

SPECIAL ACT ON ASSISTANCE TO FARMERS, FISHERMEN, ETC. FOLLOWING THE CONCLUSION OF FREE TRADE AGREEMENTS

Wholly Amended by Act No. 10890, Jul. 21, 2011

Amended by Act No. 11172, Jan. 17, 2012

Act No. 11505, Oct. 22, 2012

Act No. 11703, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Act is to contribute to the business management and to the stability of livelihood of farmers, fishermen, etc. by improving the competitiveness of agriculture, fisheries, etc. and formulating efficient measures for supporting farmers, fishermen, etc. who sustain or are likely to sustain any loss or damage in the course of implementing free trade agreements.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "free trade agreement" means an international agreement that the Republic of Korea concludes with any other country or a regional trade bloc on the liberalization of trade, which includes matters concerning the reduction or removal of tariffs on agricultural or fishery products, etc. and the expansion, etc. of market accessibility;
2. The term "agriculture, etc." means agriculture as defined in subparagraph 1 (a) of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry and the food industry as defined in subparagraph 8 of Article 3 of the aforesaid Act;
3. The term "fisheries, etc." means fisheries as defined in subparagraph 1 of Article 2 of the Fisheries Act;
4. The term "agriculture, fisheries, etc." means agriculture, etc. and fisheries, etc.;
5. The term "farmer, etc." means a farmer as defined in subparagraph 2 (a) of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry and an agricultural corporation as defined in subparagraph 2 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises;
6. The term "fisherman, etc." means a fishery owner as defined in subparagraph 13 of Article 2 of the Fisheries Act and a fisheries corporation as defined in subparagraph 5 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises;

7. The term "farmers, fishermen, etc." means farmers, etc. and fishermen, etc.;
8. The term "producers' organization" means a producers' organization as defined in subparagraph 4 of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry and a fisheries cooperative as defined in Article 2 of the Fisheries Cooperatives Act;
9. The term "agricultural product" means an item under Article 2 of the Agreement on Agriculture in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, other than fishery products as defined in subparagraph 10 below;
10. The term "fishery product" means a fishery product as defined in subparagraph 1 of Article 2 of the Quality Control of Fishery Products Act and a processed fishery product as defined in subparagraph 4 of Article 2 of the aforesaid Act.

Article 3 (Basic Principles for Support to Farmers, Fishermen, etc.)

The Government shall take necessary measures to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization for improving the competitiveness of agriculture, fisheries, etc. and promoting the efficient restructuring and business stabilization of agriculture, fisheries, etc. in order to minimize any loss or damage that might be sustained by farmers, fishermen, etc. due to the implementation of a free trade agreement (hereinafter referred to as "agreement").

Article 4 (Formulation of Comprehensive Measures to Support Farmers and Fishermen)

(1) The Government shall formulate comprehensive measures to support farmers, fishermen, etc. following the implementation of a free trade agreement (hereinafter referred to as "comprehensive measures to support farmers and fishermen") in order to efficiently support farmers, fishermen, etc. who have suffered, or are likely to suffer, any loss or damage by the implementation of the agreement.

(2) The comprehensive measures to support farmers and fishermen shall include each of the following:

1. Measures to compensate for the loss or damage sustained by farmers, fishermen, etc.;
2. Measures to improve relevant systems for supporting farmers, fishermen, etc.;
3. Other necessary measures to promote the comprehensive measures to support farmers and fishermen.

(3) When the Government formulates or modifies comprehensive measures to support farmers and fishermen, it shall report thereon to the Standing Committees of the National Assembly having jurisdiction over the issue, subject to deliberation thereon by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. as referred to in Article 19. *<Amended by Act No. 11703, Mar. 23, 2013>*

(4) When the Government formulates comprehensive measures to support farmers and fishermen, it shall, in advance, investigate and analyze any possible effects of the implementation of agreements on agriculture and fisheries, such as production decline in agriculture and fisheries and reduction of rural income, and shall fully reflect the results thereof.

