

ENFORCEMENT DECREE OF THE AGRICULTURAL AND FISHERY DISASTER INSURANCE ACT

Wholly Amended by Presidential Decree No. 21916, Dec. 30, 2009
Amended by Presidential Decree No. 22151, May 4, 2010
Presidential Decree No. 22493, Nov. 15, 2010
Presidential Decree No. 22767, Mar. 29, 2011
Presidential Decree No. 23408, Dec. 28, 2011
Presidential Decree No. 23644, Feb. 29, 2012
Presidential Decree No. 24155, Oct. 29, 2012
Presidential Decree No. 24488, Mar. 23, 2013
Presidential Decree No. 25319, Apr. 22, 2014
Presidential Decree No. 25532, Aug. 6, 2014
Presidential Decree No. 25801, Dec. 3, 2014
Presidential Decree No. 25840, Dec. 9, 2014
Presidential Decree No. 25919, Dec. 30, 2014
Presidential Decree No. 26589, Oct. 13, 2015
Presidential Decree No. 26861, Jan. 6, 2016
Presidential Decree No. 26924, Jan. 22, 2016
Presidential Decree No. 27579, Nov. 8, 2016
Presidential Decree No. 27751, Dec. 30, 2016
Presidential Decree No. 28057, May 29, 2017
Presidential Decree No. 28471, Dec. 12, 2017
Presidential Decree No. 30218, Nov. 26, 2019
Presidential Decree No. 30240, Dec. 10, 2019
Presidential Decree No. 30509, Mar. 3, 2020
Presidential Decree No. 30940, Aug. 12, 2020
Presidential Decree No. 31333, Dec. 29, 2020

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Agricultural and Fishery Disaster Insurance Act and matters necessary for enforcement thereof.

Article 2 (Duties of Chairperson)

(1) The chairperson of the Deliberative Committee on Agricultural Disaster Insurance or of the Deliberative Committee on Fishery Disaster Insurance (hereinafter referred to as the "Deliberative Committee"; and the chairperson thereof hereinafter referred to as the "Chairperson") under Article 3 of the Agricultural and Fishery Disaster Insurance Act (hereinafter referred to as the "Act") shall represent the Deliberative Committee and generally supervise its affairs. <Amended on Mar. 23, 2013>

(2) The vice chairperson of the Deliberative Committee shall assist the Chairperson; and where the Chairperson is unable to perform his or her duties in any unavoidable circumstance, the vice chairperson shall act on behalf of the Chairperson.

Article 3 (Meetings)

(1) The Chairperson shall convene and preside over Deliberative Committee meetings.

(2) Deliberative Committee meetings shall be convened at the request of one third of Committee members or when deemed necessary by the Chairperson.

(3) A majority of Deliberative Committee members shall constitute a quorum; and any resolution thereby shall require the concurring votes of a majority of those present.

Article 3-2 (Dismissal of Committee Members)

Where a member prescribed in Article 3 (4) 1 of the Act falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may dismiss the member:

1. Where the member becomes unable to perform his or her duties due to a physical or mental disability;
2. Where the member is found to have committed any wrongdoing in connection with his or her duties;
3. Where the member is deemed unfit as a member due to neglect of his or her duty, inappropriate conduct or similar reason;
4. Where the member voluntarily discloses that he or she has difficulty performing his or her duties.

Article 4 (Subcommittees)

(1) The Deliberative Committee shall establish the following subcommittees classified under Article 3 (6) of the Act: <Amended on Jan. 22, 2016>

1. In the case of the Deliberative Committee on Agricultural Disaster Insurance under Article 3 of the Act (hereinafter referred to as the "Deliberative Committee on Agricultural Disaster Insurance"): A subcommittee on safety insurance for farmers;
2. In the case of the Deliberative Committee on Fishery Disaster Insurance under Article 3 of the Act (hereinafter referred to as the "Deliberative Committee on Fishery Disaster Insurance"): The following subcommittees:

