

ENFORCEMENT DECREE OF THE AGRICULTURAL AND FISHING VILLAGES IMPROVEMENT ACT

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Presidential Decree No. 31380, Jan. 5, 2021
Presidential Decree No. 31986, Sep. 14, 2021
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Presidential Decree No. 32127, Nov. 19, 2021
Presidential Decree No. 32352, Jan. 21, 2022
Presidential Decree No. 32637, May 9, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for matters mandated by the Agricultural and Fishing Villages Improvement Act and those necessary for enforcing the aforesaid Act.

Article 2 (Criteria for Marginal Farmland)

"Farmland which meets the criteria prescribed by Presidential Decree" in subparagraph 17 of Article 2 of the Agricultural and Fishing Villages Improvement Act (hereinafter referred to as the "Act") means any of the following:

1. Farmland, the average gradient from the highest to the lowest part of which is at least 15 percent; or the size of aggregated farmland is less than 20,000 square meters;
2. Farmland located adjacent to a mining area for which the term of mining rights has expired or mining rights are revoked under the Mining Industry Act and unfit for agricultural purposes due to soil pollution, etc.

CHAPTER II SURVEY AND UTILIZATION OF RESOURCES TO IMPROVE RURAL COMMUNITIES

Article 3 (Items of Resource Surveys)

(1) Items of resource surveys conducted under Article 3 (1) of the Act are as follows:

1. Status of distribution, and use of farmland;
2. Distribution of villages and population change trends;
3. Improvement of agricultural infrastructure;
4. Characteristics of farmland, including gradient, soil conditions and drainage;
5. Rural tourism and resort resources;
6. Positioning of rural communities by industry;
7. Dispersion and use of mountainous districts;
8. Status of medical facilities, educational facilities and convenience facilities;
9. Conditions and use of rural houses;
10. Rural landscapes;
11. Matters corresponding to subparagraphs 1 through 10, necessary for formulating the comprehensive plan for improving rural communities.

(2) The range of water surface adjacent to the coast referred to in Article 3 (1) of the Act means the sea surface not exceeding 10 meters deep (or 15 meters in cases of Gangwon-Do, Gyeongsangbuk-Do, and Jeju Special Self-Governing Province) at the lowest ebb. <Amended on Aug. 11, 2020>

Article 4 (Formulation of Rural Landscape Management Plan)

A plan for managing rural landscapes referred to in Article 5 (2) of the Act (hereinafter referred to as "rural landscape management plan") shall include the following:

1. Objectives and directions of the rural landscape management plan;
2. Surveys and evaluations of rural landscape resources;
3. Management of rural landscapes by type, such as natural landscapes, agricultural and fishery landscapes, and living landscapes;
4. The administrative system and funding for implementing the rural landscape management plan, phased implementation of such plan and other relevant matters.

Article 5 (Proposal of Rural Landscape Management Plan)

(1) A person who intends to propose the formulation of a rural landscape management plan pursuant to Article 5 (3) of the Act shall submit a proposal stating the matters referred to in subparagraphs of Article 4 to the implementer of the relevant rural improvement project.

(2) The implementer of a rural improvement project in receipt of a proposal submitted under paragraph (1) shall examine the following matters and notify the proposer of the outcome thereof within 60 days of receipt of the proposal: Provided, That the period may be extended by 30 days only once in special circumstances:

1. Appropriateness of the rural landscape management plan;
2. Appropriateness of the survey and evaluation of landscape resources;
3. Correlation with rural landscapes-related plans formulated under any other Act;
4. Potential for securing funding.

CHAPTER III IMPROVEMENT OF AGRICULTURAL INFRASTRUCTURE

SECTION 1 Implementation of Agricultural Infrastructure Improvement Project

Article 6 (Formulation of Agricultural Infrastructure Improvement Plan)

(1) Matters to be included in the agricultural infrastructure improvement plan referred to in Article 7 (1) of the Act are as follows:

1. Location and size of the prospective area;
2. Land use plan;
3. Order of priority of projects to be implemented;
4. Other matters to be considered in light of natural and social conditions of the prospective areas in formulating the master plan for agricultural infrastructure improvement projects pursuant to Article 8,

and the implementation plan for agricultural infrastructure improvement projects pursuant to Article 9.

(2) Upon formulating the agricultural infrastructure improvement plan under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall notify the relevant Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") of such plan. <Amended on Mar. 23, 2013; Jul. 16, 2019>

Article 7 (Survey of Prearranged Area)

Items of surveys conducted in an prearranged area in accordance with the agricultural infrastructure improvement plan pursuant to Article 7 (2) of the Act are as follows:

1. Status of the district prearranged for the project;
2. Amount of investment required for each project;
3. Effects of implementing the project;
4. Location of the area prearranged for the project;
5. Matters corresponding to subparagraphs 1 through 4, necessary for determining the feasibility of the project.

Article 8 (Formulation of Master Plan for Agricultural Infrastructure Improvement Projects)

(1) Matters to be included in the master plan for agricultural infrastructure improvement projects referred to in Article 8 (1) of the Act are as follows:

1. Outline of the master plan for agricultural infrastructure improvement projects;
2. Basic design documents for each project;
3. Documents forecasting revenues and expenditure of the estimated project cost for each project;
4. A statement of the estimated project cost for each project;
5. Analysis of project efficiency;
6. A location map of the prospective project areas;
7. Other matters necessary for formulating the implementation plan for agricultural infrastructure improvement projects pursuant to Article 9.

(2) The Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor shall hear opinions of the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu (referring to the head of an autonomous Gu in a Metropolitan City; hereinafter the same shall apply) when formulating the master plan for agricultural infrastructure improvement projects pursuant to paragraph (1). <Amended on Mar. 23, 2013>

(3) "Project prescribed by Presidential Decree and not exceeding the specified scale" in Article 8 (2) of the Act means a project benefitting less than 500,000 square meters (altering and repairing agricultural infrastructure to maintain its function and dredging, among projects referred to in subparagraph 5 (b) of Article 2 of the Act, shall be included herein regardless of the area), among the projects referred to in subparagraph 5 (a) through (c) of Article 2 of the Act, and the projects referred to in subparagraph 5 (d)

through (g) of Article 2 of the Act.

Article 9 (Formulation of Implementation Plan for Agricultural Infrastructure Improvement Projects)

Matters to be included in an implementation plan for agricultural infrastructure improvement projects referred to in Article 9 (2) of the Act are as follows:

1. Outline of the implementation plan for the agricultural infrastructure improvement projects;
2. Detailed design documents;
3. Documents forecasting revenues and expenditure of project costs;
4. Name of the project;
5. A location map of the area where the project is to be implemented;
6. Other matters necessary to implement agricultural infrastructure improvement projects.

Article 10 (Where no Public Notice is Required for Amending Implementation Plan for Agricultural Infrastructure Improvement Projects)

"Insignificant matters prescribed by Presidential Decree" in the proviso of Article 9 (9) of the Act means the following:

1. An increase or a decrease by 10/100 in the project cost specified in the implementation plan for agricultural infrastructure improvement projects (in cases of a project, the implementation plan for which is amended, referring to the altered project cost);
2. A change in the project cost due to a price fluctuation.

Article 11 (Other Persons Holding Rights in Land)

"Person prescribed by Presidential Decree" in subparagraph 5 of Article 11 of the Act means a person confirmed to own land by a certificate of fact issued by the head of the competent Si (referring to the Special Self-Governing City Mayor in cases of the Special Self-Governing City or the Special Self-Governing Province Governor in cases of the Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu although the de facto ownership of the land was changed but the change of ownership has not registered yet. <Amended on Jul. 16, 2019>

Article 12 (Plans to Manage and Dispose of Filled Land, etc.)

(1) The following conditions shall be satisfied where the implementer of an agricultural infrastructure improvement project intends to manage and dispose of land, such as filled land, reclaimed land, cleared land, and borrow-pits, and other things (hereinafter referred to as "filled land, etc.") by leasing, selling or directly using or temporarily using the filled land, etc. pursuant to Article 14 of the Act: <Amended on Dec. 22, 2015>

1. Expanding the scale of agricultural business of full-time farmers referred to in Article 26 of the Framework Act on Agriculture, Rural Community and Food Industry (hereinafter referred to as "full-

time farmers"), etc.;

2. Attaining the objectives of the rural improvement project;

3. Securing financial resources to reinvest in the relevant agricultural infrastructure improvement project.

(2) The implementer of an agricultural infrastructure improvement project shall formulate a management and disposal plan, stating the following matters; obtain approval therefor from the Minister of Agriculture, Food and Rural Affairs pursuant to Article 14 (2) of the Act; and thereafter publicly announce the plan: Provided, That he or she need not publicly announce an estimate of profits from management and disposal referred to in subparagraph 4: *<Amended on Mar. 23, 2013>*

1. Plots and area by management and disposal plan;

2. Methods of determining persons eligible for the management and disposal plan;

3. A schedule of management and disposal;

4. An estimate of profits from management and disposal.

(3) The implementer of an agricultural infrastructure improvement project shall obtain approval from the Minister of Agriculture, Food and Rural Affairs to amend the management and disposal plan approved pursuant to paragraph (2). *<Amended on Mar. 23, 2013>*

(4) Where filled land, etc. created by a project financed from the Farmland Management Fund established under Article 31 of the Korea Rural Community Corporation and Farmland Management Fund Act (hereinafter referred to as "Farmland Management Fund") is necessary for any project implemented by the Korea Rural Community Corporation incorporated under the same Act (hereinafter referred to as the "Korea Rural Community Corporation") pursuant to Article 10 of the same Act, the State may contribute or concede the reclaimed land, etc. without compensation to the Korea Rural Community Corporation pursuant to Article 6 or 44 of the same Act. *<Amended on Aug. 14, 2018>*

Article 13 (Persons Entitled to Rent Farmland in Filled Land, etc.)

Where the implementer of an agricultural infrastructure improvement project, other than a landowner, intends to lease farmland in filled land, etc. pursuant to a management and disposal plan for filled land, etc. referred to in Article 12, he or she shall lease the filled land, etc. to any of the following: *<Amended on Dec. 6, 2011; Jun. 27, 2017; Jul. 16, 2019>*

1. An agricultural partnership incorporated under Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities (hereinafter referred to as "agricultural partnership") or an agricultural company incorporated under Article 19 of the same Act (hereinafter referred to as "agricultural company") located in the Si (including the Special Self-Governing City and the Special Self-Governing Province; hereinafter the same shall apply), Gun, or autonomous Gu in a Metropolitan City (hereinafter referred to as "Si/Gun/Gu") where the relevant project area is located;

2. A local government;

3. A State or public research institute;
4. An agricultural cooperative, the National Agricultural Cooperative Federation, and NongHyup Agribusiness Group incorporated under the Agricultural Cooperatives Act;
5. An agricultural partnership or agricultural company comprised of farmers who have suffered a loss (including fishermen who have become farmers after suffering a loss) due to the implementation of a project for creating the relevant filled land, etc.

Article 14 (Procedures and Methods for Leasing Filled Land, etc.)

(1) The leasing period of filled land, etc. under Article 14 (2) 1 of the Act shall be classified as follows:

<Newly Inserted on Jul. 16, 2019>

1. Cultivation of short lived crops: Within five years: Provided, That if deemed necessary by the implementer of an agricultural infrastructure improvement project, such period may be extended by a maximum of five years;
2. A project falling under any of subparagraphs 1 through 4 of Article 19: Within the period necessary to implement the project;
3. Any person listed in the subparagraphs of Article 19 (5);
4. A project falling under subparagraph 6 of Article 19: Within 20 years.

(2) The criteria for calculating a rent for filled land, etc. under Article 14 (2) 1 of the Act shall be determined by the Minister of Agriculture, Food and Rural Affairs, in consideration of the rents, etc. for land that is similar in the current status of use in a Si/Gun/Gu to which an area in which a project under any of the subparagraphs of paragraph (1) is implemented belongs: Provided, That where any revenue occurs from a project for the purpose other than cultivation, the rent may be determined in consideration of the total revenues of the project. *<Newly Inserted on Jul. 16, 2019>*

(3) A person who intends to rent filled land, etc. shall submit an application to rent the filled land, etc. to the implementer of an agricultural infrastructure improvement project, other than a landowner, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jul. 16; 2019>*

(4) The implementer of an agricultural infrastructure improvement project in receipt of an application submitted under paragraph (3) shall determine an eligible person, taking into account the qualifications, etc. of eligible persons; and where at least two applicants exist, an eligible person shall be determined by open lottery: Provided, That in the case of subparagraph 6 of Article 19, an eligible person shall be determined by competitive tendering. *<Amended on Jul. 16, 2019>*

(5) Upon determining an eligible person, the implementer of an agricultural infrastructure improvement project shall issue a notice on the lease of filled land, etc. to the eligible person, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jul. 16, 2019>*

(6) Where at least 30 percent of agricultural crops have been damaged in filled land, etc. rented for the purpose of cultivation due to any disaster under subparagraph 1 of Article 2 of the Countermeasures against Natural Disasters Act or any agricultural disaster under subparagraph 2 of Article 2 of the Act on the Prevention of and Countermeasures against Agricultural and Fishery Disasters, the implementer of an agricultural infrastructure improvement project may reduce rents for the relevant filled land, etc. and overdue interest. *<Newly Inserted on Jul. 16, 2019>*

(7) The methods for payment of rents for filled land, etc. and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013; Jul. 16, 2019>*

Article 15 (Persons Entitled to Sell Farmland in Filled Land, etc.)

A person entitled to sell farmland in filled land, etc. under Article 14 (2) 2 of the Act shall be any of the following persons: *<Amended on Dec. 6, 2011; Jul. 16, 2019>*

1. An agricultural business successor referred to in Article 10 (1) of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities or a full-time farmer;
2. An agricultural partnership or agricultural company located in the Si/Gun/Gu where the relevant project area is located;
3. A person who has rendered distinguished service to the State or a member of his or her bereaved family under the Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State and who has resided in the Si/Gun/Gu where the relevant farmland is located, for at least three years consecutively;
4. A person recommended by the head of the competent Si/Gun/Gu, subject to relocation measures due to the implementation of a public project;
5. A farmer or a fisherman who has suffered a loss from the implementation of the relevant filling project.

Article 16 (Procedures for Selling Filled Land, etc.)

(1) A person who intends to purchase filled land, etc. shall submit an application to purchase the filled land, etc. to the implementer of an agricultural infrastructure improvement project, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

(2) Upon determining a person entitled to purchase under Article 17, the implementer of an agricultural infrastructure improvement project shall issue a notice on the sale of filled land, etc. to the person entitled to purchase, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

(3) The implementer of an agricultural infrastructure improvement project may allow the person in receipt of the notice on the sale of filled land, etc. pursuant to paragraph (2) to use the filled land, etc., imposing conditions for use even before ownership is transferred to such person.

(4) Methods for payment of the purchase price of filled land, etc., and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 17 (Methods for Selling Filled Land, etc.)

(1) The implementer of an agricultural infrastructure improvement project who intends to sell filled land, etc., shall sell the filled land, etc. by competitive bidding.

(2) Notwithstanding paragraph (1), the implementer of an agricultural infrastructure improvement project may sell filled land, etc. by limited competitive bidding, in any of the following circumstances:

1. Where the implementer intends to sell the filled land, etc. for a project to build agricultural facilities, such as facilities for producing, processing, storing, and distributing agricultural or fisheries products referred to in subparagraph 6 of Article 2 of the Act;
2. Where the implementer intends to sell the filled land, etc. for rural tourism and resort business;
3. Where it is not practical to hold competitive bidding, in light of the location, conditions, etc. of the filled land, etc.: Provided, That the foregoing shall apply only in cases specified in a management and disposal plan referred to in Article 12.

(3) Notwithstanding paragraphs (1) and (2), the implementer of an agricultural infrastructure improvement project may sell filled land, etc. through a free contract, in any of the following circumstances:

1. Where no bidder succeeds in competitive bidding at least twice;
2. Where the filled land, etc. are sold for a project prescribed in subparagraph 1 or 3 of Article 19;
3. Where the filled land, etc. are sold to the head of a Si/Gun/Gu or the Korea Rural Community Corporation for the business prescribed in subparagraph 2 of Article 19;
4. Where the filled land, etc. are sold, as prescribed by any other Act.

