

AQUACULTURE INDUSTRY DEVELOPMENT ACT

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Act No. 17814, Dec. 31, 2020
Act No. 18289, jun. 15, 2021
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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of the aquaculture industry and to the advancement of the national economy by enhancing the productivity of aquaculture business by providing for matters necessary for the promotion, aid, etc. of the aquaculture industry.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term "aquaculture" means artificially cultivating and harvesting aquatic animals and plants (including the production of fish seeds), and using fishing ships and fishing gears or installing and operating aquaculture facilities therefor;
2. The term "aquaculture business" means the business of cultivating aquatic animals and plants;
3. The term "aquaculture-related business" means the business of manufacturing and producing fish seeds, fish feeds, chemicals, machinery, and tools and of transporting, processing, distributing, selling, etc. of aquaculture products, and any other business prescribed by Presidential Decree;
4. The term "aquaculture industry" means aquaculture business and aquaculture-related business;
5. The term "seawater" means the sea, seashore (referring to the area between the high water mark and the seaward boundary of land enrolled in the cadastral register), and artificially created inland saltwater;
6. The term "offshore sea" means an open sea not enclosed by land, which is prescribed by Presidential Decree;
7. The term "inland water" means the stream or waters in a river, dam, lake, marsh, and reservoir, and artificially created freshwaters and brackish waters (referring to a mix of seawater and freshwater);

8. The term "aquaculture business right" means the right to run an aquaculture business with a license obtained pursuant to Article 10;
9. The term "fish farm" means a specific section of water where aquaculture is performed with a license under Article 10 or permission under Article 43 (1);
10. The term "aquaculture facility" means buildings, facilities, equipment, and the like necessary for aquaculture;
11. The term "aquaculture product" means aquatic animals and plants that are in the process of production or have been produced through aquaculture;
12. The term "aquaculture businessperson" means a person running an aquaculture business;
13. The term "aquaculture worker" means a person engaged in cultivating aquatic animals and plants for an aquaculture businessperson.

Article 3 (Responsibilities of the State and Local Governments)

The State and local governments shall devise policies necessary for the sustainable development of the aquaculture industry.

Article 4 (Relationship to Other Statutes)

Except as provided in other statutes, this Act shall apply to the promotion and aid of the aquaculture industry.

CHAPTER II AQUACULTURE INDUSTRY DEVELOPMENT MASTER PLAN

Article 5 (Developmental Objectives and Policy Directions for Aquaculture Industry)

- (1) The Minister of Oceans and Fisheries shall establish goals to achieve sustainable and competitive development of the aquaculture industry.
- (2) The Minister of Oceans and Fisheries shall establish and promote policies to strengthen the competitiveness of the aquaculture industry and to reinforce responsible management of aquaculture businesspersons, etc.

Article 6 (Development of Aquaculture Industry Master Plan)

- (1) In order to strengthen the competitiveness of the aquaculture industry and to pursue continuous development thereof, the Minister of Oceans and Fisheries shall, every five years, formulate an aquaculture industry development master plan (hereinafter referred to as "master plan") based on the results of fact-finding surveys under Article 8.
- (2) A master plan shall contain the following:

1. Basic direction and objectives of the development of the aquaculture industry;
2. Current status and prospect of the aquaculture industry;
3. Matters concerning research and technological development of the aquaculture industry;
4. Matters concerning training of aquaculture workforce and their entry into foreign markets;
5. Matters concerning examination and evaluation for continuous development of the aquaculture industry;
6. Matters concerning acceleration of consumption of aquaculture products and stimulation of export thereof;
7. Matters concerning the promotion of the aquaculture industry, such as the creation of aquaculture complexes;
8. Matters concerning securing funds and providing the assistance necessary for developing the aquaculture industry;
9. Other matters deemed by the Minister of Oceans and Fisheries to be necessary for the development of the aquaculture industry.

(3) Where the Minister of Oceans and Fisheries intends to formulate a master plan, he or she shall hear the opinion of the heads of relevant central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayor, Do Governors, Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and the heads of Sis, Guns and Gus (referring to the heads of autonomous Gus; hereinafter the same shall apply), and have the master plan deliberated upon by the central fisheries and fishing village policy review committee under Article 8 of the Framework Act on Fisheries and Fishing Villages Development. The same shall also apply to any modification of the master plan.

(4) Upon formulating or modifying a master plan, the Minister of Oceans and Fisheries shall notify such fact to the heads of central administrative agencies and Mayors/Do Governors, and publicly notify it and, without delay, submit it to the relevant standing committee of the National Assembly.

(5) Matters necessary for the formulation and implementation of a master plan shall be prescribed by Presidential Decree.

Article 7 (Action Plan for Development of Aquaculture Industry)

(1) According to a master plan, the Mayors/Do Governors shall, each year, formulate and implement an action plan for the development of the aquaculture industry (hereinafter referred to as "action plan") appropriate for regional circumstances.

(2) Where the Mayors/Do Governors formulate or modify an action plan, they shall have it deliberated upon by a City/Do fisheries/fishing village policy review committee under Article 8 of the Framework Act on Fisheries and Fishing Villages Development.

(3) Matters necessary for the formulation and implementation of an action plan shall be prescribed by Presidential Decree.

Article 8 (Fact-Finding Surveys)

- (1) The Minister of Oceans and Fisheries may conduct fact-finding surveys on the aquaculture industry in Korea and foreign countries in order to efficiently establish and promote policies, etc. for the promotion and development of the aquaculture industry.
- (2) For the continuous and efficient use of fish farms, the Minister of Oceans and Fisheries and Mayors/Do Governors shall conduct fact-finding surveys on the management of fish farms.
- (3) Where necessary for conducting fact-finding surveys on the management of fish farms under paragraph (2), the Minister of Oceans and Fisheries or Mayors/Do Governors may have affiliated public officials or persons designated by the Minister of Oceans and Fisheries enter the land, fish farms, etc. of aquaculture businesspersons and conduct surveys.
- (4) The public officials or persons designated by the Minister of Oceans and Fisheries who enter other persons' land, fish farms, etc. pursuant to paragraph (3) shall carry a certificate and show it to interested parties.
- (5) Matters necessary for the scope and methods of fact-finding survey conducted under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 9 (Plans for Use and Development of Licensed Fish Farms)

- (1) For use and development of sea waters or inland waters within jurisdictions, the head of a Si (referring to the Special Self-Governing City Mayor and the Special Self-Governing Province Governor in the case of the Special Self-Governing City and the Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu shall formulate a plan for the use and development of a licensed fish farm (hereinafter referred to as "development plan"): Provided, That in the case of offshore aquaculture under Article 10 (1) 6, a Mayor/Do Governor shall formulate a development plan.
- (2) If the head of a Si/Gun/Gu intends to formulate a development plan, he or she shall, in advance, conduct basic surveys on sea waters or inland waters within his or her jurisdiction, and formulate a development plan, in consideration of the social and economic circumstances, in accordance with the detailed guidelines for a development plan formulated by a Mayor/Do Governor in consideration of the regional circumstances and characteristics, based on the basic guidelines for a development plan formulated by the Minister of Oceans and Fisheries.
- (3) If the head of a Si/Gun/Gu intends to formulate a development plan, his or her plan shall be deliberated upon by a fisheries mediation committee established in the Special Self-Governing City, Special Self-Governing Province, or in a Si/Gun/Gu pursuant to Article 88 of the Fisheries Act.
- (4) Where the head of a Si/Gun/Gu intends to use and develop sea waters or inland waters within his or her jurisdiction falling under any of the following, he or she shall obtain approval from the head of the relevant administrative agency or have consultation with the head of the relevant administrative agency before formulating a development plan:

1. Sea waters or inland waters where aquaculture business or other activities are restricted, prohibited, or suspended in exchange for compensation under other statutes;
 2. Sea waters or inland waters where aquaculture business or other activities are restricted, prohibited, or suspended as necessary in the public interest.
- (5) Where the sea waters or inland waters for which a development plan is to be formulated are a fishing area and a dispute is likely to occur if the area is developed as a fish farm according to the development plan, the head of a Si/Gun/Gu shall formulate a development plan after reasonably coordinating and settling the dispute in advance.
- (6) The head of a Si/Gun/Gu may modify a development plan only if there are reasons for modification prescribed by Presidential Decree. In such cases, paragraphs (2), (3), and (5) shall apply mutatis mutandis to the modification of a development plan.
- (7) Where, in modifying a development plan, the head of a Si/Gun/Gu includes new sea waters or inland waters in an existing fish farm or modify important matters similar to the foregoing case with regard to the fish farm, he or she shall, in advance, obtain approval from the head of relevant administrative agency or have consultation with the head of relevant administrative agency. *<Amended on Dec. 8, 2020>*
- (8) Paragraphs (2) through (7) shall apply mutatis mutandis to the formulation of a development plan by a Mayor/Do Governor under the proviso of paragraph (1). In such cases, "the head of a Si/Gun/Gu" shall be deemed "a Mayor/Do Governor"; "which complies with the detailed guidelines for a development plan drawn up by a Mayor/Do Governor in consideration of the regional circumstances and characteristics, which are based on" in paragraph (2) shall be deemed "which complies with"; and "Special Self-Governing City, Special Self-Governing Province, a Si/Gun/Gu" in paragraph (3) shall be deemed "City/Do".
- (9) Matters necessary for, among other things, preparing basic guidelines for a development plan and detailed guidelines for a development plan, formulating and revising a development plan, and procedures therefor prescribed in paragraphs (1) through (7) shall be prescribed by Presidential Decree.

CHAPTER III AQUACULTURE BUSINESS LICENSE

Article 10 (Aquaculture Business License)

(1) A person who intends to run an aquaculture business falling under any of the following shall obtain a license from the head of a Si/Gun/Gu (in the case of the Han River in the jurisdiction of the Seoul Special Metropolitan City, referring to the agency in charge of the management of the Han River; hereinafter the same shall apply): Provided, That in the case of a person who intends to run an offshore aquaculture business, he or she shall obtain a license from a Mayor/Do Governor:

1. Seaweed aquaculture business: Business of farming seaweed in the aquaculture facilities installed on the seafloor or under the sea in a certain section of the sea after dividing the sea into several sections;

2. Shellfish aquaculture business: Business of farming shellfish in the aquaculture facilities installed on the seafloor or under the sea in a certain section of the sea after dividing the sea into several sections;
3. Pisciculture business: Business of farming aquatic animals besides shellfish in aquaculture facilities installed on the seafloor or under the sea in a certain section of the sea after dividing the sea into several sections;
4. Combined aquaculture business: Business of farming two or more varieties of aquatic products under subparagraphs 1 through 3 in consideration of the characteristics, etc. of a fish farm;
5. Collaborative aquaculture business: Aquaculture business for which aquaculture businesspersons residing in a certain area conduct aquaculture in collaboration with each other in ways described in subparagraphs 1 through 4 after vertically dividing the water into zones based on certain depth as prescribed by Presidential Decree;
6. Offshore aquaculture business: Business of cultivating aquatic animals and plants by installing necessary aquaculture facilities underwater or on the surface of the sea in a certain section after dividing the open sea into several sections, or in other ways;
7. Inland aquaculture business: Business of cultivating aquatic animals and plants by installing necessary facilities underwater or on the bottom of the water in a certain section of the water after dividing the water into several sections in public waters under subparagraph 2 of Article 2 of the Inland Water Fisheries Act.