- (a) A subcommittee on safety insurance for fishers;
 - (b) A subcommittee on accident compensation insurance for fishers and fishing vessels;
- (2) A subcommittee on safety insurance for farmers; a subcommittee on safety insurance for fishers; or a subcommittee on accident compensation insurance for fishers and fishing vessels under paragraph (1) (hereinafter referred to as "subcommittee") shall examine and coordinate matters classified as follows; and shall report to the Deliberative Committee on Agricultural Disaster Insurance or to the Deliberative Committee on Fishery Disaster Insurance: *<Amended on Jan. 22, 2016>*
- 1. A subcommittee on safety insurance for farmers: Matters regarding safety insurance for farmers among matters subject to deliberation under Article 5 of the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents;
 - 2. A subcommittee on safety insurance for fishers: Matters regarding safety insurance for fishers among matters subject to deliberation under Article 5 of the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents;
 - 3. A subcommittee on accident compensation insurance for fishers and fishing vessels: Matters subject to deliberation under Article 7 of the Act on Accident Compensation Insurance for Fishers and Fishing Vessels.
- (3) A subcommittee shall be comprised of not more than nine members, including one chairperson, taking into account gender equality. *<Amended on Jan. 22, 2016>*
- (4) The chairperson and subcommittee members shall be appointed by the Chairperson of the Deliberative Committee from among Deliberative Committee members, taking into account their expertise, experience, etc.
- (5) The Chairperson of the Deliberative Committee or the chairperson of a subcommittee may convene subcommittee meetings at times he or she deems necessary.
- (6) Except as otherwise expressly provided for in paragraphs (1) through (5), Articles 2 (1) and 3 (1) and (3) shall apply mutatis mutandis to duties of the chairpersons of the subcommittees and meetings thereof.

Article 5 (Allowances)

Allowances, travel expenses may be reimbursed or other necessary expenses paid to Deliberative Committee or subcommittee members who attend Deliberative Committee or subcommittee meetings within budgetary limits: Provided, That this shall not apply where a Deliberative Committee or subcommittee member who is a public official attends a meeting in direct connection with his or her duties.

Article 6 (Detailed Guidelines for Operation)

Except as otherwise expressly provided for in Articles 2, 3, 3-2, 4, and 5, matters necessary for operating the Deliberative Committee or subcommittees shall be determined by the Chairperson upon resolution by the Deliberative Committee. *<Amended by Jan. 22, 2016>*

Article 7 Deleted. <Jan. 22, 2016>

Article 8 (Scope of Disasters Covered by Disaster Insurance)

The scope of disasters covered by disaster insurance under Article 6 (1) of the Act shall be as specified in attached Table 1. <Amended on May 29, 2017>

Article 9 (Eligibility Criteria for Enrolling in Insurance)

The eligibility criteria for enrolling in insurance under Article 7 of the Act shall be as follows: <Amended on Dec. 28, 2011; May 29, 2017>

1. Disaster insurance for agricultural crops: A person who grows agricultural crops publicly notified by the Minister of Agriculture, Food and Rural Affairs under Article 5 of the Act;
- 1-2. Disaster insurance for forestry products: A person who grows forestry products publicly notified by the Minister of Agriculture, Food and Rural Affairs under Article 5 of the Act;
2. Disaster insurance for livestock: A person who breeds livestock publicly notified by the Minister of Agriculture, Food and Rural Affairs under Article 5 of the Act;
3. Disaster insurance for aquaculture products: A person who raises aquaculture products publicly notified by the Minister of Agriculture, Food and Rural Affairs under Article 5 of the Act.

Article 10 (Executing Disaster Insurance Program Agreements)

(1) Any person who intends to enter into a disaster insurance program agreement under Article 8 (2) of the Act shall submit an application for disaster insurance program agreement, along with the documents prescribed in the subparagraphs of paragraph (3) of the same Article, to the Minister of Agriculture, Food and Rural Affairs or to the Minister of Oceans and Fisheries, as prescribed by the Minister. <Amended on Mar. 23, 2013>

(2) When entering into a disaster insurance program agreement with a person who intends to engage in the disaster insurance program under Article 8 (2) of the Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall prepare an agreement which contains the following: <Amended on Mar. 23, 2013>

1. A period agreed upon;
 2. Obligations of those who have entered into a disaster insurance program agreement (hereinafter referred to as "disaster insurer");
 3. Financial support for disaster insurers;
 4. Amendment, termination, etc. of an agreement;
 5. Other matters regarding operating the disaster insurance program.
- (3) "Other documents specified by Presidential Decree" in Article 8 (3) 2 of the Act means articles of incorporation.