Article 18 (Estimated Sale Price of Filled Land, etc.)

(1) The estimated sale price of filled land, etc. to be sold by the implementer of an agricultural infrastructure improvement project, other than a landowner, pursuant to Article 17, shall be determined at a price calculated from the arithmetic mean of the values appraised by at least two appraisal business operators defined in the Act on Appraisal and Certified Appraisers. <Amended on Aug. 31, 2016>

(2) The estimated sale price referred to in paragraph (1) shall be disclosed.

Article 19 (Special Cases concerning Lease or Sale of Farmland in Filled Land, etc.)

Notwithstanding Articles 13 and 15, the implementer of an agricultural infrastructure improvement project, other than a landowner, may lease or sell any farmland in filled land, etc. plotted for the following purposes pursuant to Article 14 (2) 3 of the Act, to a person who intends to use it for any of such purposes:

<Amended on Mar. 23, 2013; Jul. 16, 2019>

1. A project to prevent water pollution and improve water quality referred to in subparagraph 5 (e) of Article 2 of the Act;
2. Rural tourism and resort business (limited to where the project implementer is the head of a Si/Gun/Gu or the Korea Rural Community Corporation);
3. A testing or research project for developing agricultural technology;
4. A pilot farming project or an agricultural education and training program;
5. A project to develop a complex in which facilities for processing, storing, and distributing agricultural and fisheries products are included in a production facility of agricultural and fisheries products designated by the Minister of Agriculture, Food and Rural Affairs;
6. A project to install a solar energy power plant pursuant to Article 36 (1) 4 of the Farmland Act.

Article 20 (Direct Use of Filled Land, etc.)

The implementer of an agricultural infrastructure improvement project may directly use filled land, etc. to perform any of the following projects pursuant to a management and disposal plan for filled land, etc. referred to in Article 12:

1. A project to build agricultural facilities, such as facilities for producing, processing, storing, and distributing agricultural or fisheries products referred to in subparagraph 6 of Article 2 of the Act;
2. A project referred to in subparagraphs of Article 19.

Article 21 (Temporary Use of Filled Land, etc.)

(1) The implementer of an agricultural infrastructure improvement project may permit a person entitled to rent filled land, etc. referred to in Article 13 or a person who intends to implement a project prescribed in subparagraph 5 of Article 19 under a lease agreement, to use the filled land, etc. temporarily, from the time the project is completed until a person entitled to rent or purchase filled land, etc. is determined or the implementer directly uses the filled land, etc.

(2) A project implementer may collect temporary usage fees from a person who uses filled land, etc. temporarily pursuant to paragraph (1).

(3) Methods for selecting temporary users, standards for calculating temporary usage fees, methods for paying such fees and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 22 (Management and Use of Sale Price)

(1) "Redeeming debts prescribed by Presidential Decree" in Article 14 (3) 1 of the Act means redeeming debts incurred in the course of implementing an agricultural infrastructure improvement project.

(2) The implementer of an agricultural infrastructure improvement project who sells filled land, etc. (excluding the State and landowners) shall formulate a plan to manage and use the sale price and submit the plan to the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 22-2 (Temporary Use of Land Being Developed as Reclaimed Land)

(1) Where an implementer of an agricultural infrastructure improvement project intends to temporarily use land exposed after a breakwater construction work of an agricultural infrastructure development project is completed or to allow farmers, fishermen, etc. to temporarily use the land (hereinafter referred to as "temporary use") pursuant to Article 14-2 of the Act, he or she shall prepare a plan for temporary use including the following matters, submit the plan to the Minister of Agriculture, Food and Rural Affairs, and publicly announce such plan on the website, etc.: *<Amended on Oct. 14, 2021>*

1. Area of land to be used temporarily;
2. Persons to use the land temporarily;
3. Procedures for filing an application and for concluding a contract for temporary use;
4. Matters to be observed during temporary use;
5. Plans to restore the land temporarily used to the original state (limited to cases in which the land is to be used for a purpose prescribed in paragraph (3) 2 through 4).

(2) An implementer of an agricultural infrastructure improvement project may temporarily and directly use land, or allow a person falling under any of the subparagraphs of Article 13 to use the land temporarily. In such cases, he or she may have a person prescribed in subparagraph 5 of Article 13 use the land temporarily in preference to any other person.

(3) Temporary use shall be allowed for any of the following purposes: *<Amended on Oct. 14, 2021>*

1. Cultivation of short lived crops;
2. Cultivation of crops, etc. for experiment and research related to the development of agricultural technology;
3. Installation of makeshift facilities such as walkways, sculptures, and simple rest facilities relating to the service industry including cultural tourism referred to in Article 31 (1) of the Special Act on Quality Improvement of Life of Farmers and Fishers and Development Promotion of Agricultural and Fishing Villages.
4. Local cultural festivals, and cultural and art performances and exhibitions prescribed in Article 33 of the Special Act on Quality Improvement of Life of Farmers and Fishers and Development Promotion of Agricultural and Fishing Villages.

(4) The period of temporary use shall be classified as follows: *<Amended on Oct. 14, 2021>*

1. Where it is temporarily used for a purpose prescribed in paragraph (3) 1: Within three years. In such cases, the period may be extended for up to additional one year;
2. Where it is temporarily used for a purpose prescribed in paragraph (3) 2: Within the period needed for the relevant experiment and research;
3. Where it is temporarily used for a purpose prescribed in paragraph (3) 3: Within the period needed for the relevant cultural tourism, etc.;

4. Where it is temporarily used for a purpose prescribed in paragraph (3) 4: Within the period needed for the relevant festival, performance or exhibition.

(5) Where an implementer of an agricultural infrastructure improvement project allows a person falling under any the subparagraphs of Article 13 to temporarily use land, he or she may collect a usage fee from the temporary user. In such cases, he or she may grant the temporary user an exemption of the usage fees as follows: *<Amended on Oct. 14, 2021>*

1. Where temporary use is made for a purpose prescribed in paragraph (3) 1 and damage occurs from natural disasters: Partial reduction of the usage fees;

2. Where temporary use is made for a purpose prescribed in paragraph (3) 2 through 4 for a nonprofit project for the purpose of public interests: Exemption.

(6) Where an implementer of an agricultural infrastructure improvement project receives usage fees from temporary users pursuant to paragraph (5), he or she shall deliver the usage fees to the Farmland Management Fund.

(7) Except as provided in paragraphs (1) through (6), matters necessary for temporary use, such as procedures for applying for temporary use, shall be determined and publicly notified by the Minister of Agriculture, Food and Rural Affairs.

Article 23 (Formulation of Plan for Rationalizing Rural Water Use)

(1) The plan for rationalizing rural water use referred to in Article 15 (1) of the Act (hereinafter referred to as "plan for rationalizing rural water use") shall include the following: *<Amended on Mar. 23, 2013>*

1. Demand for, and development of, rural water;

2. Use, allocation, conservation, and management of rural water;

3. Scopes of rural water zones;

4. Matters related to other public plans;

5. Other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) The Minister of Agriculture, Food and Rural Affairs shall formulate the plan for rationalizing rural water use based on the National Land Plan formulated under the Framework Act on the National Land, and consult with the Minister of Environment and the Minister of Land, Infrastructure and Transport after hearing opinions of Mayors/Do Governors. *<Amended on Mar. 23, 2013>*

(3) Upon formulating the plan for rationalizing rural water use, the Minister of Agriculture, Food and Rural Affairs shall notify Mayors/Do Governors of the details thereof. *<Amended on Mar. 23, 2013>*

(4) In any of the following circumstances, the Minister of Agriculture, Food and Rural Affairs may amend the plan for rationalizing rural water use taking the procedures prescribed in paragraph (2): *<Amended on Mar. 23, 2013>*

1. Where it is deemed necessary to amend the plan for rationalizing rural water use by reviewing the appropriateness of such plan every five years after it is formulated;

2. Where it is deemed necessary to amend the plan for rationalizing rural water use to reflect requests by a Mayor/Do Governor;
3. Where it is deemed necessary to amend the plan for rationalizing rural water use based on the national plan or to serve public interests.

Article 24 (Rural Water Zones)

(1) The Minister of Agriculture, Food and Rural Affairs may designate the following basins as rural water zones pursuant to Article 15 (2) of the Act: <Amended on Mar. 23, 2013>

1. Small basins related to farmland, rural settlements, and other rural areas for which the plan for rationalizing rural water use is deemed necessary;
2. Basins of small rivers (excluding rivers defined in subparagraph 1 of Article 2 of the River Act) the water quality of which is need to be managed and preserved.

(2) Upon designating a rural water zone pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the competent Mayor/Do Governor shall publicly notify the following: <Amended on Mar. 23, 2013>

1. The purpose of designating the rural water zone;
2. The location and scale of the rural water zone;
3. A plan for developing and using rural water;
4. Matters concerning the management and preservation of rural water.

(3) A Si/Gun/Gu shall prescribe the following matters concerning the management of rural water zones in its jurisdiction by its ordinance:

1. Use, allocation, preservation, and management of rural water;
2. Operation and control of facilities for preserving and managing rural water;
3. Maintenance and management of facilities for preserving and managing rural water and repayment of costs incurred in installing such facilities.

SECTION 2 Management of Agricultural Infrastructure

Article 25 (Registration of Agricultural Production Infrastructure)

(1) Agricultural infrastructure to be registered with the head of a Si/Gun/Gu under subparagraph 2 of Article 17 of the Act is as follows: <Amended on May 7, 2012; Jan. 5, 2021>

1. Diversion weirs (referring to water impounding facility built to divert water from natural streams to irrigation ditches; hereafter the same shall apply);
2. Wells or water collecting conduits;
3. Irrigation channels or drainage channels;
4. Farm roads;

5. Water tanks;
 6. Facilities designated by the head of a Si/Gun/Gu, other than those prescribed in subparagraphs 1 through 5, necessary to be registered and managed as agricultural infrastructure.
- (2) Where registered agricultural infrastructure is disused or its original form is changed due to such causes as repair or damage, a person who manages such agricultural infrastructure pursuant to Article 16 of the Act (hereinafter referred to as "agricultural infrastructure manager") shall register such details without delay.
- (3) Procedures for registering agricultural infrastructure and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

Article 26 (Safety Management of Agricultural Infrastructure)

(1) An agricultural infrastructure manager shall formulate a safety management plan for agricultural infrastructure, including the following matters, pursuant to Article 18 (1) of the Act every five years and shall ensure it correlates it with the master plan for national safety management formulated pursuant to Article 22 of the Framework Act on the Management of Disasters and Safety:

1. Basic direction-setting for the safety management of the agricultural infrastructure;
 2. Matters concerning securing organization, human resources, and equipment for the safety management of the agricultural infrastructure;
 3. Matters concerning building an information system related to the safety management of the agricultural infrastructure;
 4. A plan for conducting safety inspections or full safety examinations of the agricultural infrastructure and the repair and reinforcement thereof;
 5. Expenses incurred in the safety management of the agricultural infrastructure;
 6. Other matters necessary for the safety management plan for the agricultural infrastructure.
- (2) An agricultural infrastructure manager shall formulate and implement an annual implementation plan for safety management pursuant to the safety management plan he or she formulates pursuant to paragraph (1).
- (3) Facilities subject to safety inspections and full safety examinations under Article 18 (2) of the Act and the time for conducting such inspections and examinations shall be as specified in attached Table 1. *<Amended on May 7, 2012>*
- (4) Where a defect is found in agricultural infrastructure through a safety inspection and full safety examinations conducted under paragraph (3), the relevant agricultural infrastructure manager shall restore the defective part and take measures, such as alteration and repair.
- (5) An agricultural infrastructure manager may take any of the following measures where necessary for the safety management of agricultural infrastructure:
1. Installing an access control device to the zone where the agricultural infrastructure is built;

2. Installing a sign to restrict any activity or use of devices that could hinder the safety management of the agricultural infrastructure.

(6) An agricultural infrastructure manager may request the head of the relevant administrative agency or the head of the relevant local government to take appropriate measures, such as to restricting or prohibiting the installation of facilities which could hamper the efficiency of agricultural infrastructure, at the upstream basin.

(7) Formulation of plans for managing facilities, safety inspections and maintenance of facilities under paragraphs (1) through (5) and other necessary matters shall be prescribed by the Minister of Agriculture, Food and Rural Affairs. *<Amended on May 7, 2012; Mar. 23, 2013>*

(8) "Just cause prescribed by Presidential Decree, such as cases where an emergency measure is needed for preventing damage caused by a natural disaster or for lifesaving" in the provisions, with the exception of the subparagraphs, of Article 18 (3) of the Act means any the following circumstances: *<Amended on Jan. 22, 2016>*

1. Where an emergency measure is required to prevent damage caused by a natural disaster or for lifesaving;
2. Where a necessary measure is taken against a calamity or disaster pursuant to Acts, such as the Act on the Prevention of and Countermeasures against Agricultural and Fishery Disasters, the Framework Act on Fire-Fighting Services, the Act on the Search and Rescue, etc. in Waters, the Countermeasures against Natural Disasters Act, and the Framework Act on the Management of Disasters and Safety;
3. Where an emergency measure is required to prevent potential damage to crops due to inflow of seawater or pollutants.

Article 27 (Formulation of Contingency Plan)

(1) "Agricultural infrastructure prescribed by Presidential Decree, such as constructing a reservoir" in the former part of Article 20 (1) of the Act means the following: *<Amended on May 7, 2012; Mar. 23, 2013; Oct. 14, 2021>*

1. A reservoir with a total water storage capacity of at least 200 thousand cubic meters;
2. A tide embankment with a tidal water capacity of at least 30 million cubic meters, defined in Article 2 (3) of the Tide Embankment Management Act;
3. Other facilities risking human safety and loss of property if collapsed, among reservoirs and tide embankments, and are publicly notified by the Minister of Agriculture, Food and Rural Affairs as deemed necessary to formulate a contingency plan under Article 20 (1) of the Act (hereinafter referred to as "contingency plan").

(2) Contingency plans shall include the following:

1. Outline and surrounding environment of agricultural infrastructure;
2. Areas where damage is expected, if agricultural infrastructure collapses;

3. An emergency liaison system;
4. Guidelines for emergency action to be taken in emergencies;
5. A resident evacuation plan;
6. Other matters necessary to take emergency action.

(3) In any of the following cases, a contingency plan shall be amended pursuant to Article 20 (3) of the Act:

1. Where the total water storage capacity is changed due to the expansion, etc. of the agricultural infrastructure;
2. Where it is deemed necessary to amend the contingency plan due to a change of expected scale of damage, such as a change in environmental conditions of the agricultural infrastructure.

(4) The Minister of Agriculture, Food and Rural Affairs may fully or partially subsidize expenses incurred in formulating or amending contingency plans. <Amended on Mar. 23, 2013>

Article 28 (Measures for Improving Quality of Rural Water)

(1) Measures for improving the quality of rural water referred to in Article 21 (3) of the Act shall include the following:

1. Status and likelihood of rural water pollution;
2. Measures to improve the quality of rural water by project subject and phase and a project plan therefor.

(2) The Minister of Agriculture, Food and Rural Affairs may entrust the water analysis to a specialized testing institution prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to ascertain the current state of rural water pollution in order to formulate measures to improve the quality of rural water. <Amended on Mar. 23, 2013>

Article 29 (Areas subject to Restriction on Construction of Factories)

"Areas prescribed by Presidential Decree" in Article 22 (1) of the Act means the following:

1. An area, the special-purpose area of which is an urban area or planned control area designated pursuant to Article 36 of the National Land Planning and Utilization Act, located within two kilometers from the full water level of a reservoir heading upstream of the water system;
2. An area, the special-purpose area of which is an area, other than an urban area and a planned control area designated pursuant to Article 36 of the National Land Planning and Utilization Act, located within five kilometers from the full water level of a reservoir heading upstream of the water system.