(2) Where a Mayor/Do Governor or the head of a Si/Gun/Gu (hereinafter referred to as "licensing authority") grants a license under paragraph (1), it shall be within the scope of a development plan.

(3) A licensing authority shall grant a license under paragraph (1) (hereinafter referred to as "license") according to the following criteria:

1. Boundary of a fish farm area and distance between fish farms;
2. Methods of capturing and collecting aquaculture products;
3. Matters concerning aquaculture methods;
4. Facility criteria for a fish farm, and matters concerning fishing ships, fishing gears or use thereof;
5. Matters concerning the installation of accessory facilities of fish farms to strengthen the safety of aquaculture products, and restrictions on activities;
6. Matters concerning types of harmful organism repellents, direction for use, etc.
7. Other matters necessary for granting a license.

(4) Detailed types of aquaculture business under the subparagraphs of paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Exceptions to License for Fishing Village Neighborhood Associations)

(1) Where the water for which a license is sought falls under any of the following, the head of a Si/Gun/Gu shall grant a license only to a fishing village neighborhood association under Article 15 of the Fisheries Cooperatives Act (hereinafter referred to as "fishing village neighborhood association"), a fisheries

partnership under Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities (hereinafter referred to as "fisheries partnership") or a district fisheries cooperative under Article 13 of the Fisheries Cooperatives Act (hereinafter referred to as "district fisheries cooperative"), which is near the water, in the case of seaweed aquaculture business and pisciculture business performed in the water and shellfish aquaculture business performed on the water floor:

1. Where the water is located in the fishing ground of a community fishery under Article 8 (1) 6 of the Fisheries Act;
 2. Where the water is within 500 meters (1,000 meters in the case of the west coast) of the seashore at high tide, and the fisheries mediation committee established in the relevant Special Self-Governing Province, Si/Gun/Gu pursuant to Article 88 of the Fisheries Act deems necessary for the coordination of fisheries.
- (2) The head of a Si/Gun/Gu shall grant a license only to a fishing village neighborhood association, a fisheries partnership, or a district fisheries cooperative located near the water for which a license for collaborative aquaculture business is sought by aquaculture businesspersons residing in a certain area for their common interest.
- (3) Where any of the following is applicable, a licensing authority may preferentially grant a license to a fishing village neighborhood association, a fisheries partnership, a district fisheries cooperative, a fisheries cooperative by business category under Article 104 of the Fisheries Cooperatives Act, a fisheries company under Article 19 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities (hereinafter referred to as "fisheries company"), or an inland fisheries association under Article 15 of the Inland Water Fisheries Act:

1. Where deemed necessary for the common interest of aquaculture businesspersons;
2. Where deemed necessary for the development and use of fish farms in a certain area;
3. Other cases as prescribed by Presidential Decree.

Article 12 (Grounds for Disqualification of License)

A licensing authority shall not grant a license to any of the following persons:

1. A corporation or organization with a purpose other than aquaculture business;
2. A person for whom the aggregate area of his or her fish farm exceeds the limit prescribed by Presidential Decree where a fish farm for which a new license application is pending is added to a fish farm for which an aquaculture business right is already obtained;
3. An enterprise meeting the criteria set by Presidential Decree and its affiliates: Provided, That where it intends to run an aquaculture business falling under any of the following, this shall not apply:
 - (a) Combined aquaculture business;
 - (b) Offshore aquaculture business;
 - (c) Shellfish aquaculture business and pisciculture business, the products of which are prescribed by Ordinance of the Ministry of Oceans and Fisheries;

4. A person who fails to meet the criteria for examination and evaluation under Article 25 (6) according to the results of examination and evaluation of a license under paragraph (1) of that Article and for whom two years have not passed since the expiration of the effective period of the relevant license: Provided, That a person who completes fish farm environment improvement measures, etc. within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among those who fail to meet the criteria for examination and evaluation under Article 25 (6), shall be excluded therefrom;

5. A person who has violated the Fisheries Act, the Inland Water Fisheries Acts, the Fishing Ground Management Act, the Fishing Vessels Act or the Fishery Resources Management Act, and to whom any of the following is applicable:

(a) A person for whom two years have not passed since his or her punishment is completed (including cases in which the punishment is deemed to have completed) or a decision is made that the punishment is not to be administered on him or her after having been sentenced to imprisonment without labor or heavier punishment;

(b) A person who is in the reprieve period after having been sentenced to imprisonment without labor or heavier punishment;

(c) A person for whom two years have not passed since his or her punishment becomes definite after having been sentenced to a fine of one million won or more.

Article 13 (Prohibition of Licensing)

(1) A licensing authority shall not grant a person a license within two years from the date on which his or her license is revoked due to a reason falling under any part of Article 27 (1) 1 and 3 through 6 (excluding cases in which any of Article 26 (1) 1 through 7 is applicable), as prescribed by Presidential Decree.

(2) Where the water for which a license is to be granted falls under any of Article 26 (1) 1 through 7, a licensing authority may choose not to grant a license.

Article 14 (Conditions for Licensing)

Where any of the following is applicable, a licensing authority may attach a condition to a license:

1. Where it is deemed necessary for mediation of aquaculture businesses and for coordination of fisheries under the Fisheries Act;
2. Where the water for which a license is to be granted falls under any of Article 26 (1) 1 through 7.

Article 15 (Order of Priority for Granting License)

(1) Where two or more applications are filed for the same fish farm to which any part of Article 10 (1) 1 through 4 is applicable, the head of a Si/Gun/Gu shall grant a license in the following order:

1. A person whose license for the fish farm is expired, who meets the criteria for examination and evaluation under Article 25 (6) according to the results of examination and evaluation of a license under paragraph (1) of that Article. In such cases, a person who completes the fish farm environment

improvement measures, etc. within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries from among those who fail to meet the criteria for examination and evaluation under Article 25 (6) shall be included therein;

2. A person who has professional knowledge in the aquaculture business, and is prescribed by Presidential Decree;

3. A person who has experience and a track record in aquaculture, who is prescribed by Presidential Decree;

4. A person to whom subparagraphs 1 through 3 are not applicable.

(2) Where two or more applications for an offshore aquaculture business under Article 10 (1) 6 in the same fish farm are filed, a Mayor/Do Governor shall grant a license in the following order:

1. A person whose license for the offshore fish farm is expired, who meets the criteria for examination and evaluation under Article 25 (6) according to the results of an examination and evaluation of a license conducted under paragraph (1) of that Article. In such cases, a person who completes the fish farm environment improvement measures, etc. within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries from among those who fail to meet the criteria for examination and evaluation under Article 25 (6) shall be included therein;

2. A person who has run, or is running, an experimental business of offshore aquaculture under Article 53 and intends to obtain a license for offshore aquaculture for the fish farm;

3. A person who has run an aquaculture business in the sea other than the offshore sea and intends to move the fish farm to the offshore sea;

4. A person who buys a right to pisciculture business (limited to the business of floating fish cage farming) in the sea other than the offshore sea and intends to move the fish farm to the offshore sea;

5. A person who does not fall under subparagraphs 1 through 4.

(3) Where two or more applications for an inland aquaculture business under Article 10 (1) 7 are filed for the same fish farm, the head of a Si/Gun/Gu shall grant a license in the following order:

1. An inland fishery association organized for the common interest of aquaculture businesspersons in an area where the water for which a license is sought, or a corporation or organization related to the inland water;

2. A person who has run or is running an inland aquaculture business of the same type as that for which he or she applies for a license;

3. A person who performs a development project related to the inland aquaculture business or has a track record of export related to the inland aquaculture business;

4. A person who does not fall under subparagraphs 1 through 3.

(4) The order of priority in granting a license for aquaculture business under Article 11 (1) shall be as provided by that paragraph.

(5) The order of priority in granting a license for collaborative aquaculture business under Article 11 (2) shall be as provided by that paragraph.

(6) The order of priority among persons in the same ranking under paragraphs (1) through (3) and other matters necessary for a license according to the order of priority shall be prescribed by Presidential Decree.

Article 16 (Joint Application)

(1) Where two or more persons intend to jointly obtain a license, they shall select a representative and enter such fact in the application. The same shall apply to cases in which a licensee fills out an application under this Act.

(2) Where two or more persons do not select a representative notwithstanding paragraph (1), they shall select a representative from among themselves and make a report to the licensing authority as prescribed by Presidential Decree. In such cases, the same procedures shall be followed if the representative is changed.

(3) Where a report under paragraph (2) is not made, the licensing authority shall designate a representative.

Article 17 (Effective Period of License)

(1) The effective period of a license shall be ten years: Provided, That where any of the following is applicable, the effective period may be no longer than ten years:

1. Where a license is granted with the approval of the head of a relevant administrative agency or after consultation with the head of a relevant administrative agency as aquaculture in the water where the fish farm is located is restricted or prohibited;
2. Where Article 8 (5) of the Fishing Ground Management Act is applicable;
3. Where necessary for coordination of aquaculture businesses and coordination of fisheries under the Fisheries Act, which are prescribed by Presidential Decree.

(2) A licensing authority shall permit the extension of the effective period of a license within the range of ten years at the request of a person who has obtained an aquaculture business right (hereinafter referred to as “aquaculture business right holder”) except for cases falling under any of the subparagraphs of paragraph (1) or the subparagraphs of Article 26 (1). In such cases, where the effective period of a license has been extended multiple times, the total of the extended periods shall not exceed ten years.

(3) Where an aquaculture business right holder does not apply for the extension of effective period of a license, the licensing authority may permit the extension of the effective period of the license at the request of a person who has enrolled an aquaculture business right (hereinafter referred to as “enrolled right holder”) in the aquaculture business register (hereinafter referred to as “aquaculture business register”) under Article 29 (1).

