

ORNAMENTAL FISH INDUSTRY PROMOTION AND SUPPORT ACT

Act No. 12083, Aug. 13, 2013
Amended by Act No. 13385, jun. 22, 2015
Act No. 15128, Nov. 28, 2017
Act No. 16502, Aug. 20, 2019
Act No. 17020, Feb. 18, 2020

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to increasing income of farmers and fishermen and improving leisure activities of the people by fostering and supporting the ornamental fish industry.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended on Jun. 22, 2015>*

1. The term "ornamental fish" means fish which may be raised in a certain space for the purpose of seeing and enjoying them among fish inhabiting waters, such as tropical fish, ornamental carp and goldfish;
2. The term "ornamental fish industry" means the industry that raises, produces, distributes, sells, exports and imports ornamental fish, and holds an exhibition, provides experience and conducts research by utilizing ornamental fish, and produces and provides other goods or services related to ornamental fish prescribed by Presidential Decree;
3. The term "ornamental fish business operator" means a person who conducts business in the ornamental fish industry;
4. The term "ornamental fish farming" means a fishery that raises ornamental fish or produces spawn;
5. The term "ornamental fish farmer" means a person who conducts ornamental fish farming.

Article 3 (Responsibility of the State and Local Governments)

The State and each Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do and Special Self-Governing Province shall formulate and implement comprehensive policies necessary to

foster and support the ornamental fish industry.

Article 4 (Relationship to Other Statutes)

This Act shall apply to fostering and supporting the ornamental fish industry, except as otherwise expressly provided for in other Acts.

CHAPTER II CREATION OF INFRASTRUCTURE TO FOSTER ORNAMENTAL FISH INDUSTRY

Article 5 (Formulation and Implementation of Comprehensive Plan)

(1) The Minister of Oceans and Fisheries shall formulate a comprehensive plan concerning the fostering of and support for the ornamental fish industry (hereinafter referred to as "comprehensive plan") in consultation with the heads of related central administrative agencies every five years to foster and support the ornamental fish industry.

(2) A comprehensive plan shall include the following:

1. Basic directions and objectives of the ornamental fish industry;
2. Status and prospects of the ornamental fish industry;
3. An investment plan to foster and support the ornamental fish industry;
4. A plan to provide education of technology related to the ornamental fish industry and to foster professionals related thereto;
5. A research and development project for the growth of the ornamental fish industry;
6. A plan to provide education and to promote understanding concerning ecological environment for the ornamental fish industry;
7. Other matters prescribed by Presidential Decree for the growth of the ornamental fish industry.

(3) The Minister of Oceans and Fisheries shall gather opinions from the heads of related central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and Special Self-Governing City Mayors, and formulate and implement an action plan every year to implement a comprehensive plan.

(4) Other matters necessary for formulating and implementing a comprehensive plan and an action plan shall be prescribed by Presidential Decree.

Article 6 (Fact-Finding Research and Compilation and Management of Statistics on Ornamental Fish Industry)

(1) To efficiently formulate and implement a comprehensive plan and an action plan, the Minister of Oceans and Fisheries shall conduct fact-finding research on the status of the ornamental fish industry, and compile and manage statistics on the ornamental fish industry. In such cases, the Statistics Act shall apply

mutatis mutandis to the compilation and management of statistics, except as otherwise expressly provided for in this Act.

(2) Where it is necessary to conduct fact-finding research under paragraph (1), the Minister of Oceans and Fisheries may request the heads of related central administrative agencies, Mayors/Do Governors or Special Self-Governing City Mayors or the heads of Sis/Guns/Gus (referring to the head of an autonomous Gu; hereinafter referred to as "head of a SI/Gun/Gu"), the heads of public institutions under Article 4 of the Act on the Management of Public Institutions, the heads of related research institutes and organizations, and ornamental fish business operators to submit data or provide opinions. In such cases, the heads of related central administrative agencies, etc. requested to submit data or provide opinions shall cooperate with his/her request except in extenuating circumstances.

(3) Details of and procedures for conducting fact-finding research under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

Article 7 (Institutions Specializing in Fostering Ornamental Fish Industry)

(1) To efficiently implement a comprehensive plan, the Minister of Oceans and Fisheries may designate an institution specializing in fostering the ornamental fish industry (hereinafter referred to as "specialized institution").

(2) A specialized institution shall conduct the following affairs:

1. Implementing detailed policies for executing a comprehensive plan;
2. Research and development related to the ornamental fish industry, such as establishing and operating a research institute for the ornamental fish industry.

(3) The Minister of Oceans and Fisheries may subsidize expenses incurred in conducting affairs under paragraph (2) to a specialized institution within the budget.

