ENFORCEMENT DECREE OF THE INLAND WATER FISHERIES ACT

Article 1 (Purpose)
The purpose of this Decree is to provide for matters delegated by the Inland Water Fisheries Act and matters necessary for the enforcement of said Act.

Article 2 (Scope of Public Institutions)
“Public organizations prescribed by Presidential Decree” in subparagraph 2 of Article 2 of the Inland Water Fisheries Act (hereinafter referred to as the “Act”) shall be the following organizations:

1. Korea Water Resources Corporation referred to in the Korea Water Resources Corporation Act;

Article 3 (Applications for Permission for Fishing Restriction, etc. in Private Waters)
Any person who intends to obtain permission to restrict or prohibit inland fisheries by other persons, under Article 4 (1) of the Act, shall submit to the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (referring to the heads of autonomous Gus, and also, in cases of the Han River in Seoul Special Metropolitan City, referring to the head of an agency in charge of duties concerning managing the Han River; hereinafter the same shall apply), a written application for permission to restrict, etc. inland fisheries stating the following:
1. Names and addresses of the applicants;
2. Locations and areas of the waters to be restricted or prohibited;
3. Periods to be restricted or prohibited;
4. Grounds for requesting the permission;
5. Documents by which the occupation or ownership of the waters for obtaining permission is verified.

**Article 4 (Formulation of Master Plan for Inland Fisheries)**

(1) The Minister of Oceans and Fisheries shall formulate master plans for inland fisheries in order to take policy measures for inland fisheries under Article 5 (1) of the Act. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, or the Governor of a Special Self-Governing Province (hereinafter referred to as a “Mayor/Do Governor”) shall formulate and implement a detailed plan for inland fisheries, as provided for in paragraph (1), in accordance with Article 5 (2) of the Act.

**Article 5 (Applications for Fishing Licenses)**

Any person who intends to obtain a fishing license under Article 6 (1) of the Act, shall submit a written application for a license for inland fisheries, to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the waters regarding which the applicant intends to obtain the license.

**Article 6 (Removal, etc. of Fishing Facilities)**

(1) Any waters manager who intends to file an application for removing fishing facilities or for issuing an order for other necessary measures in accordance with Article 7 (4) of the Act, shall submit to the Governor of a Special Self-Governing Province, or heads of Sis/Guns/Gus a written application stating the following:

1. Grounds for the need for measures such as the removal, etc. of fishing facilities;
2. Locations of waters and fishing facilities;
3. Names and addresses of fishing rights holders;
4. Facilities subject to measures such as removal;
5. Time to take measures and method for measures.

(2) If the Governor of a Special Self-Governing Province, or heads of Sis/Guns/Gus take necessary measures on receipt of an application made pursuant to paragraph (1), they shall determine the period for these measures, based on the ground for application and the degree of damage being inflicted upon the agricultural production infrastructure, etc.

(3) “Other necessary measures” which the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, may order a fishing rights holder to take, pursuant to provisions of Article 7 (4) of the Act excluding subparagraphs of the same Article of the same Act, means measures such as modification, relocation, destruction, etc.
(4) When the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu has ordered to take measures under paragraph (2), they shall, without delay, notify the relevant waters manager thereof.

**Article 7 (Applications for Fishing Permits)**

(1) Each person who intends to obtain a permit to engage in fishing pursuant to Article 9 (1) of the Act, shall apply for a fishing permit, with respect to fishing vessels in cases of fisheries operating with fishing vessels, or with respect to fishing gear in cases of fisheries operating by use of fishing gear, respectively.  
<Amended by Presidential Decree No. 24097, Sep. 7, 2012>

(2) Any person who intends to obtain a fishing permit pursuant to Article 9 (1) of the Act, shall submit a written application for a permit for inland waters, to the Governor of a Special Self-Governing Province, or heads of Sis/Guns/Gus having jurisdiction over the waters for the applicant intends to obtain the permit.  
<Amended by Presidential Decree No. 22333, Aug. 11, 2010>

**Article 8 (Approval for Restriction on Fisheries subject to Permits)**

(1) If a Mayor/Do Governor intends to obtain approval prescribed in Article 9 (4) of the Act, he/she shall submit a written application stating the following:  
<Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Ground for restriction;
2. Type, name, and contents of fisheries to be restricted;
3. Areas of operation of fisheries (including attachment of a plan of the areas);
4. Scale and method of fisheries to be restricted;
5. State of aquatic resources, such as aquatic animals and plants, to be restricted;
6. Relations with other fisheries.