(4) Upon receipt of an application and other documents under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall verify corporation registration certificate through administrative data matching under Article 36 (1) of the Electronic Government Act. <Amended on May 4, 2010; Mar. 23, 2013>

Article 11 (Unit of Administrative District or Region)

"Unit of administrative district or region specified by Presidential Decree" in Article 9 of the Act means units classified as follows: <Amended on Mar. 23, 2013>

1. Units of administrative district: Special Metropolitan City, Metropolitan City, Do or Special Self-Governing Province, or Si/Gun/autonomous Gu;
2. Units of region: Units of area publicly notified by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries separately from units of administrative district.

Article 12 (Qualifications for Damage Assessors)

(1) Qualifications for damage assessors under Article 11 of the Act shall be as specified in attached Table 2.

(2) Disaster insurers shall provide those who have become damage assessors under paragraph (1) with basic knowledge about insurance and on-the-job training regarding the terms and conditions of insurance, techniques on assessing damage, etc.

(3) Regular training under Article 11 (5) of the Act shall include the following, and at least four hours of training shall be completed: <Newly Inserted on May 29, 2017>

1. Basic knowledge about agricultural and fishery disaster insurance;
2. Terms and conditions by type of agricultural and fishery disaster insurance;
3. Procedures and methods of damage assessment;
4. Other matters necessary for assessing damage, which are prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries.

(4) Except as otherwise expressly provided for in paragraph (3), matters necessary for operating regular training programs shall be determined and public notified by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Newly Inserted on May 29, 2017>

Article 12-2 (Administering Qualifying Examination for Certified Damage Assessors)

(1) An examination to qualify certified damage assessors under Article 11-4 (1) of the Act (hereinafter referred to as "qualifying examination for certified damage assessors") shall be administered once a year: Provided, That, where deemed necessary by the Minister of Agriculture, Food and Rural Affairs to maintain balance in the supply of and demand for certified damage assessors, such examination may be administered biennially.

(2) To administer a qualifying examination for certified damage assessors, the Minister of Agriculture, Food and Rural Affairs shall publish the following matters on the Ministry's website, etc. by not later than 90 days before the examination: *<Amended on Aug. 12, 2020>*

1. The date, time, and venue for examination;
2. Methods and subjects for examination;
3. Methods for submitting applications and examination application fees;
4. The date, time, and methods of announcing a list of successful applicants;
5. The number of applicants to be selected (applicable only where the Minister of Agriculture, Food and Rural Affairs has set the number of applicants to be selected recognizing the need for a balance between supply and demand);
6. Other matters necessary for administering an examination.

(3) A person who intends to apply for a qualifying examination for certified damage assessors shall submit an application form determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs, to the Minister.

(4) A person who intends to apply for a qualifying examination for certified damage assessors shall pay an examination application fee determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

(5) In any of the following cases, the Minister of Agriculture, Food and Rural Affairs shall return fees the Minister received under paragraph (4), as classified below:

1. Where overpaid or paid erroneously: The whole amount overpaid or erroneously paid;
2. Where the application is withdrawn by not later than 20 days before the examination date: The whole amount of fees paid;
3. Where an applicant is unable to take an examination for reasons attributable to an examination-administering institution: The whole amount of fees paid;
4. Where the application is withdrawn by not later than 10 days before the examination date: 60/100 of the fees paid.

Article 12-3 (Methods of Qualifying Examination for Certified Damage Assessors)

(1) A qualifying examination for certified damage assessors consists of two separate rounds. The second round of the examination shall be administered only to applicants who have passed the first round of the examination and to those who are exempt from the first round of the examination under Article 12-5.

(2) The first round of the examination shall consist mainly of multiple choice questions, but a close-ended or self-administered format may also be used concurrently.

(3) The second round of the examination shall consist mainly of open-ended questions, but a close-ended or self-administered format may also be used concurrently.

Article 12-4 (Subjects for Qualifying Examination for Certified Damage Assessors)

Subjects for the first round and the second round of the qualifying examination for certified damage assessors shall be as specified in attached Table 2-2.