Article 30 (Exemptions from Restriction on Construction of Factories)

"Areas prescribed by Presidential Decree" in the provisions, with the exception of the subparagraphs, of Article 22 (2) of the Act means an area falling under any of the subparagraphs of Article 29, for which the head of a Si/Gun/Gu has formulated a plan to prevent water pollution and consulted thereon with the head

of the competent river basin environmental office or the head of the competent regional environmental office, in order to maintain the water quality of a reservoir at the same level as before the construction of a factory defined in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act or an industrial complex defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act (hereinafter referred to as "factory or industrial complex"; excluding factories or industrial complexes having facilities that discharge specific substances harmful to water quality referred to in Article 31 (1) 1 of the Enforcement Decree of the Water Environment Conservation Act and factories or industrial complexes which manufacture, keep or store hazardous chemical substances defined in subparagraph 7 of Article 2 of the Chemical Substances Control Act or designated wastes defined in subparagraph 4 of Article 2 of the Wastes Control Act), even after such factory or industrial complex is constructed.

Article 30-2 (Requirements for Establishment of Factories in Areas Excepted from Restrictions on Establishment of Factories)

The requirements for establishment of factories or industrial complexes in areas excepted from the restrictions on the establishment of factories or industrial complexes under Article 22 (2) 1 and 2 of the Act shall be as specified in attached Table 1-2.

Article 31 (Permission for Use of Agricultural Infrastructure or Water)

(1) Where an agricultural infrastructure manager, other than the Korea Rural Community Corporation, intends to obtain permission to use agricultural infrastructure or water other than for its original purpose or to permit a third person to use it pursuant to the main clause of Article 23 (1) of the Act, he or she shall file an application for permission for use in the Form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, stating the following matters, with the head of the competent Si/Gun/Gu: Provided, That subparagraph 5 may be omitted if it is intended to determine the user by competitive bidding: <Amended on Dec. 6, 2011; May 8, 2017>

1. Grounds for using it other than for its original purpose;
 2. Agricultural infrastructure or quantity of water which is intended to be used other than for its original purpose;
 3. Details, methods, and period of use other than for its original purpose;
 4. Estimated amount of usage fees to be imposed pursuant to Article 32 and the basis of calculation;
 5. The address and name or title of the person who intends to use it other than for its original purpose.
- (2) A person who intends to use agricultural infrastructure or water managed by the Korea Rural Community Corporation other than for its original purpose pursuant to the proviso of Article 23 (1) of the Act shall file an application for use in the Form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, stating the matters prescribed in subparagraphs of paragraph (1) (excluding subparagraph 4), with the Korea Rural Community Corporation and matters concerning the use of the

agricultural infrastructure or water managed by the Korea Rural Community Corporation shall be prescribed by its articles of incorporation. <Amended on Dec. 6, 2011; May 7, 2012; May 8, 2017>

(3) "Insignificant matters prescribed by Presidential Decree" in the proviso of Article 23 (1) of the Act means: <Amended on Dec. 6, 2011; May 8, 2017>

1. Where the area of the agricultural infrastructure intended to be used other than for its original purpose, does not exceed 300 square meters;
2. Where the period of use is renewed without changing the grounds for the originally permitted use, area, etc.

(4) Paragraph (5) shall apply mutatis mutandis where the period of use is renewed under paragraph (3) 2.

(5) The period for which agricultural infrastructure or water can be used for other than for its original purpose pursuant to Article 23 (1) of the Act shall not exceed the period classified as follows: Provided, That such period shall not exceed 10 years where the agricultural infrastructure or water is used for installing and operating new energy and renewable energy facilities defined in subparagraph 3 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy (hereinafter referred to as "new energy and renewable energy facilities"): <Amended on Jun. 8, 2016>

1. For using land:

(a) Where it is necessary to use the land for a long period for such installing or constructing an access road, water pipe, drain pipe, city gas pipe, oil pipeline, streetlight, electric light pole, railroad, road, etc.: Ten years;

(b) Where it is necessary to use the land for agricultural purposes and in cases not falling within the category of item (a): Three years;

2. For using the water surface or land appurtenant thereto: Five years;

3. For using water: Three years.

Article 32 (Collection of Usage Fees Upon Grant of Permission for Use of Agricultural Infrastructure or Water)

(1) The percentages of usage fees to be collected pursuant to Article 23 (3) of the Act where agricultural infrastructure or water managed by the State is used other than for its original purpose, shall be as follows: Provided, That even in cases prescribed in subparagraphs 1 through 4, the amount of such usage fees may be determined at the price of the successful bid, if the user is determined by competitive bidding: <Amended on Dec. 6, 2011; Mar. 23, 2013; Jun. 8, 2016; Aug. 31, 2016; May 8, 2017; Oct. 8, 2020>

1. Where any income accrues from using the agricultural infrastructure: An amount equivalent to 10/100 of the total income: Provided, That where any income accrues from using the agricultural infrastructure for installing and operating new energy and renewable energy facilities, the amount shall be 5/100 of the total income;

2. Where products are produced by farming, capturing, collecting, etc. using the agricultural infrastructure: An amount equivalent to 10/100 of the market price of the products;

3. Where land on which the agricultural infrastructure stands is used for purposes other than those prescribed in subparagraphs 1 and 2: An amount equivalent to 5/100 of the officially announced price of the land (where no officially announced land price is determined, the amount appraised based on the standard comparison table of land prices referred to in Article 3 (8) of the Act on the Public Announcement of Real Estate Values or the value of the land appraised by an appraisal business operator under Article 3 of the Act on Appraisal and Certified Appraisers shall be used; but the officially announced price of adjacent land of a similar utility value shall be used, if expenses incurred in appraising the land are deemed excessive in comparison with the estimated annual usage fees to be collected, in any of the following cases). In such cases, if the annual usage fees of the relevant year increase by at least 5/100 compared with the previous year, the amount of increase shall be the amount computed by applying the calculation formula for adjustment of usage fees referred to in Article 33 of the State Property Act:

- (a) Where an irrigation channel, drainage channel, farm road, etc. is used for an access road, passage, or any other similar purpose;
- (b) Other cases prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as where it is used for installing streetlight;

4. Where water is used: An amount equivalent to 1/600 of the expenses used by the agricultural infrastructure manager during the previous year to maintain and manage the relevant agricultural infrastructure, assuming that using one cubic meters for each 1,000 square meters of farmland benefitting from such agricultural facilities.

(2) Notwithstanding the main clause of paragraph (1), where agricultural infrastructure or water managed by the State is used for constructing and managing a railroad, road, etc. or for any other public purpose, the amount of usage fees may be reduced. *<Amended on May 8, 2017>*

(3) The percentages of usage fees to be collected where agricultural infrastructure or water managed by a local government or the Korea Rural Community Corporation is used other than for its original purpose, shall be prescribed by municipal ordinance or the articles of incorporation based on the percentages of usage fees to be collected under paragraphs (1) and (2). *<Amended on May 8, 2017>*

(4) The scope for using usage fees collected under Article 23 (3) of the Act shall be as follows: *<Amended on May 8, 2017>*

1. Expenses for maintaining and managing agricultural infrastructure;
2. Expenses for altering and repairing agricultural infrastructure;
3. A reserve fund to prepare for damage to agricultural infrastructure.

Article 32-2 (Decision on Abolition of Agricultural Production Infrastructure)

Where the manager of an agricultural production infrastructure receives a request for abolition of the agricultural production infrastructure under Article 24 (2) of the Act, the manager shall decide whether to abolish the infrastructure and the scope of abolition, taking into account the type, scale, the number of

beneficiaries, and the benefit area of the relevant agricultural production infrastructure.

Article 32-3 (Hearing Opinions of Residents Related to Abolition of Agricultural Production Infrastructure)

(1) Where an agricultural production infrastructure manager intends to apply for abolition of the agricultural production infrastructure or submits an opinion of disapproval of abolition under Article 24 (3) of the Act, the manager shall seek opinions of related residents, including residents benefiting from the relevant agricultural production infrastructure, the owners of the agricultural production infrastructure and its site, and the residents of Si/Gun/Gu where the agricultural infrastructure is located.

(2) Where an agricultural production infrastructure manager seeks opinions of related residents pursuant to paragraph (1), he or she shall publicly announce in advance each of the following matters prescribed in the following subparagraphs in at least two daily newspapers mainly distributed in the area of the relevant Si/Gun/Gu, and publish such matters in the official report or on the website of the relevant agricultural production infrastructure manager for at least 14 days so that the relevant residents may peruse such matters:

1. The name, location, scale, and benefit area of the agricultural production infrastructure;
2. Opinions of the agricultural production infrastructure manager on the request for the abolition of the agricultural production infrastructure;
3. A plan for utilization of the agricultural production infrastructure after it is abolished (limited to where the opinion under subparagraph 2 is an approval of abolition);
4. Period for and method of submitting opinions.

(3) Where any of the following persons raises an objection to the opinions of abolition of the agricultural production infrastructure and requests a hearing within the period for submitting opinions referred to in paragraph (2) 4, the agricultural production infrastructure manager shall hold a hearing:

1. The owners of the agricultural production infrastructure and its site;
2. A person who has the surface right, leasehold, or the right under a loan for use concerning an agricultural production infrastructure and the site;
3. A person who holds the right with the purpose of using or benefiting from the agricultural production infrastructure and its site.

(4) The Administrative Procedures Act shall apply to the procedures, methods, etc. for holding a hearing prescribed in paragraph (3).

SECTION 3 Substitute Lots and Land Exchange, Division, or Consolidation

Article 33 (Substitute lot for Unregistered Land)

Where land that has existed before implementing an agricultural infrastructure improvement project is unregistered, the person entitled to apply for registering initial ownership of the land pursuant to Article

130 of the Registration of Real Estate Act is entitled to receive a substitute lot.

Article 34 (Calculation of Area of Substitute Lot)

(1) "Area of land calculated as prescribed by Presidential Decree" in the main clause of Article 25 (6) of the Act means an area calculated by multiplying the area of land by a landowner (hereinafter referred to as "land eligible for a substitute lot") by the rate of area entitled to be received in the relevant district, excluding land which has not been unused for cultivation until before the date of approval of the implementation plan for an agricultural infrastructure improvement project, and the category of which is a ditch, road, river, levee, or puddle (hereinafter referred to as "land ineligible for substitute lots") among pre-project land.

(2) Methods for calculating the rate of area entitled to be received under paragraph (1), shall be as specified in attached Table 2.

Article 35 (Verification of Actually Cultivated Land)

To verify land subject to cash settlements, which is not actually cultivated under Article 25 (7) of the Act, the implementer of an agricultural infrastructure improvement project shall notify each owner of land categorized as a ditch, road, river, levee or puddle, but not State or publicly-owned land or owned by the Korea Rural Community Corporation, to apply for verification as to whether the relevant land is actually cultivated, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

Article 36 (Processing of Objections)

(1) After receipt of an objection filed pursuant to Article 26 (3) of the Act, the implementer of an agricultural infrastructure improvement project may submit the objection to a land substitution deliberation committee established under Article 41 of the Act (hereinafter referred to as "land substitution deliberation committee") for deliberation along with the following documents, to undergo conciliation procedures, if necessary to coordinate interests after the expiration of the period for filing objections:

1. A written objection;
2. A plan for providing a substitute lot for the relevant land or for designating a temporary site;
3. A drawing comparing the relevant land before and after the designation of a substitute lot;
4. Other materials necessary for deliberation.

(2) An application for ruling filed by the implementer of an agricultural infrastructure improvement project with the Minister of Agriculture, Food and Rural Affairs or the competent Mayor/Do Governor pursuant to Article 26 (4) of the Act shall accompany the outcomes of deliberation by the relevant land substitution deliberation committee. *<Amended on Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor shall determine the propriety of an application for ruling within ten days after receipt of the application for ruling filed under

paragraph (2) and notify the implementer of an agricultural infrastructure improvement project of the determination. <Amended on Mar. 23, 2013>

Article 37 (Qualifying Examination for Rural Surveyors)

(1) The qualifying examination for rural surveyors referred to in Article 28 (1) of the Act shall consist of a written examination and practical examination; and examination topics and scoring criteria shall be as specified in attached Table 3.

(2) The Minister of Agriculture, Food and Rural Affairs shall publicly announce the date, time, and venue for examination, and other matters necessary for conducting the qualifying examination for rural surveyors by no later than 90 days before the examination day. <Amended on Mar. 23, 2013; Oct. 14, 2021>

(3) A person who intends to apply for the Qualifying Examination for Rural Surveyors shall submit an application to the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 38 (Enforcement Date)

A person who applies for the Qualifying Examination for Rural Surveyors shall pay a fee prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 39 (Issuance of Licenses)

(1) The Minister of Agriculture, Food and Rural Affairs shall issue a rural surveyor license to a person who has passed the Qualifying Examination for Rural Surveyors, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall record matters related to his or her qualification in the register. <Amended on Mar. 23, 2013>

(2) If a person who has lost his or her land rural surveyor license or whose license is defaced applies for a new license, the Minister of Agriculture, Food and Rural Affairs may issue a new license to the person. <Amended on Mar. 23, 2013>

Article 40 (Substitute Lots Designated for Specific Purposes)

(1) Facilities for rationalizing agricultural management and improving agricultural structure referred to in Article 34 (1) 2 of the Act means the following: <Amended on Mar. 23, 2013>

1. A rice processing complex;
2. A joint collection center;
3. A cold warehouse;
4. A warehouse for agricultural machines;
5. A joint agricultural products market located at the place of production;
6. Other facilities deemed necessary by the Minister of Agriculture, Food and Rural Affairs for rationalizing agricultural management and improving agricultural structure.

(2) "Facilities prescribed by Presidential Decree" in Article 34 (1) 3 of the Act means the following:
<Amended on Mar. 23, 2013>

1. Rural houses not exceeding the size prescribed by the Minister of Agriculture, Food and Rural Affairs;
2. Car parks used by farmers for agricultural purpose;
3. Community halls;
4. Children's playgrounds;
5. Senior citizens' centers;
6. Offices of Eups/Myeons/Dongs/Ris.

Article 41 (Administrative Fines)

(1) Where a person refuses to receive a cash settlement to be paid following the disposition of land substitution under Article 37 (5) of the Act (hereinafter referred to as "cash settlement") or a person to receive a cash settlement is not identified, the implementer of an agricultural infrastructure improvement project may deposit the cash settlement in the competent court.

(2) If any right, other than ownership, or any restriction on disposal of pre-project land is registered, a cash settlement shall be paid with the consent of the holder of such right; and the cash settlement shall be deposited in the competent court if no consent is obtained from the holder of such right.

Article 42 (Administrative Fines)

The amount of compensated for losses incurred by designating a temporary site pursuant to Article 38 (6) of the Act shall be determined between the implementer of an agricultural infrastructure improvement project and the person who suffers such losses through negotiations.

Article 43 (Composition of General Meeting of Beneficiaries and Board of Representatives)

(1) The general meeting of beneficiaries and the board of representatives referred to in Article 40 of the Act shall be comprised of beneficiaries holding rights to land under Article 11 of the Act.

(2) The general meeting of beneficiaries and the board of representatives shall each have one chairperson and one vice chairperson, respectively. The chairperson and vice chairperson of the general meeting of beneficiaries shall be elected from among beneficiaries, and the chairperson and vice chairperson of the board of representatives shall be elected from among representatives.

(3) The chairperson of the general meeting of beneficiaries and the chairperson of the board of representatives shall represent the general meeting of beneficiaries and the board of beneficiaries, respectively. Where the chairperson of the general meeting of beneficiaries or the chairperson of the board of representatives is unable to perform his or her duties in special circumstances, the vice chairperson shall act on his or her behalf.

(4) The board of representatives shall be comprised in a balanced manner, giving due consideration of the number of beneficiaries and cultivated area in each Dong and Ri.

