

ENFORCEMENT DECREE OF THE FRAMEWORK ACT ON FISHERIES AND FISHING VILLAGES DEVELOPMENT

Presidential Decree No. 26754, Dec. 22, 2015
Amended by Presidential Decree No. 29947, Jul. 2, 2019

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Framework Act on Fisheries and Fishing Villages Development and matters necessary for the enforcement thereof.

Article 2 (Scope of Fisheries)

The fisheries defined in subparagraph 1 of Article 3 of the Framework Act on Fisheries and Fishing Villages Development (hereinafter referred to as "the Act") means industries referred to in the following subparagraphs:

1. Fishery industry: Sea fishing, inland fishing, sea aquaculture, freshwater aquaculture, salt production, fish seed production, ornamental fish aquaculture;
2. Fish transport services;
3. Fish processing industry: Aquatic animal processing, aquatic plant processing, animal fat and oil manufacturing (limited to processing aquatic animals), salt processing;
4. Fishery products distribution industry: Sales, transport, or storage of fishery products.

Article 3 (Standards for Fisheries Personnel)

(1) "Persons ... who can satisfy the standards prescribed by Presidential Decree" in subparagraph 2 of Article 3 of the Act means any of the following persons:

1. Fishers;
2. Persons engaged in fisheries corporations under subparagraph 5 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;
3. Members of producer's association;
4. Any other persons who operate or engage in the business of producing, distributing, or processing fishery products.

(2) “A person ... satisfying the standards prescribed by Presidential Decree” in subparagraph 3 of Article 3 of the Act means any of the following persons:

1. A person who earns at least 1.2 million won in annual sales of fishery products through management in the fishery industry;
2. A person engaged in the fishery industry for at least 60 days a year;
3. A person who has been employed continuously for at least one year in the shipment, distribution, processing, or export of fishery products of a fisheries partnership established under Article 16 (2) of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;
4. A person who has been employed continuously for at least one year in the distribution, processing, or sale of fishery products of a fisheries company established under Article 19 (3) of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

(3) Matters concerning the process of confirmation as to whether the fishers’ standards have been satisfied under paragraph (2) and others shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 4 (Scope of Producers’ Association)

“Association ... as prescribed by Presidential Decree” in subparagraph 5 of Article 3 of the Act means each of the following organizations:

1. Fisheries cooperatives and the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act;
2. A group of professional producers set up by five or more fishers for jointly producing, or jointly selling, processing, or exporting fishery products they produced, which is a corporate entity and satisfies the requirements prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 5 (Formulation and Modification of Master Plan for Fisheries and Fishing Villages)

(1) When formulating a master plan for the development of fisheries and fishing villages pursuant to Article 7 (1) of the Act (hereinafter referred to as "Master Plan"), the Minister of Oceans and Fisheries shall refer the Master Plan to a central fisheries/fishing village policy review committee prescribed in Article 8 of the Act (hereinafter referred to as “Central Review Committee”) for deliberation after consultation with the head of a relevant central administrative agency. The same shall apply to any modification of such plan.

(2) When formulating or modifying the Master Plan, the Minister of Oceans and Fisheries shall inform a Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, and Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") of the details thereof.

Article 6 (Formulation and Modification of Development Plans for Fisheries and Fishing Villages in Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province)

(1) When formulating a development plan for the fisheries and fishing villages in a Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province under Article 7 (7) of the Act (hereinafter referred to as “City/Do Plan”), a Mayor/Do Governor shall refer the City/Do Plan to a City/Do fisheries and fishing village policy review committee (hereinafter referred to as “City/Do Review Committee”) for deliberation prescribed in Article 8 of the Act. The same shall apply to any modification of such plan. <Amended by Presidential Decree 29947, Jul. 2, 2019>

(2) When a Mayor/Do Governor has formulated or modified a City/Do Plan, the Mayor/Do Governor shall inform the head of a Si/Gun/autonomous Gu (excluding an autonomous Gu of the Special Metropolitan City; hereinafter the same shall apply) (hereinafter referred to as the “head of a Si/Gun/ Gu”) of the details thereof.

