

ACT ON THE PREVENTION OF AND COUNTERMEASURES AGAINST AGRICULTURAL AND FISHERY DISASTERS

Wholly Amended by Act No. 4250, Aug. 1, 1990

Amended by Act No. 4555, jun. 11, 1993

Act No. 4993, Dec. 6, 1995

Act No. 5454, Dec. 13, 1997

Act No. 6468, Apr. 7, 2001

Act No. 6656, Feb. 4, 2002

Act No. 7438, Mar. 31, 2005

Act No. 8377, Apr. 11, 2007

Act No. 8749, Dec. 21, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9620, Apr. 1, 2009

Act No. 9659, May 8, 2009

Act No. 9949, Jan. 25, 2010

Act No. 10450, Mar. 9, 2011

Act No. 10832, Jul. 14, 2011

Act No. 10977, Jul. 28, 2011

Act No. 11563, Dec. 18, 2012

Act No. 11697, Mar. 23, 2013

Act No. 12511, Mar. 24, 2014

Act No. 12810, Oct. 15, 2014

Act No. 13385, jun. 22, 2015

Act No. 14728, Mar. 21, 2017

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of productivity and the stabilization of business management in agriculture and fisheries by preventing agricultural and fisheries produce from being damaged by disasters and preparing countermeasures against the aftermath of such disasters.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 9949, Jan. 25, 2010; Act No. 10450, Mar. 9, 2011; Act No. 10832, Jul. 14, 2011; Act No. 10977, Jul. 28, 2011; Act No. 11697, Mar. 23, 2013; Act No. 12511, Mar. 24, 2014>

1. The term "disaster" means agricultural and fisheries disasters;
2. The term "agricultural disaster" means damage by drought, flood, heavy rain, tidal wave, typhoon, strong wind, abnormally low temperature, hailstorm, frost, tide, heavy snow, cold wave, heat wave, diseases and insect pests prescribed by Presidential Decree, lack of sunshine or harmful wild animals (referring to harmful wild animals defined in subparagraph 5 of Article 2 of the Wildlife Protection and Management Act), or other damage incurred by agricultural facilities, farmland, crops, livestock, forestry facilities and forestry crops by any other natural phenomenon recognized by the Committee for Deliberation on Countermeasures against Agricultural Disasters under Article 5 (1);
3. The term "fisheries disaster" means damage by an abnormal tidal current, a red tide, a massive appearance of jellyfish, a typhoon, a tidal wave, abnormal seawater temperature or other damage incurred by cultured marine products and fisheries facilities by any other natural phenomenon recognized by the Committee for Deliberation on Countermeasures against Fisheries Disasters under Article 5 (2);
4. The term "agricultural crops" means crops cultivated to produce food, handicrafts, fodder and fertilizers, horticultural crops, cultivated mushrooms, and mulberry trees;
5. The term "forestry crops" means seedlings, fruit trees, trees for landscaping, forest mushrooms, wild herbs and vegetables, wild flowers, and other forestry crops, which are cultivated for the purpose of earning income;
6. The term "livestock" means livestock defined in subparagraph 1 of Article 2 of the Livestock Industry Act;
7. The term "countermeasures against disasters" means preventive measures against disasters, mitigation of damage, recovery from disasters, and assistance to farmers and fishers suffering from disasters;
8. The term "farmer" means a household in which the householder or any of his/her cohabiting family members engages directly in growing agricultural crops or forestry crops or in raising livestock for the purpose of maintaining the family's livelihood, or an agricultural association or an agricultural company under Articles 16 and 19 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;
9. The term "fisher" means a household in which the householder or any of his/her cohabiting family members engages directly in catching, collecting, or culturing marine animals or plants for the purpose of maintaining the family's livelihood, or a fisheries association or a fisheries company under Articles 16 and 19 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities;
10. The term "agricultural facilities" means livestock pens, silkworm-raising facilities, horticultural facilities, facilities necessary for agricultural production, and incidental facilities, such as warehouses;

11. The term "forestry facilities" means seedbeds, facilities necessary for growing forestry crops, and incidental facilities, such as warehouses prescribed by Presidential Decree;

12. The term "fisheries facilities" means fishing boats, fishing gear, fishing nets, facilities necessary for fishery production, and incidental facilities, such as warehouses prescribed by Presidential Decree;

13. The term "cultured marine products" means fish, shellfish, seaweed, and other marine animals and plants cultured by fishers.