Article 44 (Operation of General Meeting of Beneficiaries or Board of Representatives)

(1) A general meeting of beneficiaries or a meeting the board of representatives shall be called by the chairperson of the general meeting of beneficiaries, the chairperson of the board of representatives or the implementer of an agricultural infrastructure improvement project, upon the request of at least 1/3 of beneficiaries or representatives or if the chairperson of the general meeting of beneficiaries, the chairperson of the board of representatives or the implementer of the agricultural infrastructure improvement project deems necessary.

(2) To call a general meeting of beneficiaries or a meeting of the board of representatives, the chairperson of the general meeting of beneficiaries, the chairperson of the board of representatives or the implementer of an agricultural infrastructure improvement project shall notify beneficiaries or representatives of the date, time, purpose, and place of the meeting, by seven days prior to such meeting: Provided, That notice can be given by three days prior to a meeting, in urgent circumstances.

(3) A quorum for a general meeting of beneficiaries or a meeting of the board of representatives shall consist of at least a majority of all beneficiaries or representatives and decisions thereat shall be by the concurrent vote of at least a majority of those present and voting: Provided, That the designation of a site for facilities prescribed in Article 40 as a substitute lot requires a quorum of at least 2/3 of all beneficiaries or representatives and the concurrent vote of at least 2/3 of those present and voting.

(4) The implementer of an agricultural infrastructure improvement project shall prepare minutes of a general meeting of beneficiaries or a meeting of the board of representatives, in which the progress of proceedings and the results thereof shall be stated; and the chairperson of the general meeting of beneficiaries or the chairperson of the board of representatives and at least five attendees selected by those present shall place their signatures and seals thereon.

(5) The general meeting of beneficiaries or the board of representatives shall determine the appraised price and class of land based on the market price of land in the adjacent area in similar conditions to the land.

(6) Except as otherwise expressly provided in paragraphs (1) through (5), matters necessary for operating the general meeting of beneficiaries or the board of representatives shall be prescribed by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 45 (Composition of Land Substitution Deliberation Committee)

(1) A land substitution deliberation committee referred to in Article 41 of the Act shall be comprised of not more than twenty members, including one chairperson and one vice chairperson.

(2) The head of an institution that implements an agricultural infrastructure improvement project (or a representative if the project implementer is landowners) shall serve as the chairperson of the land substitution deliberation committee; the head of the institution's department in charge of the project (or a

representative if the project implementer is landowners) shall serve as the vice chairperson; and members shall be consist of:

1. A public official in charge of land substitution work in the City/Do having jurisdiction over the relevant project district;
 2. A public official of the Si/Gun/Gu having jurisdiction over the relevant land;
 3. The chairperson of the general meeting of beneficiaries referred to in Article 43 and two beneficiaries nominated by the chairperson of the general meeting of beneficiaries (or the chairperson of the board of representatives and two representatives nominated by the chairperson of the board of representatives where the board of representatives is organized under Article 43);
 4. The head of the department in charge of land substitution in the land substitution agency having control over the relevant area;
 5. The construction supervisor of the relevant project zone;
 6. Other persons commissioned by the chairperson of the land substitution deliberation committee.
- (3) The chairperson of the land substitution deliberation committee shall represent the land substitution deliberation committee and exercise general supervision over its affairs.
- (4) The vice chairperson of the land substitution deliberation committee shall assist the chairperson and act on the chairperson's behalf if the chairperson is unable to perform his or her duties in special circumstances.
- (5) An executive secretary or clerk shall be assigned to the land substitution deliberation committee to conduct general affairs and the executive secretary or clerk shall be appointed by the chairperson of the land substitution deliberation committee.

Article 46 (Operation of Land Substitution Deliberation Committee)

- (1) The land substitution deliberation committee shall deliberate on and mediate in the following:
1. Objections to a plan for providing substitute lots filed under Article 26 (3) of the Act;
 2. Civil petitions or conflicts related to the designation of temporary sites under Article 38 of the Act.
- (2) To refer an objection to a meeting pursuant to Article 36 (1), the chairperson of the land substitution deliberation committee shall call a meeting of the land substitution deliberation committee within seven days after the expiration of the period for filing objections and shall notify committee members and the person who filed the objection of the date, time and place of the meeting and agenda items, by five days prior to the meeting.
- (3) A quorum for a meeting shall consist of a majority of the members of the land substitution deliberation committee including the chairperson and decisions of the committee shall be by the concurrent vote of at least a majority of those present and voting.
- (4) Except as provided in paragraphs (1) through (3), matters necessary for operating the land substitution deliberation committee shall be prescribed by the Minister of Agriculture, Food and Rural Affairs.

<Amended on Mar. 23, 2013>

Article 47 (Change in Boundaries of Dongs or Ris)

Where one parcel of land provided as a substitute lot through an agricultural infrastructure improvement project spans at least two Dongs or Ris, the implementer of the agricultural infrastructure improvement project shall apply to the head of the competent local government to change the boundary of such Dongs or Ris, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 48 (Method of Determining Exchange, Division, and Consolidation)

(1) In formulating an exchange division, and consolidation plan pursuant to Articles 43 and 44 of the Act, the head of a Si/Gun/Gu or the Korea Rural Community Corporation shall comprehensively consider the category, size, area, soil qualities, irrigation and slope the land to be acquired or relinquished by each landowner, temperature, other natural and utilization conditions and other relevant factors.

(2) Where a mortgage, surface right, leasehold or right to use under a loan for use agreement has been established over the land to be relinquished by a landowner, the head of a Si/Gun/Gu or the Korea Rural Community Corporation shall determine the time for creating such right, its duration, and other conditions over the land to be acquired by the landowner, when formulating an exchange, division and consolidation plan of farmland ownership referred to in Article 44 (3) of the Act.

(3) In formulating an exchange, division and consolidation plan of farmland ownership referred to in Article 44 (3) of the Act, the head of a Si/Gun/Gu or the Korea Rural Community Corporation shall determine the land over which an easement is to be established; the persons for whom the easement is to be established; time for creating the easement; purpose of the easement; and other conditions, if it is necessary to establish an easement over the farmland to be acquired by a farmland owner due to exchange, division and consolidation; and if it is unnecessary for the person having an easement to exercise such right, the time for relinquishing such right shall be determined.

Article 49 (Exercise of Claim for Reimbursement against Landowners)

The implementer of an agricultural infrastructure improvement project may exercise a claim for reimbursement against a landowner pursuant to Article 49 (3) of the Act up to the amount compensated by such implementer pursuant to Article 49 (2) of the Act.

CHAPTER IV IMPROVEMENT OF LIVING ENVIRONMENTS IN RURAL COMMUNITIES

Article 50 (Public Notice of Living Environments Improvement Plan)

"Matters prescribed by Presidential Decree" in Article 54 (2) of the Act means the following:

1. Objectives of, and basic direction-setting for, the relevant living environment improvement project;
2. An outline of the major project plan, such as construction, redevelopment, and improvement of rural villages, improvement and expansion of living infrastructure, etc.

Article 51 (Amending Insignificant Matters of Living Environment Improvement Plan)

"Insignificant matters prescribed by Presidential Decree" in the proviso of Article 54 (4) of the Act means the following:

1. Where any facility is altered due to an amendment of any other rural improvement project related to the living environment improvement plan;
2. Where an amendment or repeal of the relevant project plan determined under other Act is reflected in the living environment improvement plan.

Article 52 (Qualification Requirements for Chief Living Environment Improvement Planners)

(1) The head of a Si/Gun/Gu may appoint any of the following persons as a chief living environment improvement planner pursuant to Article 54 (5) of the Act (hereinafter referred to as "chief living environment improvement planner"): <Amended on Dec. 30, 2016>

1. A professor in a department related to rural planning or rural area development in a school prescribed in Article 2 of the Higher Education Act;
2. Any of the following persons, engaging in the field of rural planning or rural area development:
 - (a) A person with at least three years of research or working experience after earning a doctorate degree;
 - (b) A professional engineer or certified architect;
 - (c) Any other person recognized by the head of the Si/Gun/Gu as having professional knowledge and working experience equivalent to those referred to in item (a) or (b).

(2) Chief living environment improvement planners may perform the following duties regarding the formulation of a living environment improvement plan or a rural village improvement plan:

1. Exercising overall control over, and coordinate all processes of formulating the plan and examining and adjusting major contents of such plan;
2. Collecting and requesting materials necessary to formulate the plan;
3. Seeking advice from experts or public officials in the related fields;
4. Hearing opinions of local residents;
5. Examining and presenting opinions about matters requested by the head of a Si/Gun/Gu regarding the formulation of the plan.

(3) The head of a Si/Gun/Gu may manage a chief living environment improvement planner he or she appoints until a living environment improvement plan is approved pursuant to Article 54 (1) of the Act or a village improvement zone is designated pursuant to Article 101 (4) of the Act.

(4) Remuneration for chief living environment improvement planners and other necessary matters shall be prescribed by municipal ordinance of a Si/Gun/Gu.

Article 53 (Contents of Living Environment Improvement Plan)

"Projects prescribed by Presidential Decree" in subparagraph 12 of Article 55 of the Act means the following:

1. A project for preventing water pollution;
2. Other projects deemed necessary by the head of a Si/Gun/Gu to improve living environments in rural communities.

Article 54 (Method and Procedures for Establishing Village Development Cooperatives)

(1) A person who intends to obtain authorization to establish or dissolve a village development cooperative or to modify terms of authorization pursuant to Article 57 (1) of the Act shall submit an application for authorization in the Form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the head of the competent Si/Gun/Gu, along with the following documents: *<Amended on Mar. 23, 2013>*

1. For obtaining authorization for establishment:
 - (a) Minutes of the inaugural general meeting;
 - (b) A written consent from the head of the village development cooperative to election as such;
 - (c) Rules of the village development cooperative on which all members of the village development cooperative (hereinafter referred to as "cooperative members") have placed their signature;
 - (d) A project plan;
 - (e) Written consents from at least at least 2/3 of the total number of the owners of the land and buildings in the village improvement zone and surface right holders to such land and buildings;
2. For obtaining authorization for modify terms of authorization: Documents providing the details of modification;
3. For obtaining authorization for dissolution: Written consents from at least 2/3 of the total number of cooperative members.

(2) Rules of a village development cooperative referred to in paragraph (1) 1 (c) shall include the following:

1. The title and location of the village development cooperative;
2. Qualification requirements for cooperative members;
3. Expulsion, withdrawal and replacement of cooperative members;
4. Number of executives, scope of their work (including rights and obligations), and methods for electing, replacing and dismissing them;
5. Time and procedures for apportioning expenses to cooperative members and accounting of the cooperative;

6. Procedures and time for calling general meetings, and cooperative members' requests for general meetings;
7. Important matters requiring unanimous consent of all cooperative members, and methods and procedures for obtaining consent thereto;
8. Liquidation procedures and methods upon termination of the project;
9. Detailed statements on the use of membership fees, disclosure of matters adopted by resolution of a general meeting and methods for giving notice the same to cooperative members;
10. Procedures for amending the rules of the village development cooperative;
11. Other matters necessary for promoting and operating the project of the village development cooperative.

(3) Members of a village development cooperative shall be comprised of at least 2/3 of the total number of housing units to be constructed as specified in the project plan as at the time the establishment of which is authorized, and shall be at least five persons. <Amended on Dec. 9, 2014>

(4) A promotion committee to establish a village improvement cooperative organized under Article 57 (2) of the Act (hereinafter referred to as "promotion committee") shall perform the following functions:

1. Preparing for obtaining authorization to establish a village development cooperative;
2. Formulating operational regulations of the promotion committee;
3. Obtaining written consents from the owners of land and buildings and surface right holders;
4. Preparing for an inaugural general meeting for establishing a village development cooperative;
5. Drafting rules of a village development cooperative;
6. Other matters prescribed by operational regulations of the promotion committee.

Article 55 (Qualification Requirements for Cooperative Members)

A person eligible for a cooperative member under Article 57 (1) of the Act shall be a householder who owns land or a building or surface right thereto in a village improvement zone.

Article 56 (Additional Recruitment, Supplement, etc. of Cooperative Members)

(1) A village development cooperative shall not additionally recruit or supplement its cooperative member after the establishment of which is authorized: Provided, That the foregoing shall not apply where approval to additionally recruit cooperative members is obtained from the head of a Si/Gun/Gu, within the limits of housing units to be constructed as specified in the project plan as at the time the establishment of which is authorized, and where a member is filled to fill a vacancy occurring due to any of the following causes:

1. Death of a cooperative member;
2. Where the number of cooperative members falls short of the number of housing units to be constructed as specified in the project plan due to withdrawal or disqualification of any cooperative member.

(2) An application for approval to additionally recruit cooperative members and an application for authorization to modify a village development cooperative due to the additional recruitment of cooperative members under the proviso of paragraph (1) shall be filed by no later than the date an application for approval of an implementation plan for the relevant living environment improvement project is filed.

Article 57 (Matters subject to Approval from Mayor/Do Governor out of Implementation Plan for Living Environment Improvement Project)

"Condition prescribed by Presidential Decree" in Article 59 (3) of the Act means where the project area is at least 200 thousand square meters.

Article 58 (Public Notice of Master Plan and Implementation Plan for Living Environment Improvement Project)

Matters to be publicly notified and made available to public inspection pursuant to Articles 58 (3) and 59 (4) of the Act mean the following: <Amended on Dec. 6, 2011>

1. Name of the project;
2. Objectives of the project;
3. Project costs.
4. Major project details;
5. The project implementer;
6. Qualifications required for the application for the supply;
7. A detailed statement on land, etc. to be expropriated or used (to be included only where necessary).

Article 59 (Contents of Implementation Plan for Living Environment Improvement Project)

"Matters prescribed by Presidential Decree" in subparagraph 12 of Article 60 of the Act means the following:

1. Utilization and development of natural resources in rural communities;
2. Other matters deemed necessary by the head of a Si/Gun/Gu to improve living environments in rural communities.

Article 59-2 (Procedures for Formulation of Unoccupied House Improvement Plan)

(1) "Matters prescribed by Presidential Decree" in Article 64 (1) 6 of the Act means the following:

1. Measures to provide information and support for promoting the improvement of unoccupied houses;
2. An order to take measures such as demolition, remodeling, repair, etc. of an unoccupied house and a plan to demolish the unoccupied house ex officio, under Article 65-5 of the Act;
3. Other matters deemed necessary by the head of a Si/Gun/Gu to improve and utilize the unoccupied houses.

(2) When the head of a Si/Gun/Gu intends to formulate a plan for improving unoccupied houses pursuant to Article 64 (1) of the Act (hereinafter referred to as "unoccupied house improvement plan"), he or she shall publicly announce the details thereof and places for public inspection in the official report and website of the relevant Si/Gun/Gu in advance, and place related documents in the place for public inspection for at least 14 days for inspection by relevant residents.

(3) The residents of the relevant area may submit a written opinion (including a written opinion made of electronic document) to the head of a Si/Gun/Gu within the period for public inspection referred to in paragraph (2).

(4) The head of a Si/Gun/Gu shall review the opinions submitted pursuant to paragraph (3) and reflect them in an unoccupied house improvement plan if deemed reasonable, and if they are not reflected, shall notify the person who submitted opinions of the grounds therefor within 30 days from the date of receipt of the opinions.

(5) "Insignificant matters prescribed by Presidential Decree" in the proviso of Article 64 (2) of the Act means any of the following cases:

1. Where the amount of fund raised under a funding plan referred to in Article 64 (1) 4 of the Act is modified within the scope of 10/100 of the total amount;
2. Where an obvious error such as miscalculation, clerical error, omission, or equivalent thereto is corrected.

Article 59-3 (Details of Fact-Finding Survey of Unoccupied Houses)

"Other matters prescribed by Presidential Decree, such as reasons why houses become unoccupied" in Article 64-2 (1) 5 of the Act means each of the following matters:

1. Reasons why houses become unoccupied;
2. Conditions of physical safety of unoccupied houses and their site;
3. Current status of roads and buildings adjacent to unoccupied houses and their site;
4. Current status of design drawings of unoccupied houses;
5. Opinions of the owner, occupant, or manager on the managing and improving methods of unoccupied houses;
6. Other matters deemed necessary by the head of a Si/Gun/Gu to formulate and implement the unoccupied house improvement plan and to manage and improve unoccupied house.