(4) A licensing authority shall notify an applicant whether permission is to be granted within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries from the date on which that authority receives an application for permission under the former part of paragraph (2) or under paragraph (3).

(5) Where a licensing authority fails to notify an applicant of whether permission has been granted or of the extension of the processing period under statutes or regulations related to the processing of civil petitions within the period prescribed in paragraph (4), permission shall be deemed to be granted on the date following the expiry of the period (where the processing period is extended or re-extended under statutes or regulations related to the processing of civil petitions, referring to such period).

(6) Matters necessary for the procedures for filing an application for the extension of the effective period, methods thereof, etc. under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 18 (Limited Aquaculture Business License)

(1) With respect to a person who intends to run an aquaculture business in the water for which a license is limited or suspended due to Article 26 (1) 1 through 6 being applicable, a licensing authority may grant him or her a license after specifying a period during which a license is effective, etc. (hereinafter referred to as “limited aquaculture business license”) in consultation with the head of a relevant administrative agency or with approval of a relevant administrative agency.

(2) The provisions concerning a license shall apply to a limited aquaculture business license: Provided, That Article 17 (2), Article 28 (2), proviso, with the exception of the subparagraphs, of Article 30 (1) and Article 67 shall not apply thereto.

(3) Where, with regard to a limited aquaculture business license, a relevant administrative agency has had consultation or has given approval on condition that compensation under other statutes or regulations is excluded, a licensing authority shall grant a limited aquaculture business license with such condition attached thereto.

Article 19 (License for Foreigners)

(1) Where a licensing authority intends to grant a license prescribed by Presidential Decree to a foreigner or a foreign corporation, he or she shall pre-consult with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree.

(2) Where a foreigner or a foreign corporation invests in a Korean or in a corporation established under the laws of the Republic of Korea (including a corporation in the process of incorporation; hereafter in this Article the same shall apply) to run an aquaculture business, paragraph (1) shall apply even when the proportion of investment made by the foreigner or foreign corporation accounts for 50/100 or more of total investment, or the foreigner or foreign corporation has a majority of voting rights to the corporation.

(3) If a foreign country to which an individual or corporation belongs prohibits or restricts an individual or corporation from the Republic of Korea from acquiring a right to aquaculture business in that foreign country, a licensing authority may prohibit or restrict an individual or corporation that comes from such foreign country from acquiring a right to aquaculture business in the Republic of Korea, treating them with identical or similar prohibition or restriction.

Article 20 (Special Cases concerning Occupation and Use of Public Water)

(1) An aquaculture business right holder shall be permitted to perform an act prescribed in the Public Waters Management and Reclamation Act within the range necessary for the aquaculture business for which he or she has obtained a license.

(2) Article 46 of the Public Waters Management and Reclamation Act shall not apply to cases falling under paragraph (1).

Article 21 (Commencement of Aquaculture Business)

(1) Within one year of the date on which a person acquires an aquaculture business right, the aquaculture business right holder shall start the aquaculture business as follows: Provided, That in the cases prescribed by Presidential Decree, the licensing authority may extend the period by up to two years:

1. To complete the installation of aquaculture facilities and planting of fish seeds where there are needs to install aquaculture facilities and to plant fish seeds;
2. To complete the installation of aquaculture facilities where there is a need to install aquaculture facilities but no need to plant fish seeds;
3. To complete the planting of fish seeds where there is no need to install aquaculture facilities but a need to plant fish seeds.

(2) Where an aquaculture business right holder is deemed not to be using a fish farm in a comprehensive manner as one year has passed since the date on which he or she started the aquaculture business (referring to the date on which he or she performed an act falling under any of the subparagraphs of paragraph (1)) but has left the fish farm continuously in fallow, the aquaculture licensing authority may change or revoke the license.

(3) Neither the period during which an aquaculture business is suspended according to an administrative measure or to an order under Article 26 or 54 nor the fallow period for a fish farm under Article 9 of the Fishing Ground Management Act shall be counted towards the period under paragraphs (1) and (2).

Article 22 (Report on Temporary Closure of Business and on Surrender of Aquaculture Business Right)

(1) Where an aquaculture business right holder intends to close business continuously for one year or more, he or she shall set the business suspension period in advance and make a report to the licensing authority: Provided, That where any of the following is applicable, he or she shall not close the business temporarily:

1. Where he or she has not yet started the aquaculture business;
2. Where the business suspension period is at least two consecutive years.

(2) Notwithstanding the proviso, with the exception of the subparagraphs, of paragraph (1), where an aquaculture business right holder cannot secure fish seeds due to an act of God or unavoidable

circumstances, he or she shall, in advance, make a report to the licensing authority and the licensing authority may extend the business suspension period by up to one year.

(3) Where a person who has made a report under paragraph (1) or (2) intends to start the aquaculture business before the reported business suspension period expires, he or she shall, in advance, make a report to the licensing authority.

(4) Neither the period during which an aquaculture business is suspended according to an administrative measure or to an order under Article 26 or 54 nor the fallow period for a fish farm under Article 9 of the Fishing Ground Management Act shall be counted towards the business suspension period under paragraphs (1) and (2).

(5) Where an aquaculture business right holder intends to surrender the aquaculture business right, he or she shall make a report to the licensing authority as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 23 (Prohibition of Control by Third Person)

(1) An aquaculture business right holder shall not allow another person have de facto control over the management of the aquaculture business accompanying the aquaculture business right.

(2) The detailed criteria for the scope of de facto control over the management of an aquaculture business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 24 (Report on Changes to Licensed Matters)

(1) If an aquaculture business right holder intends to change the licensed matters, he or she shall make a report on changes to the licensing authority.

(2) Matters necessary for the details of a report on changes and procedures therefor under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 25 (Examination and Evaluation of Licenses)

(1) For sustainable production of aquaculture products and systematic management of fish farms, the Minister of Oceans and Fisheries shall examine and evaluate licenses before the expiry of the effective period of licenses (where the effective period of licenses is extended pursuant to Article 17 (2), including the extended effective period; hereafter the same shall apply in this Article).

(2) Matters to be examined and evaluated pursuant to paragraph (1) shall be as follows:

1. Degree of pollution of sediments under fish farms from among evaluation of the environment of fishing grounds under Article 11-2 of the Fishing Ground Management Act;
2. Actual management status of fish farms, such as whether fish farms are left fallow, whether fish farms are leased out illegally, etc.;
3. Whether aquaculture business right holders have violated statutes or regulations governing the fishing industry, and the number of violations;

4. Other matters prescribed by Presidential Decree.
- (3) The Minister of Oceans and Fisheries may request data necessary for the examination and evaluation of licenses under paragraph (2), and, in such cases, aquaculture business right holders shall comply therewith unless there are special circumstances.
- (4) The Minister of Oceans and Fisheries shall judge whether licenses satisfy the matters examined and evaluated under paragraph (2) according to the results of the examination and evaluation of licenses conducted under paragraph (1), and shall notify the result to the relevant aquaculture business right holders, enrolled right holders, and the licensing authority. <Amended on Dec. 8, 2020>
- (5) A person who has an objection to the result of the examination and evaluation under paragraph (4) may raise an objection with the Minister of Oceans and Fisheries within 30 days of the date on which he or she receives such result.
- (6) The criteria for the examination and evaluation of licenses under paragraph (1) shall be prescribed by Presidential Decree, and matters necessary for such examination and evaluation, for methods of fish farm environment improvement measures, etc., for procedures therefor and for raising an objection shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 26 (Limitation and Suspension of Licenses)

- (1) A licensing authority may limit or suspend a license in any of the following cases:
1. 1. Where necessary for proliferation and protection of aquaculture resources;
 2. Where necessary for military exercises or protection of major military bases;
 3. Where the Minister of National Defense makes a request as deemed necessary for national defense;
 4. Where necessary for sailing, anchoring, and mooring of ships or for installing underwater power cables;
 5. Where necessary for the hygienic management of aquatic animals inhabiting the sea bottom due to wastes discharged into the sea prescribed in the proviso of Article 23 (1) of the Marine Environment Management Act;
 6. Where necessary for public works projects under Article 4 of the Act on Acquisition of and Compensation for Land for Public Works Projects;
 7. Cases prescribed by Ordinance of the Ministry of Oceans and Fisheries for the prevention, etc. of accidents related to aquaculture business;
 8. Where a violation is committed against this Act, the Fisheries Act, the Inland Water Fisheries Act, the Fishing Ground Management Act or Fishery Resources Management Act, or against an order, administrative measure, restrictions or conditions under this Act, the Fisheries Act, the Inland Water Fisheries Act, the Fishing Ground Management Act or Fishery Resources Management Act;
 9. Where a violation is committed against agreements with foreign countries, generally accepted international laws, or foreign statutes or regulations governing fisheries.

(2) Matters necessary for the procedures for limitation and suspension of licenses under paragraph (1) shall be prescribed as follows:

1. Matters necessary for the procedures for limitation and suspension of licenses under paragraph (1) 1 through 6 shall be prescribed by Presidential Decree;
2. Matters necessary for the procedures for limitation and suspension of licenses under paragraph (1) 7 through 9 shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 27 (Revocation of Licenses)

(1) Where any of the following is applicable, a licensing authority may revoke a license as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where subparagraph 1 is applicable, he or she shall revoke a license:

1. Where a licensee has obtained a license by fraud or other improper means;
 2. Where a licensee falls under any subparagraphs of Article 12;
 3. Where an aquaculture business right holder violates Article 22 (1) or (2);
 4. Where an aquaculture business right holder allows another person to have de facto control over the management of an aquaculture business, in violation of Article 23;
 5. Where an aquaculture business right holder leases out the aquaculture business right, in violation of Article 32;
 6. Where any of the subparagraphs of Article 26 (1) is applicable.
- (2) Where a licensing authority revokes a license, he or she shall, without delay, notify the aquaculture business right holder and the enrolled right holder of such fact.

Article 28 (Acquisition of Aquaculture Business Right)

- (1) A licensee under Article 10, or a person who receives by transfer an aquaculture business right or is given a part of aquaculture business right under Article 30 shall acquire the aquaculture business right by enrolling it in the aquaculture business right register.
- (2) An aquaculture business right shall be a real right, and the provisions concerning land under the Civil Act shall apply mutatis mutandis thereto except as provided in this Act.
- (3) The provisions concerning pledge under the Civil Act shall not apply to an aquaculture business right and the right to fulfill the purpose thereof.
- (4) An aquaculture business right acquired by a fishing village association or inland fishery association, which is not a corporation, shall be owned collectively by the fishing village association or inland fishery association.