Article 3 (Countermeasures against Disasters)

The State and local governments shall prepare countermeasures against disasters with respect to the following matters: *<Amended by Act No. 9949, Jan. 25, 2010; Act No. 12511, Mar. 24, 2014>*

1. Matters concerning the assistance with, and the mobilization of, equipment, machines, materials, or human resources and expenses for preventing disasters;
2. Matters concerning the restoration of agricultural facilities, farmland, agricultural crops, etc. at the time a disaster occurs;
3. Matters concerning the restoration of facilities for fisheries, fishery grounds, cultured marine products, etc.;
4. Matters concerning the assistance to be rendered to farmers and fishers who suffer from a disaster;
5. Other matters concerning the implementation of countermeasures against disasters.

Article 4 (Subsidization and Assistance)

(1) The State and local governments shall fully or partially subsidize for expenses incurred in taking countermeasures against disasters and shall render assistance to farmers and fishers who suffer from disasters: Provided, That farmers and fishers who have benefitted from measures for prevention of disasters or mitigation of damage or measures for restoration from disasters or assistance rendered for disasters pursuant to the Framework Act on the Management of Disasters and Safety, the Wildlife Protection and Management Act, or any other statute shall be excluded from those eligible for subsidization and assistance under this Act. *<Amended by Act No. 10450, Mar. 9, 2011; Act No. 10977, Jun. 28, 2011; Act No. 12511, Mar. 24, 2014>*

(2) Subsidies and assistance granted or rendered to farmers who suffer from a disaster by the State and each local government pursuant to paragraph (1) shall be as follows: *<Amended by Act No. 11563, Dec. 18, 2012; Act No. 12511, Mar. 24, 2014>*

1. For countermeasures against damage from a drought:
 - (a) Fuel oil expenses and electricity bills that are incurred in pumping up water, in cases where water has been pumped up;
 - (b) Costs of purchasing water pumps and motors;
 - (c) Costs of installing water pumps and tubular wells;
2. Where pest control measures are taken for agricultural crops or forestry crops: Costs of agricultural chemicals;

3. Where agricultural crops or forestry crops are replanted: Costs of seedlings and fertilizers;
 4. Where washed out or buried farmland is restored: Costs of restoration;
 5. Where agricultural or fisheries facilities washed out or destroyed are restored: Costs of installation and removal;
 6. Where new younglings are raised instead of washed out or dead livestock: Costs of purchasing younglings;
 7. Where washed out or buried grassland is restored: Costs of restoration;
 8. Where assistance is rendered for washed out or dead silkworms: Costs of raising;
 - 8-2. Where disposal of agricultural crops, forestry crops or livestock is necessary in order to replant agricultural crops or forestry crops, or raise new younglings: Costs of disposal;
 9. Where assistance is rendered for the stabilization of livelihood of farmers who suffer from a disaster and the maintenance of their businesses:
 - (a) Relief of disaster victims;
 - (b) Exemption of school fees for high school students;
 - (c) Deferment of repayment of agricultural loans and abatement or exemption of interest thereon;
 - (d) Distribution of the Government's grain, etc.;
 10. Other matters concerning assistance.
- (3) Subsidies and assistance that are granted or rendered to fishers who suffer from a disaster by the State and local governments pursuant to paragraph (1) shall be as follows: <Amended by Act No. 10450, Mar. 9, 2011; Act No. 12511, Mar. 24, 2014; Act No. 14782, Mar. 21, 2017>
1. Where cultured marine products are damaged by a fisheries disaster:
 - (a) Costs of seeds for fisheries;
 - (b) Costs of removal of dead cultured products;
 2. Where fisheries facilities washed out or destroyed are restored: Costs of installation and removal;
 3. Where assistance is rendered for the stabilization of livelihood of fishers who suffer from a disaster and the maintenance of their businesses:
 - (a) Relief of disaster victims;
 - (b) Exemption of school fees for high school students;
 - (c) Deferment of repayment of fisheries loans and abatement or exemption of interest thereon;
 - (d) Distribution of the Government's grain, etc.;
 4. Where cultured marine fish are urgently released due to a red tide or sea surface temperature anomaly: Costs of new younglings.
- (4) Where a farmer or fisher suffers damage for reasons prescribed by Presidential Decree, such as power failure due to a disaster, the State and local governments may grant a subsidy or assistance equivalent to a subsidy or assistance granted to the farmer or fisher who suffers damage under paragraph (2) or (3). <Newly Inserted by Act No. 12511, Mar. 24, 2014>

(5) Where a fisher who has been struck by disaster does not return to the former state but returns his/her fishing right and discontinue fishing operations, the State and local governments may grant a subsidy or assistance in the amount equivalent to paragraph (2) or (3).

