

# ENFORCEMENT DECREE OF THE SPECIAL ACT ON ASSISTANCE TO FARMERS, FISHERMEN, ETC. FOLLOWING THE CONCLUSION OF FREE TRADE AGREEMENTS

Wholly Amended by Presidential Decree No. 23235, Oct. 21, 2011

Amended by Presidential Decree No. 23535, Jan. 25, 2012

Presidential Decree No. 23733, Apr. 17, 2012

Presidential Decree No. 23982, Jul. 24, 2012

Presidential Decree No. 24486, Mar. 23, 2013

Presidential Decree No. 24611, jun. 17, 2013

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements and those necessary for the enforcement thereof.

## Article 2 (Standards, Procedures, etc. for Formulating or Amending Comprehensive Measures to Support Farmers and Fishermen)

(1) Where a free trade agreement (hereinafter referred to as “agreement”) is concluded, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall conduct investigation and analysis pursuant to Article 4 (4) of the Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements (hereinafter referred to as the “Act”) and formulate comprehensive measures to support farmers, fishermen, etc. (hereinafter referred to as “comprehensive measures to support farmers and fishermen”) within six months after the conclusion of the agreement, taking into account the existing measures relevant to the agreement, the findings from the investigation and analysis pursuant to Article 4 (4) of the Act and the effectiveness of assistance to farmers, fishermen, etc., following deliberation by the Committee for Supporting Farmers, etc. or Committee for Supporting Fishermen, etc. following the implementation of Free Trade Agreements as stipulated in Article 19 of the Act (hereinafter referred to as the “Committee”). *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(2) If necessary due to a change in circumstances such as delay in ratifying the agreement after the establishment of the comprehensive measure to support farmers and fishermen, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may re-analyze the effects of the agreement on the agricultural and fisheries sectors, and change the comprehensive measures to support

farmers and fishermen accordingly following deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(3) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries formulates or amends a comprehensive measure to support farmers and fishermen, he/she may gather consensus from interested parties and related experts with respect to the validity of such formulation or amendment. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may conduct investigation or analysis pursuant to paragraph (1) by commissioning a relevant specialized agency to do so. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

### **Article 3 (Standards and Methods, etc. for Estimating Damage to Agriculture, Fishery, etc.)**

(1) The standards to estimate damage to agriculture, fishery, etc. under Article 5 (1) of the Act shall be based on the estimates of decline in relevant outputs, and the damage shall be estimated by comparing before and after the conclusion of the agreement.

(2) Detailed standards, periods, procedures, etc. for subsidies and loans pursuant to Article 5 (2) of the Act shall be prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries in consultation with the Minister of Strategy and Finance, with reference to the proviso to the main sentence of Article 9 of the Subsidy Management Act, and Article 4 (1) and the attached Table 1 of Enforcement Decree of the same Act. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013; Presidential Decree No. 24611, Jun. 17, 2013>*

### **Article 4 (Selection Criteria of Items Eligible for Direct Compensation for Losses and Damage)**

(1) Farmers, fishermen, etc. and the association of producers, etc. (hereinafter referred to as the “association of producers”) under subparagraph 4 of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Communities, and Food Industry may submit an application to request the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to select an item that has price declines due to a rapid increase in the volume of imports following the implementation of the agreement as eligible for direct compensation for losses and damage pursuant to Article 6 of the Act (hereinafter referred to as “direct compensation for losses and damage”) within the period determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(2) Upon receipt of an application filed under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall select the relevant item as eligible for direct compensation for losses and damage if it meets all the following qualifications. In such cases, whether the relevant item meets the qualification of paragraph (2) shall be determined by investigation and analysis by the center for supporting farmers, etc. or the center for supporting fishermen, etc. designated as such following the implementation of free trade agreements under Article 20 of the Act (hereinafter referred to as “support center”) and by deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