(5) Necessary matters concerning criteria, procedures, etc. for formulating and modifying comprehensive measures to support farmers and fishermen, and detailed time frames, methodology, etc. for the investigation and analysis provided for in paragraph (4) shall be prescribed by Presidential Decree.

Article 5 (Support for Improvement of Competitiveness of Agriculture, Fisheries, etc.)

The Government may provide special support for the following activities by granting subsidies or loans in order to improve the competitiveness of agriculture, fisheries, etc. that have sustained, or are likely to sustain, any loss or damage by the implementation of an agreement: <Amended by Act No. 11703, Mar. 23, 2013>

1. Expanding agricultural or fishery businesses by the purchase, rent, etc. of farmland;
 2. Improving infrastructure for production, such as channels for supply and drainage of water and paths for cultivation;
 3. Promoting the production of high-quality agricultural or fishery products, through supply of seeds or breeding stock of superior quality, and support of agricultural materials;
 4. Promoting the production and distribution of environment-friendly agricultural or fishery products;
 5. Establishing and operating processing and distribution facilities for agricultural or fishery products;
 6. Conducting research and development and dissemination activities for the development and improvement of varieties of agricultural or fishery products, and the promotion of the processing of agricultural or fishery products;
 7. Promoting the modernization and expansion of production facilities for agriculture, fisheries, etc.;
 8. Consulting on and promoting the development of techniques for the management, planning, distribution, advertisement, accounting, technology development, conversion in breeding, etc. for agriculture, fisheries, etc.;
 9. Other activities deemed necessary by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries for improving the competitiveness of agriculture, fisheries, etc.
- (2) Necessary matters concerning criteria for and methods of calculating loss or damage to agriculture, fisheries, etc. and detailed standards, period and procedures for assistance or loan shall be prescribed by Presidential Decree.

Article 6 (Compensation for Loss and Damage Caused by Implementation of Free Trade Agreements)

- (1) For items that have suffered price decline due to the rapid increase in the volume of imports by the implementation of an agreement, the Government may execute a policy to directly pay compensation for losses and damage caused by the implementation of the said agreement (hereinafter referred to as "direct compensation for losses and damage") to farmers, fishermen, etc. who had been producing the relevant items prior to the effective date of the said agreement, for ten years from the effective date of the Free Trade Agreement between the Republic of Korea, of the One Part, and the European Union and its Member States, of the Other Part.
- (2) Necessary matters concerning criteria for the selection of eligible items under paragraph (1), procedures for the payment of the direct compensation for losses and damage, etc. shall be prescribed by Presidential Decree.

Article 7 (Criteria for Payment of Direct Compensation for Losses and Damage)

(1) Where any item eligible for the payment of direct compensation for losses and damage falls under both of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall pay direct compensation for losses and damage each year, to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization: *<Amended by Act No. 11172, Jan. 17, 2012; Act No. 11703, Mar. 23, 2013>*

1. Where the average price of the item eligible for the payment of direct compensation for losses and damage for the relevant year declines to a level less than the base price (which refers to the price calculated by multiplying the average price for three years, out of the average prices for the latest five years immediately preceding the relevant year excluding the highest and lowest prices, by 90/100: hereinafter the same shall apply) due to the implementation of an agreement: Provided, That for the year of effectuation of the agreement, this means where the average price of the item eligible for the payment of direct compensation for losses and damage declines to a level less than the base price from the effective date of the agreement to the end of the relevant year;

2. Where the total import volume of the item eligible for the payment of direct compensation for losses and damage for the relevant year exceeds the base total volume of imports (which refers to the average total volume of imports for three years, out of the average total volumes of imports for the latest five years immediately preceding the relevant year excluding the highest and lowest prices: hereinafter the same shall apply) due to the implementation of an agreement and the volume of imports from the Contracting State for the relevant year exceeds the base volume of imports: Provided, That for the year of effectuation of the agreement, the total volume of imports and the volume of imports from the Contracting State for the relevant year shall be calculated on the basis of the volume of imports from the effective date of the agreement to the end of the relevant year, whereas the base total volume of imports and the base volume of imports shall be calculated by multiplying the annual total volume of imports and the annual base volume of imports by the ratio calculated by dividing the number of days from the effective date of the agreement to the end of the relevant year by 365 days.