Article 12-5 (Partial Exemption from Qualifying Examination for Certified Damage Assessors)

(1) "Any person who meets standards prescribed by Presidential Decree" in Article 11-4 (2) of the Act shall be any of the following persons:

1. A person who has worked as a damage assessor under Article 11 (1) of the Act for at least three years and with actual work experience in assessing damage;
2. A certified damage adjuster under Article 186 of the Insurance Business Act;
3. A person who had worked for any of the following institutions or corporations for at least three years conducting affairs relating to damage assessment:

(a) The Financial Supervisory Service established under the Act on the Establishment of Financial Services Commission;

(b) The National Agricultural Cooperative Federation under the Agricultural Cooperatives Act, which, in this case, shall be limited to the National Agricultural Cooperative Federation that existed before NongHyup Property and Casualty Insurance was established under the amended provisions of Article 134-5 as partially amended by the Agricultural Cooperatives Act (Act No. 10522);

(c) A non-life insurance company licensed under Article 4 of the Insurance Business Act;

(d) A non-life insurance association established under Article 175 of the Insurance Business Act;

(e) A corporation that engages in the business of adjusting damage under Article 187 (2) of the Insurance Business Act;

(f) The Korean Fire Protection Association established under Article 11 of the Act on the Indemnification for Fire-Caused Loss and the Purchase of Insurance Policies;

(2) Any person falling under any subparagraph of paragraph (1) shall be exempt from the first round of a qualifying examination for certified damage assessors.

(3) A person who intends to be exempted from the first round of a qualifying examination pursuant to paragraph (2) shall file with the Minister of Agriculture, Food and Rural Affairs an application for exemption determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs, along with a document evidencing the fact falling under any subparagraph of paragraph (1). *<Newly Inserted on Dec. 10, 2019>*

(4) Upon receipt of an application for exemption under paragraph (3), the Minister of Agriculture, Food and Rural Affairs shall verify the applicant's a history statement of qualifications of the insured of the Employment Insurance, a subscription certificate of a National Pension subscriber or a certificate of acquisition and loss of the entitlement to the Health Insurance through administrative data matching under Article 36 (1) of the Electronic Government Act: Provided, That where the applicant does not consent to verification, such applicant shall attach the document. *<Newly Inserted on Dec. 10, 2019>*

(5) Exemption from the first-round of the examination shall apply only once to a person who has passed the first round of the examination. <Amended on Dec. 10, 2019>

Article 12-6 (Passing Criteria for Qualifying Examination for Certified Damage Assessors)

(1) The passing score for the first round of a qualifying examination for certified damage assessors shall be at least 40 out of 100 points on each subject; and an average of at least 60 points on all subjects.

(2) The passing score for the second round of a qualifying examination for certified damage assessors shall be at least 40 out of 100 points on each subject; and an average of at least 60 points on all subjects.

(3) Notwithstanding paragraph (2), where the Minister of Agriculture, Food and Rural Affairs publicly announced the number of applicants to be selected under Article 12-2 (2) 5 because the Minister deems it necessary to achieve a balance between supply of and demand for certified damage assessors, those with the highest total score shall be selected from among those with a score of at least 40 points on each subject, followed by those with the next highest score, and so on. This process shall continue until the number of applicants selected reaches the prescribed number of applicants to be selected.

(4) When determining applicants who pass an examination under paragraph (3), if the number of applicants who pass an examination exceeds the prescribed number of applicants to be selected because an examination results in a tie-score, all such tied applicants shall be selected. In such cases, tied applicants' scores are calculated by rounding to two decimal places (by rounding off at the third decimal place).

(5) When successful applicants for a qualifying examination for certified damage assessors are determined, the Minister of Agriculture, Food and Rural Affairs shall publish a list of those applicants on the Ministry's website.

Article 12-7 (Issuance of Certificates of Qualification as Certified Damage Assessors)

The Minister of Agriculture, Food and Rural Affairs shall issue a certificate of qualification as a certified damage assessor to any person who has passed a qualifying examination for certified damage assessors, as determined and publicly notified by the Minister.

Article 12-8 (Training on Assessing Damage)

The Minister of Agriculture, Food and Rural Affairs may provide training to certified damage assessors to improve their quality and ability to assess damage.

Article 12-9 (Detailed Criteria for Disposition of Cancellation of Qualification of Certified Damage Assessors)

Detailed criteria for the disposition of cancellation of qualification of certified damage assessors under Article 11-5 (1) of the Act shall be prescribed in attached Table 2-3.

Article 12-10 (Detailed Criteria for Disposition of Suspension of Business of Certified Damage Assessors)

Detailed criteria for the disposition of suspension of business of certified damage assessors under Article 11-6 (1) of the Act shall be as specified in attached Table 2-4.