(2) When a Mayor/Do Governor restricts areas of fishing operation, scale and method, etc., of fisheries subject to permits, on receipt of approval pursuant to paragraph (1), he/she shall, without delay, publicly announce such facts.

**Article 9 (Fisheries subject to Reporting)**

(1) “Fisheries prescribed by Presidential Decree” under Article 11 (1) of the Act shall be as follows:  
<Amended by Presidential Decree No. 27245, Jun. 21, 2016>

1. Cast-net fishery: fishery which captures aquatic animals using a cast net;
2. Fish-weir fishery: fishery which captures aquatic animals by installing a fish-weir in the rivers;
3. Trap fishery: fishery which captures aquatic animals using a trap;
4. Single-line fishing: fishery which captures aquatic animals with a single line fishing;
5. Inland-cultivation fishery: fishery which cultivates aquatic animals by installing specific facilities on land;
6. Deleted.  
<by Presidential Decree No. 25171, Feb. 11, 2014>

(2) Each person who intends to report on fisheries under Article 11 (1) and (2) of the Act, shall submit a written report on inland fisheries to the Governor of a Self-Governing Province or the head of a Si/Gun/Gu in accordance with the following classifications:  
<Amended by Presidential Decree No. 25719, Nov. 11, 2014>
1. Fisheries provided for in subparagraph 1 through 4 of paragraph (1): the Governor of a Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the domicile of the reporting person;
2. Fisheries provided for in subparagraph 5 of paragraph (1) and Article 11 (2) of the Act: the Governor of a Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the domicile of facilities.

(3) If the Governor of a Self-Governing Province or the head of a Si/Gun/Gu receives a report pursuant to paragraph (2), he/she shall issue a certificate of a report on inland fisheries to the reporting person.

Article 10 (Consultation on Use of Waters)

Matters on which the Governor of a Self-Governing Province or the head of a Si/Gun/Gu shall consult with the waters manager in advance pursuant to Article 12 (1) of the Act, shall be the following:
1. Location and area of waters used for fishery activities;
2. Type of fisheries;
3. Timing of fishing operations;
4. Facilities of fisheries;
5. Intended period for operation of fisheries;
6. Waters fees.

Article 11 (Ground for Reduction of Period of Validity of Fishing Licenses, etc.)

(1) “Cases prescribed by Presidential Decree in order to protect fishery resources and to coordinate fisheries” provided for in the proviso to Article 13 (1) of the Act means where necessary for the protection of propagation such as spawning, maturing, etc., of aquatic resources and for the implementation of aquatic policies.
(2) “Cases prescribed by Presidential Decree” provided for in the proviso to Article 13 (2) of the Act means any of the following:
1. Where fisheries are restricted or prohibited pursuant to other statutes;
2. Where the period of lease of fishing vessels, fishing gear, or facilities is less than five years.

Article 12 (Fishing Restrictions, etc., for Public Interest)

(1) Where the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu intends to impose a fishing restriction, etc., on a fishing license obtained or fisheries permitted or reported, pursuant to Article 16 of the Act, he/she shall undergo deliberation by the Inland Fisheries Coordination Council under Article 10 (4) of the Act.
(2) Where the head of a relevant administrative agency intends to request the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu to place restrictions on fisheries, etc., pursuant to Article 16 (2) of the Act, he/she shall request necessary measures in writing stating the following:  
<Amended by Presidential Decree No. 25719, Nov. 11, 2014; Presidential Decree No. 26774, Dec. 30, 2015>
1. Ground for and scope of the request of restriction, suspension, or revocation of fisheries;
2. Type of fishing and the relevant license, permit, or reporting number;
3. Names, date of birth, and addresses of fishing rights holders (in cases of a corporation or organization, the name of the corporation or organization and the name of the representative thereof);
4. Location and map of the waters necessary for the relevant measures;
5. Compensation measures for the loss which the relevant measures inflict on fisheries.