1. Agricultural products or fishery products for which customs duties are reduced or abolished, or for which the tariff quota volumes increase under the agreement;
  2. Agricultural products or fishery products which meet all the qualifications prescribed in subparagraphs of Article 7 (1) of the Act.
- (3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, where he/she deems necessary even if no application has been made pursuant to paragraph (1), select an item that meets all the qualifications prescribed in subparagraphs of paragraph (2) as eligible for direct compensation for losses and damage after investigation and analysis by the support center and deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*
- (4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, where an item sustains damage at specific periods due to the seasonal duties under Article 72 of the Customs Act, shall consider the period and method of production, etc. to determine the degree of damage. *<Amended by Presidential Decree No. 24611, Jun. 17, 2013>*
- (5) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, after selecting the items eligible for direct compensation for losses and damage, publicly announce the names of the items pursuant to paragraph (2) or (3). *<Amended by Presidential Decree No. 24611, Jun. 17, 2013>*

#### **Article 4-2 (Ceiling on Direct Compensation for Losses and Damage)**

The ceiling on direct compensation for losses and damage for each item pursuant to Article 8 (4) of the Act shall be 50 million won for a agricultural corporation under subparagraph 2 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises and a fisheries corporation pursuant to subparagraph 5 of the same Article; and shall be 35 million won for a farmer under subparagraph 2 (a) of Article 3 of the Framework Act on Agricultural and Fisheries, Rural Community, and Food Industry and a fishery owner under subparagraph 13 of Article 2 of the Fisheries Act.

#### **Article 5 (Payment Procedures of Direct Compensation for Losses and Damage)**

- (1) A person who intends to receive direct compensation for losses and damage shall apply to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries for payment thereof as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*
- (2) Upon receipt of an application filed under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may investigate necessary matters, such as whether the item eligible for direct compensation for losses and damage is being produced, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*
- (3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems appropriate to select the applicant as a recipient of direct compensation for losses and damage according to an investigation under paragraph (2), he/she shall notify the applicant thereof, and pay the direct

compensation. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

**Article 6 (Selection Criteria, etc. of Items Eligible for Subsidies for Discontinuance of Business)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may select an item that meets all the qualifications prescribed in the following subparagraphs as eligible for subsidies for discontinuance of business under Article 9 of the Act (hereinafter referred to as the “subsidies for discontinuance of business”) to make payment thereof.

1. Where it has been selected as an item eligible for direct compensation for losses and damage under Article 4;

2. Where it meets any of the following qualifications;

(a) Of the items that require large investment costs (including research and development expenses and other indirect expenses notified by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries; hereinafter the same shall apply in this subparagraph) for a culturing and rearing business or a hunting, collecting, and farming business, items for which investment costs are impractical to recover once the relevant business is discontinued;

(b) Items hard to sell and profit from after a short period of culturing, rearing or farming, because it takes at least two years to culture, rear or farm them;

(c) Other items for which it is deemed necessary to pay subsidies for discontinuance of business to enhance the competitiveness of agricultural or fisheries business, etc. and to stabilize the livelihood of farmers, fishermen, etc.

(2) An item shall be selected as eligible for subsidies for discontinuance of business only after the support center’s investigation and analysis on, and the Committee’s deliberation as to whether the relevant item meets all the qualifications prescribed in the subparagraphs of paragraph (1).

(3) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries selects items eligible for subsidies for discontinuance of business, he/she shall publicly announce the names of the items.

**Article 7 (Payment Criteria of Subsidies for Discontinuance of Business)**

(1) When removing or disposing of (in cases of a fishing vessel and fishing gear, it shall mean delivery to the administrative agency by fishermen, etc.) the workplace, land, standing timber or fishing vessel, fishing gear, fishing facilities, etc. (hereinafter referred to as the “workplace, fishing vessel, etc.”) in use to produce the items eligible for subsidies for discontinuance of business since before the effective date of the relevant agreement, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall pay subsidies for discontinuance of business to the farmer, fisherman, etc. that has owned the relevant workplace, fishing vessel, etc. since before the effective date of the relevant agreement within the scope permitted by the Marrakesh Agreement Establishing the World Trade Organization: Provided, That this shall not apply to any of the following cases: *<Amended by Presidential Decree No. 24486, Mar. 23, 2013; Presidential Decree No. 24611, Jun. 17, 2013>*

1. Removal or disposal of a workplace or fishing vessel, etc. deemed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to be from a de facto discontinued business (excluding a suspension of business operations for a certain period after filing a report, etc. under the Fisheries Act or other relevant statutes) because the workplace or fishing vessel has not produced the item eligible for subsidies for discontinuance of business for over a year before the date immediately preceding the public notice of the items eligible for the subsidies under Article 6 (3);
2. Removal or disposal of a workplace, fishing vessel, etc. to use it for purposes other than agriculture and fisheries, such as construction of buildings and roads, establishment of other facilities, etc.;
3. Where it is deemed necessary by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, such as where compensation is determined under other statutes.