Article 12-11 (Methods of and Procedures for Applying for Exclusive Account for Receipt of Insurance Proceeds)

(1) A person who intends to receive the insurance proceeds in a designated deposit account in the name of the eligible recipient (hereinafter referred to as "exclusive account for receipt of insurance proceeds") under the main clause of Article 11-7 (1) of the Act shall submit to the disaster insurer a request for payment of insurance proceeds determined by a disaster insurer, stating the exclusive account for receipt of insurance proceeds in the name of the eligible recipient, along with a copy of his/her deposit passbook (referring to a page where the account number is shown). The same shall also apply to the change of an exclusive account for receipt of insurance proceeds.

(2) "Inevitable reasons prescribed by Presidential Decree" in the proviso of Article 11-7 (1) of the Act means where it is unable to normally perform its business due to the closure of business, suspension of business, etc. of a financial institution in which an exclusive account for receipt of insurance proceeds is opened.

(3) Where a disaster insurer is unable to transfer insurance proceeds due to a reason prescribed in the proviso of Article 11-7 (1) of the Act, it shall transfer the insurance proceeds to an exclusive account for receipt of insurance proceeds established in another financial institution at the request of the eligible recipient: Provided, That where transfer cannot be made to another exclusive account for receipt of insurance proceeds, the insurance proceeds may be paid in cash directly after the confirmation of the identification certificate, such as the resident registration certificate of the eligible recipient himself/herself.

Article 12-12 (Prohibition of Seizure of Insurance Proceeds)

"Amount prescribed by Presidential Decree" in Article 12 (2) of the Act means insurance proceeds classified as follows:

1. Insurance proceeds deposited into an exclusive account for receipt of insurance proceeds under the main clause of Article 11-7 (1) of the Act for the purpose of directly covering expenses incurred in the regeneration of agricultural, forestry, livestock, and aquaculture products: Total amount of insurance proceeds deposited;
2. Insurance proceeds deposited into an exclusive account for receipt insurance proceeds under the main clause of Article 11-7 (1) of the Act for purposes, other than that prescribed in subparagraph 1: The amount equivalent to 1/2 of insurance proceeds deposited;

Article 13 (Entrusting Business Affairs)

"A person specified by Presidential Decree" in Article 14 of the Act means the following persons:
<Amended on Dec. 28, 2011; Apr. 22, 2014; Nov. 8, 2016>

1. Regional agricultural cooperatives; regional livestock cooperatives; and cooperatives by item or business established under the Agricultural Cooperatives Act;
- 1-2. Regional forestry cooperatives and forestry cooperatives by item or business established under the Forestry Cooperatives Act;
2. District fisheries cooperatives, fisheries cooperatives by business, fisheries cooperatives for fish processing, and Suhyup Bank established under the Fisheries Cooperatives Act;
3. A person who engages in the business of adjusting damage under Article 187 of the Insurance Business Act;
4. A non-profit corporation established with permission from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries for conducting affairs relating to agricultural and fishery insurance (limited to where entrusted affairs relate to damage assessment) pursuant to Article 32 of the Civil Act.

Article 14 Deleted. <May 29, 2017>

Article 15 (Subsidizing Insurance Premiums and Operating Expenses)

(1) A disaster insurer who intends to obtain a subsidy for insurance premiums or operating expenses under the former part of Article 19 (1) and Article 19 (2) of the Act shall submit a statement on the status of disaster insurance purchase or a plan to use operating expenses to the Minister of Agriculture, Food and Rural Affairs or to the Minister of Oceans and Fisheries, as prescribed by the Minister of Agriculture, Food and Rural Affairs or by the Minister of Oceans and Fisheries. <Amended on Dec. 28, 2011; Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries who receives a statement on the status of disaster insurance purchase or the plan to use operating expenses under paragraph (1) shall determine and pay the amount of subsidy to cover insurance premiums or operating expenses by ascertaining matters regarding eligibility criteria for enrollment in insurance under Article 9, financial support for damage insurers under Article 10 (2) 3, etc. <Amended on Mar. 23, 2013>

(3) Where the head of a local government intends to further partially subsidize insurance premiums under the latter part of Article 19 (1) and (2) of the Act, he or she shall determine and pay the amount of subsidy to cover insurance premiums or operating expenses by checking the statement on the status of disaster insurance purchased, the eligibility criteria for enrollment in insurance under Article 9, etc. <Newly Inserted on Dec. 28, 2011>

Article 16 (Re-Insurance Agreement)

"Others prescribed by Presidential Decree" in Article 20 (2) 3 of the Act means the following:

1. Matters regarding re-insurance fees;
2. Matters regarding a period agreed upon in a re-insurance agreement;
3. Matters regarding the scope of responsibility under a re-insurance agreement;
4. Matters regarding amending, terminating, etc. a re-insurance agreement;
5. Matters regarding paying, and disputes over, re-insurance proceeds;
6. Other matters regarding operating and managing re-insurance policies.