Article 59-4 Methods and Procedure for Fact-Finding Surveys on Unoccupied Houses)

(1) Where the head of a Si/Gun/Gu intends to conduct a fact-finding survey on unoccupied houses under Article 64-2 (1) of the Act (hereafter referred to as "fact-finding survey on unoccupied houses"), he or she shall formulate a survey plan including each of the following matters until 30 days before conducting a survey:

1. The purpose and legal basis of a fact-finding survey on unoccupied houses;
 2. Period and subject matters of a fact-finding survey on unoccupied houses;
 3. Details of a fact-finding survey on unoccupied houses;
 4. A specialized agency to vicariously conduct a fact-finding survey on unoccupied houses (limited to where a specialized institution designated under Article 64-2 (2) of the Act conducts the survey by proxy);
 5. Other matters that the head of a Si/Gun/Gu deems necessary for conducting a fact-finding survey on unoccupied houses.
- (2) When a survey plan is formulated under paragraph (1), the head of a Si/Gun/Gu shall post details thereof in the official report and website of the relevant Si/Gu/Gu for at least 14 days.
- (3) If necessary for conducting a fact-finding survey on unoccupied houses, the head of a Si/Gun/Gu (including the head of a specialized institution designated under Article 64-2 (2) of the Act) may utilize information on unoccupied houses processed through the unoccupied house information system referred to in Article 64-6 of the Act.

Article 59-5 (Acting Agency for Fact-Finding Surveys on Unoccupied Houses)

"Any specialized institution prescribed by Presidential Decree" in Article 64-2 (2) of the Act means the following: <Amended on Dec. 8, 2020>

1. The Korea Rural Community Corporation;
2. The Korea Land Information Corporation established under the Framework Act on National Spatial Data Infrastructure (hereafter referred to as "Korea Land Information Corporation");
3. The Korea Real Estate Board under the Korea Real Estate Board Act (hereafter referred to as "Korea Real Estate Board");
4. The Korea Fisheries Infrastructure Public Agency established under the Fishing Villages and Fishery Harbors Act (hereinafter referred to as the "Korea Fisheries Infrastructure Public Agency");
5. The Korea Maritime Institute established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
6. The Korea Rural Economic Institute established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
7. The Korea Research Institute for Human Settlements established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
8. A local government-invested public corporation established under the Local Public Enterprises Act (hereafter referred to as a local government-invested public corporation);
9. A local government-invested research institute established under the Act on the Establishment and Operation of Local Government-Invested Research Institutes.

Article 59-6 (Establishment and Operation of Unoccupied House Information System)

(1) Data or information that the head of a Si/Gun/Gu may request to provide pursuant to the former part of Article 64-6 (3) of the Act shall be as follows: *<Amended on Oct. 27, 2020>*

1. Building register referred to in Article 38 of the Building Act;
2. Land cadastre and forest land cadastre under Article 71 of the Act on the Establishment and Management of Spatial Data.
3. Information and statistics on the volume of greenhouse gas emissions and energy use of buildings under Article 10 (1) of the Green Buildings Construction Support Act;
4. Research data including the real estate market trends, information on real estate values, such as the rate of return, and relevant statistics, referred to in Article 15 (1) of the Act on the Public Announcement of Real Estate Values;
5. Electronic data of resident registration referred to in Article 30 of the Resident Registration Act;
6. The actual transaction price referred to in subparagraph 1 (e) of attached Table 1 of the Enforcement Decree of the Act on Report on Real Estate Transactions;
7. Data on payment of local tax, water and electric bills.

(2) "Specialized institution prescribed by Presidential Decree" referred to in Article 64-6 (4) of the Act means the following institutions: *<Amended on Dec. 8, 2020>*

1. The Korea Rural Community Corporation;
2. The Korea Land Information Corporation;
3. The Korea Real Estate Board;
4. The Korea Fisheries Infrastructure Public Agency;
5. A local government-invested public corporation designated and publicly notified by the head of a Si/Gun/Gu, which has human resources, technology, and facilities necessary for establishing and operating an unoccupied house information system.

(3) Where an institution referred to in each subparagraph of paragraph (2) establishes and operates an unoccupied house information system under 64-6 (4) of the Act, the head of a Si/Gun/Gu may support expenses necessary for performing the affairs within budgetary limits.

Article 60 (On-site Inspection of Specified Unoccupied Houses)

Upon receipt of a report on an unoccupied house falling under any subparagraph of Article 65-3 (1) of the Act (hereinafter referred to as "specified unoccupied house"), the head of a Si/Gun/Gu shall conduct an on-site inspection within 30 days from the date of receipt of the report pursuant to Article 65-3 (2).

Article 61 (Decision and Notice of Demolition of Specified Unoccupied Houses)

When the head of a Si/Gun/Gu decides to demolish a specified unoccupied house ex officio under Article 65-5 (2) of the Act, he or she shall give a written notice of the grounds for demolition, the deadline for voluntary demolition, etc. to the owner of the specified unoccupied house without delay, and shall send a

written notice of demolition to the owner of the specified unoccupied house as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

Article 61-2 (Compensation Expenses for Demolition of Specified Unoccupied Houses)

(1) Reasonable compensation expenses under the former part of Article 65-5 (4) of the Act shall be an arithmetical average of the amounts appraised by at least two appraisal corporations, etc. under subparagraph 4 of Article 2 of the Act on Appraisal and Certified Appraisers (hereinafter referred to as "appraisal corporations, etc.").

(2) The owner of a specified unoccupied house shall recommend one appraisal corporation, etc. to the head of the relevant Si/Gun/Gu within 14 days from receipt of notice of a decision to demolish such house ex officio pursuant to Article 61, and the head of the relevant Si/Gun/Gu shall select appraisal corporations, etc. under paragraph (1), including one appraisal corporation, etc. recommended by the owner of the specified unoccupied house: Provided, That this shall not apply where the whereabouts of the owner of a specified unoccupied house are unknown or where the owner of a specified unoccupied house fails to recommend an appraisal corporation, etc. within the period specified in the main clause.

(3) Compensation expenses under paragraph (1) shall be calculated as at the time the head of a Si/Gun/Gu notifies the owner of a specified unoccupied house of the decision to demolish such house ex officio pursuant to Article 61.

Article 61-3 (Purchase of Unoccupied Houses)

(1) "An agency prescribed by Presidential Decree" in Article 65-6 (1) of the Act means the following:

1. The Korea Rural Community Corporation;
2. The Korea Fisheries Infrastructure Public Agency;
3. A local government-invested public corporation.

(2) The purchase price of an unoccupied house under Article 65-6 (1) shall be an arithmetical average of the amounts appraised by at least two appraisal corporations, etc.

(3) Where appraisal corporations, etc. are selected to calculate the purchase price of an unoccupied house pursuant to paragraph (2), one appraisal corporation, etc. recommended by the owner of the unoccupied house shall be included therein: Provided, That cases where the owner of an unoccupied house fails to recommend an appraisal corporation, etc. shall be excluded therefrom.

(4) Except as otherwise provided for in this Decree, Articles 14 through 17 of the Act on Acquisition of and Compensation for Land for Public Works Projects shall apply mutatis mutandis to the methods and procedures, etc. of purchase of unoccupied houses.

Article 62 (Creation of Rural House Rehabilitation Fund)

The Rural House Rehabilitation Fund referred to in Article 67 (1) of the Act shall be created with the following financial resources: <Amended on Jun. 30, 2015>

1. Funds provided by the Government and local governments to subsidize improvement of unoccupied houses and rehabilitation of rural houses;
2. Funds provided from the Housing and Urban Fund established under the Housing and Urban Fund Act to subsidize rehabilitation of rural houses;
3. Funds provided by the National Agricultural Cooperatives Federation defined in subparagraph 4 of Article 2 of the Agricultural Cooperatives Act to subsidize rehabilitation of rural houses;
4. Profits accrued from managing the Rural House Rehabilitation Fund.

Article 63 (Supply of Rural Houses)

(1) Upon obtaining approval of the implementation plan for a living environment improvement project pursuant to Article 59 of the Act, the implementer of the living environment improvement project may sell or lease land created under Article 68 (1) of the Act (hereinafter referred to as "created land"), rural houses and other facilities: Provided, That where a village improvement plan formulated under Article 101 of the Act separately specifies the time for sale or lease, the sale or lease may be conducted pursuant to such plan.

(2) To sell or lease created land, rural houses and other facilities pursuant to paragraph (1), the implementer of a living environment improvement project shall formulate a sale and lease plan, including the following, and shall publicly notify the plan:

1. Details of facilities, etc. to be sold or leased;
2. Requirements for qualified purchasers or lessees;
3. Time and methods for, and conditions of, sale or lease;
4. Sale or lease price;
5. Procedures for applying for sale or lease;
6. The name and address of the implementer of the living environment improvement project implementer;
7. A post-management plan (only applicable to lease).

(3) The implementer of a living environment improvement project may sell any created land or rural house preferentially to any of the following persons:

1. A person who transferred the entire parcel of land, etc. owned by him or her in a development zone to the implementer of the living environment improvement project through negotiations under the Act on Acquisition of and Compensation for Land for Public Works Projects;
2. A person eligible for relocation measures by losing his or her livelihood due to the implementation of the living environment improvement project.

(4) In leasing rural houses and other facilities, the implementer of a living environment improvement project may give priority to the head of a non-homeowner household residing in the Eup/Myeon/Dong where the relevant project is implemented for at least one year as at the date a public announcement to recruit tenants.

(5) Rental deposits and rents for rural houses, management of rental houses and other relevant matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

Article 64 (Determination of Selling Price)

The price of facilities, etc. to be sold by the implementer of a living environment improvement project pursuant to Article 63, shall be determined at a price calculated from the arithmetic mean of values appraised by at least two appraisal business operators registered under the Act on Appraisal and Certified Appraisers: Provided, That where a supply contract is to be concluded before the selling price is determined, the price may be based on the estimated amount agreed upon between the parties to the contract and an adjustment can be made when the selling price is determined. <Amended on Aug. 31, 2016>

Article 65 (Special Cases concerning Restriction on Resale of Created Land)

"Circumstances prescribed by Presidential Decree, such as where a person supplied with created land resells it for making his or her living" in the proviso of Article 70 (1) of the Act means: <Amended on Nov. 15, 2010; Mar. 23, 2013>

1. Where all members of a household relocate to any other Si/Gun/Gu for such reasons as working, making a living, treating a diseases, attending school or marriage of a household member (including members of a household, including the householder; hereafter the same shall apply in this Article);
2. Where all members of a household relocate to a house acquired by inheritance;
3. Where all members of a household emigrate or stay abroad for at least two years;
4. Where a person expected to be supplied with created land transfers it to his or her spouse due to divorce;
5. Where a person eligible for relocation measures formulated under Article 78 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects resells the land created for relocation measures;
6. Where an auction or public sale of created land is conducted because a person supplied therewith fails to pay debts to the State, a local government or any of the following institutions:
 - (a) A bank under the Banking Act;
 - (b) The Industrial Bank of Korea under the Industrial Bank of Korea Act;
 - (c) A mutual savings bank under the Mutual Savings Banks Act;
 - (d) An insurance company under the Insurance Business Act;
 - (e) Other institutions prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs among those engaged in financing business under statutes.

Article 66 (Composition and Operation of Planning and Technical Support Team)

(1) The planning and technical support team referred to in Article 71 (2) of the Act (hereinafter referred to as "planning and technical support team") shall be established under the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(2) The head of the planning and technical support team shall be appointed by the Minister of Agriculture, Food and Rural Affairs from among public officials of Grade III or members in general service of the Senior Executive Service of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

(3) The planning and technical support team shall be comprised of the following: <Amended on Mar. 23, 2013>

1. Persons appointed by the Minister of Agriculture, Food and Rural Affairs from among the personnel of the Ministry of Agriculture, Food and Rural Affairs;
2. Persons commissioned by the Minister of Agriculture, Food and Rural Affairs from among those with extensive knowledge and experience in development of rural communities.

(4) To efficiently provide technical support for design and execution under Article 71 (2) of the Act, the Minister of Agriculture, Food and Rural Affairs may entrust the relevant research to a research institute affiliated with the Korea Rural Community Corporation or a research institute established to conduct research related to development of rural communities. <Amended on Mar. 23, 2013>

(5) Where the planning and technical support team provides technical support for design and execution under Article 71 (2) of the Act, a subsidy can be provided within budgetary limits to cover expenses incurred therein.

(6) Except as provided in paragraphs (1) through (3) and (5), further details necessary for the composition and operation of the planning and technical support team shall be prescribed by the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

CHAPTER V FOSTERING RURAL INDUSTRIES

SECTION 1 Formulation and Implementation of Rural Industry Fostering Plan

Article 67 (Procedures for Formulating Master Plans for Fostering Rural Industries)

(1) To formulate a master plan and an implementation plan for fostering rural industries pursuant to Articles 73 and 74 of the Act, the head of a Si/Gun/Gu may seek advice from farmers, fishermen, local residents, local companies, universities, colleges, research institutes, relevant experts, etc.

(2) The head of a Si/Gun/Gu shall finalize a master plan for fostering rural industries, following deliberation by the relevant Si/Gun/Gu deliberation council on policies for agriculture, rural communities and the food industry established under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry or the relevant Si/Gun/Gu fisheries/fishing village policy review committee established under Article 8 of the Framework Act on Fisheries and Fishing Villages

Development, pursuant to Article 73 of the Act. <Amended on Mar. 23, 2013; Dec. 22, 2015>

(3) The head of a Si/Gun/Gu who intends to amend a master plan for fostering rural industries finalized under paragraph (2) shall amend it, following deliberation by the relevant Si/Gun/Gu deliberation council on policies for agriculture, rural communities and the food industry established under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry or the relevant Si/Gun/Gu fisheries/fishing village policy review committee established under Article 8 of the Framework Act on Fisheries and Fishing Villages Development; and shall submit the amended master plan to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries through the competent Mayor/Do Governor. <Amended on Mar. 23, 2013; Dec. 22, 2015>

(4) Where the head of a Si/Gun/Gu amends an implementation plan for fostering rural industries referred to in Article 74 of the Act, he or she shall submit it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries through the competent Mayor/Do Governor. <Amended on Mar. 23, 2013>

Article 68 (Requirements for Designation as Assistance Organizations to Foster Rural Industries)

(1) An institution or organization that can be designated as an assistance organization to foster rural industries pursuant to Article 75 (1) of the Act shall meet all of the following requirements: <Amended on Jan. 5, 2021>

1. It shall have expert human resources capable of assisting in such duties as conducting surveys, research and assessments of policies for fostering rural industries and relevant plans and providing consulting;
2. It shall have a department exclusively in charge of duties to assist in fostering rural industries;
3. Deleted. <Jan. 5, 2021>

(2) An institution or organization that intends to be designated as an assistance organization to foster rural industries pursuant to Article 75 (1) of the Act shall submit an application for designation as an assistance organization to foster rural industries to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, along with documents on each of the following matters: <Amended on Mar. 23, 2013; Jan. 5, 2021>

1. Current status of specialized personnel and a department dedicated to fostering rural industries;
2. Work performance records including survey and research, assessment, and consulting on the policies and related plans for fostering rural industries (limited to only where performance records exist).