(2) Detailed matters necessary for qualifications of a recipient of subsidies for discontinuance of business shall be publicly notified as prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries after deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

#### **Article 8 (Calculation Methods of Subsidies for Discontinuance of Business)**

(1) The subsidies for discontinuance of business shall be calculated by the following formula: Provided, That if the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems it inappropriate to calculate the subsidies for discontinuance of business by the following formula, he/she may determine a different method of calculation for each item after deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

1. Agriculture, etc. (excluding the livestock industry): the area of removal and disuse x annual net income per unit area x 3 years;
2. Livestock industry: the number of livestock shipped x annual net income per animal x 3 years;
3. Fisheries, etc.: the amount based on the methods and standards for calculation of losses where the fishery right, permitted fishery or free fishery pursuant to the attached Table 4 of Enforcement Decree of the Fisheries Act has been revoked.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, when the subsidies for discontinuance of business is calculated pursuant to paragraph (1), establish a ceiling on the amount for each item and per farmhouse after deliberation by the Committee. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(3) The method of calculating the area of removal and disuse, the number of livestock shipped, the annual net income per unit area, and annual net income per animal under each subparagraph of paragraph (1) shall be as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

#### **Article 9 (Procedures for Payment of Subsidies for Discontinuance of Business)**

@Article 5 shall apply mutatis mutandis to the procedures for payment of the subsidies for discontinuance of business. In such cases, the “direct compensation for losses and damage” shall be construed as

“subsidies for discontinuance of business.”

**Article 10 (Treatment of Fishing Vessel and Fishing Gear from Discontinued Business)**

@Articles 8 and 9 of Enforcement Decree of the Act on the Restructuring of and Support for Coastal and Inshore Fisheries shall apply mutatis mutandis to the treatment of fishing vessel and fishing gear which have been delivered to the administrative agency as a result of discontinuation of business by fishermen, etc. <Amended by Presidential Decree No. 23982, Jul. 24, 2012>

**Article 11 (Enforcement Period of Policy for Payment of Subsidies for Discontinuance of Business)**

The policy for payment of subsidies for discontinuance of business shall be in force for five years from the effective date of “the Free Trade Agreement between the Republic of Korea, of the One Part, and the European Union and its Member States, of the Other Part.”

**Article 11-2 (Plan for Investment and Loan to Support Farmers and Fishermen, etc.)**

- (1) The plan for investment and loan to support farmers and fishermen, etc. under Article 12-2 (1) of the Act shall be developed separately for farmers and for fishermen.
- (2) The Minister of Agriculture, Food and Rural Affairs shall formulate the plan for investment and loan to support farmers in consultation with the Minister of Strategy and Finance.
- (3) The Minister of Oceans and Fisheries shall formulate the plan for investment and loan to support fishermen in consultation with the Minister of Strategy and Finance.

**Article 11-3 (Written Report on Performance Analysis for Supporting Farmers and Fishermen)**

Each written report on the performance analysis for supporting farmers and fishermen under Article 12-2 (2) of the Act shall be prepared separately for farmers and for fishermen.