Article 16-2 Deleted. <May 29, 2017>

Article 17 (Opening of Fund Account)

In consultation with the Minister of Oceans and Fisheries, the Minister of Agriculture, Food and Rural Affairs shall open a fund account at the Bank of Korea to distinguish revenue from expenditure of a fund for agricultural and fishery disaster re-insurance under Article 21 of the Act (hereinafter referred to as the "Fund"). <Amended on Mar. 23, 2013>

Article 18 (Entrusting Business Affairs regarding Managing and Operating Fund)

(1) Pursuant to Article 24 (2) of the Act, the Minister of Agriculture, Food and Rural Affairs shall, in consultation with the Minister of Oceans and Fisheries, entrust the following business affairs regarding managing and operating the Fund to the Agricultural Policy Insurance and Finance Service established under Article 63-2 of the Framework Act on Agriculture, Rural Community and Food Industry (hereinafter referred to as the "Agricultural Policy Insurance and Finance Service"): <Amended on Mar. 23, 2013; May 29, 2017>

1. Accounting regarding managing and operating the Fund;
2. Receiving re-insurance premiums under Article 20 (2) 1 of the Act;
3. Paying re-insurance proceeds under Article 20 (2) 2 of the Act;
4. Operating surplus funds under Article 20;
5. Other affairs regarding managing and operating the Fund, which are designated and publicly notified by the Minister of Agriculture, Food and Rural Affairs, in consultation with the Minister of Oceans and Fisheries.

(2) The Agricultural Policy Insurance and Finance Service entrusted with managing and operating the Fund under paragraph (1) (hereinafter referred to as the "trustee of the Fund") shall keep separate accounting of the Fund from other funds to ensure clarity in managing and operating the Fund. <Amended on May 29, 2017>

(3) Expenses incurred in handling administrative affairs prescribed in the subparagraphs of paragraph (1) shall be borne by the Fund.

Article 19 (Settling Accounts of Fund)

(1) The trustee of the Fund shall prepare a statement of accounts of the Fund every fiscal year; and shall submit said report to the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries by not later than February 15 of the following fiscal year. *<Amended on Mar. 23, 2013>*

(2) In consultation with the Minister of Oceans and Fisheries, the Minister of Agriculture, Food and Rural Affairs shall review the statement of accounts of the Fund the Minister receives from the trustee of the Fund; and shall submit said report to the Minister of Economy and Finance by not later than the end of February of the following fiscal year after deliberation by the Deliberative Committee. *<Amended on Mar. 23, 2013>*

(3) The statement of accounts of the Fund under paragraph (1) shall be accompanied by the following documents:

1. An outline of the statement of accounts;
2. Statement of revenue and expenditure;
3. Financial statements;
4. A performance report;
5. Other documents required to clarify detailed statements of accounts.

Article 20 (Operating Surplus Funds)

In consultation with the Minister of Oceans and Fisheries, the Minister of Agriculture, Food and Rural Affairs may operate a surplus in the Fund in the following ways: *<Amended on Nov. 15, 2010; Mar. 23, 2013>*

1. Depositing the amount in a bank account under the Banking Act;
2. Purchasing Government bonds, public bonds, or other securities under Article 4 of the Financial Investment Services and Capital Markets Act.

Article 20-2 Deleted. *<May 29, 2017>*

Article 21 (Entrusting Business Affairs regarding Collating and Managing Statistics)

(1) Pursuant to Article 26 (4) of the Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may entrust business affairs regarding collating and managing, surveys, research, etc. on statistics under paragraphs (1) and (3) of the same Article to any of the following persons: *<Amended on Dec. 28, 2011; Mar. 23, 2013; Nov. 8, 2016; May 29, 2017>*

1. The National Agricultural Cooperative Federation under the Agricultural Cooperatives Act;
- 1-2. The National Forestry Cooperative Federation under the Forestry Cooperatives Act;

