of Food, Agriculture, Forestry and Fisheries pursuant to the previous provisions at the time when this Act entered into force shall be deemed as the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. which has been established under the amended provisions referred to in the same paragraph until the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. is newly composed of in accordance with the amended provisions under Article 19 (1).

**Article 3 (Transitional Measures concerning Center for Supporting Farmers, Fishermen, etc.)**

A center for supporting farmers, fishermen, etc. which was designated pursuant to the previous provisions at the time when this Act entered into force shall be deemed as a center for supporting farmers, etc. or a center for supporting fishermen, etc. which has been designated in accordance with the amended provisions under Article 20 (1).

**Article 4 Omitted.**

ADDENDA <Act No. 11821, May 28, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2014.

**Articles 2 through 6 Omitted.**

ADDENDUM <Act No. 12063, Aug. 13, 2013>

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

ADDENDA <Act No. 12412, Mar. 11, 2014>

**Article 1 (Enforcement Date)**

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

**Article 2 and 3 Omitted.**

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. 14528, Jan. 17, 2017>

**Article 1 (Enforcement Date)**

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

**Article 2 (Valid Period)**

The amended provisions of Article 18-2 (4) shall be valid for ten years after this Act enters into force.

**Article 3 (Applicability to Calculation of Payment Rate)**

The amended provisions of Article 8 (2) shall begin to apply from the first calculation of the payment rate of the direct compensation for losses and damage to be paid in 2016.

**Article 4 (Transitional Measure concerning Change of Payment Period of Direct Compensation for Losses and Damage)**

Where any direct compensation for losses and damage paid pursuant to former Article 6 before this Act enters into force is collected after this Act enters into force, Article 21 shall apply notwithstanding the amended provisions of Article 6.

ADDENDUM <Act No. 16548, Aug. 27, 2019>

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

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