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**ENFORCEMENT DECREE OF THE DISTANT WATER FISHERIES
DEVELOPMENT ACT**

[Enforcement Date 08. Oct, 2019.] [Presidential Decree No.30106, 08. Oct,
2019., Amendment by Other Act]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Decree is to prescribe matters delegated by the Distant Water Fisheries Development Act and matters necessary for enforcing said Act.

Article 2 (Standards for Collaboration with Foreigners) "Where the capital stock paid or voting rights held by nationals of the Republic of Korea exceeds the criteria prescribed by Presidential Decree" in subparagraph 2 of Article 2 of the Distant Water Fisheries Development Act (hereinafter referred to as the "Act") means the following cases: [<Amended by Presidential Decree No. 26387, Jul. 6, 2015>](#)

1. Where the corporation established by a national of the Republic of Korea jointly with a foreigner (including foreign corporations: hereinafter the same shall apply) is a Korean corporation;
2. Where the corporation established by a national of the Republic of Korea jointly with a foreigner is a foreign corporation in which the capital stock paid or voting rights held by the national of the Republic of Korea exceeds 50 percent: Provided, That where such national of the Republic of Korea is subject to reporting prescribed in Article 6 (7) of the Act after obtaining a distant water fisheries permit pursuant to Article 6 (1) of the Act, the rate of the capital stock paid or voting rights held by such national of the Republic of Korea of the foreign corporation established jointly with a foreigner shall be not less than 49 percent.

Article 3 (Methods of Investing in Business Related to Distant Water Fisheries) "Methods prescribed by Presidential Decree" in subparagraph 3 of Article 2 of the Act means the following methods:

1. A national of the Republic of Korea invests facilities or funds after acquiring a right to develop fishery resources, either solely or jointly with foreigners;
2. A national of the Republic of Korea provides technical services or loans, on condition that he/she receive fishery resources from foreigners who have acquired a right to develop fishery resources.

CHAPTER II FORMULATION OF COMPREHENSIVE PLANS FOR DEVELOPMENT OF DISTANT WATER FISHING INDUSTRY

Article 4 (Formulation of Comprehensive Plans for Distant Water Fishing Industry) If necessary to formulate a comprehensive plan for the development of the distant water fishing industry pursuant to Article 4 (1) of the Act, the Minister of Oceans and Fisheries may request the heads of the relevant administrative agencies to submit materials by October 31 of the year preceding that the comprehensive plan for the development of the distant water fishing industry is initiated. [*<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>*](#)

Article 5 (Organization and Operation of Deliberative Committee for Development of Distant Water Fishing Industry) (1) The Chairperson shall convene meetings of the Deliberative Committee for the Development of the Distant Water Fishing Industry prescribed in Article 5 (1) of the Act (hereinafter referred to as the "Deliberative Committee") when the Chairperson deems it necessary or at the request of at least five committee members.

(2) Where the Chairperson convenes a meeting of the Deliberative Committee, he/she shall notify each committee member of the date, time, venue, and, agenda at least five days prior to the meeting: Provided, That the same shall not apply in an emergency or other unavoidable circumstances.

(3) Committee meetings shall convene with the attendance of a majority of all incumbent members and resolutions shall be adopted with the concurrent votes of a majority of the members present.

(4) Where the Chairperson of the Deliberative Committee is unable to conduct his/her duties for unavoidable reasons, a member appointed by the Chairperson shall act for him/her.

(5) The Deliberative Committee shall have one administrative secretary appointed by the Chairperson from among public officials of the Ministry of Oceans and Fisheries in charge of the distant water fishing industry. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(6) Except as otherwise expressly provided for in this Decree, matters necessary for establishing and operating the Committee shall be determined by the Chairperson.

Article 6 (Listening to Opinions, and Payment of Allowances) (1) The Deliberative Committee may, if necessary to deliberate on the agenda, listen to the opinions of interested persons by holding public hearings or request relevant experts to submit their opinions or materials.

(2) Allowances or travel expenses may be paid to the members of the Deliberative Committee who attend meetings, and to persons who make statements or submit materials pursuant to paragraph (1), within budgetary limits: Provided, That the same shall not apply where a member who is a public official attends in direct connection with his/her duties.