2. The National Federation of Fisheries Cooperative and Suhyup Bank established under the Fisheries Cooperatives Act;
 3. A research institute established under Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
 4. An insurance company, premium rate calculation agency, or person who engages in insurance actuarial business under the Insurance Business Act;
 5. A non-profit corporation established with permission from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries under Article 32 of the Civil Act;
 6. A public interest corporation established under Article 4 of the Act on the Establishment and Operation of Public Interest Corporations with permission from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries;
 7. The Agricultural Policy Insurance and Finance Service.
- (2) When entrusting affairs under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall publicly notify those entrusted with business affairs and details of said affairs. *<Amended on Nov. 8, 2016>*

Article 22 (Implementation of Pilot Programs)

- (1) A disaster insurer who intends to implement a pilot program under Article 27 (1) of the Act shall submit a business plan to the Minister of Agriculture, Food and Rural Affairs or to the Minister of Oceans and Fisheries; and shall consult with the Minister, which contains the following: *<Amended on Mar. 23, 2013>*
1. Matters regarding subject matters, project areas, and project period;
 2. Matters regarding insurance products;
 3. Matters regarding government financial support;
 4. Other matters the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries deems necessary.
- (2) Upon completing a pilot program, a disaster insurer shall, without delay, prepare and submit a performance report to the Minister of Agriculture, Food and Rural Affairs or to the Minister of Oceans and Fisheries, which includes the following: *<Amended on Mar. 23, 2013>*
1. Overall performance of business operation such as insurance contract details and payment of insurance proceeds;
 2. Problems that arise during business operations and system improvement;
 3. The suspension, extension, expansion, etc. of business.
- (3) Upon receipt of the performance report under paragraph (2), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall review and evaluate the feasibility of introducing new insurance products based on the outcomes. *<Amended on Mar. 23, 2013>*

Article 22-2 (Submission of Plans to Facilitate Purchase of Insurance)

(1) Plans to facilitate purchasing insurance under Article 28-2 (1) of the Act shall include the following:

1. Analysis of performance a year earlier and a business plan for the relevant year;
2. Plans to operate insurance products for the relevant year;
3. Educational and promotional plans for agricultural and fishery disaster insurance;
4. Plans to improve and develop insurance products;
5. Other matters necessary to facilitate purchase of agricultural and fishery insurance.

(2) A disaster insurer shall submit plans to facilitate purchasing insurance formulated under Article 28-2 (1) of the Act to the Minister of Agriculture, Food and Rural Affairs or to the Minister of Oceans and Fisheries by not later than January 31 of the relevant year.

[Previous Article 22-2 moved to Article 22-3 <May 29, 2017>]

Article 22-3 (Management of Personally Identifiable Information)

(1) A disaster insurer may manage information which include resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act where essential to conduct business affairs regarding verifying eligibility for disaster insurance.

(2) A disaster insurer (excluding an insurance company under Article 8 (1) 3 of the Act) may manage information which include resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act where essential to conduct business affairs regarding executing, retaining, and managing an insurance contract for the benefit of another person under Article 639 of the Commercial Act, paying insurance proceeds, etc.

(3) The Minister of Agriculture, Food and Rural Affairs (including a person entrusted with the Minister's business affairs under Article 25-2 (2) and (3) of the Act) may manage information which include resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, where essential to conduct the following: <Newly Inserted on Dec. 3, 2014; May 29, 2017; Aug. 12, 2020>

1. Affairs regarding qualifying examinations for certified damage assessors under Article 11-4 of the Act;
2. Affairs regarding revoking qualifications of certified damage assessors under Article 11-5 of the Act;
3. Affairs regarding supervising certified damage assessors under Article 11-6 of the Act;
4. Affairs regarding managing and supervising disaster insurance programs under Article 25-2 (1) 1 of the Act.

[Moved from Article 22-2; previous Article 22-3 moved to Article 22-4 <May 29, 2017>]

Article 22-4 (Re-Examination of Regulation)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall examine the appropriateness of the qualifications for damage assessors under Article 12 and attached Table 2 every three years, counting from January 1, 2018 (referring to the period that ends on the day before January 1 of every third year) and shall take measures, such as making improvements. <Newly Inserted on Dec. 12, 2017>

(2) Deleted. <Mar. 3, 2020>

[Moved from Article 22-2 <May 29, 2017>]

Article 23 (Standards for Imposing Administrative Fines)

Standards for imposing administrative fines under Article 32 (1) through (3) of the Act shall be as specified in attached Table 3.