(3) When the head of the relevant agency makes a request pursuant to paragraph (2), he/she shall request the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu to submit materials necessary for the fishing rights, etc. In such cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall comply therewith such unless there exist special grounds.

(4) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu on receipt of a request pursuant to paragraph (2) shall notify the head of a relevant agency and fishing rights holders of an opinion on corrective measures requested.

(5) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu adopts an opinion pursuant to paragraph (4), necessary matters regarding criteria for determining corrective measures, its implementation procedures, etc., shall be prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 13 (Projects subject to Subsidies)
Projects for which the Governor of a Special Self-Governing Province, the Mayor/Do Governor, or the head of a Si/Gun/Gu (hereinafter referred to as the “administrative authority) may grant a subsidy or provide a loan pursuant to Article 17 of the Act, shall be the following: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Creation of inland water resources and projects for aquaculture infrastructure;
2. Projects for the treatment, processing, and distribution of freshwater fish and the promotion of export thereof;
3. Projects for development and dissemination of aquaculture technology;
4. Research on resources, and testing and research projects;
5. Promotion of organizations concerning inland waters;
6. Other projects deemed necessary to encourage and promote inland fisheries.

Article 14 (Restriction on Recreational Fishing, etc.)
(1) Any person who conducts recreational fishing pursuant to Article 18 of the Act, may capture and gather aquatic animals and plants, using fishing gear: Provided, That none of the following shall be used:
   1. Boat equipped with any power engine;
   2. Scuba equipment for diving;
   3. Cast net;
   4. Harpoon;
   5. Equipment restricted under other Acts and subordinate statutes, related to the capture and gathering of aquatic animals and plants.
(2) Notwithstanding the proviso to paragraph (1), the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may allow use of any gear or equipment provided for in subparagraphs 1 through 4 of paragraph (1) in a specifically designated area, based on the fishery conditions.

(3) If the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu intends to impose restrictions on the time, fishes to capture, areas, etc., of recreational fishing pursuant to Article 18 of the Act, he/she shall consider the following: <Amended by Presidential Decree No. 24001, Jul. 31, 2012; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 27245, Jun. 21, 2016>

1. Current status of the aquatic ecosystem including the type and amount of aquatic resources such as aquatic animals and plants living in the waters to be restricted;
2. Influence which recreational fishing in the waters to be restricted shall have on aquatic resources and the ecosystem;
3. Current status of discharge of aquatic seeds for the composition of aquatic resources;
4. Current status of habitation of aquatic animals and plants worthy of protection, such as endangered wildlife and Si/Do-protected wildlife pursuant to the Wildlife Protection and Management Act;
5. Matters determined and published by the Minister of Oceans and Fisheries in order to protect propagation, such as spawning, maturing, etc. of aquatic resources, and implement aquatic policy.

(4) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu imposes a restriction on the time, fishes to capture, areas, etc., of recreational fishing pursuant to Article 18 of the Act, he/she shall publicly announce the following, and shall install an information board with facts publicly announced in the relevant area subject to restrictions:

1. Name and location of the area to be restricted;
2. Restrictive matters, such as the timing and scope thereof, to be restricted;
3. Penalty provisions concerning a person violating any restricted matter;
4. Other matters necessary for restrictions on recreational fishing.

Article 15 (Permission to Use Harmful Fishing Method)

Any person who intends to obtain permission for use under the proviso to Article 19-3 (2) of the Act in order to capture or gather aquatic animals and plants using explosives, poisons or electricity, shall submit to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, a written application for permission to use the harmful fishing method.

Article 15-2 (Modification of Comprehensive Management Plan for Fish Ladders)

“Minor matters prescribed by Presidential Decree” provided for in the proviso to Article 19-3 (2) of the Act means the increase or decrease by up to one tenth of the project expenses determined under the comprehensive management plan for fish ladders.

Article 15-3 (Timing, Scope, Method, etc. of Fact-Finding Survey)

(1) A fact-finding survey (hereinafter referred to as “fact-finding survey”) provided for in Article 19-4 of the Act shall be conducted in accordance with the following classifications:
1. Regular survey: five-yearly survey for the formulation of a comprehensive management plan for fish ladders as provided for in Article 19-3 (1) of the Act;
2. Occasional survey: survey when deemed necessary to install and manage fish ladders.

