

THE DISTANT WATER FISHERIES DEVELOPMENT

ACT

Act No. 8626, Aug. 3, 2007

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9627, Apr. 22, 2009

Act No. 10122, Mar. 17, 2010

Act No. 11690, Mar. 23, 2013

Act No. 11982, Jul. 30, 2013

CHAPTER III DISTANT WATER FISHERIES INDUSTRY

SECTION 1 Permission, etc. for Distant Water Fisheries

Article 14 (Port State Control Inspections)

(1) When a ship laden with catches from international waters intends to enter a domestic port, it shall submit an entry report to the Minister of Oceans and Fisheries, along with documents indicating the names and quantity of catches, such as certificates of catches, 24 hours before the scheduled entry to the port, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

(2) In any of the following cases, the Minister of Oceans and Fisheries may instruct public officials in charge of port state control inspections prescribed by Ordinance of the Ministry of Oceans and Fisheries, to board a ship that reported its entry to a port pursuant to paragraph (1) and conduct an inspection on catches, logbooks, documents, or other articles suspected of being involved in illegal, unreported, or unregulated fishing or make inquiries of people involved: <Newly Inserted by Act No. 11982, Jul. 30, 2013>

1. If the ship is laden with fish species managed by international fisheries organizations;
2. If the ship is listed by international fisheries organizations as a vessel involved in illegal, unreported, or unregulated fishing;
3. If the Minister of Oceans and Fisheries is notified by international fisheries organizations or a foreign government that the ship is suspected of having been involved in illegal, unreported, or unregulated fishing and is requested to inspect the ship;
4. If the Minister of Oceans and Fisheries has grounds to suspect that the ship has been involved in illegal, unreported, or unregulated fishing or finds it necessary to conduct a special inspection.

(3) If it is found, as a result of a port state control inspection conducted under paragraph (2), that a ship was involved in illegal, unreported, or unregulated fishing, the Minister of Oceans and Fisheries may detain the

ship or may place restrictions on unloading and transshipment of catches from the ship. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

(4) A public official who boards and inspects a ship under paragraph (2) shall carry a certificate of identification indicating his/her authority and produce it to relevant people. <Amended by Act No. 11982, Jul. 30, 2013>

(5) Matters necessary for inspections and inquiries under paragraph (1) and the detention under paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013>

CHAPTER V PENAL PROVISIONS

Article 33 (Penal Provisions)

(1) A person who violates any provision of Article 13 (2) 1 through 8 shall be punished by imprisonment for not exceeding three years, or by a fine not exceeding three times the value of the relevant fishery products, based on the average import prices of the products for the preceding three years. <Newly Inserted by Act No. 11982, Jul. 30, 2013>

(2) Either of the following persons shall be punished by imprisonment for not exceeding three years, or by a fine not exceeding 20 million won: <Amended by Act No. 11982, Jul. 30, 2013>

1. A person who engages in distant water fisheries without permission or revised permission under Article 6 (1);

2. A person who obtains permission for distant water fisheries by fraudulent or other illegal means.

(3) Any of the following persons shall be punished by imprisonment for not exceeding two years, or by a fine not exceeding ten million won: <Amended by Act No. 11982, Jul. 30, 2013>

1. A person who violates a measure taken for a port state control inspection under Article 14;

2. A person who engages in distant water fisheries without filing a report or revised report pursuant to Article 6 (2) or who engages in a business related to distant water fisheries without filing a report or revised report pursuant to Article 23 (1);

3. A person who performs a project for any purpose other than any of its intended purposes after filing a report or revised report pursuant to Article 6 (2) or 23 (1);

4. A person who files a false report or revised report under Article 6 (2) or 23 (1);

(4) A person who fails to install a vessel positioning system in his/her fishing vessel in violation of Article 15 shall be punished by imprisonment for not exceeding one year, or by a fine not exceeding five million won. <Amended by Act No. 11982, Jul. 30, 2013>