ADDENDA <Presidential Decree No. 21916, Dec. 30, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2010.

Article 2 (Repeal of Other Statutes or Regulations)

The Enforcement Decree of the Act on Accident Insurance for Cultured Fishery Products is hereby repealed.

Article 3 (Relationship to Other Statutes or Regulations)

Where other statutes or regulations have cited the former Enforcement Decree of the Crop Disaster Insurance Act and the former Enforcement Decree of the Act on Accident Insurance for Cultured Fishery Products or the provisions thereof as at the time this Decree enters into force, they shall be deemed to cite this Decree or the corresponding provisions thereof in lieu of the former Enforcement Decree of the Crop Disaster Insurance Act and the former Enforcement Decree of the Act on Accident Insurance for Cultured Fishery Products or the provisions thereof.

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 22493, Nov. 15, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on November 18, 2010.

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 22767, Mar. 29, 2011>

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

ADDENDUM <Presidential Decree No. 23408, Dec. 28, 2011>

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

ADDENDA <Presidential Decree No. 23644, Feb. 29, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That ... <omitted> ... the amended provisions of Articles 2 and 3 of the Addenda shall enter into force on July 22, 2012.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 24155, Oct. 29, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on November 1, 2012. (Proviso Omitted.)

Articles 2 through 11 Omitted.

ADDENDUM <Presidential Decree No. 24488, Mar. 23, 2013>

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

ADDENDUM <Presidential Decree No. 25319, Apr. 22, 2014>

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

ADDENDUM <Presidential Decree No. 25532, Aug. 6, 2014>

This Decree shall enter into force on August 7, 2014.

ADDENDUM <Presidential Decree No. 25801, Dec. 3, 2014>

This Decree shall enter into force on June 4, 2015: Provided, That the amended provisions of Articles 16-2 and 20-2 (excluding paragraph (1) 2) shall enter into force on December 4, 2014.

ADDENDA <Presidential Decree No. 25840, Dec. 9, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2015.

Articles 2 through 16 Omitted.

ADDENDUM <Presidential Decree No. 25919, Dec. 30, 2014>

This Decree shall enter into force on January 1, 2015.

ADDENDUM <Presidential Decree No. 26589, Oct. 13, 2015>

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

ADDENDUM <Presidential Decree No. 26861, Jan. 6, 2016>

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

ADDENDUM <Presidential Decree No. 26924, Jan. 22, 2016>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 7 and attached Table 1 shall enter into force on February 12, 2016.

ADDENDUM <Presidential Decree No. 27579, Nov. 8, 2016>

This Decree shall enter into force on December 1, 2016: Provided, That the amended provisions of subparagraph 9 of the column Qualifications for Damage Assessors in Disaster Insurance for Aquaculture Products in attached Table 2 shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 27751, Dec. 30, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2017. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDA <Presidential Decree No. 28057, May 29, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 12 (3) and (4) and 22-2 shall enter into force on June 3, 2017.

Article 2 (Special Cases regarding Submitting Plans to Facilitate Purchase of Insurance)

Disaster insurers shall submit plans to facilitate purchase of insurance for 2017 under Article 28-2 (1) of the Act by not later than July 31, 2017, notwithstanding the amended provisions of Article 22-2 (2).

ADDENDA <Presidential Decree No. 28471, Dec. 12, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2018.

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 30218, Nov. 26, 2019>

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

ADDENDUM <Presidential Decree No. 30240, Dec. 10, 2019>

This Decree shall enter into force on January 1, 2020.

ADDENDUM <Presidential Decree No. 30509, Mar. 3, 2020>

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

ADDENDA <Presidential Decree No. 30940, Aug. 12, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 12, 2020: Provided, That the amended provisions of Articles 12-2 (2) and 22-3 (3) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Detailed Criteria for Disposition of Cancellation of Qualification and Suspension of Business)

- (1) The amended provisions of Article 12-9 and attached Table 2-3 shall begin to apply to violations committed after this Decree enters into force.
- (2) The amended provisions of Article 12-10 and attached Table 2-4 shall begin to apply to violations committed after this Decree enters into force.

ADDENDA <Presidential Decree No. 31333, Dec. 29, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 1, 2021.

Articles 2 and 3 Omitted.

Last updated : 2021-08-11