(4) Other necessary matters concerning criteria and procedures for designating a specialized institution, criteria and procedures for revoking the designation thereof, operating thereof, etc. shall be prescribed by Presidential Decree.

Article 8 (Training of Professionals)

(1) The State and local governments shall train professionals necessary to foster and support the ornamental fish industry.

(2) The State and local governments may designate a college under Article 2 of the Higher Education Act, or a research institute, institution or organization established for the purpose of conducting research activities, etc. concerning ornamental fish as an institution training professionals and require it to conduct necessary education and training to train professionals under paragraph (1).

(3) The State and local governments may fully or partially subsidize expenses incurred in conducting education and training to an institution training professionals designated pursuant to paragraph (2).

(4) Necessary matters concerning criteria for designating an institution training professionals and criteria for revoking the designation thereof shall be prescribed by Presidential Decree.

Article 9 (Promotion of Technology Development Related to Ornamental Fish Industry)

The State and each Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do and Special Self-Governing Province shall implement the following to promote technology development related to the ornamental fish industry:

1. Trends in technology related to the ornamental fish industry, demand surveys, research and development, and evaluation;
2. Securing the right to technology developed and the industrialization thereof;
3. Exchange of information on technology related to the ornamental fish industry;
4. Other matters necessary for research and development of technology related to the ornamental fish industry.

CHAPTER III FOSTERING AND SUPPORTING ORNAMENTAL FISH INDUSTRY

Article 10 (Support for Founding of Startups)

(1) The Minister of Oceans and Fisheries, Mayors/Do Governors or the heads of Sis/Guns/Gus may provide support necessary to promote the founding of startups concerning the ornamental fish industry and the growth and development of entrepreneurs.

(2) Necessary matters concerning persons eligible for support to entrepreneurs, methods, procedures, etc. for providing support thereto shall be prescribed by Presidential Decree.

Article 11 (Support for Modernization of Ornamental Fish Farming Facilities and Distribution)

(1) The Minister of Oceans and Fisheries, Mayors/Do Governors or the heads of Sis/Guns/Gus may provide support for the modernization of ornamental fish farming facilities and the distribution thereof.

(2) Necessary matters concerning ornamental fish farmers and business operators eligible for support for the modernization of ornamental fish farming facilities and the distribution thereof, methods, procedures, etc. for providing support for the modernization thereof shall be prescribed by Presidential Decree.

Article 12 (Report on Ornamental Fish Farming)

(1) Any person who intends to conduct ornamental fish farming shall have a facility meeting standards of ornamental fish farming facilities prescribed by Ordinance of the Ministry of Oceans and Fisheries; and shall report ornamental fish farming to the Special Self-Governing Province Governor or the head of a Si/Gun/Gu having jurisdiction over the location of the ornamental fish farm.

(2) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify a reporting person of whether to accept his/her report within five days from the date of receipt of such report under paragraph (1). *<Newly Inserted on Aug. 20, 2019>*

(3) Where the Special Self-Governing Province Governor or the head of a Si/Gun/Gu fails to notify a reporting person of whether to accept his/her report or of an extension of the period of processing such report under statutes or regulations related to addressing civil petitions within the period under paragraph (2), the report shall be deemed to have been accepted on the date following the date of expiry of such period (where the period is extended or re-extended under statutes or regulations related to addressing civil petitions, referring to such extended or re-extended period). *<Newly Inserted on Aug. 20, 2019>*

(4) The period of validity of a report under paragraph (1) shall be five years: Provided, That where it is necessary to perform public works or in other cases prescribed by Presidential Decree, the period of validity thereof may be within five years. *<Amended on Aug. 20, 2019>*

(5) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu may require a person who files a report under paragraph (1) to take appropriate preventive measures to prevent damage to the human life, the human body, and ecological environment, etc. likely to occur due to the discharge of ornamental fish without permission or the escape thereof. *<Amended on Aug. 20, 2019>*

(6) Necessary matters concerning a report under paragraph (1) and preventive measures under paragraph (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Aug. 20, 2019>*

Article 13 (Request for Designation of Ornamental Fish Production and Distribution Complex)

(1) Where the Minister of Oceans and Fisheries deems it necessary to foster and support the ornamental fish industry, he/she may designate an ornamental fish production and distribution complex by his/her official authority or at the request of the Mayor/Do Governor or the head of a Si/Gun/Gu.