(2) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries decides whether or not the eligibility requirements provided for in the subparagraphs of paragraph (1) are fulfilled, he/she shall undergo an investigation and analysis conducted by a center for supporting farmers, etc. or a center for supporting fishermen, etc. following the implementation of free trade agreements designated under Article 20 and deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. as referred to in Article 19. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) Methods of investigating the average prices of the eligible items and methods of calculating the total volumes of imports, base total volumes of imports, volume of imports from the Contracting State for the relevant year, base volumes of imports, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11703, Mar. 23, 2013>*

Article 8 (Methods of Calculating Direct Compensation for Losses and Damage)

(1) Direct compensation for losses and damage shall be calculated by the following formulae: Provided, That the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may choose different calculation methods for each item subject to deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. as referred to in Article 19, if he/she deems it inappropriate to calculate the direct compensation for losses and damage on the basis of production area or volume of production as in the case of the livestock industry: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. Agriculture, etc.: production area for an eligible item \times national average volume of production per unit area \times payment rate for direct compensation for losses and damage (hereinafter referred to as "payment rate") \times adjustment factor;

2. Fisheries, etc.: volume of production for an eligible item \times payment rate \times adjustment factor.

(2) The payment rate referred to in the subparagraphs of paragraph (1) shall be calculated by multiplying the difference between the base price and the average price for the relevant year by 90/100: Provided, That for the year of effectuation of the agreement, the payment rate shall be calculated by multiplying the difference between the base price and the average price from the effective date of the agreement to the end of the relevant year by 90/100.

(3) The adjustment factor referred to in the subparagraphs of paragraph (1) shall be determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries subject to deliberation by the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. as referred to in Article 19, to the extent permitted under the Marrakesh Agreement Establishing the World Trade Organization for the payment of direct compensation for losses and damage. *<Amended by Act No. 11703, Mar. 23, 2013>*

(4) Notwithstanding paragraph (1), the maximum amount of direct compensation for losses and damage for each item shall be prescribed by Presidential Decree, within the limit of 50 million won for an agricultural corporation as defined in subparagraph 2 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises and a fisheries corporation as defined in subparagraph 5 of the aforesaid Article, and 35 million won for a farmer as defined in subparagraph 2 (a) of Article 3 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry and a fishery owner as defined in subparagraph 13 of Article 2 of the Fisheries Act. *<Newly Inserted by Act No. 11172, Jan. 17, 2012>*

(5) Methods of calculating the production areas for the eligible items, national average volumes of production per unit area in the case of agriculture, etc., and volumes of production for the eligible items in the case of fisheries, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11172, Jan. 17, 2012; Act No. 11703, Mar. 23, 2013>*

Article 9 (Subsidization for Discontinuance of Business)

(1) If it is deemed difficult to continue a business of growing, raising, collecting, picking, or cultivating any kind of fruit, greenhouse plant, or livestock or fishery product as a consequence of the implementation of an agreement, the Government may execute a policy for a specific period to pay a subsidy for discontinuance of business to farmers, fishermen, etc. who discontinue such business.

(2) Necessary matters concerning criteria for the selection of products eligible under paragraph (1), guidelines for the payment, methods of calculation, procedures for payment, and the period of implementation, of subsidies for discontinuance of business shall be prescribed by Presidential Decree.

Article 10 (Support to Producers' Organizations)

The Government may support any producers' organization to purchase, store, or process agricultural or fishery products that have suffered, or are likely to suffer, price decline, reduced output, etc. due to an rapid increase in imports by the implementation of an agreement.