(3) Upon receipt of an application for designation under paragraph (2), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall examine whether the relevant applicant fully meets all the requirements prescribed in subparagraphs of paragraph (1) and shall designate the applicant as an assistance organization to foster rural industries. <Amended on Mar. 23, 2013>

(4) Where the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries determines a designation under paragraph (3), the Minister may take into account the work performance records including survey and research, assessment, and consulting on the policies and related plans for fostering rural industries. *<Newly Inserted on Jan. 5, 2021>*

(5) The assistance organization to foster rural industries shall perform each of the following duties: *<Amended on Jan. 5, 2021>*

1. Survey and research on policies for fostering rural industries;
2. Assistance including review and consulting on the master plan and action plans for fostering rural industries formulated by the head of a Si/Gun/Gu pursuant to Articles 73 and 74 of the Act;
3. Assistance including survey, research, advice, and consulting to facilitate implementation of action plans for fostering rural industries formulated under Article 74 of the Act;
4. Assistance in assessment under Article 76 of the Act;
5. Education and public relations concerning fostering rural industries;
6. Other projects and incidental projects entrusted by the State, local governments or other persons in connection with fostering rural industries.

Article 69 (Criteria and Procedures for Assessment Related to Fostering Rural Industries)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries who intends to conduct an assessment pursuant to Article 76 (1) of the Act shall formulate an assessment plan and notify the head of a related Si/Gun/Gu of the assessment plan through the relevant Mayor/Do Governor. *<Amended on Mar. 23, 2013>*

(2) The head of a Si/Gun/Gu shall submit documents required for the assessment referred to in paragraph (1) to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries through the relevant Mayor/Do Governor. *<Amended on Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall conduct an assessment pursuant to the assessment plan formulated under paragraph (1) and notify the head of a related Si/Gun/Gu of outcomes of the assessment through the relevant Mayor/Do Governor. *<Amended on Mar. 23, 2013>*

(4) Criteria for assessments related to fostering rural industries referred to in Article 76 (2) of the Act shall be as follows:

1. Validity of formulating a master plan and an implementation plan for fostering rural industries;
2. Level of attainment of objectives and performance outcomes;
3. Efficiency in execution.

SECTION 2 Development of Agro-Industrial Complexes

Article 70 (Reporting on Designation and Approval of Agro-Industrial Complexes)

A Mayor/Do Governor shall report the following matters about the designation and approval of an agro-industrial complex to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries pursuant to Article 78 (3) of the Act: <Amended on Mar. 23, 2013>

1. Details of the designation and approval of the agro-industrial complex;
2. An outline of the plan for developing the agro-industrial complex and a detailed statement on the use of grants and loans;
3. Status of factories located, their operation and employment by the factories, if such factories exists within another agro-industrial complex in the Si/Gun/Gu where the designated and approved agro-industrial complex is located.

CHAPTER VI DEVELOPMENT OF RURAL TOURISM AND RESORT RESOURCES AND IMPROVEMENT OF MARGINAL FARMLAND

SECTION 1 Development of Rural Tourism and Resort Resources

Article 71 (Designation and Development of Rural Tourism and Resort Complexes)

(1) To designate a rural tourism and resort complex pursuant to Article 82 (1) of the Act, the head of a Si/Gun/Gu shall first submit the outline and important contents of the business plan formulated by him or her or a person who has applied to develop the tourism and resort complex to the relevant Si/Gun/Gu deliberation council on policies for agriculture, rural communities and the food industry established under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry or the relevant Si/Gun/Gu fisheries/fishing village policy review committee established under Article 8 of the Framework Act on Fisheries and Fishing Villages Development for deliberation. <Amended on Mar. 23, 2013; Dec. 22, 2015>

(2) The head of a Si/Gun/Gu shall follow the procedures prescribed in paragraph (1) to alter or revoke the designation of a rural tourism and resort complex: Provided, That the foregoing shall not apply in any of the following cases:

1. Altering the name of the rural tourism and resort complex;
2. Increasing or decreasing the area designated as the rural tourism and resort complex by not more than 10/100;
3. Changing the location of any facility within the rural tourism and resort complex.

Article 72 (Approval of Plans for Developing Rural Tourism and Resort Sites)

(1) A person who intends to obtain approval of a plan for developing a rural tourism and resort complex or a tourist farm pursuant to the former part of Article 82 (2) of the Act or the former part of Article 83 (2) of

the Act (hereinafter referred to as "rural tourism and resort site") shall submit to the head of the competent Si/Gun/Gu a business plan stating the following: <Amended on Sep. 29, 2021>

1. The name, location and scale of the rural tourism and resort site;
2. The name of the project implementer (or the name of the corporation and the name of its representative if the project implementer is a corporation) and address;
3. A plan for building facilities in the rural tourism and resort site and the construction period;
4. A detailed statement of land, stating the lot number, category of land and size area;
5. A bird's-eye view indicating the layout of facilities;
6. Current status of tourism resources and traffic condition, including roads, in the vicinity of the rural tourism and resort site;
7. A plan for financing business expense by type of crops of cultivation and facility;
8. A plan for the sale and operation of the rural tourism and resort site;
9. Other matters necessary for developing the rural tourism and resort site.

(2) Matters subject to approval for alteration under the latter part of Article 82 (2) of the Act and the latter part of Article 83 (2) of the Act mean:

1. Altering the name of the project implementer;
2. Altering the boundary of the project area or land size;
3. Altering the period for project implementation;
4. Altering the location, scale or use of facilities to be built (excluding matters subject to reporting on alteration under any other Act, such as the Building Act);
5. Amending a plan for selling and operating the rural tourism and resort site.

Article 73 (Public Notice of Designation of Rural Tourism and Resort Complexes)

Public notices given under Article 82 (3) of the Act shall include the following:

1. The name, location, and size area of the rural tourism and resort complex;
2. The project implementer;
3. Project period;
4. Date of designation, cancellation, approval or revocation;
5. Project outline;
6. Project costs.

Article 74 (Scope of Farmers' or Fishermen's Associations)

"Farmers' or fishermen's associations prescribed by Presidential Decree" in Article 83 (1) of the Act means the following:

1. Agricultural cooperatives and the National Agricultural Cooperative Federation incorporated under the Agricultural Cooperatives Act;

2. Forestry cooperatives and the National Forestry Cooperative Federation incorporated under the Forestry Cooperatives Act;
3. Fisheries cooperatives and the National Fisheries Cooperative Federation or fishing village fraternities incorporated under the Fisheries Cooperatives Act;
4. Agricultural corporations and fisheries corporations incorporated under the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

SECTION 2 Improvement of Marginal Farmland

Article 75 (Requirements for Designation of Marginal Farmland Improvement Zone)

An area that can be designated as a marginal farmland improvement zone pursuant to Article 94 (1) of the Act shall meet each of the following requirements:

1. An area not exceeding 200 thousand square meters, including marginal farmland defined in Article 2 and surrounding mountainous areas, and in which the area of marginal farmland is at least 15/100 and farmland excluding the marginal farmland is less than 20/100 of the whole area;
2. An area in which an agricultural promotion area designated under the Farmland Act is not included;
3. An area in which a preserved mountainous district designated under the Mountainous Districts Management Act is not included;
4. An area, other than urban areas referred to in subparagraph 1 of Article 6 of the National Land Planning and Utilization Act.

Article 76 (Public Notice of Designation or Alteration of Marginal Farmland Improvement Zone)

Matters to be included in the public notice of designation of a marginal farmland improvement zone or alteration or revocation of such designation pursuant to Articles 94 (2) and 95 (2) of the Act mean:

1. The name of the marginal farmland improvement zone;
2. Purposes of the designation of the marginal farmland improvement zone and the type of the marginal farmland improvement project;
3. Grounds for altering or revoking the designation of the marginal farmland improvement zone (if applicable);
4. Location and area of the marginal farmland improvement zone;
5. Period for improving the marginal farmland improvement zone and details of the marginal farmland improvement project (not applicable to revocation of designation).

Article 77 (Formulation of Plan for Marginal Farmland Improvement Project)

Matters to be included in a plan for a marginal farmland improvement project formulated under Article 96 (2) of the Act mean:

1. Location of the project area (including a location map);
2. Type of the project;
3. Project costs (including a plan for raising project costs);
4. Project period;
5. Land use plan;
6. Scale of facilities and layout plan;
7. Current status of roads, water supply, sewerage, etc. and layout plan;
8. Environmental impacts on the adjacent area and damage prevention plan;
9. Other matters necessary to implement the marginal farmland improvement project.

CHAPTER VII VILLAGE IMPROVEMENT ZONES

Article 78 (Contents of Village Improvement Plan)

"Matters prescribed by Presidential Decree" in Article 101 (3) 19 of the Act means the following:

1. Matters concerning joint-management facilities of the community, including community halls and warehouses for agricultural machines;
2. Matters concerning preventing disasters;
3. Other matters deemed necessary by the head of a Si/Gun/Gu to improve living environments in rural communities.

Article 79 (Village Improvement Zones subject to Approval from Minister of Agriculture, Food and Rural Affairs)

"Conditions prescribed by Presidential Decree" in the proviso of Article 101 (4) of the Act means where the area of a village improvement zone is at least 200 thousand square meters.

Article 80 (Public Notice of Village Improvement Zones)

"Matters prescribed by Presidential Decree" in Article 101 (7) of the Act means the following:

1. The name, location and area of the village improvement zone;
2. Outline of the project;
3. A land use plan;
4. Expected period for project implementation and method of implementation;
5. The project implementer-to-be and the location of his or her principal office;
6. A detailed statement of land, real rights and rights to be expropriated or used.

Article 81 (Modification of Insignificant Matters of Village Improvement Plan)

"Insignificant matters prescribed by Presidential Decree" in the proviso of Article 102 of the Act means the following:

1. Altering the name of the village improvement zone;
2. Increasing or decreasing the area designated as the village improvement zone by not more than 10/100;
3. Increasing or decreasing project costs (excluding the amount increased or decreased due to the price fluctuation) by not more than 10/100;
4. Increasing or decreasing project costs due to the price fluctuation;
5. Modifications made to fulfill conditions for designation of the village improvement zone;
6. Reflecting matters modified due to the enactment, amendment or repeal of any other Act;
7. Making corrections due to a typographical error, omission, etc.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 82 (Methods of Public Notice or Announcement)

(1) Except as otherwise expressly provided in the Act or this Decree, public notice shall be given and public announcement shall be made as prescribed in this Article.

(2) A public notice or announcement referred to in paragraph (1) shall include the following matters. The foregoing shall also apply to the alteration of the details thereof:

1. The objectives of the project;
2. Project details and zone;
3. Required project costs;
4. Expected project period;
5. Effects of the project;
6. The project implementer;
7. Matters necessary to efficiently promote the project.

(3) Methods of giving public notices or making public announcements under paragraph (1) shall be as follows: <Amended on Mar. 23, 2013>

1. Public notice:

(a) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall give public notice by publishing it in the Official Gazette;

(b) The head of a local government shall give public notice by publishing it in the official bulletin of the local government;

(c) In cases, other than items (a) and (b), public notice shall be given by publishing it in a daily newspaper mainly circulated nationwide or a daily newspaper mainly circulated in the relevant area;

2. Public announcement shall be posted on the bulletin board of the office of the City/Do, Si/Gun/Gu, or Eup/Myeon having jurisdiction over the area where the project is to be implemented, and places readily visible to the general public for at least seven days.

Article 83 (Hearing Opinions of Local Residents)

(1) Where a Mayor/Do Governor or the head of a Si/Gun/Gu intends to hear opinions of local residents concerning the designation of a rural tourism and resort complex under Article 82 of the Act, a marginal farmland improvement zone under Article 94 or 95 of the Act or a village improvement zone under Article 101 of the Act, he or she shall publicly announce the details of the draft bill for designation in at least two daily newspapers mainly circulated in the relevant City/Do and Si/Gun/Gu and on the bulletin boards and website of the relevant local government, and shall make the draft bill for designation available to public inspection for at least 14 days.

(2) A person who has an opinion about the details of the draft bill for designation publicly announced or made available for inspection pursuant to paragraph (1) may submit his or her written opinion to the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu by no later than five days after the expiration of the inspection period.

(3) A Mayor/Do Governor or the head of a Si/Gun/Gu shall examine an opinion submitted pursuant to paragraph (2) and notify his or her comment to the person who has submitted it within 60 days after the expiration of the inspection period.

(4) "Insignificant matters prescribed by Presidential Decree" in the proviso of Article 104 (2) of the Act means the following:

1. Matters to be reflected according to a plan about which opinions of local residents in the relevant area and experts are heard pursuant to other statutes;
2. Simple technical matters;
3. Matters in which local residents in the relevant area have no direct interest.

Article 84 (Business Deemed to be Reported upon Filing of Declaration of Rural Tourism and Resort Site Business Operator)

(1) "Business prescribed by Presidential Decree" in Article 106 (3) 1 of the Act means the following:

1. Yachting pool business;
2. Rowing course business;
3. Canoe course business;
4. Ice rink business;
5. Horse-riding course business;
6. Sports complex business;
7. Swimming pool business;
8. Physical gymnasium business;
9. Golf-practicing course business;
10. Physical training hall business;

11. Billiard parlor business;
 12. Sledding slope business.
- (2) "Business prescribed by Presidential Decree" in Article 106 (3) 3 of the Act means the following:
1. Rest restaurant business;
 2. General restaurant business;
 3. Bakery business.

Article 85 (Reimbursement of Costs for Projects Eligible for Subsidization)

Where a contract for reimbursing costs for a project eligible for subsidization is concluded pursuant to Article 108 (4) of the Act, the period for reimbursement shall not exceed three years from the date of the completion inspection for the relevant project, and the amount of costs to be reimbursed shall be an aggregate of the following:

1. Costs for the project eligible for subsidization;
2. Interest accrued for costs until the reimbursement is completed. In such cases, such interest shall be charged at the interest rate for term deposits (referring to the arithmetic mean of the interest rates for one-year term deposits of the top-six national commercial banks for the total credit received among banks incorporated under the Banking Act) applicable on the date of the cost reimbursement contract, however, if any other interest rate is agreed upon in the cost reimbursement contract for the project eligible for subsidization, such interest rate shall apply.

Article 86 (Delegation and Entrustment of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall delegate the following authority to Mayors/Do Governors pursuant to Article 109 (1) of the Act: Provided, That the foregoing shall not apply to any project benefitting at least 30 million square meters as a project consisting of at least two projects among those for rural water development, adjustment of arable land, improvement of drainage, reclamation, filling, and improvement of living environments in rural communities: <Amended on Mar. 23, 2013; Aug. 14, 2018>

1. Surveying the prearranged areas prescribed in Article 7 (2) of the Act;
2. Conducting basic surveys and formulating the master plans for agricultural infrastructure improvement projects prescribed in Article 8 of the Act (limited to a project benefitting less than 500 thousand square meters as an agricultural infrastructure improvement project, other than a project for adjusting arable land, altering and repairing agricultural infrastructure and dredging referred to in subparagraph 5 (b) of Article 2 of the Act);
3. Approving and publicly notifying implementation plans for agricultural infrastructure improvement projects and approving and publicly notifying the amendments thereto under Article 9 (7) through (9) of the Act (excluding matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs);

4. Approving the management and disposal of property prescribed in Article 14 (2) of the Act: Provided, That the property created from a project in which the Farmland Management Fund is invested shall be excluded herefrom;

5. Conceding State-owned or public land without compensation prescribed in Article 112 (1) of the Act.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall entrust the following duties to the Korea Rural Community Corporation pursuant to Article 109 (1) of the Act: *<Amended on Mar. 23, 2013>*

1. Surveying resources prescribed in Article 3 of the Act;

2. Technical and economic feasibility study for formulating a comprehensive plan for improving rural communities prescribed in Article 4 of the Act;

3. Formulation and implementation of education and training plans for safety control prescribed in Article 19 of the Act.

(3) The Minister of Agriculture, Food and Rural Affairs may entrust the Korea Rural Community Corporation with the basic surveys for agricultural infrastructure improvement projects referred to in Article 8 of the Act (only applicable to projects benefitting at least 500 thousand square meters) and with the technical and economic feasibility study for formulating the master plans for such projects pursuant to Article 109 (1) of the Act. *<Amended on Mar. 23, 2013>*

(4) The Korea Rural Community Corporation may conduct the surveys and study entrusted under paragraph (3) by outsourcing them to an engineering business operator who has filed a report pursuant to Article 21 of the Engineering Industry Promotion Act or a person specialized in the surveys for rural improvement projects, as prescribed by the Minister of Agriculture, Food and Rural Affairs. *<Amended on Jan. 17, 2011; Mar. 23, 2013>*

(5) The Minister of Agriculture, Food and Rural Affairs shall entrust the Korea Human Resources Development Service of Korea incorporated under the Human Resources Development Service of Korea Act with the execution of the Qualifying Examination for Rural Surveyors referred to in Article 28 of the Act pursuant to Article 109 (1) of the Act. *<Amended on Mar. 23, 2013>*

Article 86-2 (Support for Persons not Relocating to New Settlement Place, etc.)