Article 29 (Enrollment of Aquaculture Business Right)

(1) Matters concerning the establishment, preservation, transfer, change, extinction, restriction on disposal or share of an aquaculture business right and the right to fulfill the purpose thereof shall be enrolled in the

aquaculture business right register by type of aquaculture businesses.

(2) The enrollment under paragraph (1) shall substitute for registration.

(3) Matters necessary for the enrollment under paragraph (1) shall be prescribed by Presidential Decree.

Article 30 (Transfer, Division or Modification of Aquaculture Business Right)

(1) An aquaculture business right shall not be transferred, divided or modified: Provided, That where any of the following is applicable, an aquaculture business right may be transferred, divided or modified:

1. Where an aquaculture business right is transferred, divided or modified following the purification and maintenance of fishing grounds under Article 15 of the Fishing Ground Management Act;
2. Where a person is authorized by a licensing authority as prescribed by Ordinance of the Ministry of Oceans and Fisheries one year from the date (referring to the date on which he or she took any of the measures under the subparagraphs of Article 21 (1)) on which he or she started aquaculture business after enrolling the aquaculture business right;
3. Where an aquaculture business right is transferred or divided following the merger of corporations or by inheritance.

(2) Where a person who intends to have transfer or division of an aquaculture business right authorized pursuant to paragraph (1) 2 falls under any of the subparagraphs of Article 12 or under Article 13 (1), a licensing authority shall not authorize the transfer, division, or modification.

(3) Notwithstanding the main clause, with the exception of the subparagraphs, of paragraph (1), where a license held by a fishing village association, inland fishery association, or district fishery cooperative falls under any of the following subparagraphs based on the merger or division of fishing village associations, inland fishery associations or district fishery cooperatives, change of business areas or by mutual agreement, transfer, and division shall be allowed:

1. Where a license is to be transferred or divided between fishing village associations, between inland fishery associations or between a fishing village association and an inland fishery association;
2. Where a license is to be transferred or divided between district fishery cooperatives;
3. Where a license is to be transferred or divided between a fishing village association and a district fishery cooperative.

Article 31 (Providing Aquaculture Business Right as Security)

(1) An aquaculture business right held by a fishing village association, inland fishery association or district fishery cooperative shall not be provided as security.

(2) Where an aquaculture business right, other than an aquaculture business right that cannot be provided as security under paragraph (1), is provided as security, aquaculture facilities installed in the fish farm shall be deemed to belong to the aquaculture business right.

Article 32 (Prohibition of Leasing Aquaculture Business Right)

(1) An aquaculture business right shall not be a purpose of lease: Provided, That where any of the following is applicable, it shall not be regarded as lease:

1. Where a member of a fishing village association or inland fishery association or a person corresponding thereto who is prescribed by Presidential Decree (hereinafter referred to as “associate member”) or a member of a district fishery cooperative exercises the aquaculture business right held by the fishing village association, inland fishery association or district fishery cooperative;
2. Where a fisheries partnership or fisheries company (limited to cases in which the proportion of investment made by the members of a fishing village association or district fishery cooperative exceeds 60/100 of the total investment) consisting of members of a fishing village association or district fishery cooperative exercises the aquaculture business right held by the fishing village association or district fishery cooperative;
3. Where an aquaculture business right held by a person other than a fishing village association, inland fishery association or district fishery cooperative is leased out to the head of a public institution, head of relevant organization, etc.

(2) Matters necessary for the procedures for lease and methods thereof under paragraph (1) shall be prescribed by Presidential Decree.

Article 33 (Consent of Co-owners)

(1) A co-owner of an aquaculture business right shall not dispose of his or her stake or provide it as security without the consent of the other co-owner: Provided, That this shall not apply to sale under Article 264 of the Civil Execution Act.

(2) Where obtaining consent from a co-owner is impossible as the domicile or residence of the co-owner is unclear or due to other reasons, the other co-owner who seeks such consent shall publicly announce such fact, as prescribed by Presidential Decree.

(3) Where a public announcement is made pursuant to paragraph (2) and no objection is raised within 30 days of the date immediately following the date on which the public announcement is made, consent shall be deemed granted on the last day of the 30 day period.

Article 34 (Consent of Enrolled Right Holders)

An aquaculture business right holder shall not divide, modify or surrender an aquaculture business right without the consent of the enrolled right holder.

Article 35 (Succession to Rights and Obligations)

The rights and responsibilities granted to and laid on an aquaculture business right holder according to an order, administrative measure, restrictions or conditions under this Act, the Fisheries Act, the Inland Water Fisheries Act, the Fishing Ground Management Act or the Fisheries Resources Management Act shall be

transferred along with the aquaculture business right. The same shall also apply to the rights and responsibilities concerning the occupation of rivers granted to and laid on an inland aquaculture business right holder under statutes or regulations governing rivers: Provided, That this shall not apply to sale under Article 264 of the Civil Execution Act.

Article 36 (Auction of Aquaculture Business Right)

(1) Where a license is revoked pursuant to Article 21 (2) or 27 (1) 2 through 5 or 6 (applicable only to cases falling under Article 26 (1) 8 or 9), a person enrolled as a mortgagee in the aquaculture business right register shall not apply for auction within 30 days from the date next to the date on which he or she receives the notification under Article 27 (2).

(2) Where a request for an auction is made pursuant to paragraph (1), the relevant aquaculture business right shall be deemed to exist for the purpose of the auction from the date on which the license is revoked until auction procedures are completed.

(3) Until the successful bidder who has been awarded an aquaculture business right pays the auction price, the revocation of a license shall not be deemed to become effective.

Article 37 (Extinction of Aquaculture Business Right)

An aquaculture business right shall expire when the effective period of the license under Article 17 (1) or the extended effective period of the license under Article 17 (2) or (3) expires, or when the license is revoked pursuant to Article 27.

Article 38 (Exercise of Aquaculture Business Right)

(1) An aquaculture business right held by a fishing village association or inland fishery association shall be exercised by members or associate members of the fishing village association or inland fishery association, as stipulated by the fish farm management bylaws under Article 40 (1).

(2) An aquaculture business right held by a district fishery cooperative shall be exercised by members of a district fishery cooperative with its domicile in the district of a fishing village association near the fish farm, as stipulated by the fish farm management bylaws under Article 40 (1), in cases other than those prescribed by Presidential Decree.

(3) Notwithstanding paragraph (1) or (2), for equal increase in income of members and associate members of a fishing village association or district fishery cooperative, the licensing authority may restrict or prohibit a person who meets the criteria prescribed by Presidential Decree from exercising the aquaculture business right vested in the fishing village association, inland fishery association or district fishery cooperative.

(4) The methods of and order of priority in exercising an aquaculture business right, installation of aquaculture facilities and usage thereof by each member or associate member of a fishing village association, or by each member of a cooperative, reorganization of districts where aquaculture business

right is exercised under paragraphs (1) and (2), and other matters necessary for the management of fish farms shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 39 (Installation of Fish Farm Signs)

- (1) The Minister of Oceans and Fisheries, Mayors/Do Governors or the heads of Sis/Guns/Gus (hereinafter referred to as “administrative office”) may order aquaculture businesspersons to install fish farm signs.
- (2) No person shall move, destroy, modify or conceal the signs installed pursuant to paragraph (1).
- (3) Matters necessary for the specification, methods of installation, etc. of fish farm signs under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 40 (Fish Farm Management Bylaws)

- (1) A fishing village association, inland fishery association and district fishery cooperative that acquired an aquaculture business right shall set fish farm management bylaws stipulating the qualification of those who may enter the fish farm or exercise the aquaculture business right, methods of exercising the aquaculture business right, fees for exercising the aquaculture business right, the timing and methods of aquaculture business, and other matters necessary for the management of the fish farm.
- (2) Where the fish farm management bylaws under paragraph (1) are in violation of this Act, the Fisheries Act, the Inland Water Fisheries Act, the Fishing Ground Management Act or the Fisheries Resources Management Act, or an order, administrative measure, restrictions or conditions under this Act, the Fisheries Act, the Inland Water Fisheries Act, the Fishing Ground Management Act or the Fisheries Resources Management Act, the licensing authority shall order them to take necessary measures, such as change of the fish farm management bylaws, etc.

Article 41 (Use of Aquaculture Service Vessels, Restrictions and Prohibition Thereof)

- (1) If an aquaculture business right holder intends to use a fishing ship necessary for the management of a fish farm (hereinafter referred to as “aquaculture service vessel”), he or she shall obtain designation from the licensing authority. In such cases, only a fishing ship owned or leased by the aquaculture business right holder (including those who exercise an aquaculture business right under Article 38; hereafter in this Article the same shall apply) shall be designated as an aquaculture service vessel.
- (2) Where necessary for the increase and protection of fishery resources and for mediation of aquaculture businesses, the licensing authority may restrict or prohibit the ships to be used as aquaculture service vessels or the fishing gears to be used in the fish farm according to the type of aquaculture business, size of the fish farm, or kinds of aquaculture products.
- (3) An aquaculture business right holder who does not have an aquaculture service vessel under paragraph (1) may, with the approval of the licensing authority, use a fishing ship of a person other than the aquaculture business right holder, which is designated as an aquaculture service vessel pursuant to paragraph (1), or a fishing ship of a fishery that has obtained permission or has made a report pursuant to

Article 41 (1), (2) or (3) 1 or Article 47 (1) of the Fisheries Act.

(4) An aquaculture business right holder who has obtained designation of a fishing ship as an aquaculture service vessel or approval for use of an aquaculture service vessel pursuant to paragraph (1) or (3) shall not use the aquaculture service vessel in waters other than the fish farm for which designation or approval is obtained: Provided, That where permission is obtained or a report is made with regard to the aquaculture service vessel pursuant to Article 41 (1), (2) or (3) 1 or Article 47 (1) of the Fisheries Act, this shall not apply.

(5) The size, number of aquaculture service vessels, engine power, designation or approval for use under paragraphs (1) through (3), and other matters necessary for the use, etc. of aquaculture service vessels in a fish farm shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where needs arise for proliferation and protection of fishery resources and for mediation of aquaculture businesses, matters concerning quota of aquaculture service vessels, criteria for use, etc. may be prescribed by ordinance of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu (in the case of the Han River under the jurisdiction of Seoul Special Metropolitan City, referring to Ordinances of the Seoul Special Metropolitan Government; hereinafter the same shall apply).