Article 11 (Subsidies to Processors of Agricultural or Fishery Products)

The Government may subsidize funds necessary for the normalization of business, if processors of agricultural or fishery products sustain losses and damage, such as a rapid decline in sales, as a consequence of the implementation of an agreement.

Article 12 (Support from Local Governments)

Where a local government deems that the stabilization of the local economy is likely to be undermined by losses and damage caused by the implementation of an agreement, such as a decrease in the prices or output of agricultural or fishery products mainly produced in its jurisdiction due to an rapid increase in imports by the implementation of an agreement, it may establish a plan for subsidizing such products and provide subsidies and support as provided in Articles 5, 6, 9 through 11.

Article 12-2 (Submission to National Assembly of Investment/Loan Plan and Written Report on Performance Analysis to Support Farmers and Fishermen)

(1) The Government shall prepare a written report (hereinafter referred to as “the plan for investment and loan to support farmers and fishermen”) on the planned amount of the next fiscal year, being analysed by function and character, from the financial support in accordance with the comprehensive measures to support farmers and fishermen, and submit it to the Standing Committee of National Assembly having jurisdiction over the issue before 90 days of the commencement date of every fiscal year. In such cases, performance objectives, expected effect, financial procure plan, annual financial support plan, etc. shall be included in the plan for investment and loan to support farmers and fishermen.

(2) The Government shall prepare a written report (hereinafter referred to as “the written report on the performance analysis for supporting farmers and fishermen”) in which the financial support of Government is estimated whether to improve the competitiveness of agriculture, fisheries, etc. and contribute to the business management and to the stability of livelihood of farmers, fishermen, etc. by analysing the performance result, outcome and effect of the previous fiscal year by the financial support in accordance with the comprehensive measures to support farmers and fishermen, and submit it to the

Standing Committee of National Assembly having jurisdiction over the issue by 31st of May every year.

(3) Detailed method of preparation and matters necessary for submission of the plan for investment and loan to support farmers and fishermen and the written report on the performance analysis to support farmers and fishermen shall be prescribed by Presidential Decree.

Article 13 (Establishment of Support Fund for Implementation of Free Trade Agreements)

(1) The Government shall establish a support fund for the implementation of free trade agreements (hereinafter referred to as the "Fund") to secure financial resources necessary to take measures to support farmers, fishermen, etc. who have sustained or are likely to sustain losses and damage as a consequence of the implementation of an agreement.

(2) The Minister of Agriculture, Food and Rural Affairs shall open a fund account with the Bank of Korea to ensure the clear management of the revenue and expenditure of the Fund under paragraph (1). *<Amended by Act No. 11703, Mar. 23, 2013>*

Article 14 (Raising of Fund)

(1) The Government shall establish a subsidy plan from the Fund amounting to a total of 1,200 billion won for seven years from the effective date of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile and shall raise funds required for implementing the plan.

(2) Where the Government formulates comprehensive measures to support farmers and fishermen pursuant to Article 4 following the implementation of an agreement, it shall formulate a new subsidy plan from the Fund, which includes the subsidy plan established under paragraph (1).

(3) The Fund shall be raised from the following financial resources:

1. Contributions from the Government;
2. Contributions or donations from any person other than the Government;
3. Contributions from the special reserve under Article 42 (4) of the Korean Racing Association Act;
4. Borrowings under paragraph (4);
5. Contributions for public sale or margins from importation under Article 22 (1);
6. Gains from management of the Fund;
7. Transferred money under Article 4 (2) 3-3 of the Act on Special Accounts for the Structural Improvement of Agricultural and Fishing Villages.