(2) Where the Mayor/Do Governor or the head of a Si/Gun/Gu files an application for designation of an ornamental fish production and distribution complex pursuant to paragraph (1), he/she shall prepare and submit documents concerning the status of an area intended for the ornamental fish production and distribution complex, a table of evaluation of designation, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) Where the Minister of Oceans and Fisheries intends to designate an ornamental fish production and distribution complex by his/her official authority pursuant to paragraph (1), he/she shall hear opinion from the Mayor/Do Governor and the head of a Si/Gun/Gu having jurisdiction over the area intended for the ornamental fish production and distribution complex.

(4) The State or each Special Metropolitan City, Metropolitan City, Special Self-Governing City or Do may provide administrative and financial support to a project for promoting an ornamental fish production and distribution complex.

(5) Procedures for filing an application for designation of an ornamental fish production and distribution complex, requirements for the designation thereof, etc. shall be prescribed by Presidential Decree.

Article 14 (Formulation and Implementation of Plan to Create Ornamental Fish Production and Distribution Complex)

(1) The Mayor/Do Governor or the head of a Si/Gun/Gu having jurisdiction over an ornamental fish production and distribution complex designated pursuant to Article 13 shall solely or jointly formulate and implement a plan to create the ornamental fish production and distribution complex within the area under his/her jurisdiction.

(2) Matters necessary for formulating and implementing a plan to create an ornamental fish production and distribution complex, such as matters to be included in the plan to create the ornamental fish production and distribution complex under paragraph (1), shall be prescribed by Presidential Decree.

Article 15 (Evaluation of Ornamental Fish Production and Distribution Complex)

(1) The Minister of Oceans and Fisheries may evaluate the status of the execution of a plan to create an ornamental fish production and distribution complex under Article 14, as prescribed by Presidential Decree.

(2) Where a planned ornamental fish production and distribution complex fails to meet requirements for the designation of the ornamental fish production and distribution complex under Article 13 or the outcomes of the execution of a plan to create the ornamental fish production and distribution complex fails to meet the objectives of the execution thereof as a result of the evaluation thereof under paragraph (1), the Minister of Oceans and Fisheries may take necessary measures, such as the revocation of the designation of, the adjustment of the gross area of, and recommendation to make improvements in the ornamental fish production and distribution complex, as prescribed by Presidential Decree.

Article 16 (Certification of Excellent Business Operators)

(1) The Minister of Oceans and Fisheries may certify an ornamental fish farmer who raises and produces healthy and high quality ornamental fish as an excellent business operator.

(2) An ornamental fish farmer who intends to be certified as an excellent business operator pursuant to paragraph (1) shall file an application for certification with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That such application may not be allowed if two years have not passed since his or her designation as an excellent business operator was revoked under Article 17 (1). <Amended on Feb. 18, 2020>

(3) The Minister of Oceans and Fisheries may issue a certificate to an ornamental fish farmer certified as an excellent business operator (hereinafter referred to as "certified business operator") pursuant to paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and a certified business operator may use a certification mark.

(4) No ornamental fish farmer who is not an excellent business operator shall use a certification mark or a mark similar thereto.

(5) The Minister of Oceans and Fisheries may require an ornamental fish farmer who applies for certification pursuant to paragraph (3) to subsidize expenses incurred in issuing certification, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(6) The Minister of Oceans and Fisheries may inspect whether a certified business operator appropriately continues to meet criteria for certification under paragraph (8).

(7) The Minister of Oceans and Fisheries may provide financial and technical support under Article 19 to a certified business operator first.

(8) Necessary matters concerning criteria and procedures for and methods of certification of an excellent business operator under paragraph (1) and methods of using a certification mark shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 17 (Revocation of Certification)

(1) Where a certified business operator falls under any of the following, the Minister of Oceans and Fisheries may revoke the certification thereof: Provided, That where he/she falls under subparagraph 1, the Minister of Oceans and Fisheries shall revoke the certification thereof:

1. Where the person was certified by fraud or other improper means;
2. Where he/she has failed to meet criteria for certification under Article 16 (8);
3. Where he/she has refused inspections under Article 16 (6) at least three times without any just ground.

(2) Where certification is revoked pursuant to paragraph (1), a certified business operator shall return a certificate under Article 16 (3) and suspend the use of a certification mark under the aforesaid paragraph.

(3) Where the Minister of Oceans and Fisheries intends to revoke certification pursuant to paragraph (1), he/she shall hold hearings.

Article 18 (Implementation of Programs by Local Governments for Ornamental Fish Industry)

(1) The Mayor/Do Governor or the head of a Si/Gun/Gu may implement the following programs to spread technology necessary for ornamental fish farmers to conduct business in a stable manner:

1. Collecting information necessary to spread technology related to the ornamental fish industry;
2. Implementing educational and experience programs related to ornamental fish;
3. Establishing and operating programs that educate ornamental fish farmers about technology related to the ornamental fish industry;
4. Other programs the Minister of Oceans and Fisheries deems necessary.