**Article 12 (Write-off of Support Fund for Implementation of Free Trade Agreements)**

When performing a project under subparagraph 1 of Article 15 of the Act, any loss arising from a natural disaster recognized by the Minister of Agriculture, Food and Rural Affairs or due to unavoidable circumstances through no fault of the project operator may be written off at the cost of the support fund for the implementation of free trade agreements (hereinafter referred to as the "Fund"). <Amended by Presidential Decree No. 24486, Mar. 23, 2013>

**Article 13 (Entrustment of Operation and Management of Fund)**

(1) The Minister of Agriculture, Food and Rural Affairs shall entrust the Korea Agro-Fisheries and Food Trade Corporation (hereinafter referred to as the “trustee of the Fund”) pursuant to the Korea Agro-Fisheries and Food Trade Corporation Act with the following affairs from among those relating to the operation and management of the Fund under Article 16 (2) of the Act. <Amended by Presidential Decree No. 23535, Jan. 25, 2012; Presidential Decree No. 24486, Mar. 23, 2013>

1. Income and expenditure of the Fund;
2. Acquisition, operation and disposition of the Fund’s property;
3. Management of the surplus fund pursuant to Article 14;
4. Other affairs relating to the operation and management of the Fund, as prescribed by the Minister of Agriculture, Food and Rural Affairs.

(2) The trustee of the Fund shall keep accounting of the Fund separate from other accounts to clarify the operation and management of the Fund.

(3) Expenses incurred in dealing with affairs as referred to in each subparagraph of paragraph (1) shall be borne by the Fund.

#### **Article 14 (Management of Surplus Fund)**

The Minister of Agriculture, Food and Rural Affairs may manage the surplus fund of the Fund as follows pursuant to Article 16 of the Act. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

1. Deposit at the financial company, etc.;
2. Purchase of stocks under Article 4 of the Financial Investment Services and Capital Markets Act.

#### **Article 15 (statement of accounts of the Fund)**

(1) The trustee of the Fund shall prepare a statement of accounts for the Fund every fiscal year, and submit it to the Minister of Agriculture, Food and Rural Affairs by the 15th day of February of the next fiscal year. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs shall examine the statement of accounts for the Fund presented by the trustee of the Fund, and submit it to the Minister of Strategy and Finance by the end of February of the next fiscal year.

(3) Documents of the following subparagraphs shall be attached to the statement of accounts for the Fund stipulated in paragraph (1):

1. Business plan and business results;
2. Balance sheet;
3. Statement of profit and loss;
4. Statements of appropriation of retained earnings or statement of disposition of deficit;
5. Other documents necessary for clarifying the details of the statement of accounts.

#### **Article 16 (Organization and Operation of Committees for Supporting Farmers, Fishermen, etc.)**

(1) Members of the Committee for Supporting Farmers, etc. following the implementation of the Free Trade Agreement pursuant to Article 19 of the Act shall be as follows:

1. The Vice Minister of Agriculture, Food and Rural Affairs and the vice minister designated by the head of the relevant agency from among the Vice Minister of Strategy and Finance and the Vice Minister of Trade, Industry and Energy;
2. Not more than 14 persons appointed by the Minister of Agriculture, Food and Rural Affairs from among representatives of farmers' organizations and consumer organizations, certified public appraisers, specialists from academia, and persons with abundant knowledge of and experience in relevant fields;
3. Not more than two persons appointed by the Minister of Agriculture, Food and Rural Affairs upon recommendation of the National Assembly's standing committee with jurisdiction over related matters, from among persons with abundant knowledge and experience of relevant fields.

(2) Members of the Committee for Supporting Fishermen, etc. following the implementation of the Free Trade Agreement pursuant to Article 19 of the Act shall be as follows:

1. The Vice Minister of Oceans and Fisheries and the vice minister designated by the head of the relevant agency from among the Vice Minister of Strategy and Finance and the Vice Minister of Trade, Industry and Energy;
2. Not more than 14 persons designated by the Minister of Oceans and Fisheries from among representatives of fishermen's organizations and consumer organizations, certified public appraisers, specialists from academia, and persons with abundant knowledge of and experience in relevant fields;
3. Not more than two persons appointed by the Minister of Oceans and Fisheries upon recommendation of the National Assembly's standing committee with jurisdiction over related matters, from among persons with abundant knowledge and experience of relevant fields.

(3) The meeting of the Committee shall be convoked with a majority of registered members present, and resolutions shall be passed upon a majority of the votes being in favor of the resolution.