(4) If the Minister of Agriculture, Food and Rural Affairs deems it necessary for the management of the Fund, he/she may take a loan from the Bank of Korea, a financial institution under Article 2 (2) of the Act on the Credit Guarantee for Farmers and Fishermen, or any other fund or account, on account of the Fund. *<Amended by Act No. 11703, Mar. 23, 2013>*

Article 15 (Use of Fund)

The Fund shall be used for the following purposes: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. For supporting the improvement of competitiveness of agriculture, fisheries, etc. pursuant to Article 5;

2. For compensating for losses and damage sustained by farmers, fishermen, etc. pursuant to Articles 6 through 8;
3. For supporting farmers, fishermen, etc. who discontinue their business pursuant to Article 9;
4. For supporting producers' organizations pursuant to Article 10;
5. For supporting processors of agricultural or fishery products pursuant to Article 11;
6. For repaying the principal and interest of borrowings under Article 14;
7. For disbursing expenses incurred in imposing and collecting margins, etc. from importation of agricultural products pursuant to Article 22;
8. For disbursing expenses incurred in the management and operation of the Fund;
9. For other activities deemed necessary by the Minister of Agriculture, Food and Rural Affairs specifies for supporting farmers, fishermen, etc. following the implementation of an agreement.

Article 16 (Operation and Management of Fund)

- (1) The Fund shall be operated and managed by the Minister of Agriculture, Food and Rural Affairs.
<Amended by Act No. 11703, Mar. 23, 2013>
- (2) The Minister of Agriculture, Food and Rural Affairs may entrust a person prescribed by Presidential Decree with administrative affairs for the operation and management of the Fund. <Amended by Act No. 11703, Mar. 23, 2013>
- (3) Other matters necessary for the operation and management of the Fund and the entrustment of administrative affairs therefor shall be prescribed by Presidential Decree.

Article 17 (Draft Plans for Fund Operation)

The Minister of Agriculture, Food and Rural Affairs shall prepare a draft plan for the operation of the Fund for each fiscal year pursuant to Article 66 of the National Finance Act. <Amended by Act No. 11703, Mar. 23, 2013>

Article 18 (Accounting of Fund)

- (1) The Minister of Agriculture, Food and Rural Affairs shall appoint a Fund Revenue Collection Officer, a Fund Treasurer, a Fund Disbursement Officer, and an officer in charge of accounts, from among public officials under his/her jurisdiction, in order to carry out administrative affairs for the revenue and expenditure of the Fund. <Amended by Act No. 11703, Mar. 23, 2013>
- (2) If the Minister of Agriculture, Food and Rural Affairs entrusts administrative affairs for the operation and management of the Fund pursuant to Article 16 (2), he/she shall appoint an executive responsible for revenue of the Fund and an executive responsible for acts of incurring expenditure respectively, from among executives of the entrusted person, and appoint a fund disburser and a fund cashier respectively, from among employees of the entrusted person. In such cases, the executive responsible for the revenue of the Fund shall perform the duties of the Fund Revenue Collection Officer; the executive responsible for incurring expenditure, the duties of the Fund Treasurer; the fund disburser, the duties of the Fund Disbursement Officer; and the fund cashier, the duties of the officer in charge of accounts, respectively.
<Amended by Act No. 11703, Mar. 23, 2013>

Article 19 (Committee for Supporting Farmers, etc. and Committee for Supporting Fishermen, etc.)

(1) The Committee for Supporting Farmers, etc. following the implementation of Free Trade Agreements (hereinafter referred to as the "Committee for Supporting Farmers, etc.") and the Committee for Supporting Fishermen, etc. following the implementation of Free Trade Agreements (hereinafter referred to as the "Committee for Supporting Fishermen, etc.") shall be established under the jurisdiction of the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, in order to deliberate on matters necessary for improving the competitiveness of agriculture, fisheries, etc. and minimizing any loss or damage to be incurred. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) The chairpersons of the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries, respectively. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) The Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be comprised of 20 members or less, including each chairperson of both Committees, the Vice Minister of Strategy and Finance, the Vice Minister of Trade, Industry and Energy, persons with abundant knowledge and experience in related fields who are commissioned by the chairperson through recommendation of the Standing Committees of the National Assembly having jurisdiction over the issue, and persons falling under the followings: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. Committee for Supporting Farmers, etc. : the Vice Minister of Agriculture, Food and Rural Affairs, representatives from organizations of farmers or consumers who are commissioned by the Minister of Agriculture, Food and Rural Affairs, certified public appraisers, experts from academic circles, and persons with abundant knowledge and experience in related fields;