CHAPTER III DISTANT WATER FISHING INDUSTRY

Article 7 (Reporting for Change of Permitted Matters of Distant Water Fisheries) "Minor matters prescribed by Presidential Decree" in the proviso to Article 6 (1) of the Act means the change of the following matters:

1. Name (in cases of corporations, the names of the representatives thereof);
2. Address;
3. and 4. Deleted. <by Presidential Decree No. 26387, Jul. 6, 2015>

Article 8 (Types of Distant Water Fisheries) The types of distant water fisheries prescribed in Article 6 (8) of the Act are as follows: <Amended by Presidential Decree No. 26387, Jul. 6, 2015>

1. Pelagic longline fishery: A fishery to catch marine animals by using a reel and line with multiple hooks, in a powered fishing vessel;
2. Pelagic trawl fishery: A fishery to catch marine animals by using a trawl net, in a powered fishing vessel;

3. Pelagic troll fishery: A fishery to catch marine animals by using a dragged net equipped with an otter board, in a powered fishing vessel;
4. Pelagic purse seine: A fishery to catch marine animals by using a purse seine, in a powered fishing vessel;
5. Pelagic gill net fishery: A fishery to catch marine animals by using a drift gill net or a set net, in a powered fishing vessel;
6. Pelagic stick - held dip net fishery: A fishery to catch marine animals by using a stick - held dip net, in a powered fishing vessel;
7. Pelagic jigging fishery: A fishery to catch marine animals by using a pole and line, or jigging, in a powered fishing vessel;
8. Pelagic trap fishery: A fishery to catch marine animals by using a fish trap, in a powered fishing vessel;
9. Pelagic mother ship type fishery: A fishery to catch marine animals with a mother ship having refrigeration and processing facilities; and other processing facilities and catcher boats annexed thereto;
10. Pelagic stow net fishery: A fishery to catch marine animals by using a stow net, in a powered fishing vessel.

Article 9 (New Permission for Distant Water Fisheries) (1) "New permission" in Article 7 (2) of the Act means the following cases:

1. Granting a distant water fishery permit to a fishing vessel permitted for distant water fishery: Provided, That cases where a fishing vessel with the permit granted pursuant to paragraph (2) is replaced shall be excluded;
2. Re - granting a distant water fishery permit to a fishing vessel permitted for distant water fishery due to a transfer, etc. of the fishing vessel;
3. Re - granting a distant water fishery permit upon expiration of the distant water fishery permit.

(2) "Replacement of permitted fishing vessels" in Article 7 (2) of the Act means granting a permit to a person who has obtained a distant water fishery permit for replacing his/her vessel permitted for distant water fishery with another fishing vessel (including where a permit is granted due to the discontinuation of distant water fisheries caused by the exportation, fire, disposal, destruction, etc. of fishing vessels).

Article 10 (Subsidization for International Fisheries Cooperation Projects) (1) Any person who intends to receive subsidies pursuant to Article 18 (2) and (3) of the Act shall prepare and submit a business plan for international fisheries cooperation projects to the Minister of Oceans and Fisheries. <Amended by Presidential Decree No.

20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(2) Where the Minister of Oceans and Fisheries receives a business plan pursuant to paragraph (1), he/she shall examine its feasibility and notify the applicant of the results of such examination.<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

Article 10 - 2 (Fishery - Related International Institutions and Organizations) "Fishery - related international institutions and organizations prescribed by Presidential Decree" in Article 18 (3) of the Act means the following institutions and organizations:

1. The Korea Overseas Fisheries Association prescribed in Article 28 of the Act;
2. The Korea Fisheries Resources Agency prescribed in Article 55 - 2 of the Fishery Resources Management Act;
3. Corporations comprised of persons involved in the distant water fishing industry;
4. Institutions or organizations designated by the Minister of Oceans and Fisheries, which experienced in promoting cooperative projects such as negotiations, conclusion, and implementation of agreements, etc. with international fishery organizations, foreign governments, or fishery - related foreign institutions or organizations.