Article 7 (Formulation and Modification of Development Plan for Fisheries and Fishing Villages of Si/Gun/Autonomous Gu)

When the head of a Si/Gun/Gu formulates a development plan for fisheries and fishing villages in a Si/Gun and an autonomous Gu pursuant to Article 7 (8) of the Act, the head of a Si/Gun/Gu shall refer the development plan to a Si/Gun/Gu fisheries/fishing village policy review committee prescribed in Article 8 of the Act (hereinafter referred to as “Si/Gun/Gu Review Committee”) for deliberation. The same shall apply to any modification of such plan. <Amended by Presidential Decree 29947, Jul. 2, 2019>

Article 8 (Composition of Central Review Committee)

(1) The central review committee shall consist of not more than 20 members, including one chairperson and one vice-chairperson.

(2) The Minister of Oceans and Fisheries shall serve as the chairperson of the Central Review Committee, and the vice-chairperson shall be elected from among and by its members.

(3) The Minister of Oceans and Fisheries shall appoint members of the Central Review Committee in consideration of gender equality according to the following categories:

1. Heads of producers’ associations, consumer groups, and organizations related to fisheries and fishing villages: Not more than 12 persons;
2. Any of the following persons: Not more than seven persons:
 - (a) A person who serves or has served as a professor, research fellow, or in a higher position in colleges, research institutes, or international organizations related to fisheries and fishing villages;
 - (b) A person who has been working or worked at least 10 years in organizations, administrative agencies, or business entities related to fisheries and fishing villages.

(4) The term of office of the committee members under paragraph (3) shall be two years, and may be consecutively renewed only once.

(5) The Minister of Oceans and Fisheries may dismiss a Central Review Committee member who falls under any of the following subparagraphs:

1. If the committee member becomes incapable of performing duties due to a mental or physical disorder;
2. If the committee member has committed misdeed relating to official duties;
3. If the committee member is deemed unqualified to maintain the member position due to neglect of duties, impairment of dignity, or other reasons;
4. If the committee member indicates that he or she is having a difficulty performing his or her duties.

Article 9 (Duties)

- (1) The chairperson of the Central Review Committee shall represent the Central Review Committee and have general supervision and control of its affairs.
- (2) The vice-chairperson of the Central Review Committee shall assist the chairperson and act on behalf of the chairperson if the chairperson is unable to perform his or her duties due to any unavoidable reason.

Article 10 (Meetings)

- (1) The chairperson of the Central Review Committee shall convene and preside over meetings of the Central Review Committee.
- (2) A majority of the members of the Central Review Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.

Article 11 (Allowances)

The committee members or experts who attend meetings of the Central Review Committee may be paid allowances and travel expenses within budgetary limits: Provided, That this shall not apply where a public official attends a Central Review Committee meeting in direct relation to his or her duties.

Article 12 (Composition of City/Do Review Committee)

- (1) The City/Do Review Committee shall consist of not more than 25 members, including one chairperson and two vice-chairpersons.
- (2) A Mayor or Do Governor shall serve as the chairperson of the City/Do Review Committee, and the deputy Mayor or deputy Governor of a relevant Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province (deputy Mayor or deputy Governor appointed by the Mayor or Do Governor if there are two or more deputy Mayors or Do Governors), and the other vice-chairperson shall be elected from among and by the committee members falling under paragraph (3) 2 or 3.
- (3) The City/Do Review Committee members shall be appointed or commissioned by the Mayor/Do Governor according to the following classifications. In such case, the Mayor/Do Governor shall take into account gender equality when commissioning the committee members falling under subparagraphs 2 and 3:

1. Head of a relevant administrative agency: Not more than three persons;
2. Head of a producers' association, a consumer group, or an organization related to fisheries and fishing villages: Not more than 11 persons;
3. Any of the following persons: Not more than nine persons:
 - (a) A person who serves or has served as an associate professor, an associate research fellow, or in a higher position in colleges, research institutes, or international organizations related to fisheries and fishing villages;
 - (b) A person who has been working or has worked at least seven years in organizations, administrative agencies, or business entities related to fisheries and fishing villages.
- (4) The term of office of the committee members under paragraph (3) 2 or 3 shall be two years.
- (5) Subcommittees by item or function may be established within the City/Do Review Committee to enhance work efficiency of the City/Do Review Committee.
- (6) Matters necessary for the composition and operation of the subcommittees under paragraph (5) shall be determined by the chairperson of the City/Do Review Committee, after resolution by the City/Do Review Committee.