(5) In cases falling under paragraphs (1) through (3), punishment by imprisonment may be concurrently imposed along with punishment by a fine. <Amended by Act No. 11982, Jul. 30, 2013>

Distant Water Fisheries Development Act

Enforcement Rules

The Ministry of Oceans and Fisheries Regulation No.67

partially amended on January 29th, 2014

effective as of January 31st, 2014

Contact Information:

+82-44-200-5368/5369

Distant Water Fisheries Division

Ministry of Oceans and Fisheries of Korea

Article 23

The Reporting of Port Entry and Port State Inspections

1. In accordance with Article 14 (1) of the Act, vessels retaining on board catches from waters outside Korea's jurisdiction shall submit to the Director General of National Fishery Products Quality Management Service (NFQS) an entry notification in the format prescribed in Annex 14 to these Rules (hereinafter referred to as the "entry notification") 24 hours prior to the estimated time of entry. The notification shall be accompanied by:

- (1) documents certifying the catches on board required by relevant RFMOs, if the vessel has on board species under the purview of such RFMOs; and
- (2) documents that certify the legitimacy of the catches on board, if the vessel has on board the species listed by the Minister of Oceans and Fisheries for the implementation of agreements for the prevention of illegal, unreported and unregulated fishing signed with other countries.

2. Notwithstanding paragraph 1 of this Article, in case where either of the following vessels notifies its entry/departure pursuant to Article 5 of the "*Act on Open Port Regulations*", the report shall be deemed to serve as the entry report referred to in paragraph 1 above:

- (1) passenger vessels prescribed in subparagraph (10) of Article 2 of the "*Vessel Safety Act*" or

(2) bulk carriers prescribed in subparagraph (15) of Article 2 of the “*Vessel Safety Act*”
However, the above-mentioned vessels shall submit the entry notification in paragraph 1 above to the Director General of the NFQS if they have on board any species prescribed in the subparagraphs of paragraph 1 of this Article.

3. The Director General of the NFQS may suspend the determination whether to approve the entry and require the submission of additional documents if the notification is not accompanied by sufficient documentation.

4. Port State Inspectors prescribed in Article 23.2 of these Rules shall inspect vessels following the procedures adopted by RFMOs, and if it is identified that a vessel has been engaged in illegal, unreported and unregulated fishing, the inspectors shall prevent the vessel from entering the port and report the case to the Minister of Oceans and Fisheries. If the vessel whose involvement in illegal, unreported and unregulated fishing has been detected after its entry into the port, the inspector shall prevent the vessel from departing the port, landing or transshipping and report the case to the Minister of Oceans and Fisheries.

5. Notwithstanding paragraph 4 above, the Minister of Oceans and Fisheries may approve the port access of a vessel whose involvement in IUU fishing has been identified, in case of *force majeure* or for reasons related to the safety and health of the vessel and the crew, and fisheries cooperation with other countries.

6. Other matters related to port state inspection procedures and measures to be taken as a result of such inspections shall be determined and publicly notified by the Minister of Oceans and Fisheries. <fully amended on Jan. 29, 2014>

Article 23.2

Port State Inspectors

1. The “*public officials in charge of port state control inspections prescribed by Ordinance of the Ministry of Oceans and Fisheries*” referred to in Article 14 (2) of the Act mean public officials at the NFQS who have completed port inspector training required by the Director General of the NFQS.

2. The certificate of identification of a port state inspector stipulated in Article 14 (4) of the Act shall be in the format prescribed in Annex 17 to these Rules. <Article newly established on Jan. 29, 2014>

210mm×297mm[백상지 80g/m²(재활용품)]

(back)

Pursuant to paragraph 1 of Article 14 of the Distant Water Fisheries Development Act and paragraph 1 of Article 23 of the Enforcement Rules of the Distant Water Fisheries Development Act, I hereby notify the entry of the vessel with fish and fish products caught in waters outside Korea’s Judicial Waters

yyyy. mm. dd.