[This Article Newly Inserted by Presidential Decree No. 25130, Jan. 28, 2014]

Article 11 (Reports on Business Plans Related to Distant Water Fisheries) (1) Any person who intends to report a business plan related to distant water fisheries pursuant to the former part of Article 23 (1) of the Act shall submit the documents prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by

Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(2) "Important matters prescribed by Presidential Decree" in the latter part of Article 23 (1) of the Act means the following:

1. Types and methods of business related to distant water fisheries;
2. Size and ratio of investment;

3. The other party to a contract for business related to distant water fisheries;
4. Nations for collaboration or nations for investment.

Article 12 (Investigation of Business Plans Related to Distant Water Fisheries) (1) Under Article 23 (2) and (3) of the Act, every business plan related to distant water fisheries shall be investigated for the following matters:

1. Technical and economic feasibility of the business related to distant water fisheries;
2. Appropriateness of financing and operating plans;
3. Fishery environment and investment environment of the nations to invest in;
4. Effects on the relevant domestic industries, such as the fishing industry.

(2) Where the Minister of Oceans and Fisheries receives a report of business plan related to distant water fisheries pursuant to Article 23 (1) of the Act, he/she shall examine the need for investigation and where he/she intends to investigate it, he/she shall pre - notify the reporting person of the period, items, etc. of the investigation.

<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(3) Any of the following business plans for distant water fisheries shall be subject to adjustment or recommendation prescribed in Article 23 (2) and (3) of the Act:

1. Where the size of investment is inappropriate compared to the financing ability;
2. Where it is technically unfeasible or uneconomical;
3. Where overinvestment is anticipated due to any concentration in a specific area or nation.

Article 13 (Support for Companies Related to Distant Water Fisheries) (1) Where a distant water fishery operator intends to receive supports for the establishment and operation of a separate company to conduct any business related to distant water fisheries pursuant to Article 25 (1) of the Act (hereinafter referred to as "related company"), he/she shall submit a business plan related to distant water fisheries, to the Minister of Oceans and Fisheries. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

(2) Where a related company conducts the following business, the Minister of Oceans and Fisheries may provide supports necessary therefor: <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

1. Logistics business for transporting, storing, delivering, packing, etc., fishery products produced from distant water fisheries or fishery products processed therefrom;
2. Business for processing fishery products inside or outside Korea;
3. Sales business of fishery products produced from distant water fisheries or fishery products produced therefrom;
4. Other business the Minister of Oceans and Fisheries deems necessary for the sophistication of the operation of business related to distant water fisheries.

(3) "Facilities prescribed by Presidential Decree" in Article 25 (2) 2 of the Act means the following: <Amended by Presidential Decree No. 25130, Jan. 28, 2014; Presidential Decree No. 27285, Jun. 28, 2016>

1. Joint collection and delivery centers prescribed in subparagraph 16 of Article 2 of the Distribution Industry Development Act;
2. Logistics complexes and support facilities prescribed in subparagraphs 6 - 4 and 8 of Article 2 of the Act on the Development and Management of Logistics Facilities.

(4) "Requirements prescribed by Presidential Decree" in Article 25 (3) of the Act are as follows: <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013>

1. To be a newly developed overseas fishing ground;
2. To have fishing vessels not older than 10 years;
3. To engage in fishing of species or in other fisheries unprohibited by coastal nations and international fisheries organizations;
4. To comply with the requirements the Minister of Oceans and Fisheries determines and publicly notifies.

Article 14 (Subsidies and Loans) Where the Minister of Oceans and Fisheries intends to provide funds or loans to distant water fisheries industry operators pursuant to Article 26 (2) and (3) of the Act, he/she shall publicly announce the size, standards, procedures, etc. thereof. <Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 26387, Jul. 6, 2015>

Article 14 - 2 (Repatriation of Graves of Seafarers Who Died Abroad While Employed in Distant Water Fisheries) (1) In order to manage the graves of seafarers who died abroad while aboard a ship to engage in distant water fisheries, the Minister of

Oceans and Fisheries may provide the following supports pursuant to Article 26 - 2 (1) of the Act:

1. To maintain graves including improvement and repair;
2. To establish memorial sculptures, etc., such as a memorial tower.