Article 42 (Designation of Wintering or Summering Zones)

(1) Where necessary for wintering or summering of aquaculture products, a Mayor/Do Governor may designate a certain water as a wintering or summering zone.

(2) Where an aquaculture business right holder falling under any of Article 10 (1) 1 through 4 intends to have aquaculture products pass winter or summer in an area under paragraph (1), he or she may divide the fish farm and use a certain portion of the water of the fish farm as a wintering or summering zone.

(3) Where there are unavoidable circumstances for efficient use and management of a wintering or summering zone, the heads of Sis/Guns/Gus may take necessary measures, such as adjustment of waters, etc., and Mayors/Do Governors may require the heads of Sis/Guns/Gus in their jurisdictions to take necessary measures.

(4) Matters necessary for designation of a certain water as a wintering or summering zone under paragraphs (1) through (3), for facilities of a wintering or summering zone, for management methods, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER IV PERMISSION FOR AQUACULTURE BUSINESS

Article 43 (Permission for Aquaculture Business)

(1) A person who intends to run an aquaculture business falling under any of the following shall obtain permission from the heads of Sis/Guns/Gus:

1. Inland saline aquaculture business: Business of farming aquatic animals and plants in a body of artificial seawater on the land;

2. Inland aquaculture business on land, etc.: Business of installing certain facilities in the inland waters on the land and farming aquatic animals and plants, and business of farming aquatic animals and plants in a certain section of waters or bottom of waters in the private waters under subparagraph 3 of Article 2 of the Inland Water Fisheries Act after dividing the waters and bottom of the waters into several sections and installing necessary facilities or by other means.

(2) The types of aquaculture business under the subparagraphs of paragraph (1) shall be prescribed by Presidential Decree, and the kinds of aquatic animals and plants to be cultivated in each type of aquaculture business, standards for aquaculture facilities, and other matters necessary for procedures for permission, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 44 (Prohibition of Permission)

(1) With regard to a person whose permission is revoked for a reason falling under any of the subparagraphs 1 through 4 of Article 51 (excluding cases falling under subparagraphs 1 through 7 of Article 26 (1) which applies mutatis mutandis pursuant to Article 52), the head of a Si/Gun/Gu shall not grant permission to such person within one year from the date on which permission was revoked, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) The order of priority for permission for an inland aquaculture business on land, etc. shall follow Article 15 (3).

(3) The order of priority between persons in the same priority position under paragraph (2) and criteria for permission may be prescribed by ordinance of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu, taking into consideration the aquaculture business conditions in the region.

Article 45 (Restrictions on Permission and Conditions Thereto)

(1) Where the head of a Si/Gun/Gu grants permission, he or she shall grant permission with restrictions or conditions attached thereto with regard to the type of aquaculture business, size, kinds of aquatic animals and plants being cultivated, etc.

(2) Where deemed necessary for a public interest purpose, mediation of aquaculture businesses, proliferation or protection of aquaculture resources prescribed in Article 26 (1) 1 through 6 in addition to the restrictions and conditions under paragraph (1), the head of a Si/Gun/Gu may restrict permission or attach conditions thereto.

Article 46 (Consent to Use of Inland Water)

(1) Where the head of a Si/Gun/Gu intends to grant a license for an inland aquaculture business under Article 10 (1) 7 or permission for an inland aquaculture business on land, etc. under Article 43 (1) 2, he or she shall obtain consent from the waters manager under subparagraph 4 of Article 2 of the Inland Water Fisheries Act (hereinafter referred to as “waters manager”). The same shall apply to permission for the

extension of a license period under Article 17.

(2) Where consent of a waters manager is requested pursuant to paragraph (1), he or she shall grant consent to the extent not interfering with the maintenance of facilities of the inland waters and not inconsistent with the purpose of preservation.

Article 47 (Effective Period of Permission)

(1) The effective period of permission shall be five years: Provided, That where needs arise for the mediation of aquaculture businesses, coordination of fisheries under the Fisheries Act, etc. which are prescribed by Ordinance of the Ministry of Oceans and Fisheries, the permission granter may extend the effective period of permission by up to five years as prescribed by Presidential Decree.

(2) Where any of the following is applicable, the head of a Si/Gun/Gu may reduce the effective period of permission to less than five years as prescribed by Presidential Decree, notwithstanding paragraph (1):

1. Where it is deemed necessary for the protection of fishery resources;
2. Where it is deemed necessary for mediation of aquaculture businesses and for coordination of fisheries under the Fisheries Act;
3. Where it is deemed necessary for the public interest, such as national defense, navigation routes, etc., which are prescribed by Ordinance of the Ministry of Oceans and Fishery.

Article 48 (Modification and Closure of Aquaculture Business)

(1) Where a person who is granted permission pursuant to Article 43 (hereinafter referred to as “permitted aquaculture businessperson”) intends to modify the permitted matters, he or she shall obtain permission for modification from or make a modification report to the head of a Si/Gun/Gu.

(2) Where a permitted aquaculture businessperson intends to close the aquaculture business or is unable to run the aquaculture business, he or she shall report closure of business to the head of a Si/Gun/Gu.

(3) Matters related to permission for modification, reports on modification, details of a business closure report and procedures therefor under paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 49 (Legal Fiction of Approval and Permission under Other Statutes)

Where permission for an aquaculture business is received pursuant to Article 43, the following approval, permission, etc. shall be deemed to have been received or consultation to have been held, within the range necessary for the operation of the aquaculture business:

1. Permission for occupation and use under Article 8 of the Public Waters Management and Reclamation Act;
2. Permission for use under Article 23 of the Agricultural and Fishing Villages Improvement Act;
3. Permission for occupation and use under Article 26 of the Act on Construction of Dams and Assistance to Their Environs;

4. Consultation with or agreement by a river management agency or the Minister of Environment under Article 6 of the River Act, permission for occupation under Article 33 thereof and permission for use of river waters under Article 50 thereof.

Article 50 (Succession to Status of Permitted Aquaculture Businesspersons)

(1) A person who inherits, buys or leases (where a permitted aquaculture businessperson is a corporation, including the corporation surviving merger or division) permitted aquaculture facilities from a permitted aquaculture businessperson shall succeed to the status of the permitted aquaculture businessperson: Provided, That where the successor expresses disapproval with regard to the inheritance, this shall not apply.

(2) Where a person succeeds to the status of a permitted aquaculture businessperson pursuant to the main clause of paragraph (1), the previously permitted aquaculture businessperson shall lose his or her status.

(3) A person who succeeds to the status of a permitted aquaculture businessperson pursuant to paragraph (1) shall make a report on the succession to permission to the head of a Si/Gun/Gu who has granted the permission within 30 days from the date on which he or she succeeds to the status as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, where the person who has succeeded to the status of a permitted aquaculture businessperson does not meet the criteria for facilities for a permitted aquaculture business prescribed by Ordinance of the Ministry of Oceans and Fisheries and does not have the qualification of a permitted aquaculture businessperson, he or she shall meet the criteria and have the qualification within 90 days from the date on which he or she succeeds to the status.

(4) Where the head of a Si/Gun/Gu receives a report under paragraph (3), he or she shall examine the details and accept the report if it accords with this Act.

(5) A person who succeeds to the status of a permitted aquaculture businessperson pursuant to paragraph (1) shall be deemed to have succeeded to the administrative measures, burdens, conditions, etc. together with the status: Provided, That where the person who succeeds to the status of a permitted aquaculture businessperson proves that he or she has had no knowledge of the administrative measures, burdens, conditions, etc., this shall not apply.

(6) Where the head of a Si/Gun/Gu accepts a report under paragraph (4), or a successor expresses his or her objection to succession to the status of a permitted aquaculture businessperson pursuant to the proviso of paragraph (1), previous permission for an aquaculture business shall be deemed a business closure report under Article 48 (2).

(7) Where the head of a Si/Gun/Gu receives a report under the former part of paragraph (3), he or she may jointly use (including processing under subparagraph 2 of Article 2 of the Personal Information Protection Act) the computerized information data under Article 11 (4) of the Act on Registration of Family Relations as prescribed by the Electronic Government Act.

Article 51 (Revocation of Permission)

Where any of the following is applicable, the head of a Si/Gun/Gu may revoke permission as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where subparagraph 1 is applicable, he or she shall revoke permission:

1. Where a permitted aquaculture businessperson has obtained permission by fraud or other improper means;
2. Where a permitted aquaculture businessperson violates the main clause, with the exception of the subparagraphs, of Article 21 (1), or Article 22 (1) or (2), which applies mutatis mutandis pursuant to Article 52;
3. Where a permitted aquaculture businessperson allows another person to have de facto control over the operation of an aquaculture business, in violation of Article 23, which applies mutatis mutandis pursuant to Article 52;
4. Where any of the subparagraphs of Article 26 (1) is applicable, which applies mutatis mutandis pursuant to Article 52.

Article 52 (Provisions Applicable Mutatis Mutandis)

@Articles 13 (2), 16, 18 (1) and (3), 19, 20, 21 (1) and (3), 22, 23, 26, 35, and 41 (1) and (3) through (5) (limited to cases in which an aquaculture business is run after dividing the water into several sections) shall apply mutatis mutandis to permission. In such cases, “license” shall be regarded as “permission”, “limited aquaculture business license” as “limited aquaculture business permission”, “period of license” as “period of permission”, “aquaculture business right holder” as “permitted aquaculture businessperson”, “date on which an aquaculture business right is acquired” as “aquaculture permission is acquired”, and “exercise of an aquaculture business right” as “operation of an aquaculture business according to permission”.

Article 53 (Experimental Aquaculture Business and Aquaculture Business for Research and Training)

(1) A person who intends to run an experimental aquaculture business in order to develop new varieties of aquatic animals and plants, cultivating methods and fish farms besides the aquaculture business under Articles 10 and 43 shall apply for an experimental aquaculture business as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) Where necessary for the development of new varieties of aquatic animals and plants, cultivating methods and fish farms besides the aquaculture business under Articles 10 and 43, or where an application under paragraph (1) is deemed appropriate, the Minister of Oceans and Fisheries and Mayors/Do Governors may, in consideration of the stable production of aquaculture products, circumstances of aquaculture business, etc., run an experimental aquaculture business jointly with an aquaculture businessperson, an applicant under paragraph (1), an experimental research institute, etc. In such cases, Mayors/Do Governors shall formulate an experimental aquaculture business plan and obtain approval

from the Minister of Oceans and Fisheries.