(2) A fact-finding survey shall include the following:
1. Current status of the installation and management of fish ladders;
2. Current status of the research, development, and supply of technology relating to fish ladders;
3. Current status of educational programs for technology relating to fish ladders and the scale of educational manpower supporting for the educational programs;
4. International trends towards fish ladders;
5. Other matters necessary for the formulation and implementation of policies for the installation and management of fish ladders.

(3) In principle, a fact-finding survey shall be conducted by on-site investigation, and may be conducted in parallel with indirect investigations through statistical data, literature, etc.

(4) Where a fact-finding survey is conducted, an investigation plan shall be formulated including the standard of the scope subject to investigation, the date, and time, and method of investigation, etc.

**Article 15-4 (Method and Procedure of Orders to Take Measures, etc.)**

(1) Where the Minister of Oceans and Fisheries and the head of a local government orders a person who has installed fish ladders pursuant to Article 19-7 (1) of the Act, to perform corrective or other necessary measures, he/she shall notify the person of the ground therefor, the method and period of implementation, etc., in writing. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) Where a person who has installed fish ladders on receipt of an order issued pursuant to paragraph (1) fails to implement the order within the period of implementation due to natural disasters or other unavoidable grounds, he/she may file an application with the Minister of Oceans and Fisheries and the head of a local government, by no later than seven days before the end of the period of implementation, for an extension of the period of implementation. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(3) Where a person who has installed fish ladders on receipt of an order issued pursuant to paragraph (1) implements the order within the period of implementation, he/she shall submit to the Minister of Oceans and Fisheries and the head of a local government, a written report on performance of the implemented order. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(4) Where a period for implementation of an order provided for in paragraph (1) ends, the Minister of Oceans and Fisheries and the head of a local government shall verify as to whether the order is implemented. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

**Article 16 (Requests for Compensation)**

(1) Any person who intends to obtain compensation pursuant to Article 21 (1) of the Act, shall submit a claim stating the following, along with documents to verify any loss, to the administrative authority that has issued a disposition related to such loss: <Amended by Presidential Decree No. 26774, Dec. 30, 2015>
1. License, permit, or reporting number, and the name (in the case of a corporation or organization, the name of the corporation or organization and the name of the representative thereof), address, and date of birth of a person who has received an order for construction pursuant to Article 43 (2) of the Fishery Resources Management Act applied mutatis mutandis under Article 22 of the Act;
2. Details of the disposition and the date issued;
3. Contents of loss;
4. The amount and particulars of loss, and the method of calculation thereof.

(2) The administrative authority shall, on receipt of a claim submitted pursuant to paragraph (1), investigate and examine the contents thereof, and shall send a written opinion concerning the details thereof to the relevant applicant for compensation and a beneficiary provided for in Article 81 (2) of the Fisheries Act (only where a beneficiary exists; hereinafter the same shall apply).

Article 17 (Prohibition of Poaching and Harvesting)
The prohibited period, areas, and body lengths of inland fishery resources prohibited from poaching and harvesting prescribed in Article 21-2 of the Act, shall be as listed in attached Table 1.

Article 17-2 (Re-Examination of Regulation)
With respect to the following matters, the Minister of Oceans and Fisheries shall examine the appropriateness of the following matters every three years, counting from each base date specified in the following (referring to the period that ends on the day before the base date of every third year) and shall take measures, such as making improvements: <Amended by Presidential Decree No. 27751, Dec. 30, 2016>
1. Prohibition of poaching and harvesting prescribed in Article 17 and attached Table 1: January 1, 2017;
2. Standards for imposition of administrative fines prescribed in Article 18 and attached Table 2: January 1, 2017.

Article 18 (Standards for Imposition of Administrative Fines)
The standards for imposition of administrative fines under Article 27 (1) and (2) of the Act shall be as listed in attached Table 2.