(2) In order to repatriate the corpse or remains of a seafarer deceased while aboard a ship overseas for distant water fisheries, which is buried in a grave abroad, the Minister of Oceans and Fisheries may provide the following support pursuant to Article 26 - 2 (1) of the Act:

1. Where any bereaved family member of the relevant seafarer (referring to any person who falls under subparagraph 16 (a) through (f) of Article 2 of the Act on Funeral Services, Etc.: hereinafter the same shall apply) directly proceeds to repatriate the corpse or remains of the relevant seafarer: The following support:
 - (a) To subsidize costs incurred in repatriating the corpse or remains of the seafarer (including costs to be incurred if his/her bereaved family member resides overseas);
 - (b) Support for discussions, etc. with the relevant foreign government, etc. to repatriate the corpse or remains of the seafarer;
 2. Where a bereaved family member of the deceased seafarer finds it difficult to directly proceed to repatriate his/her corpse or remains: The Minister of Oceans and Fisheries shall repatriate the corpse or remains of the seafarer to convey the corpse or remains to the bereaved family member.
- (3) Any bereaved family member of a seafarer who intends to obtain support prescribed in paragraph (2) shall request the Minister of Oceans and Fisheries for support with repatriating the corpse or remains of the relevant seafarer.
- (4) In providing supports prescribed in paragraph (2) 2, the Minister of Oceans and Fisheries may allow any bereaved family member to participate in the repatriation, and subsidizes the costs incurred therein.

[This Article Newly Inserted by Presidential Decree No. 25130, Jan. 28, 2014]

Article 15 (Business of Korea Overseas Fisheries Association) The Korea Overseas Fisheries Association prescribed in Article 28 (1) of the Act (hereinafter referred to as the "Association") shall conduct the following business:

1. Surveying, researching, and informatizing on distant water fisheries;
2. Preparing and managing statistics on distant water fisheries;
3. Encouragement of international cooperation for the development of distant water fisheries;
4. Educating and training persons engaging in distant water fisheries;
5. Developing and disseminating new technology of distant water fisheries;
6. Public relations on distant water fishery products and distant water fisheries;
7. Guiding on the improvement of business management of distant water fisheries;
8. Duties entrusted by the State or local governments;
9. Other business prescribed by the articles of incorporation of the Association.

Article 16 (Matters to be Included in Articles of Incorporation of Association) Matters to be included in the articles of incorporation of the Association pursuant to Article 28 (6) of the Act are as follows:

1. Objectives;
2. Name;
3. Location of the principal office;
4. Matters concerning members and general meetings;
5. Matters concerning executives;
6. Matters concerning business;
7. Matters concerning accounting;
8. Matters concerning its dissolution;
9. Other matters concerning the operation of the Association.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 17 Deleted. <by [Presidential Decree No. 26387, Jul. 6, 2015](#)>

Article 18 Deleted. <by [Presidential Decree No. 26387, Jul. 6, 2015](#)>

Article 19 (Delegation of Authority) (1) Under Article 30 (1) of the Act, the Minister of Oceans and Fisheries shall delegate to the Director General of the National Fishery Products Quality Management Service the following authority: <[Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 22962, Jun. 7, 2011; Presidential Decree](#)

No. 24455, Mar. 23, 2013; Presidential Decree No. 25130, Jan. 28, 2014; Presidential Decree No. 26387, Jul. 6, 2015>

1. To receive entry reports prescribed in Article 14 (1) of the Act;
- 1 - 2. To prohibit entry into ports prescribed in Article 14 (2) of the Act;
2. To conduct port state control inspections prescribed in Article 14 (3) of the Act and measures prescribed in paragraph (4) of the same Article;
3. To receive reports on the amount of unloading prescribed in Article 16 (1) of the Act (limited to parts brought into Korea).