(4) The term of office for members under paragraph (1) 2 and 3 and paragraph (2) 2 and 3 shall be two years; the member under paragraph (1) 2 and paragraph (2) 2 and the members under paragraph (1) 3 and paragraph (2) 3 may be reappointed only once. Provided, That the term of office for a member appointed to fill a vacancy created by the removal of a member or other grounds shall be the remainder of the term of office of the predecessor.

(5) A secretariat shall be appointed in the Committee by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to perform administrative tasks, from among public officials of the relevant Ministry.

(6) The chairperson may give interested parties, etc. an opportunity to attend a meeting of the Committee to voice or hear opinions.

(7) Except as otherwise expressly provided for in this Decree, matters necessary for the operation of the Committee shall be determined by the chairperson through the resolution of Committee.

#### **Article 17 (Exclusion and Recusal of Member)**

(1) Where a member falls under any of the following subparagraphs, he/she shall be excluded from deliberations on the relevant matter:

1. Where the member has been directly involved in the service, consultation, research or other activities relating to relevant matters;
2. Where the member is deemed directly interested in relevant matters.

(2) Where falling under paragraph (1), the member shall recuse oneself from all deliberations on relevant matters.

#### **Article 18 (Removal, etc. of Member)**

If a member falls under any of the following subparagraphs, his/her appointment may be terminated.

1. Where he/she is unable to perform any of his/her duties due to mental illness;



2. Where he/she is deemed unsuited as a member due to neglect of duties, loss of dignity, or other grounds;
3. Where he/she is indicted in connection with any of his/her duties;
4. Where he/she fails to recuse himself/herself even if he/she falls under subparagraphs of Article 17 (1), thereby compromising the fairness of the deliberation.

#### **Article 19 (Payment of Allowance)**

Allowances and travel expenses may be paid to a member present at the meeting of the Committee: Provided, That this shall not apply when a member who is a public official attends a meeting in direct connection with any of his/her duties.

#### **Article 20 (Designation of Support Center, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall designate support centers from among agencies falling under any of the following subparagraphs following deliberation by the Committee pursuant to Article 20 (1) of the Act: *<Amended by Presidential Decree No. 24486, Mar. 23, 2013; Presidential Decree No. 24611, Jun. 17, 2013>*

1. Government-funded research institutes under Article 8 (1) and the attached Table of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
2. Schools with researchers and facilities relating to agriculture, fisheries, etc. from among schools complying with subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
3. Other research institutions and associations relating to agriculture, fisheries, etc. which have researchers and facilities equivalent to those stipulated in subparagraph 1 or 2.

(2) The support center shall report to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries as follows: *<Amended by Presidential Decree No. 24611, Jun. 17, 2013>*

1. Average domestic prices of such major agricultural and fishery products as determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries and volumes of their import from the counterparty of the relevant agreement on a monthly basis: By the end of the next month;
2. Whether major domestic agricultural and fishery products fall under any of the subparagraphs of Article 7 (1) of the Act: By March 31 every year;
3. The results and effectiveness of the financial support for farmers, fishermen, etc. under the comprehensive measure to support farmers and fishermen for the immediately preceding fiscal year: By March 31 every year;
4. Matters for which investigation and analysis is deemed necessary by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries to prepare a performance analysis report to be submitted to the National Assembly: By March 31 every year.

(3) Detailed matters concerning the scope of support centers' other duties, support necessary for the centers, etc. shall be determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

## **Article 21 (Recovery of Subsidies for Discontinuance of Business)**

“As prescribed by Presidential Decree” under Article 21 (1) 3 of the Act shall mean where farmers, fishermen, etc. resume the business of cultivating, rearing, hunting or collecting the items eligible for subsidies for discontinuance of business within five years after receipt of the subsidies for discontinuance of business.