(3) Where an experimental research institute, organization for instruction and dissemination of fishing technologies, training organization or education institution designated by the Minister of Oceans and Fisheries intends to operate an aquaculture business for research or training, they may operate an aquaculture business for research or training, notwithstanding paragraphs (1) and (2), and Articles 10 and 43.

(4) Matters necessary for a test aquaculture business and research and training aquaculture business under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER V MEDIATION OF AQUACULTURE BUSINESSES

Article 54 (Prohibition or Mediation Orders)

(1) No person shall cultivate, catch or collect aquatic animals and plants using methods other than the cultivation methods or the methods of catching or collecting aquaculture products according to the license, limited aquaculture business license, permission, approval for an experimental aquaculture business or for an aquaculture business for research or training under this Act.

(2) Where necessary for the regulation of aquaculture businesses, hygienic management of aquaculture products, or mediation of aquaculture businesses, the administrative office may order the following matters:

1. Restrictions or prohibition with regard to aquaculture products and treatment thereof;
2. Restrictions on the qualification of aquaculture businesspersons and aquaculture workers;
3. Matters concerning suitable cultivation density of each variety of products being cultivated and for each cultivation method, and concerning the maintenance of aquaculture facilities;
4. Restrictions or prohibition necessary for the implementation of agreements with foreign countries, generally accepted international laws and foreign statutes or regulations governing aquaculture products;
5. Designation of a place as a place for unloading and for sale and purchase of aquaculture products, and revocation of such designation;
6. Restrictions on or prohibition of the use of fish feeds for the environmental management of fish farms or aquaculture waters;
7. Restrictions on or prohibition of acts in fish farms to strengthen the safety of aquaculture products, or installation of accessory facilities.

(3) Matters necessary for restrictions, prohibition, etc. under the subparagraphs of paragraph (2) shall be prescribed by Presidential Decree.

Article 55 (Designation as Recreational Fish Ponds)

(1) In order to increase the common interest of aquaculture businesspersons, a fishing village association, inland fishery association, fisheries partnership or district fishery cooperative may operate a recreational fish pond (referring to a fish farm for tourism, such as a fish farm for experiential learning, angling, etc.; hereinafter the same shall apply) in a certain section of the water after being designated as a recreational fish pond by the head of a Si/Gun/Gu insofar as it does not hinder the aquaculture business prescribed by Presidential Decree for which a license or permission was acquired by the fishing village association, inland fishery association, fisheries partnership or district fishery cooperative.

(2) The designation as a recreational fish pond shall be valid until the expiration date of the license or permission for the fish farm. In such cases, where two or more licenses or permission is acquired for the water designated as a recreational fish pond, designation shall be valid until the expiration date that arrives earliest.

(3) Where a fishing village association, inland fishery association, fisheries partnership or district fishery cooperative applies for designation of a certain section of a fish farm as a recreational fish pond pursuant to paragraph (1), it shall set the methods of recreational fishing, use fees, matters to be observed by users and other matters concerning the management and operation of the recreational fish pond as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and attach them to the application.

(4) Where an application under paragraph (3) is filed, the head of a Si/Gun/Gu shall designate the fish farm in question as a recreational fish pond unless any of the following is applicable:

1. Where the methods of recreational fishing, use fees, matters to be observed by users and other matters concerning the management and operation of the recreational fish pond under paragraph (3) are deemed inappropriate;
2. Where the size, facilities, etc. of the recreational fish pond fail to meet the criteria for designation under Ordinance of the Ministry of Oceans and Fisheries;
3. Where the provisions of this Act or other statutes or regulations, or restrictions or conditions thereunder are violated.

(5) Matters necessary for the management and operation of recreational fish ponds, such as designation of a fish farm as a recreational fish pond, creation of aquaculture resources in a recreational fish pond, kinds of aquatic animals and plants for capture and collection, methods of capture and collection, recreational fish pond management bylaws, operation of an aquaculture service vessel, criteria for recreational fish pond facilities, access by users to a recreational fish pond, prevention of accidents in a recreational fish pond, prevention of environmental pollution, etc., shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(6) Where a recreational fish pond is not managed and operated as prescribed in paragraph (5), the head of a Si/Gun/Gu may take necessary measures, such as revoking the designation of a fish farm as a recreational fish pond, ordering it to correct the errors and mistakes within a specified period, etc.

Article 56 (Removal of Aquaculture Facilities)

(1) An aquaculture business right holder or permitted aquaculture businessperson shall remove facilities installed in a fish farm or waters (hereafter referred to as “aquaculture facilities” in this Article) or aquaculture products within the period prescribed by Ordinance of the Ministry of Oceans and Fisheries when the validity of aquaculture business right or permission expires or the farming period ends: Provided, That where removal of the aquaculture facilities or aquaculture products is impossible, or it is deemed that there is no need for removal, the Mayor or Do Governor may, in the case of offshore aquaculture business, exempt the responsibility thereof at the request of the person who is obligated to remove the aquaculture facilities or aquaculture products, and in all other cases the head of a Si/Gun/Gu shall have the same authority.

(2) Where a person is exempted from the responsibility of removal of aquaculture facilities or aquaculture products pursuant to the proviso of paragraph (1), he or she shall be deemed to have surrendered ownership over the aquaculture facilities or aquaculture products.

(3) Where a person who is obligated to remove aquaculture facilities or aquaculture products pursuant to paragraph (1) fails to remove the aquaculture facilities or aquaculture products even after the period during which he or she is obligated to remove the aquaculture facilities or aquaculture products expires, the administrative office may remove the aquaculture facilities or aquaculture products as prescribed by the Administrative Vicarious Execution Act.

(4) Paragraphs (1) through (3) shall apply mutatis mutandis to aquaculture facilities installed by a person who has not obtained a license or permission or to the aquaculture products that such person has cultivated.

(5) In the case of an inland aquaculture business license under Article 10 (1) 7, where the original purpose of any of the following facilities is likely to be seriously disrupted due to force majeure, such as droughts, floods, etc., the administrative office may order the aquaculture business right holder to remove aquaculture facilities or take other necessary measures at the request of a waters manager:

1. Agricultural infrastructure under subparagraph 6 of Article 2 of the Agricultural and Fishing Villages Improvement Act;
2. Multi-purpose dams under subparagraph 2 of Article 2 of the Act on Construction of Dams and Assistance to Their Environs.

(6) Where an aquaculture business right holder fails to perform necessary measures in the case of paragraph (5), the administrative office may take such measures on his or her behalf according to the Administrative Vicarious Execution Act or require a waters manager to take the measures within the minimum range necessary for the maintenance of the facilities under subparagraphs of paragraph (5), and shall not compensate for loss suffered by the aquaculture business right holder due to the vicarious execution.

(7) For the maintenance of order in the aquaculture industry and for the continuous use of fish farms, the Minister of Oceans and Fisheries shall formulate a plan to deal with illegal aquaculture facilities, etc. and

move forward with the plan, as prescribed by Presidential Decree.

Article 57 (Prohibition of Sale of Illegal Aquaculture Products)

No person shall possess, distribute, process, keep or sell aquaculture products that have been cultivated in violation of this Act.

Article 58 (Supervision)

(1) Where the Minister of Oceans and Fisheries deems that an order or administrative measure imposed by an administrative office is in violation of this Act or an order under this Act, he or she may take necessary measures, such as ordering it to correct the violation within a specified period, suspending or revoking all or part of it, etc.

(2) Where an administrative office deems it necessary for the hygienic management of aquaculture products, environmental improvement of fish farms, prevention of natural disasters and fishery disasters, prevention of accidents in the fish farms, regulation of illegal acts by aquaculture businesspersons, etc., it may take necessary measures against aquaculture businesspersons and aquaculture industry workers.

CHAPTER VI PROMOTION OF AQUACULTURE INDUSTRY

Article 59 (Support for Expansion of Aquaculture Business)

For the improvement of productivity of the aquaculture industry, the State and local governments may formulate and implement measures related to the expansion of the scale of the aquaculture industry, such as collaborative management between aquaculture businesspersons, acceleration of investment in the aquaculture industry, etc.: Provided, That the collaborative management falling under any of the methods under the subparagraphs of Article 19 (1) of the Monopoly Regulation and Fair Trade Act shall be excluded.

Article 60 (Designation as Aquaculture Industry Complexes)

(1) An administrative office may designate certain waters or a certain area as an aquaculture industry complex, which is deemed appropriate for the promotion of the aquaculture industry.

(2) In order to accelerate the development of an aquaculture industry complex designated pursuant to paragraph (1), the administrative office may financially support for the promotion of the aquaculture industry complex.

(3) Matters necessary for the qualification of waters or an area eligible for designation as an aquaculture industry complex, methods of selecting an aquaculture industry complex, procedures therefor, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 61 (Support for Development of Technologies Related to Aquaculture Industry)

(1) For the development and dissemination of technologies related to the aquaculture industry, the Minister of Oceans and Fisheries may support persons who intend to operate the following projects:

1. Projects involving social and economic survey and research for the development of the aquaculture industry;
2. Projects to introduce new technologies in the aquaculture industry from foreign countries;
3. Projects involving technological development concerning automation, mechanization and intellectualization of aquaculture facilities;
4. Projects involving the improvement and supplementation of aquaculture facilities;
5. Projects involving the commercialization of developed cultivation technologies;
6. Projects involving the development and dissemination of fish feed technologies for heightening the productivity of aquaculture business and for stable supply of fish feeds;
7. Projects involving the construction and management of database concerning the aquaculture industry;
8. Other projects necessary for the development and dissemination of technologies related to the aquaculture industry.

(2) Matters necessary for the methods and procedures for support under paragraph (1), and other matters shall be prescribed by Presidential Decree.

Article 62 (Nurturing Specialists in Aquaculture Industry)

(1) The Minister of Oceans and Fisheries shall formulate and implement measures necessary for nurturing workforce with specialized skills or techniques relating to the aquaculture industry (hereinafter referred to as “specialists in the aquaculture industry”).

(2) The measures under paragraph (1) shall include the following matters:

1. Matters concerning the demand for specialists in the aquaculture industry and supply thereof to meet the demand, and utilization thereof;
2. Matters concerning training and education of a workforce to become specialists in the aquaculture industry;
3. Matters concerning career management of specialists in the aquaculture industry and certification thereof;
4. Matters concerning the employment of foreign specialists in the aquaculture industry in Korea and entry into foreign markets of Korean specialists in the aquaculture industry;
5. Other matters necessary for training a workforce to become specialists in the aquaculture industry and managing them, as prescribed by Presidential Decree.