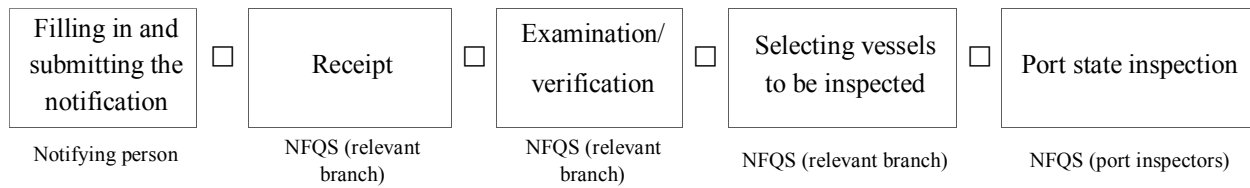
(signature or seal)

Notifying person (master or authorized agent)

Attn. Director general of the National Fishery Products Quality Management Service

(Attachments)	<p>1. In case where the vessel has on board fish species managed by international/regional fisheries management organizations (RFMOs), a catch document required by the relevant RFMO that certifies the catches should be attached.</p> <p>2. In case where the vessel has on board fish species that were caught in the waters of a State with which Korea signed an agreement to prevent IUU fishing and that are listed in the notification issued by the Minister of Oceans and Fisheries, a document that proves the legitimacy of the catches should be attached.</p>	(No fees required)
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Process Flowchart



Instruction

1. In column "vessel description," enter the required information that describes the vessel
 2. In column "date/time of arrival," enter the date and time of arrival as required (i.e year, month and date/hour and minutes).
 3. In column "date/time of arrival," enter the name of the port the vessel intends to enter and the position at which the vessel is going to berth
 4. In column "port of first departure / final port of destination," enter the port the vessel originally departed and the port of final destination.
 5. In column "name, code and address of owner (operator) or agent of ship)," enter the operator or agent (notifying person/entity) who is submitting this form.
 6. In column "information on fish on board," enter the following information:
 - 1) In case where the vessel has received catches directly from a fishing vessel(s), enter the species, retained weight (kg), date and area of catch and transshipment
 - 2) In case of other vessels, enter all information referred in 1) above. However, if it is not feasible to fill in all the information, at least enter the main species and the retained weight (kg).
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[Annex 17] <amended on Jan.29, 2014>

Certificate of Identification of Port State Inspector (Ref. Article 23.2 (2))

(front)

No.


IDENTIFICATION PORT INSPECTION OFFICER

Head shot
3 cm × 4 cm
(head shot taken within
the recent 6 months with
a clean background,
without a hat or cap)

Name:

This identification is to certify that the person holding this identification is duly appointed as a Port Inspection Officer by the Government of Republic of Korea pursuant to Article 14 (4) of the Distant Water Fisheries Development Act and Article 23 (2) of the Enforcement Rules of the Act.
yyyy. mm. dd.

**Minister of
Oceans and
Fisheries**



85 mm×54 mm(print paper 120g/ m²)

(back)

No.

IDENTIFICATION PORT INSPECTION OFFICER

Name:

This identification is to certify that the person holding this identification is duly appointed as a Port Inspection Officer by the Government of Republic of Korea.
yyyy. mm. dd.

Minister of Oceans and Fisheries

Ministerial Directive No. 2014-14 of the Ministry of Oceans and Fisheries

Pursuant to Article 14 of the *Distant Water Fisheries Development Act* and Article 23(6) of the *Enforcement Rules of the Distant Water Fisheries Development Act*, the Ministerial Directive on Port State Inspections is hereby established and notified.

January 28, 2014

Minister of Oceans and Fisheries of the Republic of Korea

The Ministerial Directive on Port State Inspections

Article 1

Purpose

The purpose of this Directive is to provide a procedure and other related matters regarding the port state inspections on vessels entering Korean ports with fish and fish products on board, as prescribed in Article 14 of the *Distant Water Fisheries Development Act* and Article 23(6) of the *Enforcement Rules of the Distant Water Fisheries Development Act*.