Article 13 (Composition of Si/Gun/Gu Review Committee)

- (1) The Si/Gun/Gu Review Committee shall consist of not more than 35 members, including one chairperson and two vice-chairpersons.
- (2) The head of a Si/Gun/Gu shall serve as the chairperson of the Si/Gun/Gu Review Committee, and the deputy head of a relevant Si/Gun/autonomous Gu shall serve as a vice-chairperson, and the other vice-chairperson shall be elected from among and by the members falling under paragraph (3) 2 through 4 of this Article.
- (3) The Si/Gun/Gu Review Committee members shall be appointed or commissioned by the head of a Si/Gun/Gu according to the following classifications. In such case, the head of such Si/Gun/Gu shall take into account gender equality when commissioning members under subparagraph 2 through 4.
 1. Heads of relevant administrative agencies: Not more than three persons;
 2. Heads of producers' associations, consumer groups, or organizations related to fisheries and fishing villages: Not more than 11 persons;
 3. Any of the following persons: Not more than six persons:
 - (a) A person who serves or has served as an assistant professor, or a researcher, or in a higher position in colleges, research institutes, or international organizations related to fisheries and fishing villages;
 - (b) A person who has been working or has worked at least five years in organizations, administrative agencies, or business entities related to fisheries and fishing villages.
 4. A person who can lead the development of the fisheries industry in a relevant region: Not more than 13 persons.

(4) The term of office of members under paragraph (3) 2 through 4 shall be two years.

(5) Subcommittees by item or function may be established within the Si/Gun/Gu Review Committee to enhance the work efficiency of the Si/Gun/Gu Review Committee.

(6) Matters necessary for the composition and operation of the subcommittees under paragraph (5) shall be determined by the chairperson of the Si/Gun/Gu Review Committee, after resolution by the Si/Gun/Gu Review Committee.

Article 14 (Provisions to Be Applied Mutatis Mutandis)

@Article 8 (5) and Articles 9 through 11 shall apply mutatis mutandis to the operation and similar matters of the City/Do Review Committee and the Si/Gun/Gu Review Committee. In such cases, "the Minister of Oceans and Fisheries" shall be construed as "Mayor/Do Governor" or "the head of a Si/Gun/ Gu", and the "Central Review Committee" shall be construed as the "City/Do Review Committee" or the "Si/Gun/Gu Review Committee".

Article 15 (Support for Venture Fisheries)

(1) The scope of venture fisheries and fisheries-related enterprises under Article 20 (1) of the Act shall be as follows:

1. An enterprise engaged in the fisheries among venture businesses prescribed in Article 2 (1) of the Act on Special Measures for the Promotion of Venture Businesses;
2. An enterprise engaged in the fisheries or operating business directly or indirectly related to the fisheries;

(2) Supporting or fostering venture fisheries and fisheries-related enterprises pursuant to Article 20 (2) of the Act shall be conducted in each of the following ways:

1. Support for developing cutting-edge science and technology and fishery management skills;
2. Providing information on contributing funds, human resources, technology, and education and training necessary for supporting and fostering venture fisheries and fisheries-related enterprises;
3. Support for holding startup expos, exhibitions, etc. to foster venture fisheries and fisheries-related enterprises;
4. Support for other matters necessary for supporting and fostering venture fisheries and fisheries-related enterprises.

Article 16 (Fostering of Fisheries-Related Organizations)

(1) Organizations eligible for support for the establishment and operation of fisheries-related organizations under Article 22 (1) of the Act are as follows:

1. Non-profit corporations established with the permission of the Minister of Oceans and Fisheries pursuant to Article 32 of the Civil Act;

2. Public interest corporations established with the permission of the Minister of Oceans and Fisheries pursuant to Article 4 of the Act on the Establishment and Operation of Public Interest Corporations;
3. Producers' Associations.

(2) The scope of support by the State and local governments to fisheries-related organizations under Article 22 (2) of the Act are as follows:

1. Support for business and operating expenses necessary for the establishment and operation of social consultative bodies to fulfill the responsibilities of fisheries personnel, fishing villagers, producers' associations, and consumers under Article 4 (2) through (4) of the Act;
2. Support for expenses of construction or that of purchasing equipment of the facilities for education and training, management guidance, and consultation for the members of fisheries-related organizations, fishers, and others under paragraph (1).

Article 17 (Support for Occupational Change and Reemployment of Fisheries Personnel)

(1) "Any fisheries personnel falling under the requirements as prescribed by Presidential Decree" in the proviso of Article 26 (4) of the Act means any of the following persons:

1. Fishers who have lost their fishing base after selling fishing boats, etc.;
2. Fisheries personnel who have lost their job due to closure of fisheries as a result of support projects implemented by the State and local governments to improve the fisheries management structure pursuant to Article 26 (3) of the Act;
3. Micro fishers deemed to need non-fishing income because they have difficulty in make a living with fishing income;

(2) "Other matters prescribed by Presidential Decree" in Article 26 (5) 4 of the Act means providing necessary expenses, and education and training throughout the whole process, from advance preparation through follow-up management, in relation to supporting occupational change or reemployment of fisheries personnel.