2. Committee for Supporting Fishermen, etc. : the Vice Minister of Oceans and Fisheries, representatives from organizations of fishermen or consumers who are commissioned by the Minister of Oceans and Fisheries, certified public appraisers, experts from academic circles, and persons with abundant knowledge and experience in related fields.

(4) The Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall deliberate on matters related to agriculture, etc. and matters related to fishery, etc. respectively in the followings: *<Amended by Act No. 11703, Mar. 23, 2013>*

1. Basic policies on support for farmers, fishermen, etc.;

2. Comprehensive measures to support farmers and fishermen under Article 4;

3. Measures for raising financial resources to support farmers, fishermen, etc.;

4. Matters concerning monitoring of the current status of the implementation of agreements in the fields of agriculture, fisheries, etc.;

5. Matters concerning support for improving the competitiveness of agriculture, fisheries, etc. pursuant to Article 5;

6. Matters concerning compensation for losses and damage sustained by farmers, fishermen, etc. pursuant to Articles 6 through 8;

7. Matters concerning support for the discontinuance of business by farmers, fishermen, etc. pursuant to Article 9;
 8. Matters concerning support to producers' organizations under Article 10;
 9. Matters concerning support to processors of agricultural or fishery products under Article 11.
- (5) Except as otherwise provided in paragraphs (1) through (4), necessary matters concerning the organization and operation of the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, etc. shall be prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23, 2013>*

Article 20 (Center for Supporting Farmers, etc. and Center for Supporting Fishermen, etc.)

- (1) In order to investigate and analyze the effects, etc. of the implementation of agreements on the volume of imports and prices of agricultural or fishery products and to provide consultations, guidance, etc. in relation to agreements and conduct other activities for supporting farmers, fishermen, etc. in a more efficient manner, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall, subject to deliberation by the Committee for Supporting Farmers, etc. and the Committee for Supporting Fishermen, designate a research institute or organization related to agriculture, fisheries, etc. as a center for supporting farmers, etc. or a center for supporting fishermen, etc. (hereinafter referred to as "supporting center") following the implementation of free trade agreements. *<Amended by Act No. 11703, Mar. 23, 2013>*
- (2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, within budgetary limits, grant contributions or subsidies to supporting centers to cover the expenses incurred in operating the supporting centers. *<Amended by Act No. 11703, Mar. 23, 2013>*
- (3) Necessary matters concerning the designation, operation, supervision, etc. of the supporting centers shall be prescribed by Presidential Decree.

Article 21 (Recovery of Subsidies)

- (1) If any person who has received a subsidy pursuant to Articles 5, 6, 9 through 12 falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government may recover all or some of the subsidy: *<Amended by Act No. 11703, Mar. 23, 2013>*
1. If it is found that the person has received the subsidy by fraudulent or other unjust means;
 2. If the subsidy was over-paid or erroneously paid;
 3. If a farmer, fisherman, etc. who once discontinued his/her business resumes a business of growing, raising, collecting, picking, or cultivating any item eligible for subsidization for the discontinuance of business under Article 9, as prescribed by Presidential Decree.
- (2) When the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries or the head of a local government recovers a subsidy pursuant to paragraph (1), he/she shall recover it in the same manner as delinquent national or local taxes are collected. *<Amended by Act No. 11703, Mar. 23, 2013>*