Article 2

Entry Notification

1. Pursuant to Article 23 (1) and (2) of the *Enforcement Rules of the Distant Water Fisheries Development Act* (hereinafter referred to as the “Enforcement Rules”), vessels retaining on board catches taken from waters outside Korea’s jurisdiction shall submit to the head of the relevant branch of the National Fishery Products Quality Management Service that has the authorities over the port of intended entry (hereinafter referred to as the “head of the relevant inspection authorities”) an entry notification in the format prescribed in Annex 14 to the Enforcement Rules (hereinafter referred to as the “entry notification”) 24 hours prior to the estimated time of entry through the means including office visit, submission via facsimiles to the vessel operator or via e-mail.

2. The head of the relevant inspection authorities shall record the notifications submitted pursuant to paragraph 1 above in the Log of Port Entry Notifications by individual vessels retaining catches from waters outside Korea's jurisdiction.

Article 3

Documents and Catch Certificates to be Accompanied

1. The “*documents certifying the catches on board*” prescribed in subparagraph (1) of Article 23 (1) of the Enforcement Rules shall be catch documents issued by the competent authorities of a country to which the vessel is registered in accordance with relevant provisions adopted by regional fisheries management organizations.

2. The “*species listed by the Minister of Oceans and Fisheries for the implementation of agreements for the prevention of illegal, unreported and unregulated (hereinafter referred to as “IUU”) fishing with other countries*” prescribed in subparagraph (2) of Article 23 (1) of the Enforcement Rules shall be king crabs, snow crabs and products made from these crab species. The crabs and crab products shall be accompanied by relevant Certificates of Origin duly issued by the competent authorities of the country of origin to demonstrate the legitimacy.

Article 4

Notification of Inspection

When it is determined that a vessel is required to be inspected upon entry into port, the head of the relevant inspection authorities shall, without delay, notify this intention to the person/entity who has submitted the port entry notification and the heads of the local Maritime Affairs and Port Administration, Port Authority and the local government (hereinafter referred to as the “head of the local port management”).

Article 5

Notification of Inspection

1. The head of the relevant inspection authorities shall designate one or more port state

inspectors (hereinafter referred to as “inspectors”) to conduct a port state inspection.

2. Prior to an inspection, inspectors shall present to the master of the vessel an appropriate document identifying the inspectors.

3. Inspectors shall make efforts to avoid imposing unduly burdens on the vessel or crew to be inspected.

Article 6

Inspections

1. Inspectors shall conduct an inspection in a timely manner, within 48 hours from the vessel’s entry into port. The duration of inspection is subject to extension, provided that an extended period of time is required for verifying the actual quantity of catches on board and it is approved by the head of the local port management.

2. Inspectors shall carry out an inspection on the matters prescribed in the following subparagraphs to the extent practicable. However, in case where there are other already-established procedures for such inspections adopted by international fisheries organizations including the Commission for the Conservation and Management of Marine Living Resources (CCAMLR), such other procedures may apply *in lieu* of the procedures provided in this Directive. In conducting an inspection, inspectors shall:

- (1) verify that the name and nationality of the vessel, International Radio Call Sign or IMO number and the type of vessel are consistent with the information contained the entry notification;
- (2) review all relevant documents such as catch certificates and certificates of origin attached to the entry notification for their validity and consistency;
- (3) verify the information related to the vessel owner, master and fishing master;
- (4) verify if the vessel has VMS devices fitted on it and if the devices are functioning properly;
- (5) verify the fishing or fishing-related authorizations issued for the vessel;
- (6) examine all relevant documents that include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds;

- (7) examine the number and quantity of catches retained on board the vessel. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds;
- (8) examine all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and verify that they are in conformity with the conditions of the authorizations. The fishing gear shall also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- (9) provide the master of the vessel with the copy of the report drafted in accordance with the drafting instructions annexed to this Directive in the format described in Annex 2 containing the result of the inspection, including possible measures that could be taken (hereinafter referred to as the “inspection report”), to be signed by the inspector and the master; and
- (10) the master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report.