Article 18 (Designation and Operation of Dedicated Institutions)

(1) The Minister of Oceans and Fisheries may, pursuant to Article 33 (1) of the Act, designate an institution exclusively in charge of affairs necessary for promoting and developing the fisheries (hereinafter referred to as "dedicated institution"), from among any of the following institutions or organizations:

1. Public institutions under Article 4 of the Act on the Management of Public Institutions;
2. Government-funded research institutes under the attached Table of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
3. Schools with research personnel and facilities related to the fisheries among the schools prescribed in subparagraphs 1 through 6 of Article 2 of the Higher Education Act;

4. Non-profit corporations established under Article 32 of the Civil Act which conduct work related to policy research or informatization in the field of fisheries;
 5. Other institutions or organizations recognized by the Minister of Oceans and Fisheries as having specialized personnel and organization necessary for conducting work of promoting and developing the fisheries.
- (2) The dedicated institutions designated under paragraph (1) shall perform each of the following affairs:
1. Survey and research on domestic and international fishery issues and systems;
 2. Private international cooperation in the field of fisheries;
 3. Support for improving the marine environment in a sea zone prescribed by international agreements;
 4. Provision of information on safe fishery products and support for quality control;
 5. Support for boosting consumption of fishery products through direct e-trade and others;
 6. Support for fostering and supplying specialized personnel through providing education and training and job information to domestic and foreign fisheries personnel;
 7. Support for promotion and exhibition of fisheries and fishing villages and accelerating informatization thereof;
 8. Support for developing a culture related to fisheries and fishing villages and spreading and promoting values thereof;
 9. Supporting and fostering venture fisheries and fisheries-related enterprises;
 10. Other projects entrusted by the head of a central administrative agency, the head of a local government, or a public institution to promote and develop the fisheries.
- (3) Matters necessary for designating and operating dedicated institutions, other than matters specified in paragraphs (1) and (2), shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 19 (Support for Providers of Information on Fisheries and Fishing Villages)

- (1) The Minister of Oceans and Fisheries, a Mayor/Do Governor, and the head of a Si/Gun/Gu may, pursuant to Article 41 (2) of the Act, provide persons including providers of information on fisheries and fishing villages, with each of the following expenses within budgetary limits:
1. Expenses incurred in providing fisheries personnel with information related to the management, technology, distribution of the fisheries, and others;
 2. Expenses of education and training for informatization for fisheries personnel and fishing villagers;
 3. Expenses of installing and managing informatization equipment such as computer and high-speed Internet services in fishing villages;
 4. Expenses for developing and distributing software and other programs related to fisheries and fishing villages.
- (2) Detailed procedures and criteria for selecting those entitled to support, usage of support funds, business operating entities, and other necessary matters under paragraph (1) shall be determined and publicly notified by the Minister of Oceans and Fisheries.

Article 20 (Creation of Fund Account)

The Minister of Oceans and Fisheries shall open a Fund account at the Bank of Korea to clarify the revenue and expenditure of the Fisheries Development Fund prescribed in Article 46 of the Act (hereinafter referred to as the "Fund").

Article 21 (Proceeds from Sale of Fishing Vessels and Fishing Gear)

“The sale price ... prescribed by Presidential Decree” in the proviso of Article 47 (1) 5 of the Act means 70 percent of proceeds from sale of fishing vessels and fishing gear, excluding expenses spent for sale, referred to in Article 8 (4) of the Enforcement Decree of the Act on the Restructuring of and Support for Coastal and Inshore Fisheries.

Article 22 (Entrustment of Fund Operation and Management)

The Minister of Oceans and Fisheries shall, pursuant to Article 48 (2) of the Act, entrust affairs related to revenue and expenditure of Fund for business prescribed in subparagraphs 1 and 2 of Article 25, and the operation and management of the Fund prescribed by the Minister of Oceans and Fisheries, to the National Federation of Fisheries Cooperatives prescribed in the Fisheries Cooperatives Act.