Article 22 (Collection of Contributions for Public Sale, etc.)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may require any person who imports agricultural or fishery products subject to a tariff rate quota under an agreement and eligible for the tariff concession under the relevant agreement (hereinafter referred to as "importer") to pay a contribution for public sale, or may levy and collect margins from importation within the limit of the difference between domestic price and import price, as prescribed by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) Contributions for public sale or margins from importation under paragraph (1) shall be paid to the Fund or the Fisheries Development Fund under Article 76 of the Fisheries Act, as determined by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and may be collected in the same manner as delinquent national taxes are collected, if the payment is not made within a prescribed deadline. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) Matters necessary for control of importation, such as the designation of importers for each type of agricultural or fishery products under paragraph (1), shall be determined and published by the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, as provided for by relevant Acts and subordinate statutes, including agreements and the Customs Act. *<Amended by Act No. 11703, Mar. 23, 2013>*
<Amended by Act No. 11703, Mar. 23, 2013>

Article 23 (Delegation, etc. of Authority)

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may partially delegate his/her authority or affairs relating to support to farmers, fishermen, etc. and producers' organizations under Articles 5, 6, 9 through 11 and the recovery of subsidies under Article 21 (1) to a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu), as prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may assign a person prescribed by Presidential Decree duties to collect contributions for public sale, etc. under Article 22 on his/her behalf, as prescribed by Presidential Decree. *<Amended by Act No. 11703, Mar. 23, 2013>*

(3) When the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries assigns a person duties to collect contributions for public sale, etc. on his/her behalf pursuant to paragraph (2), he/she shall reimburse the expenses incurred in relation thereto from the Fund or the Fisheries Development Fund under Article 76 of the Fisheries Act. *<Amended by Act No. 11703, Mar. 23, 2013>*

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Retroactive Application)

The amended provisions of Articles 6 through 9 shall apply retroactively to the effective date of the Free Trade Agreement between the Republic of Korea, or the One Part, and the European Union and its Member States, of the Other Part.

Article 3 (Transitional Measures)

Any dispositions, procedures or other acts taken or done under the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements as at the time this Act enters into force shall be deemed dispositions, procedures, or other acts taken or done under this Act.

Article 4 Omitted.

Article 5 (Relationship with other Acts or Subordinate Statutes)

Where the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements or any provisions thereof are cited in other Acts or subordinate statutes as at the time this Act enters into force, this Act or the corresponding provisions of this Act shall be deemed cited in place of the former Special Act on Assistance to Farmers, Fishermen, etc. Following the Conclusion of Free Trade Agreements or the provisions thereof if provisions corresponding thereto exist in this Act.

ADDENDA <Act No. 11172, Jan. 17, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Retroactive Application)

The amended provisions of Articles 7 (1) 1 and 8 (4) shall apply retroactively to the effective date of the Free Trade Agreement between the Republic of Korea, or the One Part, and the European Union and its Member States, of the Other Part.

ADDENDUM <Act No. 11505, Oct. 22, 2012>

This Act shall enter into force on the date of January 1, 2013.

ADDENDA <Act No. 11703, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Committee for Supporting Farmers, Fishermen, etc.)

The Committee for Supporting Farmers, Fishermen, etc. which was established under the Minister of Food, Agriculture, Forestry and Fisheries pursuant to the previous provisions at the time when this Act entered into force shall be deemed as the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. which has been established under the amended provisions referred to in the

same paragraph until the Committee for Supporting Farmers, etc. or the Committee for Supporting Fishermen, etc. is newly composed of in accordance with the amended provisions under Article 19 (1).

Article 3 (Transitional Measures concerning Center for Supporting Farmers, Fishermen, etc.)

A center for supporting farmers, fishermen, etc. which was designated pursuant to the previous provisions at the time when this Act entered into force shall be deemed as a center for supporting farmers, etc. or a center for supporting fishermen, etc. which has been designated in accordance with the amended provisions under Article 20 (1).

Article 4 Omitted.