3. During the course of inspections, inspectors may seek technical advice from the relevant authorities, including the National Fisheries Research and Development Institute (NFRDI) of Korea, regarding matters related to the fishing vessel, gear and fishing methods/techniques.

Article 7

Follow-up Actions to Inspections

1. Upon finding that the inspected vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the head of the relevant inspection authorities shall inform to the person/entity who submitted the entry notification and the head of the port management the actions taken against the vessel in accordance with Article 23 (4) of the Enforcement Rules.

2. Upon receipt of the result of the inspection and the relevant follow-up actions reported

pursuant to Article 23(4) of the Enforcement Rules, the Minister of Oceans and Fisheries shall inform the results to the vessel's flag state authorities and the relevant international fisheries management organizations.

3. The head of the relevant inspection authorities shall conduct monitoring, control and surveillance activities on the implementation of measures taken in accordance with Article 23(4) of the Enforcement Rules.

Article 8

Provision of Report

1. In case where the relevant international fisheries management organizations require that the inspection reports be provided in accordance with relevant provisions of the organizations, the head of the relevant inspection authorities shall submit the report to the Minister of Oceans and Fisheries within 7 days of the completion of the inspection.

2. The Minister of Oceans and Fisheries shall transmit the report submitted pursuant to paragraph 1 above to the Secretariat of the relevant international fisheries organizations within the required time frame.

Article 9

Specific Procedures

The Director General of the National Fishery Products Quality Management Service may determine specific procedures for the effective implementation of this Directive.

Article 10

Review

As provided in the “*Regulations on the Enactment and Maintenance of Directives and Established Rules (Presidential Instruction No.248)*”, this Directive may be amended or repealed, considering the changes in legislations and circumstances that might occur after the effectuation of this Directive, before January 30th, 2017.

Additional Rules to this Directive

This Directive shall enter into force on January 31st, 2014.

Report on the Result of Port State Inspection
Drafting Instruction Sheet

1. Report Number:

KR (country code)-B01(inspecting authorities)-13(year of inspection)-0001(serial number)

Inspecting Authorities	Code	Report Number
Busan Regional Office	B01	KR-B01-13-0001
Incheon Regional Office	I02	KR-I02-13-0001
Incheon Intn Airport Regional Office	I03	KR-I03-13-0001
Seoul Branch	S04	KR-S04-13-0001
Pyoungtaek Regional Office	P05	KR-P05-13-0001
Janghang Regional Office	J06	KR-J06-13-0001
Mokpo Regional Office	M07	KR-M07-13-0001
Wando Regional Office	W08	KR-W08-13-0001
Yeosu Regional Office	Y09	KR-Y09-13-0001
Jeju Regional Office	J10	KR-J10-13-0001
Tongyoung Regional Office	T11	KR-T11-13-0001
Pohang Regional Office	P12	KR-P12-13-0001
Gangreung Regional Office	G13	KR-G13-13-0001

2. Port State:

Republic of Korea

3. Inspecting Authorities:

National Fishery Products Quality Management Service XX Regional Office

4. Name(s) of Inspector(s):

Enter the name(s) of inspector(s)

5. Port of Inspection:

Enter the name of the port at which the inspection was conducted.

6. Commencement of Inspection:

yyyy.mm.dd

7. Completion of Inspection:

yyyy.mm.dd

8. Purpose of Entry of Port:

Enter the vessel's purpose of port entry, referring to the following:

- Landing
- Transshipment
- Other

9. Name of Vessel:

Enter the name of the vessel inspected

10. Flag State:

Enter the nationality of the vessel inspected

11. Type of Vessel:

Enter the type of the vessel, referring to the following:

- Fishing Vessel
- Live Fish Carrier
- Refrigerator Reefer
- Frozen Reefer
- Passenger Cargo Ship
- Container Ship
- Other Ship

12. International Radio Call Sign:

Enter the International Radio Call Sign of the vessel inspected.