ADDENDA
(1) (Enforcement Date) This Decree shall enter into force on July 29, 2000.
(2) (Transitional Measures concerning Already Received Applications for Licenses, etc.) Applications made for a license, permission, approval, etc. of fisheries, and reporting on fisheries made in accordance with the former provisions as at the time of this Decree enters into force, shall be deemed applications and reporting, respectively, made pursuant to this Decree.
(3) (Transitional Measures concerning Amendment of Names of Fisheries) Fisheries with weirs shall be deemed fish-weir fisheries prescribed in the amended provisions of Article 11 (1) 2, as at the time this Decree enters into force.
(4) (Relations with other Acts and Subordinate Statutes) Where the former Enforcement Decree of the Inland Water Fisheries Development Promotion Act or any provision thereof, is cited in other Statutes as at the time this Decree enters into force, if such provisions exist in this Decree, this Decree or the relevant provisions thereof are deemed cited in lieu of the former provisions.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>
This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 19078, Sep. 30, 2005>
(1) (Enforcement Date) This Decree shall enter into force on October 1, 2005.
(2) Omitted.

ADDENDA <Presidential Decree No. 19463, Apr. 28, 2006>
Article 1 (Enforcement Date)
This Decree shall enter into force on April 30, 2006.
Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 20351, Oct. 31, 2007>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.
Articles 2 through 9 Omitted.

ADDENDA <Presidential Decree No. 20677, Feb. 29, 2008>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.
Articles 2 through 7 Omitted.

ADDENDA <Presidential Decree No. 21565, Jun. 26, 2009>
Article 1 (Enforcement Date)
This Decree shall enter into force on June 30, 2009. (Proviso Omitted.)
Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 21804, Nov. 2, 2009>
This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 22127, Apr. 20, 2010>
Article 1 (Enforcement Date)
This Decree shall enter into force on April 23, 2010.

Articles 2 through 11 Omitted.

ADDENDUM <Presidential Decree No. 22187, Jun. 8, 2010>
This Decree shall enter into force on June 18, 2010.

ADDENDA <Presidential Decree No. 22333, Aug. 11, 2010>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.

Articles 2 (Transitional Measures concerning Change of the Administrative Authority for Permission for Inland Fisheries)
Each person who has obtained permission to engage in fisheries from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the domicile of the applicant pursuant to the former provisions as at the time this Decree enters into force, shall be deemed to have obtained a permit for fisheries from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the relevant waters, pursuant to the amended provisions of Article 7 (2).

ADDENDA <Presidential Decree No. 24001, Jul. 31, 2012>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 24097, Sep. 7, 2012>
Article 1 (Enforcement Date)
This Decree shall enter into force on September 10, 2012.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 24173, Nov. 12, 2012>
Article 1 (Enforcement Date)
This Decree shall enter into force on November 24, 2012.

Articles 2 (Transitional Measures concerning Standards for Imposition of Administrative Fines)
(1) Where any of the standards for imposition of administrative fines applies to an offense committed before this Decree enters into force, the former provisions shall apply, notwithstanding the amended provisions listed in attached Table 2.
(2) No disposition for imposition of administrative fines imposed for an offense committed before this Decree enters into force, shall be included in the calculation of the number of offenses pursuant to the amended provisions listed in attached Table 2.

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.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>
This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 25171, Feb. 11, 2014>

Article 1 (Enforcement Date)
This Decree shall enter into force on February 14, 2014. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 25719, Nov. 11, 2014>

Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.

Articles 2 (Transitional Measures concerning Penalty Provisions Applicable to Violation of Prohibition of Capturing and Gathering)
Where any penal provision applies to an offense committed before this Decree enters into force, the former provisions shall apply, notwithstanding the amended provisions of items (a) and (d) of subparagraph 1 and item (f) of subparagraph 2 listed in attached Table 2.

ADDENDUM <Presidential Decree No. 26774, Dec. 30, 2015>
This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 26847, Dec. 31, 2015>

Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.

Articles 2 (Transitional Measures concerning Administrative Fines)
Where the standards for imposition of administrative fines are applied to violations committed before this Decree enters into force, the former provisions shall apply, notwithstanding the amended provision of subparagraph 2 (d) of attached Table 2.
ADDENDA <Presidential Decree No. 27245, Jun. 21, 2016>

Article 1 (Enforcement Date)
This Decree shall enter into force on June 23, 2016.

Articles 2 through 4 Omitted.

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

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

Articles 2 through 12 Omitted.

ADDENDUM <Presidential Decree No. 27785, Jan. 10, 2017>
This Decree shall enter into force on July 1, 2017.