(1) The implementer of an agricultural infrastructure improvement project may pay settlement subsidies and livelihood stabilization subsidies to persons entitled to subsidies pursuant to Article 110-2 (1) of the Act (limited to persons residing in the relevant area as at the time the first public notice is given on the implementation plan for the agricultural infrastructure improvement project).

(2) "Persons prescribed by Presidential Decree" in Article 110-2 (1) of the Act means tenants or owners of unauthorized buildings (including buildings constructed without filing a report) who have resided in the relevant area continuously since three years before the date the first public notice is given on the implementation plan for the agricultural infrastructure improvement project.

(3) Settlement subsidy and livelihood stabilization subsidies that can be provided pursuant to Article 110-2 (1) of the Act are as follows:

1. The settlement subsidies: Twenty million won per household;
2. The livelihood stabilization subsidies: Two million and five hundred thousand won per each household member: Provided, That the total amount for a household shall not exceed 10 million won.

(4) A person entitled to subsidies pursuant to Article 110-2 (1) of the Act who intends to receive a settlement subsidy and a livelihood stabilization subsidy shall submit an application in the Form prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the implementer of the relevant agricultural infrastructure improvement project, along with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, by no later than seven days before the scheduled date for relocation. *<Amended on Mar. 23, 2013>*

Article 87 (Activities Requiring Permission)

(1) Activities requiring permission from the head of a Si/Gun/Gu under Article 111 (1) of the Act are as follows: *<Amended on Jul. 2, 2019; Aug. 11, 2020>*

1. Constructing, etc. a building: Constructing, substantial repairing or altering the use of a building (including temporary structures) defined in Article 2 (1) 2 of the Building Act;
2. Installing artificial structure: Installing an artificially manufactured facility (excluding buildings defined in Article 2 (1) 2 of the Building Act);
3. Changing land shape or quality: Changing land shape by cutting (cutting land), backfilling (piling soil), leveling (leveling ground), paving (laying an area of ground with pieces of stone and sand and covering with cement or asphalt to form a firm level surface), etc., or excavating land or filling public water;
4. Extracting earth and rocks: Extracting earth and rocks, including soil, sand, gravel and rocks: Provided, That activities conducted to change land shape and quality shall be subject to subparagraph 3;
5. Sub-dividing land;
6. Piling goods: Piling goods difficult to move, for at least one month;
7. Felling and planting bamboo.

(2) The head of a Si/Gun/Gu who intends to grant permission for any activity prescribed in subparagraphs of paragraph (1) pursuant to Article 111 (1) of the Act shall seek an opinion from the implementer of an agricultural infrastructure improvement project.

(3) "Activities prescribed by Presidential Decree" in Article 111 (2) 2 of the Act means the following: *<Amended on Mar. 23, 2013; Aug. 11, 2020>*

1. Installing makeshift artificial structure prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to be directly used for producing agricultural and fisheries products;
2. Changing land shape or quality for cultivation;

3. Where an area for which the implementation plan for an agricultural infrastructure improvement project under Article 9 of the Act is approved, a rural tourism and resort complex under Article 82 of the Act, a marginal farmland improvement zone under Article 94 or 95 of the Act, or a village improvement zone under Article 101 of the Act is designated, extracting earth and rocks to the extent neither hindering development nor damaging the natural landscape of the relevant area, district, complex or zone (hereinafter referred to as "area, complex or zone");
 4. Piling goods on a site determined to be left as it is in an area, complex or zone;
 5. Temporarily planting ornamental bamboo (excluding temporarily planting it in arable land).
- (4) A person required to file a report pursuant to Article 111 (3) of the Act shall do so, along with a report on progress and the implementation plan for the relevant work or project, with the head of the competent Si/Gun/Gu within 30 days from the date the area, complex or zone is designated and publicly notified.

Article 88 (Concession of State-Owned and Public Land)

(1) A landowner or the implementer of a rural improvement project who intends to be granted a concession of State-owned or public land without compensation pursuant to Article 112 (1) of the Act shall, after the completion of the construction work, submit an application for grant of concession of State-owned or public land without compensation to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries (in cases of public land, the application shall be submitted through the head of the relevant local government), along with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

(2) A landowner or the implementer of a rural improvement project who intends to donate to the State or a local government, land replacing the State-owned or public land conceded to him or her without compensation pursuant to Article 112 (2) of the Act shall, after the completion of the construction work, submit a statement on donation of the land replacing State-owned or public land to the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of the relevant local government, along with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar. 23, 2013>

Article 89 (Advance Payment)

The implementer of a rural improvement project may accept an advance payment for some of the price of the land or facility pursuant to Article 113 of the Act only after the progress rate of building the facility for the rural improvement project reaches at least 30/100: Provided, That the implementer of a living environment improvement project may accept an advance payment for the price at the time sale or lease is conducted pursuant to Article 63 (1).

Article 90 (Completion Inspection and Approval of Completion)

(1) The implementer of a rural improvement project who intends to apply for approval of completion pursuant to Article 114 (1) of the Act shall submit the following: *<Amended on May 8, 2017>*

1. A document stating the name and scale of the project;
2. Name of the project;
3. A facility layout map and the current state of facilities;
4. A plan for maintenance and management of major facilities;
- 4-2. A plan for transferring major facilities;
5. As-built drawings and documents (including as-built photographs);
6. A report on size area, comparing the status before and after the project;
7. A detailed statement on the filled land, etc. to be acquired by the project implementer and the filled land, etc. to be devolved on the State or local government.

(2) The Authority to approve implementation plans and business plans for rural improvement projects shall not entrust a completion inspection to any person with professional inspection skills referred to in paragraph (3) if he or she is the construction supervisor for the relevant project.

(3) "Person with professional inspection skills prescribed by Presidential Decree" in Article 114 (6) of the Act means the Korea Rural Community Corporation or a construction engineering business entity registered with a Mayor/Do Governor pursuant to Article 26 of the Construction Technology Promotion Act. *<Amended on May 22, 2014; May 8, 2017; Jan. 7, 2020; Sep. 14, 2021>*

Article 91 (Persons Eligible to be Entrusted with Land Surveys, Design, and Construction Supervision)

(1) "Person prescribed by Presidential Decree" in Article 115 (1) of the Act means any of the following: *<Amended on Jan. 17, 2011; May 7, 2012; May 22, 2014; Jan. 7, 2020; Sep. 14, 2021>*

1. The Korea Rural Community Corporation;
2. An engineering business operator reported under Article 21 of the Engineering Industry Promotion Act;
3. A professional engineer's office registered under Article 6 of the Professional Engineers Act;
4. A construction engineering business entity registered under Article 26 of the Construction Technology Promotion Act;
5. A research institute incorporated for conducting research into the development of rural areas (limited to designing for the technical and economic feasibility study to formulate a master plan for a living environment improvement project pursuant to Article 58 of the Act).

(2) "Person prescribed by Presidential Decree, such as the Korea Rural Community Corporation" in Article 115 (2) of the Act means any of the following: *<Amended on Jan. 16, 2018>*

1. The Korea Rural Community Corporation;

2. A institution specialized in safety examinations registered under the Special Act on the Safety Control and Maintenance of Establishments.

Article 92 (Revocation of Permission)

Matters to be included in the public notice given after an order to suspend construction, etc. is issued or a disposition, such as revoking permission, is imposed pursuant to Article 116 (2) of the Act shall be as follows:

1. Name of the project;
2. Location and scale;
3. Progress of the project.
4. Grounds for and the details of the order or disposition;
5. Date of the relevant order or disposition.

Article 93 (Entrustment of Collection of Charges by Repairing Fraternities)

(1) To request the head of a Si/Gun/Gu to collect a charge from a person who has failed to pay a charge for maintaining and managing agricultural infrastructure pursuant to the former part of Article 126 (4) of the Act, a repairing fraternity shall send a detailed statement of the charge which includes the address, name, amount payable, due date, etc. to the head of the relevant Si/Gun/Gu and notify the person liable to pay of the purport thereof.

(2) Upon collecting a charge requested by a repairing fraternity, the head of a Si/Gun/Gu shall pay the charge to the repairing fraternity without delay.

(3) Fees to be paid by a repairing fraternity to the head of a Si/Gun/Gu pursuant to the latter part of Article 126 (4) of the Act shall be an amount equivalent to 3/100 of the collected amount.

Article 94 (Collection of Unauthorized Occupancy and Use Penalties)

(1) An unauthorized occupancy and use penalty to be collected under Article 127 of the Act shall be calculated by multiplying 120/100 of the usage fee calculated pursuant to Article 32 (1) and the period of unauthorized occupancy or use of the relevant agricultural infrastructure. In such cases, if the period of occupancy or use spans fiscal years, it means an aggregate of unauthorized occupancy and use penalties calculated for each fiscal year. <Amended on May 8, 2017>

(2) An agricultural infrastructure manager who intends to collect an unauthorized occupancy and use penalty shall send a prior notice of the unauthorized occupancy and use penalty to the person who has occupied or used agricultural infrastructure without permission for use (hereinafter referred to as "unauthorized occupant or user"), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, the unauthorized occupant or user who has an objection to the details of the notice, may submit a written opinion, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013; May 8, 2017>

(3) To collect an unauthorized occupancy and use penalty, the agricultural infrastructure manager shall give a notice stating the amount payable, due date, method of payment and basis of calculation to an unauthorized occupant or user. In such cases, the due date shall be within 60 days from the date of the notice.

(4) If an unauthorized occupant or user fails to pay an unauthorized occupancy and use penalty notified under paragraph (3), the agricultural infrastructure manager shall give the unauthorized occupant or user a reminder notice stating the unauthorized occupancy and use penalty plus late payment interest and the due date which shall be within 15 days from the date of the reminder notice.

(5) If an unauthorized occupancy and use penalty is not paid by the due date specified under paragraph (4), a reminder notice shall be issued again up to two times: Provided, That the last-notified due date shall be within three months from the date of the reminder notice given under paragraph (4).

(6) Late payment interest collected under paragraph (4) shall be calculated by multiplying the following interest rate by an unauthorized occupancy and use penalty payable:

1. Where payment is made within one month from the due date: 12 percent per annum;
2. Where payment is made within one to three months from the due date: 13 percent per annum;
3. Where payment is made within three to six months from the due date: 14 percent per annum;
4. Where payment is delayed for at least six months: 15 percent per annum.

(7) Where an unauthorized occupancy and use penalty notified under paragraph (4) is paid by the due date, no late payment interest shall be collected for the period beginning on the following day of the due date specified under paragraph (3) and ending on the date of payment.

Article 95 (Payment of Unauthorized Occupancy and Use Penalties in Installments)

(1) An unauthorized occupancy and use penalty which exceeds one million won may be paid in installments.

(2) An unauthorized occupant or user who intends to pay an unauthorized occupancy and use penalty in installments shall submit an application for installment payments to the relevant agricultural infrastructure manager, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

(3) Where an unauthorized occupant or user desires to pay an unauthorized occupancy and use penalty in installments pursuant to paragraph (2), the agricultural infrastructure manager may allow him or her to pay the penalty in installments over the three-year period, charging interest at the rate referred to in the latter part of Article 30 (5) of the Enforcement Decree of the State Property Act on the unauthorized occupancy and use penalty payable. In such cases, where a notice of an unauthorized occupancy and use penalty is given for the first time, the due date and amount of the unauthorized occupancy and use penalty to be paid in installments shall be stated therein. *<Amended on Jul. 31, 2020>*

(4) Article 94 (3) through (7) shall apply mutatis mutandis to the giving of a notice of unauthorized occupancy and use penalties to be paid in installments, interest thereon and other relevant matters.

Article 96 (Scope for Use of Unauthorized Occupancy and Use Penalties)

The provisions of Article 32 (4) shall apply mutatis mutandis to the scope for using unauthorized occupancy and use penalties referred to in Article 127 (3) of the Act.

Article 96-2 (Management of Personally Identifiable Information)

(1) The Minister of Agriculture, Food and Rural Affairs (including persons to whom the authority of the Minister of Agriculture, Food and Rural Affairs is entrusted under Article 86 (5)) may manage data which contains resident registration numbers, passport numbers or alien registration numbers referred to in Article 19 of the Enforcement Decree of the Personal Information Protection Act (hereafter referred to as "resident registration numbers, etc." in this Article), if it is essential to perform the following: <Amended on Mar. 23, 2013; Mar. 27, 2017>

1. Affairs related to the Qualifying Examination for Rural Surveyors prescribed in Article 28 of the Act;
2. Affairs related to registering land substitution agencies prescribed in Article 31 of the Act;
3. Affairs related to revoking, etc. registration of land substitution agencies prescribed in Article 32 of the Act;
4. Affairs related to issuing and re-issuing rural surveyor licenses prescribed in Article 39.

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, a Mayor/Do Governor, the head of a Si/Gun/Gu (where the relevant authority is delegated or entrusted, including persons delegated or entrusted with such authority), the Korea Rural Community Corporation or a person who perform land substitution as agent for the implementer of an agricultural infrastructure improvement project pursuant to Article 27 of the Act may manage data which contains resident registration numbers, etc., if it is essential to perform the following: <Amended on Mar. 23, 2013; Mar. 27, 2017>

1. Affairs related to identifying persons holding rights to land, etc. or verifying whether they consent to implement a rural improvement project;
2. Affairs related to managing and disposing of filled land, etc. under Article 14 of the Act;
3. Affairs related to using agricultural infrastructure other than for its original purposes under Article 23 of the Act;
4. Affairs related to disposing of land substitution and paying and collecting cash settlements under Article 37 of the Act, and requesting registration under Article 42 of the Act;
5. Affairs related to designating temporary sites under Article 38 of the Act;
6. Affairs related to expropriating land, etc. under Article 110 of the Act;
- 6-2. Affairs related to supporting residents who suffer damage from the construction of reservoirs, etc. under Article 110-2 of the Act;
7. Affairs related to collecting unauthorized occupancy and use penalties under Article 127 of the Act.

(3) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, a Mayor/Do Governor or the head of a Si/Gun/Gu (where the relevant authority is delegated or entrusted, including persons delegated or entrusted with such authority) may manage data which contains resident registration numbers, etc., if it is essential to perform the following: <Amended on Mar. 23, 2013; Mar. 27, 2017>

1. Affairs related to authorizing, permitting, approving, reporting or revoking rural improvement projects;
2. Affairs related to using the Rural House Rehabilitation Fund under Article 67 (3) of the Act;
3. Affairs related to conceding, etc. State-owned and public land under Article 112 of the Act.

(4) A Mayor/Do Governor or the head of a Si/Gun/Gu (where the relevant authority is delegated or entrusted, including persons delegated or entrusted with such authority) may manage data which contains resident registration numbers, etc. under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if it is essential to perform the affairs related to designating or replacing living environment improvement project implementers under Article 56 of the Act. <Newly Inserted on Aug. 6, 2014>

(5) The head of a Si/Gun/Gu (where the relevant authority is delegated or entrusted, including persons delegated or entrusted with such authority) may manage data which contains resident registration numbers, etc., if it is essential to perform the following: <Amended on Aug. 6, 2014; Aug. 11; 2020>

1. Affairs related to payment of compensations and entrustment of cancellation registration under Article 65-5 (4) and (5) of the Act;
2. Affairs related to declarations by rural tourism and resort complex business operators and rural bed and breakfast business operators under Articles 85 and 86 of the Act;
3. Affairs related to verifying land, real rights and rights to be expropriated or used under Article 101 (3) 18 of the Act;
4. Affairs related to collecting charges for maintaining and managing agricultural infrastructure under Article 126 of the Act.