13. Port of Registry:

Enter the Port of Registry of the vessel inspected.

14. Owner(s) of Vessel:

Enter the owner(s) of the vessel inspected.

15. Vessel operator(s), if different from vessel owner:

Enter the operator(s) of the vessel inspected.

16. Name and Nationality of Vessel Master:

Enter the name and nationality of the master of the vessel inspected.

17. Name and Nationality of Fishing Master (only for fishing vessels):

Enter the name and nationality of the fishing master of the vessel inspected.

18. Vessel Agent:

Enter the agent of the vessel

19. VMS status (existence or non-existence/type/ properly functioning):

Only for fishing vessels and carriers.

- existence or non-existence: Enter Yes or No
- Type: Enter the model name of the VMS device(s) fitted on board the vessel inspected.
- Properly functioning: Enter Yes or No

20. Relevant fishing license(s): Only for fishing vessels.

Enter all fishing authorizations retained on board the vessel at the time of inspection.

21. Relevant transshipment license(s):

Enter all transshipment-related authorizations retained on board the vessel at the time of inspection.

22. Information about fishing vessel engaged in transshipment:

Enter the information on the fishing vessel that caught the fish transshipped to and retained on board the inspected vessel.

- Name/Flag of Vessel: Enter the name and flag state of the fishing vessel
- Species: Enter the species indicating the stored status either as live, chilled, frozen or dried. (e.g. Frozen Pollack)
- Type of Product: Enter the type as either Round(RD), Gilled(GG), Dressed(DR), Filler(FL) or Other(OT)
- Catch area(s): Enter the FAO Statistical Area where the catches were taken
- Quantity: Enter the quantity of the catches on board in kg

23. Type and Quantity of Catch On-board:

Enter the type and quantity of catches on board the inspected vessel, using the instruction for completing item 22 *mutatis mutandis*.

24. Examination of Logbook(s) and Other Documentation:

Enter Yes or No for each type of logbooks(s) to indicate the validity after examination.

25. Examination of Submitted Documents Including Catch Certificates (certificate of origin):

Enter Yes or No for each type of logbooks(s) to indicate the validity after examination.

26. Type of Gears Used:

Enter the type of gears used by the vessel inspected.

27. Findings by Inspector(s):

Enter the findings by inspector(s) as a result of the inspection.

28. Apparent Infringement(s) Noted Including Reference to Relevant Legal Instrument(s):

Enter apparent infringement(s) noted including reference to relevant legal instrument(s) found as a result of the inspection.

29. Comments from the Master:

Invite the master to leave a statement if he or she has comments or objection regarding the inspection.

30. Actions Taken:

Enter the actions taken as a result of the inspection.

31. Master's Signature:

Invite the master sign for confirmation

32. Inspectors' Signature:

Sign to confirm the report

Annex 2

(page 1)

Report on the Results of Port State Inspection			
1. Report No.		2. Port State	
3. Inspecting Authority			
4. Name of Inspector			
5. Port of Inspection			
6. Commencement of Inspection			
7. Completion of Inspection			
8. Purpose of Entry of Port			
9. Name of Vessel			
10. Flag State			
11. Type of Vessel			
12. International Radio Call Sign			
13. Port of Registry			
14. Owner(s) of Vessel			
15. Vessel operator(s), if different from vessel owner			
16. Name and nationality of vessel master			
17. Name and nationality of fishing master			

210mm×297mm

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24. Examination of logbook(s) and other documentation	
25. Examination of submitted documents including catch certificate(certificate of origin)	
26. Type of gear used	
27. Findings by inspector(s)	

28. Apparent infringement(s) noted including reference to relevant legal instrument(s)

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29. Comments from the master

30. Actions taken

31. Master's signature	
32. Inspector's signature	