## **Article 22 (Delegation of Authority, etc.)**

(1) The Minister of Oceans and Fisheries shall delegate the authority relating to the payment of subsidies for discontinuance of business to a person who has received the permission for costal or offshore fisheries pursuant to Article 41 of the Fisheries Act to a Metropolitan City Mayor, a Do Governor or the Governor of a Special Self-Governing Province under Article 23 (1) of the Act. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall delegate the following authority to the head of Si/Gun/Gu (referring to the head of autonomous Gu) under Article 23 (1) of the Act. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

1. Authority concerning direct compensation for losses and damage pursuant to Article 6 of the Act;
2. Authority concerning the payment of subsidies for discontinuance of business pursuant to Article 9 (excluding the authority concerning the payment of subsidies for discontinuance of business to a person granted permission for costal fisheries and offshore fisheries pursuant to Article 41 of the Fisheries Act);
3. Authority concerning the recovery of subsidies under Article 21 (1) of the Act.

(3) The Minister of Agriculture, Food and Rural Affairs shall require the trustee of the Fund collect auction proceeds for agricultural products, etc. on his/her behalf under Article 23 (2) of the Act. In such cases, expenses related to such collection shall be paid by the Fund, and the standards for the payment shall be determined by the Minister of Agriculture, Food and Rural Affairs. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries shall require the National Federation of Fisheries Cooperatives pursuant to the Fisheries Cooperatives Act collect auction proceeds for fishery products on his/her behalf under Article 23 (2) of the Act. In such cases, expenses related to such collection shall be paid by the fishery development fund pursuant to Article 76 of the Fisheries Act, and the standards for the payment shall be determined by the Minister of Oceans and Fisheries. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

## **Article 23 (Processing of Unique Identifiable Information)**

If the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries performs any of the following duties, he/she may collect or use data including the resident registration number under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act. *<Amended by Presidential Decree No. 24486, Mar. 23, 2013>*

1. Support for farmers, fishermen, etc. and association of producers pursuant to the provisions of Articles 5, 6, and 9 through 11 of the Act;
2. Duties concerning the recovery of subsidies pursuant to Article 21 (1) of the Act;
3. Duties of collecting auction proceeds pursuant to Article 22 of the Act.

#### ADDENDA

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

This Decree shall enter into force on October 22, 2011.

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

The amended provisions of Articles 4 through 11 shall apply retroactively from the effective date of “the Free Trade Agreement between the Republic of Korea, of the One Part, and the European Union and its Member States, of the Other Part.”

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

Acts done by or towards an administrative agency under the previous regulation at the time of the enforcement of this Decree shall be construed as act of the administrative agency or the act towards the administrative agency pursuant to this Decree.

##### **Articles 4 through 6 Omitted.**

#### ADDENDA <Presidential Decree No. 23535, Jan. 25, 2012>

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

This Decree shall enter into force on January 26, 2012.

##### **Articles 2 through 3 Omitted.**

#### ADDENDA <Presidential Decree No. 23733, Apr. 17, 2012>

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

This Decree shall enter into force on April 18, 2012.

##### **Article 2 (Transitional Measures concerning Appointment of Member)**

The member appointed pursuant to the previous provisions at the time this Decree enters into force is deemed appointed under the amended provisions of Article 16 (1) 2 and 3.

#### ADDENDA <Presidential Decree No. 23982, Jul. 24, 2012>

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

This Decree shall enter into force on July 26, 2012.

##### **Articles 2 through 3 Omitted.**

#### ADDENDA <Presidential Decree No. 24486, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 24611, Jun. 17, 2013>

**Article 1 (Enforcement Date)**

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

**Article 2 (Special Case concerning Payment Criteria of Subsidies for Discontinuance of Business)**

For a person who has discontinued the production of the relevant item for a period of up to one year during the period from March 15, 2012 to the day immediately preceding the date of the first public notice on items eligible for subsidies for discontinuance of business after the implementation of this Enforcement Decree, the main sentence of Article 7 (1) shall apply only to the items eligible for subsidies for discontinuance of business for the year of 2013, if not falling under Article 7 (1) 2 and 3 notwithstanding the amended provisions of subparagraph 1 of the same paragraph.

**Article 3 (Transitional Measures concerning Payment Criteria of Subsidies for Discontinuance of Business)**

For a person who has discontinued the production of any items eligible for subsidies for discontinuance of business for the year of 2013 during the period from March 15, 2011 to March 14, 2012, the former provisions shall apply only to the items eligible for subsidies for discontinuance of business for the year of 2013, notwithstanding the amended provisions of Article 7 (1) 1.