(6) The State and local governments may subsidize and assist with expenses incurred in purchasing, installing, and operating facilities and equipment prescribed by Presidential Decree to farmers and fishers to prevent disasters. *<Newly Inserted by Act No. 12511, Mar. 24, 2014>*

(7) The Framework Act on the Management of Disasters and Safety shall apply mutatis mutandis to criteria and methods for providing subsidies and assistance to farmers and fishers under paragraphs (2) through (6), and Joint Ordinance of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries (hereinafter referred to as "Joint Ordinance") shall apply to matters not provided in the aforementioned Act. *<Amended by Act No. 11697, Mar. 23, 2013; Act No. 12511, Mar. 24, 2014>*

(8) The State and local governments shall secure financial resources necessary to provide subsidies and assistance to farmers and fishers under paragraph (1).

Article 4-2 (Tax and Health Insurance Exemptions, etc.)

If necessary to stabilize the livelihood of farming and fishing households affected by disasters described in Article 4 (1), the State and local governments may provide them with the following support:

1. Granting tax exemptions, etc. under tax-related Acts such as the Restriction of Special Taxation Act and the Restriction of Special Local Taxation Act;
2. Granting health insurance exemption under the National Health Insurance Act.

Article 5 (Committee for Deliberation)

(1) The Committee for Deliberation on Countermeasures against Agricultural Disasters shall be established within the Ministry of Agriculture, Food and Rural Affairs in order to have the Committee deliberate on matters concerning agricultural disasters. *<Amended by Act. No. 9659, May 8, 2009; Act No. 11697, Mar. 23, 2013>*

(2) The Committee for Deliberation on Countermeasures against Fisheries Disasters shall be established within the Ministry of Oceans and Fisheries in order to have the Committee deliberate on matters concerning fisheries disasters. *<Newly Inserted by Act No. 11697, Mar. 23, 2013>*

(3) Matters necessary for the organization and operation of the Committee for Deliberation on Countermeasures against Agricultural Disasters under paragraph (1) and the Committee for Deliberation on Countermeasures against Fisheries Disasters under paragraph (2) shall be prescribed by Presidential Decree. *<Amended by Act. No. 9659, May 8, 2009; Act No. 11697, Mar. 23, 2013>*

Article 6 (Securing Materials Necessary for Countermeasures against Disasters)

The State and each local government shall secure materials necessary for countermeasures against disasters each year.

Article 7 (Emergency Measures)

(1) If a disaster has occurred or is likely to occur and thus emergency measures are required, the head of each local government may mobilize residents in the affected area to take emergency measures and use,

expropriate, or remove the land, residential houses, facilities, and goods in such area.

(2) When the head of each local government initiates emergency measures pursuant to paragraph (1), he/she shall execute such measures by a written order to take countermeasures against the disaster, as prescribed by Presidential Decree.

(3) The head of each local government shall pay fair compensation to a person for losses that the person sustains due to a disposition made pursuant to paragraph (1).

(4) Any person who has an objection to the compensation under paragraph (3) may file a petition for adjudication with the competent Regional Land Tribunal under the Act on the Acquisition of Land, etc. for Public Works Projects, as prescribed by Presidential Decree.

(5) As to objections to an adjudication under paragraph (4), Articles 83 through 86 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply *mutatis mutandis*.

Article 7-2 (Special Cases on Disposal and Post Management of Dead Animals)

(1) Notwithstanding the Wastes Control Act, where the Mayor of the relevant Special Metropolitan City, the Mayor of the relevant Metropolitan City, the Mayor of the relevant Special Self-governing City, the Governor of the relevant Do or the Governor of the relevant Special Self-governing Province (hereinafter referred to as the "Mayor/Do Governor") deems it necessary because domestic animals or aquatic animals (referring to aquatic animals under subparagraph 2 of Article 2 of the Aquatic Life Disease Control Act) more than the magnitude prescribed by Presidential Decree are killed due to a disaster, the Mayor/Do Governor may dispose of dead domestic animals or aquatic animals in landfills, as prescribed by Presidential Decree.

(2) Where the Mayor/Do Governor disposes of dead domestic animals or aquatic animals in landfills pursuant to paragraph (1), he/she shall take measures to prevent environmental pollution and deal with the aftermath of disposal in landfills, as prescribed by Presidential Decree.