(2) The Minister of Oceans and Fisheries may provide financial and technical support to Mayors/Do Governors or the heads of Sis/Guns/Gus so that they may efficiently implement programs referred to in paragraph (1).

Article 19 (Financial Support for Creation of Infrastructure)

Where an ornamental fish farmer implements a project falling under any of the following to create infrastructure for the ornamental fish industry, in which case the Minister of Oceans and Fisheries deems financial support necessary, he/she may subsidize a portion of funds or provide a loan therefor, or provide technical support:

1. Installation, maintenance and repair, remodelling or improvement of equipment and facilities necessary for the ornamental fish farmer to raise, produce, distribute, sell, export and import ornamental fish;
2. Expanding market for the ornamental fish industry;
3. Other projects prescribed by Ordinance of the Ministry of Oceans and Fisheries concerning the creation of infrastructure for the ornamental fish industry.

Article 20 (Use of Subsidies)

(1) No ornamental fish farmer shall use a subsidy or loan under Article 19 for other purposes than receiving such subsidy or loan.

(2) The Minister of Oceans and Fisheries shall give direction and exercise supervision so that a person who receives a subsidy or loan pursuant to Article 19 may use such subsidy or loan appropriately.

(3) Where an ornamental fish business operator or such business operators' organization falls under any of the following, the Minister of Oceans and Fisheries shall order him/her or it to return a subsidy or loan; and where he/she or it fails to comply with his/her order, he/she may collect such subsidy or loan by taking examples of the collection of delinquent national taxes:

1. Where he/she or it has received the subsidy or loan by any deceitful means or other fraudulent means;
2. Where he/she/it has used a subsidy or loan for purposes, other than the intended purposes thereof, in violation of paragraph (1).

Article 21 (Holding Ornamental Fish Fair)

(1) The Minister of Oceans and Fisheries may hold an ornamental fish fair to promote the improvement of quality and competitiveness of ornamental fish, and to select and foster leading brands.

(2) Matters necessary to hold and operate an ornamental fish fair shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 22 (Submission of Data and Inspection)

(1) The Minister of Oceans and Fisheries may require Mayors/Do Governors or the heads of Sis/Guns/Gus and the heads of specialized institutions to submit data necessary for formulating and implementing policies concerning the ornamental fish industry and other data necessary for enforcing this Act, as

prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) Where it is necessary for the enforcement of this Act, the Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu may require ornamental fish business operators to submit necessary data, and require public officials under his/her jurisdiction to inspect affairs concerning their business, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) A public official who conducts an inspection pursuant to paragraph (2) shall carry an identity document indicating his/her authority and produce it to the relevant persons.

Article 23 (Delegation and Entrustment of Authority)

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to the Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(2) The Minister of Oceans and Fisheries may entrust part of his/her authority under this Act to an organization related to ornamental fish business, as prescribed by Presidential Decree.

Article 23-2 (Legal Fiction as Public Officials in Application of Penalty Provisions)

When penal provisions under the provisions of Articles 129 through 132 of the Criminal Act are applied, executive officers and employees of an organization related to the ornamental fish industry engaged in affairs entrusted pursuant to Article 23 (2) shall be deemed public officials.

CHAPTER V ADMINISTRATIVE FINES

Article 24 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding five million won:

1. A person who has failed to report ornamental fish farming or has filed a false report, in violation of Article 12;
2. A person who has been certified as an excellent business operator under Article 16 (1) by any deceitful means or other fraudulent means;
3. A person who has used a certification mark or a mark similar thereto, in violation of Article 16 (4).

(2) The Minister of Oceans and Fisheries, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall impose and collect administrative fines under paragraph (1), as prescribed by Presidential Decree.

ADDENDA <Act No. 12083, Aug. 13, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures)

Where a person reported ornamental fish farming pursuant to Article 11 of the Inland Water Fisheries Act at the time this Act enters into force, he/she shall be deemed to have reported ornamental fish farming pursuant to Article 12 of this Act.

ADDENDA <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 15128, Nov. 28, 2017>

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

ADDENDA <Act No. 16502, Aug. 20, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation.

Article 2 (Applicability to Report on Ornamental Fish Farming)

The amended provisions of Article 12 (2) and (3) shall begin to apply to a report on ornamental fish farming filed after this Act enters into force.

ADDENDA <Act No. 17020, Feb. 18, 2020>

Article 1 (Enforcement Date)

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

Article 2 (Applicability)

The amended provisions of Article 16 (2) shall begin to apply from the first revocation of designation as an excellent business operator after this Act enters into force.

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