(6) The head of a Si/Gun/Gu (where the relevant authority is delegated or entrusted, including persons delegated or entrusted with such authority) or the Korea Rural Community Corporation may manage data which contains resident registration numbers, etc., if it is essential to perform the following: <Amended on Aug. 6, 2014>

1. Affairs related to identifying persons holding rights to land, etc., following the exchange, division and consolidation of farmland under Article 43 of the Act or verifying whether they consent thereto;
2. Affairs related to paying or collecting cash settlements and requesting registration under Article 47 of the Act;
3. Affairs related to selling or leasing rural houses, etc. under Article 68 of the Act and restricting, etc. resale under Article 70 of the Act;

4. Affairs related to selling or leasing land and facilities under Articles 84 and 98 of the Act;
 5. Affairs related to selling or purchasing, etc. marginal farmland under Article 100 of the Act.
- (7) The Korea Rural Community Corporation may manage data which contains resident registration numbers, etc., if it is essential to perform the affairs related to succeeding to the rights and obligations concerning agricultural infrastructure under Article 16 (3) of the Act and registering land under paragraph (4) of the same Article. <Amended on Aug. 6, 2014>
- (8) A person referred to in each subparagraph of Article 120 (1) of the Act may manage data which contains resident registration numbers, etc., if it is essential to perform the affairs related to land surveys inspections of documents, etc. <Amended on Aug. 6, 2014>

Article 96-3 Deleted. <Mar. 3, 2020>

CHAPTER IX PENALTY PROVISIONS

Article 97 (Standards for Imposition of Administrative Fines)

The criteria for imposing administrative fines prescribed in Article 132 (1) of the Act shall be as specified in attached Table 4.

ADDENDUM <Presidential Decree No. 21887, Dec. 15, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 94 through 96 shall enter into force on June 10, 2010.

Article 2 (Time Limit for Formulation of Contingency Plan)

"Period prescribed by Presidential Decree" in Article 14 of the Addenda to the wholly amended Agricultural and Fishing Villages Improvement Act (Act No. 9758) means:

1. In cases of facilities referred to in Article 27 (1) 1: The period classified as follows:
 - (a) A reservoir with a total water storage capacity of at least three million cubic meters: Seven years;
 - (b) A reservoir with a total water storage capacity of at least one million cubic meters, but less than three million cubic meters: Ten years;
2. In cases of facilities referred to in Article 27 (1) 2: Ten years;
3. In cases of facilities referred to in Article 27 (1) 3: Ten years.

Article 3 (Collecting Expenses for Using Agricultural Infrastructure or Water other than for its Original Purpose)

Notwithstanding the amended provisions of Article 32 (1) 3, the percentage of expenses to be collected where any agricultural infrastructure or water is used other than for its original purpose shall be an amount equivalent to 6/100 of the publicly notified land price, etc. in the year 2009.

Article 4 (Applicability to Sale or Lease of Rural Houses, etc.)

The amended provisions of Article 63 (1) shall begin to apply from the first living environment improvement project, the plan for sale or lease of which is publicly announced after this Decree enters into force.

Article 5 (Transitional Measures concerning Sale or Lease of Filled Land, etc.)

Notwithstanding the amended provisions of Articles 12 through 19, filled land, etc., the sale in lots or sale of which is undergoing under the former provisions as at the time the wholly amended Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 20579) enters into force shall be governed by the former provisions.

Article 6 (Transitional Measures concerning Persons Entitled to Rent Filled Land, etc.)

Notwithstanding the amended provisions of Article 13, persons who are in the period for lease after under the former provisions as at the time this Decree enters into force shall be governed by the former provisions until such period expires.

Article 7 (Transitional Measures concerning Persons Entitled to be Allocated Filled Land, etc.)

Where an administrative measure or disposition has been taken, such as designating persons entitled to be allocated filled land, etc. and allowing them to temporarily use the filled land, etc., as at the time the Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 14679) enters into force, matters concerning the allocation, including the order of priority of the persons entitled to allocation, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, notwithstanding the amended provisions of Article 15.

Article 8 (Transitional Measures concerning Temporary Users of Filled Land, etc.)

Notwithstanding the amended provisions of Article 21, persons who are in the period for temporary use of filled land, etc. after being selected as temporary users thereof under the former provisions as at the time the wholly amended Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 20579) enters into force shall be governed by the former provisions until such period expires.

Article 9 (Transitional Measures concerning Municipal Ordinances)

Ordinances of a Si/Gun/autonomous Gu on the management of rural water zones enacted under Article 56 of the former Enforcement Decree of the Act on the Special Measures for Development of Agricultural and Fishing Villages (referring to the Enforcement Decree before being amended by Presidential Decree No. 16919) as at the time the amended Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 16919) enters into force shall be deemed enacted pursuant to the amended provisions of Article 24 (3).

Article 10 (Transitional Measures concerning Supply of Rural Houses, etc.)

Notwithstanding the amended provisions of Articles 63 and 64, plots of created land, rural houses and other facilities, the procedure for selling or leasing which is undergoing under the former provisions as at the time the wholly amended Enforcement Decree of the Agricultural and Fishing Villages

Improvement Act (Presidential Decree No. 20579) enters into force shall be governed by the former provisions.

Article 11 Omitted.

Article 12 (Relationship with other Statutes)

A citation of the former provisions of the Enforcement Decree of the Agricultural and Fishing Villages Improvement Act in other statutes as at the time this Decree enters into force shall be deemed a citation of the corresponding provisions of this Decree in lieu of the former provisions, if such corresponding provisions exist herein.

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.

ADDENDA <Presidential Decree No. 22626, Jan. 17, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 22729, Mar. 29, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

(1) Notwithstanding the amended provisions of attached Table 4, the application of the criteria for imposing administrative fines for any violation committed before this Decree enters into force, shall be governed by the former provisions.

(2) An administrative fine imposed for any violation committed before this Decree enters into force, shall not be included in the number of violations committed, specified in the amended provisions of attached Table 4.

ADDENDUM <Presidential Decree No. 23353, Dec. 6, 2011>

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

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Presidential Decree No. 23621, Feb. 14, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 15, 2012.

Article 2 (Special Cases concerning Application for Subsidies by Persons whose Relocation is Completed)

Notwithstanding the amended provisions of Article 86-2 (4), a person who has completed relocation as at the time this Decree enters into force, among persons entitled to subsidies in connection with an agricultural infrastructure improvement project referred to in Article 2 of the Addenda to the partially amended Agricultural and Fishing Villages Improvement Act (Act No. 11072) may apply for subsidies within six months from the date this Decree enters into force.

ADDENDA <Presidential Decree No. 23774, May 7, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Contingency Plans for Agricultural Infrastructure)

A person who has built and operates a reservoir with a total water storage capacity of at least 300 thousand cubic meters, but less than one million cubic meters, as at the time this Decree enters into force, shall formulate a contingency plan by no later than May 18, 2017 pursuant to the amended provisions of Article 27 (1) 1.

ADDENDA <Presidential Decree No. 24455, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 24989, Dec. 11, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Full Safety Examinations)

A full safety examination of a reservoir, the construction of which was completed at least ten years ago, as at the time this Decree enters into force, among reservoirs with a total water storage capacity of at least 300 thousand tons, but less than 500 thousand tons, shall be conducted within five years from the date this Decree enters into force.

ADDENDA <Presidential Decree No. 25358, May 22, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 23, 2014.

Articles 2 through 13 Omitted.

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

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

ADDENDA <Presidential Decree No. 25771, Nov. 24, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Areas regarding which Consultations were Held to Exclude them from Areas subject to Restriction on Construction of Factories, etc.)

An area regarding which the head of a Si/Gun/Gu has consulted with the head of the competent Basin Environmental Office or the head of the competent Regional Environmental Office pursuant to the former provisions of subparagraph 3 of Article 30 before this Decree enters into force shall be deemed an area regarding which consultation was held pursuant to the amended provisions of subparagraph 8 of Article 30.

Article 3 (Transitional Measures concerning Hazardous Chemicals)

"Hazardous chemical defined in subparagraph 7 of Article 2 of the Chemicals Control Act" in the amended provisions of subparagraph 3 (b) of Article 30 shall be construed as "hazardous chemical defined in subparagraph 8 of Article 2 of the Toxic Chemicals Control Act" until December 31, 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.

ADDENDA <Presidential Decree No. 26302, Jun. 1, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 4, 2015.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 26369, Jun. 30, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 26377, Jul. 6, 2015>

This Decree shall enter into force on July 7, 2015.

ADDENDA <Presidential Decree No. 26492, Aug. 19, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures, etc. concerning Areas, etc. regarding which Consultations were Held to Exclude them from Areas subject to Restriction on Construction of Factories, etc.)

(1) A factory or industrial complex constructed before December 15, 2009, on which the wholly amended Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 21877) entered into force, in an area located within 500 meters from the full water level of a reservoir heading upstream of the water system, as at the time this Decree enters into force, shall be deemed constructed in an area regarding which consultation was held pursuant to the amended provisions of subparagraph 3 (b) of Article 30.

(2) An area regarding which consultation was held to exclude it from areas subject to restriction on construction of factories or industrial complexes before November 24, 2014, on which the partially amended Enforcement Decree of the Agricultural and Fishing Villages Improvement Act (Presidential Decree No. 25771) enters into force, in an area located within 500 meters from the full water level of a reservoir heading upstream of the water system, as at the time this Decree enters into force, shall be deemed an area regarding which consultation was held pursuant to the amended provisions of subparagraph 3 (b) of Article 30.

(3) Notwithstanding paragraphs (1) and (2), where it is intended to extend or renovate any factory or industrial complex referred to in paragraph (1) or a factory or industrial complex constructed in an area deemed an area regarding which consultation was held pursuant to paragraph (2); or to change its category of business, after this Decree enters into force, the head of a Si/Gun/Gu shall formulate a plan to prevent water pollution so that the water quality can be maintained at the same level as before the construction of the factory or industrial complex; and shall consult with the head of the competent Basin Environmental Office or the head of the Regional Environmental Office with regard thereto pursuant to the amended provisions of subparagraph 3 of Article 30.

ADDENDA <Presidential Decree No. 26754, Dec. 22, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 23, 2015.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 26930, Jan. 22, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 25, 2016.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 27213, Jun. 8, 2016>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Expenses for Using Agricultural Infrastructure other than for its Original Purpose)

The amended provisions of the proviso to Article 32 (1) 1 shall begin to apply from the collection of expenses for using agricultural infrastructure other than for its original purpose to install and operate new and renewable energy facilities after this Decree enters into force.

Article 3 (Transitional Measures concerning Period of Use of Agricultural Infrastructure or Water other than for its Original Purpose)

Notwithstanding the amended provisions of the proviso to Article 31 (5) and subparagraph 1 (a) of the same paragraph, where any agricultural infrastructure or water is used other than for its original purpose under the former provisions as at the time this Decree enters into force, the length of period of use shall be governed by the former provisions during such period of use.

ADDENDA <Presidential Decree No. 27471, Aug. 31, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2016.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 27472, Aug. 31, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2016.

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 27721, Dec. 30, 2016>

This Decree 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.

Articles 2 through 12 Omitted.

ADDENDA <Presidential Decree No. 27792, Jan. 17, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 28, 2017.

Articles 2 through 7 Omitted.

ADDENDUM <Presidential Decree No. 27960, Mar. 27, 2017>

This Decree shall enter into force on March 30, 2017. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 28028, May 8, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 28, 2017: Provided, That the amended provisions of Article 90 shall enter into force on the date of its promulgation.

Article 2 (Applicability to Documents to be Submitted)

The amended provisions of Article 90 (1) 4-2 shall begin to apply from the implementer of a rural improvement project who applies for approval of completion after the enforcement date prescribed in the proviso to Article 1 of the Addenda.

ADDENDA <Presidential Decree No. 28152, Jun. 27, 2017>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Presidential Decree No. 28583, Jan. 16, 2018>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 18, 2018.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 28586, Jan. 16, 2018>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 18, 2018. (Proviso Omitted.)

Articles 2 through 8 Omitted.

ADDENDUM <Presidential Decree No. 29092, Aug. 14, 2018>

This Decree shall enter into force on August 22, 2018.

ADDENDUM <Presidential Decree No. 29705, Apr. 23, 2019>

This Decree shall enter into force on April 25, 2019.

ADDENDUM <Presidential Decree No. 29950, Jul. 2, 2019>

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

ADDENDUM <Presidential Decree No. 29980, Jul. 16, 2019>

This Decree shall enter into force on July 16, 2019.

ADDENDA <Presidential Decree No. 30337, Jan. 7, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

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

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

ADDENDA <Presidential Decree No. 30886, Jul. 31, 2020>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 30928, Aug. 11, 2020>

This Decree shall enter into force on August 12, 2020.

ADDENDA <Presidential Decree No. 31101, Oct. 8, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 8, 2020.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 31131, Oct. 27, 2020>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 31243, Dec. 8, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 10, 2020.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 31379, Jan. 5, 2021>

Article 1 (Enforcement Date)

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

Article 2 (General Applicability to Requirements for Designation or Entrustment)

This Decree shall apply beginning with the case where procedures for designation or entrustment commences for designation or entrustment pursuant to the statutes or regulations amended under this Decree after this Decree enters into force.

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

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

ADDENDA <Presidential Decree No. 31986, Sep. 14, 2021>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 32018, Sep. 29, 2021>

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

ADDENDA <Presidential Decree No. 32046, Oct. 14, 2021>

Article 1 (Enforcement Date)

This Decree shall enter into force on Oct. 14, 2021: Provided, That the amended provisions of subparagraph 2 of attached Table 1 shall enter into force on January 1, 2022.

Article 2 (Transitional Measures concerning Formulation of Contingency Plans)

Notwithstanding the amended provisions of Article 27 (1) 1, a person who manages a reservoir with a total water storage capacity of at least 200 thousand cubic meters, but less than 300 thousand cubic meters, as at the time this Decree enters into force, shall formulate a contingency plan for the relevant reservoir by December 31, 2025.

Article 3 (Transitional Measures concerning Implementation of Detailed Safety Inspection)

Notwithstanding the amended provisions of subparagraph 2 of attached Table 1, agricultural production infrastructure completed before this Decree enters into force shall undergo a detailed safety inspection according to the following classification:

1. Class 1 agricultural production infrastructure for which at least 15 years have passed since the completion date: Detailed safety inspections shall be conducted regularly pursuant to the previous provisions;
2. Class 1 agricultural production infrastructure for which at least 13 years but less than 15 years have passed since the completion date: Detailed safety inspection shall be conducted pursuant to the previous provisions, and subsequently, detailed safety inspections shall be conducted regularly at least once within five years from the completion date of the detailed safety inspection.
3. Class 1 agricultural production infrastructure for which at least 11 years but less than 13 years have passed since the date of completion: Detailed safety inspections shall be conducted by December 31, 2023, and subsequently, detailed safety inspections shall be conducted regularly at least once within five years from the completion date of the detailed safety inspections.
4. Class 1 agricultural production infrastructure for which at least 9 years but less than 11 years have passed since the date of completion: Detailed safety inspections shall be conducted by December 31, 2024, and subsequently, detailed safety inspections shall be conducted regularly at least once within five years from the completion date of the detailed safety inspections.
5. Class 2 reservoirs with total water storage capacity of at least 50,000 cubic meters and less than 300,000 cubic meters: Detailed safety inspections shall be conducted by December 31, 2031 and subsequently, detailed safety inspections shall be conducted regularly at least once within 10 years from the completion date of the detailed safety inspections.

ADDENDA <Presidential Decree No. 32352, Apr. 21, 2022>

Article 1 (Enforcement Date)

This Decree shall enter into force on 1/21/2022

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 32637, Jun. 9, 2022>

This Decree shall enter into force on 6/1/2022: Provided, That the amended provisions of Articles 32 and 2 shall enter into force on 5/19/2022.

Last updated : 2023-03-07