(2) Under Article 30 (1) of the Act, the Minister of Oceans and Fisheries shall delegate to the President of the National Institute of Fisheries Science the following authority:<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 26387, Jul. 6, 2015; Presidential Decree No. 29922, Jun. 25, 2019>

1. To receive reports on the current status of operations and the amount of catches prescribed in Article 16 (1) of the Act;
2. To operate observer programs prescribed in subparagraph 3 of Article 21 of the Act (limited to the part regarding scientific investigation).

(3) Under Article 30 (1) of the Act, the Minister of Oceans and Fisheries shall delegate to the Minister of East Sea Fisheries Management Service the following authority:<Newly Inserted by Presidential Decree No. 26387, Jul. 6, 2015>

1. To investigate whether a distant water fishery operator violates any rule referred to in Article 13 (1) through (4) of the Act;
2. To request materials prescribed in Article 13 - 2 of the Act;
3. To receive reports on the amount of unloading (excluding parts brought into Korea) and the amount of transshipment prescribed in Article 16 (1) of the Act;
4. To grant permission for transshipment prescribed in Article 16 (2) of the Act.

Article 20 (Entrustment of Business) (1) Under Article 30 (2) of the Act, the Minister of Oceans and Fisheries shall entrust to the Association the following business:

<Amended by Presidential Decree No. 20677, Feb. 29, 2008; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 25130, Jan. 28, 2014; Presidential Decree No. 29922, Jun. 25, 2019>

1. To construct and operate the comprehensive information system on distant water fisheries prescribed in Article 19 (1) of the Act;

2. To receive and manage distant water fishery - related information provided by the honorary marine and fisheries officers prescribed in Article 22 (1) of the Act.

(2) Under Article 30 (2) of the Act, the Minister of Oceans and Fisheries shall entrust the operation of observer programs (excluding the part regarding scientific investigation) prescribed in subparagraph 3 of Article 21 of the Act to the Korea Fisheries Resources Agency prescribed in Article 55 - 2 of the Fishery Resources Management Act. <Newly Inserted by Presidential Decree No. 29922, Jun. 25, 2019>

CHAPTER V ADMINISTRATIVE FINES

Article 21 (Standards for Imposing Administrative Fines) Standards for imposing administrative fines prescribed in Article 36 (1) of the Act are prescribed in the attached Table. <Amended by Presidential Decree No. 26387, Jul. 6, 2015>
[This Article Wholly Amended by Presidential Decree No. 22882, Apr. 6, 2011]

ADDENDA <No. 20677, 29. Feb, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <No. 22882, 06. Apr, 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 2, the application of standards for imposing administrative fines to offenses committed before this Decree enters into force shall be governed by the previous provisions.

(2) Dispositions to impose administrative fines which have been taken for offenses committed before this Decree enters into force shall not be included in calculating number of times of offense committed, prescribed in the amended provisions of attached Table 2.

ADDENDA <No. 22962, 07. Jun, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 15, 2011.

Articles 2 and 3 Omitted.

ADDENDA <No. 24455, 23. Mar, 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 <No. 25130, 28. Jan, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 31, 2014.

Article 2 (Transitional Measures concerning Standards for Imposing Penalty Surcharges)

Notwithstanding the amended provisions of attached Table 1, the application of standards for imposing penalty surcharges for offenses committed before this Decree enters into force, shall be governed by the previous provisions.

ADDENDA <No. 26387, 06. Jul, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Reports for Change of Permitted Matters of Distant Water Fisheries)

Notwithstanding the amended provisions of subparagraphs 3 and 4 of Article 7, cases where a ground arises to change a permitted matter of distant water fisheries before this Decree enters into force shall be governed by the previous provisions.

Article 3 (Transitional Measure concerning Imposition of Administrative Fines)

Dispositions to impose administrative fines which have been taken for offenses committed before this Decree enters into force shall not be included in calculating

number of times of offense committed, prescribed in the amended provisions of subparagraph 2 (a) of attached Table.

ADDENDA <No. 27285, 28. Jun, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 30, 2016.

Article 2 Omitted.

ADDENDA <No. 29922, 25. Jun, 2019>

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

ADDENDA <No. 30106, 08. Oct, 2019>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.