Article 23 (Classification of Fund Accounts)

The Minister of Oceans and Fisheries may, pursuant to Article 48 (4) of the Act, handle the accounting by classifying the Fund into the following accounts:

1. General fisheries business account: Fund for projects under Article 49 (1) 1 through 6, 9, 10 and 13 through 15 of the Act;
2. Marine-related business account: Fund for projects under Article 49 (1) 7, 8, and 12 of the Act;
3. Support business account for the implementation of the Free Trade Agreement: Fund for projects under Article 49 (1) 11 of the Act.

Article 24 (Operation of Surplus Funds)

The Minister of Oceans and Fisheries may manage surplus funds in the Fund in any of the following ways:

1. Deposit in a bank pursuant to the Banking Act;
2. Purchase of Government bonds, public bonds, or other securities.

Article 25 (Purpose of Use of Expenditure of Fund)

“Purposes prescribed by Presidential Decree” in Article 49 (2) of the Act means any of the following purposes:

1. Business of coordinating the shipment of fishery products;

2. Operation and management of stockpile of fishery products;
3. Development of technologies of processing, packaging, and storing fishery products, operation of a distribution information system, and facilitation of standardization of logistics;
4. Survey, research, promotion, education, training, and entering overseas markets for improving distribution system and stabilizing price of fishery products;
5. Other expenses necessary for the management and operation of the Fund.

Article 26 (Procedure for Payment of Subsidies)

(1) A person who intends to receive subsidies pursuant to Article 49 (3) of the Act shall apply for subsidies to the Minister of Oceans and Fisheries by clarifying the purpose and content of, and expenses necessary for, a relevant project.

(2) Upon receiving an application under paragraph (1), the Minister of Oceans and Fisheries shall determine as to whether to grant subsidies and notify the applicant of the results, after examining the following matters:

1. Whether the project complies with the purposes of the statutes and regulations and of the Fund;
2. Whether the content of the project is appropriate;
3. Whether the amount of subsidies have been calculated appropriately;
4. Whether the person has the ability to contribute his or her own capital (only applicable where the applicant of subsidies partially pays the funds).

(3) Where the Minister of Oceans and Fisheries decides to grant subsidies, the Minister may attach conditions necessary to achieve the purpose of subsidies prescribed by the statutes and regulations and of the Fund, such as if subsidized project completion would bring significant profits to the recipient of subsidies, the Minister may require the recipient to return all or part of the subsidies already granted within the scope of not violating the purpose of subsidies.

Article 27 (Collection of Fund)

(1) Where a Fund revenue collection officer appointed under Article 50 (1) of the Act intends to collect Fund revenues, the officer shall issue a notice of payment to the payer.

(2) A person who is issued a notice of payment under paragraph (1) shall pay relevant amount to a relevant Fund account in the Bank of Korea.

Article 28 (Receipt of Fund)

The Bank of Korea shall, upon receiving the Fund, issue a receipt to the payer and send a confirmation note of receipt to the Fund revenue collection officer without delay.

Article 29 (Limit on Encumbrance of Fund)

The Minister of Oceans and Fisheries shall allocate the limit on encumbrance of the Fund to a Fund financial officer in accordance with a Fund management plan, and the Fund financial officer shall perform encumbrance of the Fund within the allocated limit.

Article 30 (Fund Expenditure Limit)

(1) The Minister of Oceans and Fisheries shall allocate the expenditure limit to the Fund disbursement officer within the scope of Fund revenues; and shall notify the Minister of Economy and Finance and the Governor of the Bank of Korea thereof.

(2) The Minister of Economy and Finance may restrict Fund expenditure if deemed necessary in consideration of Fund revenue status and the like.

Article 31 (Procedures for Expenditure)

A Fund financial officer who intends to disburse the Fund shall send relevant documents for encumbrance to the Fund disbursement officer.

Article 32 (Operation, Management, and Supervision of Fisheries Policy Funds)

(1) “Operation, management, and supervision of fisheries policy funds” in Article 51 (3) of the Act means each of the following duties:

1. Operation, management, and supervision of fisheries policy funds;
2. Other duties prescribed and publicly notified by the Minister of Oceans and Fisheries as necessary for performing affairs under subparagraph 1.

(2) The Minister of Oceans and Fisheries shall, pursuant to Article 51 (3) of the Act, entrust duties referred to in each subparagraph of paragraph (1) to the Agricultural Policy Insurance and Finance Service established under Article 63-2 of the Framework Act on Agriculture, Rural Community and Food Industry.

ADDENDA

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 29947, Jul. 2, 2019>

This Decree shall enter into force on July 9, 2019.

Last updated : 2021-05-12