(3) Where necessary for promoting measures concerning training of a workforce to become specialists in the aquaculture industry, management of them, etc., the Minister of Oceans and Fisheries may support organizations, etc. relating to specialists in the aquaculture industry.

(4) Matters necessary for training and supporting a workforce to become specialists in the aquaculture industry under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 63 (International Cooperation and Support for Entry into Foreign Markets)

(1) In order to identify international trends in the aquaculture industry and to accelerate international cooperation relating to the aquaculture industry, the State and local governments shall formulate and promote necessary measures.

(2) In order to promote international cooperation relating to the aquaculture industry and entry into foreign markets by the Korean aquaculture industry, the State and local governments may support projects involving technological exchanges, personnel exchange, joint research and development, development of fish farms in foreign countries, etc.

Article 64 (Support for Consulting Services on Aquaculture)

(1) In order to improve the management, technologies, finance, accounting, etc., of aquaculture businesspersons, the Minister of Oceans and Fisheries may designate an organization providing consulting services and have it support the aquaculture businesspersons with consulting services on the following matters:

1. Provision of consulting services appropriate for the business category and size of the aquaculture businesspersons;
2. Establishment of an evaluation system to secure credibility for results of consulting services;
3. Connection between results of consulting services and means of support, such as financing, subsidies, etc. for the aquaculture businesspersons according to the results of consulting services;
4. Other matters necessary for research into and technological development of aquaculture.

(2) The Minister of Oceans and Fisheries may provide necessary support for consulting organizations under paragraph (1).

(3) Necessary matters related to the standards for designation as a consulting organization under paragraph (1), procedures therefor, management thereof, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 65 (Support for Establishment of Aquaculture Business)

(1) In order to encourage a new workforce to join fishing villages and to stimulate aquaculture business, the Minister of Oceans and Fisheries may support the following projects within budgetary limits:

1. Support for business startup costs;
2. Provision of information on funds, workforce, technologies, markets, locations, etc. necessary for the management of an aquaculture business or support for consulting services.

(2) Detailed matters regarding selecting persons eligible for business startup support and procedures therefor, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Fisheries.

Article 66 (Subsidies)

- (1) Where necessary for the promotion and development of the aquaculture industry, administrative offices may pay subsidies to aquaculture businessmen or lend them money. *<Amended on Dec. 8, 2020>*
- (2) The businesses eligible for subsidies or loans under paragraph (1) shall be prescribed by Presidential Decree, and the matters necessary for criteria and procedures for granting a loan shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 67 (Compensation)

- (1) A person who suffers loss due to an administrative disposition falling under any of the following may request the administrative office that has imposed the disposition to compensate for the loss:
 1. Where a disposition is imposed upon him or her, such as restrictions on, or suspension, revocation, etc. of a license or permission due to a reason falling under Article 26 (1) 1 through 6 (including cases in which such provisions applies mutatis mutandis pursuant to Article 52) pursuant to 26 (1) (including cases in which such provisions applies mutatis mutandis pursuant to Article 52) Article 27 (1) and Article 51, or where the extension of his or her license validity under Article 17 (2) is not permitted: Provided, That where a disposition is imposed upon him or her under Article 26 (1) 1 through 3 (referring to cases in which such provisions apply mutatis mutandis pursuant to Article 52), such as that permission is restricted, suspended revoked, etc., such cases shall be excluded;
 2. An order to move or remove an article that hinders land survey or inspection under Article 71 (2).
- (2) If there is a person who benefits (hereinafter referred to as “beneficiary”) from an administrative measure being the reason for compensation under paragraph (1), the administrative office may have the beneficiary bear all or part of the compensation under paragraph (1) within the range of benefit that he or she obtains. In such cases, where the beneficiary does not pay the determined amount that he or she has to bear, the administrative office may collect it according to the Act on the Collection of Local Administrative Penalty Charges. *<Amended on Mar. 24, 2020>*
- (3) Unless a beneficiary pays compensation in advance to a person who is eligible to request compensation under paragraph (1), he or she shall not start an act or construction work that has an influence on the loss: Provided, That where he or she obtains consent from the person who is eligible to request compensation, this shall not apply.
- (4) The criteria for compensation under paragraph (1), payment methods and other matters necessary for compensation shall be prescribed by Presidential Decree.

Article 68 (Deposit of Compensatory Damages)

(1) Where any of the following is applicable, the administrative office shall deposit the compensation under Article 67 (1) in a public depository:

1. Where a person who is to receive compensation refuses or evades receipt of the compensation;
2. Where the domicile or residence of a person to receive compensation is unclear;
3. Where there is a right holder who has enrolled or registered with regard to an aquaculture business right, land, articles, etc. being the object of compensation: Provided, That where the right holder has given consent, the administrative office may choose not to deposit the compensation in a public depository.

(2) Where compensation is deposited in a public depository pursuant to the main clause of paragraph (1) 3, the right holder who is enrolled or registered in the aquaculture business register or a party to a lawsuit may exercise his or her right over the amount deposited in the public depository.

Article 69 (Compensation for Damage due to Water Pollution)

(1) Where a licensed or permitted aquaculture business suffers damage as water is polluted due to any of the following reasons, the manager of the pollution generating facility shall pay proper compensation to the sufferer under relevant statutes or regulations:

1. Construction or operation of an industrial facility or other workplace;
2. Operation of a ship or a marine facility under subparagraph 17 of Article 2 of the Marine Environment Management Act;
3. Development of a deep-sea mining site, etc.

(2) Where the manager of a pollution generating facility under paragraph (1) transfers the business after damage occurs, the manager of the facility at the time when damage occurs and the manager who takes over the facility shall jointly pay compensation under paragraph (1).

Article 70 (Awards)

The Minister of Oceans and Fisheries may confer a prize or monetary award for informing the relevant institution of a violator of this Act or of an order under this Act, for performing a meritorious service in the arrest of such violator, or for contributing to the development of the aquaculture industry, as prescribed by Presidential Decree.

Article 71 (Access and Inspection)

(1) If needs arise for the mediation of aquaculture businesses, hygiene and safety of aquatic products produced in the fish farms or aquaculture waters, prevention of illegal aquaculture businesses, an administrative office may have a fisheries supervising official under Article 72 of the Fisheries Act (hereinafter referred to as “fisheries supervising official”) enter the fish farms, workplaces, offices, warehouses, and other places of aquaculture business right holders and permitted aquaculture

businesspersons to inspect books, documents and other articles, or inquire of interested parties.

(2) If needs arise for mediation of aquaculture businesses, an administrative office may have a fisheries supervising official enter another person's land to conduct land survey or inspection, and move or remove articles that hinder land survey or inspection if there are inevitable circumstances.

(3) A fisheries supervising official performing duties pursuant to paragraphs (1) and (2) shall carry a certificate showing authority and present it to interested parties.

Article 72 (Request for Data)

The Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies, heads of local governments, and heads of relevant institutions and organizations to submit the following data. In such cases, those in receipt of a request shall comply with the request unless there are special circumstances:

1. Data necessary for nurturing specialists in the aquaculture industry in Korea and employing foreign specialists in the aquaculture industry, etc.;
2. Data necessary for conducting fact-finding surveys on the aquaculture industry under Article 8;
3. Data necessary for examining and evaluating licenses under Article 25.

Article 73 (Service of Documents by Publication)

(1) Where an administrative office is unable to serve documents necessary for notifying this Act or an order, disposition, etc. under this Act as the domicile or residence of a person who is subject to an order, disposition, etc. is unclear or due to any other reason, it shall publicly announce the details as prescribed by Presidential Decree.

(2) Where an administrative office makes a public announcement pursuant to paragraph (1), the documents shall be deemed to reach the interested party on the day that comes after 30 days from the day immediately following the date of public announcement.

Article 74 (Fees)

A person who files an application for a license, permission, designation, or approval, or an application for modification thereof shall pay handling fees as prescribed by ordinance of the Special Metropolitan City, a Metropolitan City, the Special Self-Governing City, a Do, or the Special Self-Governing Province (limited to cases in which an application is filed with the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor or Special Self-Governing Province Governor) or by ordinance of a Si/Gun/Gu (limited to cases in which an application is filed with the head of a Si/Gun/Gu).

Article 75 (Hearings)

When intending to issue any of the following dispositions, a Mayor/Do Governor or the head of a Si/Gun/Gu shall hold a hearing thereon:

1. Modification and revocation of a license under Article 21 (2);
2. Revocation of a license referred to in Article 27;
3. Revocation of permission under Article 51;
4. Revocation of designation pursuant to Article 55 (6).

Article 76 (Delegation or Entrustment of Authority)

(1) Part of the authority of the Minister of Oceans and Fisheries under this Act may be delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayor, Do Governors or Special Self-Governing Province Governor or to the heads of affiliated organizations, as prescribed by Presidential Decree.

(2) Part of the authority of the Special Metropolitan City Mayor, Metropolitan City Mayors, or Do Governors may be delegated to the heads of Sis/Guns/Gus (excluding the Special Self-Governing City Mayor and Special Self-Governing Province Governor), as prescribed by Presidential Decree.

(3) Part of the duties of the Minister of Oceans and Fisheries may be entrusted to the heads of public institutions or the heads of relevant organizations, as prescribed by Presidential Decree.

Article 77 (Persons Deemed Public Officials for Purposes of Penalty Provisions)

The persons who are engaged in the duties entrusted to them pursuant to Article 76 (3) shall be deemed public officials for purposes of penalty provisions under Article 129 through 132 of the Criminal Act.

CHAPTER VIII PENALTY PROVISIONS

Article 78 (Penalty Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who runs an aquaculture business without obtaining a license under Article 10;
2. A person who violates a disposition of restricting or suspending a license or permission under Article 26 (1) 2 or 3 (including cases in which such provision applies mutatis mutandis pursuant to Article 52);
3. A person who runs an aquaculture business without obtaining permission under Article 43 (1);
4. A person who cultivates, captures or collects aquatic animals and plants, in violation of Article 54 (1).

(2) Imprisonment with labor and fines prescribed in paragraph (1) may be imposed concurrently.