Article 8 (Assistance in Emergency Measures)

(1) If a disaster has occurred or is likely to occur and thus emergency measures are required, the head of each local government may request the head of an appropriate administrative agency, the head of a public institution, or persons who hold the license for, or the registration of, a passenger transport business under Article 4 of the Passenger Transport Service Act and persons who hold the permit for a trucking transport business under Article 3 of the Trucking Transport Business Act (hereinafter referred to collectively as "transport business entities") to transport goods necessary for countermeasures against the disaster and render assistance in other ways.

(2) A person to which rendering assistance is requested pursuant to paragraph (1) shall render such assistance without delay, unless any extenuating circumstance exists.

(3) The head of each local government shall pay fair compensation to a person for losses that the person sustains due to a disposition made pursuant to paragraph (1), as prescribed by Presidential Decree.

(4) As to an objection to the compensation under paragraph (3), Article 7 (4) and (5) shall apply *mutatis mutandis*.

Article 9 (Advance Payment, etc. of Restoration Fund)

(1) Where it is necessary for the recovery from a disaster, the State and local governments may pay some of funds for restoration in advance before restoration works are completed to farmers and fishers who suffer from the disaster. <Amended by Act No. 12511, Mar. 24, 2014>

(2) Deleted. <by Act No. 12511, Mar. 24, 2014>

(3) Article 51 of the Countermeasures against Natural Disasters Act shall apply mutatis mutandis to necessary matters concerning support, such as criteria and methods for paying in advance under paragraph (1), and Joint Ordinance shall apply to matters not provided in the aforesaid Act. <Amended by Act No. 11697, Mar. 23, 2013; Act No. 12511, Mar. 24, 2014>

Article 10 (Restriction on Subsidization and Assistance)

The State and each local government may exclude any of the following farmers or fishers, from farmers and fishers eligible for subsidization and assistance under Article 4:

1. If he/she intentionally neglects the prevention of a disaster and the restoration and maintenance after the disaster to aggravate damage by the disaster;
2. If he/she refuses, interferes with, or evades an investigation into damage by the disaster.

Article 11 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 12810, Oct. 15, 2014>

1. A person who refuses, interferes with, or evades a disposition made pursuant to Article 7 (1);
2. A transport business entity who fails to comply with any request made pursuant to Article 8 (1) without a justifiable ground.

Article 12 Deleted. <by Act No. 12511, Mar. 24, 2014>

ADDENDA

- (1) This Act shall enter into force on the date of its promulgation.
- (2) (Special Exception to Subsidization and Assistance) Subsidies and assistance under this Act shall be granted or rendered with regard to agricultural and fisheries disasters that occurred during the period between January 1, 1990 and the date of this Act enters into force.

ADDENDUM <Act No. 4555, Jun. 11, 1993>

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

ADDENDA <Act No. 4993, Dec. 6, 1995>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) through (4) Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 6468, Ap. 7, 2001>

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

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 7438, Mar. 31, 2005>

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

ADDENDA <Act No. 8377, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8749, Dec. 21, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9620, Apr. 1, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 9659, May 8, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraphs 8 and 9 of Article 2 shall enter into force on October 2, 2009.

ADDENDUM <Act No. 9949, Jan. 25, 2010>

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

ADDENDUM <Act No. 10450, Mar. 9, 2011>

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

ADDENDUM <Act No. 10832, Jul. 14, 2011>

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

ADDENDA <Act No.10977, Jul. 28, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 11563, Dec. 18, 2012>

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

ADDENDA <Act No. 11697, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning the Committee for Deliberation on Countermeasures against Agricultural and Fisheries Disasters)

The Committee for Deliberation on Countermeasures against Agricultural and Fisheries Disasters established within the Ministry for Food, Agriculture, Forestry and Fisheries pursuant to the former provisions at the time this Act enters into force shall be deemed the Committee for Deliberation on Countermeasures against Agricultural Disasters or the Committee for Deliberation on Countermeasures against Fisheries Disasters established pursuant to the amended provisions of Article 5 until each Committee for Deliberation is newly organized in accordance with the amended provisions of the said Article.

ADDENDUM <Act No. 12511, Mar. 24, 2014>

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

ADDENDUM <Act No. 12810, Oct. 15, 2014>

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

ADDENDA <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 14728, Mar. 21, 2017>

Article 1 (Enforcement Date)

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

Articles 2 (Applicability concerning Urgent Release of Fish due to Sea Surface Temperature Anomaly)

Amended provisions of Article 4 (3) 4 shall apply beginning with the first urgent release due to sea surface temperature anomaly after this Act enters into force.