Article 79 (Penalty Provisions)

Any person who falls under any of the following shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won:

1. A person who obtains a license, permission, or approval under Article 10 (1), 18 (1), 43 (1), or 53 by fraud or other improper means;
2. A person who has de facto control over the management of an aquaculture business in violation of Article 23 (1) (including cases in which such provision applies mutatis mutandis pursuant to Article 52), or an aquaculture business right holder or a permitted aquaculture businessperson who allows another person to have de facto control over the management of the aquaculture business;
3. A person who transfers, divides or modifies an aquaculture business right, or provides it as security in violation of Article 30 (1) 2 and Article 31, or a person who receives the transferred or divided aquaculture business right, or is provided with the aquaculture business right as security;
4. A person who leases out or leases an aquaculture business right, in violation of Article 32;
5. A person who uses a ship that is not designated as an aquaculture service vessel, in violation of Article 41 (1) (including cases in which such provision applies mutatis mutandis pursuant to Article 52);
6. A person who uses an aquaculture service vessel to cultivate, catch or collect aquatic animals and plants in waters not designated or approved, in violation of Article 41 (4) (including cases in which such provision applies mutatis mutandis pursuant to Article 52);
7. A person who disobeys a mediation order, etc. under Article 54;
8. A person who fails to remove aquaculture facilities, in violation of Article 56;
9. A person who possesses, distributes, processes, keeps or sells aquatic animals and plants that have been cultivated in violation of Article 57.

Article 80 (Penalty Provisions)

Any person who falls under any of the following shall be punished by imprisonment for not more than one year or by a fine not exceeding 10 million won:

1. A person who violates a disposition of restrictions or suspension under Article 26 (1) 1, 4, 6, 8 or 9 (including cases in which such provisions apply mutatis mutandis pursuant to Article 52);
2. A person who does not comply with inspection of books, documents or other articles under Article 71 (1).

Article 81 (Administrative Fines)

(1) Any person who falls under any of the following shall be subject to an administrative fine not exceeding five million won:

1. A person who acquires an aquaculture business right in violation of Article 21 (1) (including cases in which such provision applies mutatis mutandis in Article 52) or (2), fails to start an aquaculture business within one year from the date on which he or she acquires permission, or leaves the fish farm

continuously lying fallow even though it has been a year since he or she started the aquaculture business;

2. A person who temporarily closes business without making a report under Article 22 (1) and (2) (including cases in which such provisions apply mutatis mutandis pursuant to Article 52);

3. A person who does not make a report on modification of a license under Article 24;

4. A person who violates restrictions on or prohibition of exercise of an aquaculture business right under Article 38 (3) or an aquaculture business right holder who has aided such violation;

5. An aquaculture business right holder who violates measures necessary for the management of a fish farm under Article 38 (4);

6. A person who does not install fish farm signs, or moves, damages, modifies or conceals the installed signs, in violation of Article 39;

7. An aquaculture business right holder who allows a certain person to exercise an aquaculture business right without following the fish farm management bylaws under Article 40 (1), and the person who exercises such aquaculture business right;

8. A person who violates corrective measures, such as change of fish farm management bylaws, etc., under Article 40 (2);

9. A person who fails to make a report on modification of permission or report, or to make a report on business closure under Article 48;

10. A person who does not make a report within 30 days from the day on which he or she succeeds to the status of a permitted aquaculture businessperson, or fails to meet the criteria for facilities of an aquaculture business and to have the qualification for a permitted aquaculture businessperson within 90days under Article 50 (3);

11. A person who runs a recreational fish pond without obtaining designation under Article 55 (1);

12. A person who fails to comply with a corrective order under Article 55 (6);

13. A person who evades answering a question posed by a fisheries supervising official under Article 71 (1) or makes a false statement;

14. A person who refuses or obstructs land survey, inspection, or moving or removal of hindrances under Article 71 (2).

(2) The administrative fines under paragraph (1) shall be imposed and collected by administrative offices as prescribed by Presidential Decree.

Article 82 (Confiscation)

(1) In the cases of Article 78, Article 79, and subparagraph 1 of Article 80, the aquaculture products and facilities possessed or held by a violator may be confiscated: Provided, That where he or she has been punished two times or more for falling under Article 78 (1) 2, his or her aquaculture products and facilities shall be confiscated.

(2) Where confiscating all or part of the articles that are possessed or held by a violator under paragraph (1) is impossible, an amount equivalent thereto may be collected from him or her as a penalty.

Article 83 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, or employee of or other persons employed by a corporation or an individual commits an offense falling under any of Articles 78 through 80 in relation to affairs of such corporation or individual, not only shall the person who commits such offense be punished but such corporation or individual also shall be punished by a fine under the relevant provisions: Provided, That the foregoing shall not apply where the corporation or the individual has not neglected to pay due attention to or exercise reasonable supervision over the relevant affairs to prevent such offense.

ADDENDA <Act No. 16568, Aug. 27, 2019>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Examination and Evaluation of Licenses)

The amended provision of Article 25 shall begin to apply to a person for whom an examination or evaluation of license is conducted for the first time before the license is expired since the day that is five years after this Act enters into force.

Article 3 (General Transitional Measures)

Acts, such as reports, etc. made pursuant to the previous provisions of the Fisheries Act and the Inland Water Fisheries Act, performed toward administrative agencies before this Act enters into force shall be deemed to have been performed pursuant to the provisions of this Act.

Article 4 (Transitional Measures concerning Basic Plan, etc. for Development of Fish Farming)

(1) A basic plan to develop fish farming and an implementation plan for the development of fish farming established by the Minister of Oceans and Fisheries and a Mayor/Do Governor pursuant to Articles 50 and 51 of the previous Fisheries Act at the time this Act enters into force shall be deemed a master plan and an action plan until the Minister of Oceans and Fisheries and a Mayor/Do Governor formulates a master plan and an action plan pursuant to Articles 6 and 7.

(2) Where matters concerning use and development of fish farms are contained in a plan to use and develop fishing grounds established by the head of a Si, Gun or Gu pursuant to Article 4 of the previous Fisheries Act at the time this Act enters into force, such plan shall be deemed a development plan under Article 9 until the head of Si, Gun or Gu formulates a development plan.

Article 5 (Transitional Measures concerning Fishery Licenses)

(1) Where a license is acquired with regard to the business of cultivating seaweed, business of cultivating shellfish, business of cultivating fishes or similar, combined cultivation business, cooperative cultivation business or business of cultivation in the open sea pursuant to Article 8 (1) of the previous Fisheries Act before this Act enters into force, it shall be deemed that a license for a

seaweed aquaculture business, shellfish aquaculture business, combined aquaculture business, collaborative aquaculture business or offshore aquaculture business under Article 10 (1) is acquired respectively until the expiration of the validity of the aforementioned license.

(2) Where a fishing license under Article 6 (1) 1 of the previous Inland Water Fisheries Act is acquired before this Act enters into force, it shall be deemed that a license for inland fishery under Article 10 (1) 7 is acquired until the expiration of the validity of the aforementioned license.

(3) Where a limited fishery business license for aquaculture is acquired pursuant to Article 15 of the previous Fisheries Act before this Act enters into force, it shall be deemed that a limited aquaculture business license under Article 18 is acquired until the expiration of the validity of the aforementioned license.

Article 6 (Transitional Measures concerning Fish Farm Management Bylaws)

The fishing ground management covenant adopted by a fishing village fraternity and district fisheries cooperative with regard to an aquaculture business pursuant to Article 38 of the previous Fisheries Act at the time this Act enters into force shall be deemed the fish farm management bylaws under Article 40.

Article 7 (Transitional Measures concerning Order of Priority of Licenses)

A license shall be granted according to the order of priority under Articles 13 and 13-2 of the previous Fisheries Act and Article 10 of the previous Inland Water Fisheries Act for an application filed pursuant to the previous Fisheries Act and Inland Water Fisheries Act before this Act enters into force.

Article 8 (Transitional Measures concerning Aquaculture Service Vessels)

The patrol vessels designated or approved pursuant to Article 27 of the previous Fisheries Act before this Act enters into force shall be deemed the aquaculture service vessels designated or approved pursuant to Article 41.

Article 9 (Transitional Measures concerning Designation as Wintering Zones, etc.)

The waters designated as wintering or summering zones pursuant to Article 28 of the previous Fisheries Act before this Act enters into force shall be deemed to have been designated as wintering or summering zones pursuant to Article 42.

Article 10 (Transitional Measures concerning Fishery Licenses, etc.)

(1) Where a license for a business of cultivation in inland sea water under Article 41 (3) 2 of the previous Fisheries Act is acquired before this Act enters into force, it shall be deemed that a license for an inland saline aquaculture business is acquired until the expiration of the validity of the aforementioned license.

(2) Where an experimental fishery is approved pursuant to Article 45 of the previous Fisheries Act or a consultation on a fishery for research or training is held pursuant to the same Article before this Act enters into force, an experimental aquaculture business is approved or a consultation on an aquaculture business for research or training is held until the expiration of the validity where the details of the aforementioned fishery correspond to aquaculture.

Article 11 (Transitional Measures concerning Fishery Licenses or Permission for Foreigners, etc.)

The license or permission for a fish farming business granted to a foreigner or foreign corporation pursuant to Article 5 of the previous Fisheries Act before this Act enters into force shall be deemed a license or permission for an aquaculture business granted to a foreigner or foreign corporation pursuant to Article 19 (including cases in which such provision applies mutatis mutandis pursuant to Article 52).

Article 12 (Transitional Measures concerning Original Register of Fishery Rights)

The original register of fishery rights in which fishery rights and rights derived therefrom under the previous Fisheries Act and Inland Water Fisheries Act are registered pursuant to Article 17 of the Fisheries Act and Article 7 of the Inland Water Fisheries Act shall be deemed an aquaculture business register under this Act.

Article 13 (Transitional Measures concerning Administrative Dispositions)

The provisions of the previous Fisheries Act and Inland Water Fisheries Act shall apply to an administrative measure imposed for a violation committed before this Act enters into force.

Article 14 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The provisions of the previous Fisheries Act and Inland Water Fisheries Act shall apply to a penalty or administrative fine for a violation committed before this Act enters into force.

Article 15 Omitted.

Article 16 (Relationships with other Acts)

(1) Where other statutes cite the provisions of the previous Fisheries Act or Inland Water Fisheries Act with regard to the aquaculture business at the time this Act enters into force and this Act contains provisions corresponding thereto, it shall be deemed that this Act or the corresponding provisions of this Act are cited in place of the previous Fisheries Act or Inland Water Fisheries Act, or the aforementioned previous provisions.

(2) Where other statutes cite a fishery right corresponding to the aquaculture business right under this Act at the time this Act enters into force, it shall be deemed that the aquaculture business right under this Act is cited.

ADDENDA <Act No. 16902, Jan. 29, 2020>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 17091, Mar. 24, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 17618, Dec. 8, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Last updated : 2021-08-25

