



Greenpeace proposal
on the Korean Distant Water Fisheries Act Revision Bill

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Summary

Korea is one of the biggest distant water fishing nations and many cases of illegal, unreported and unregulated (IUU) fishing activities by Korean vessels have been exposed in recent years, which led to the inclusion of Korea in the US report identifying IUU countries in January 2013. Following these incidents and the resulting international pressure, Korea revised its distant water fisheries legislation, the Distant Water Fisheries Development Act, in July 2013. Greenpeace made a number of recommendations at the time, some of which were accepted but many of which were not. The revision has proven insufficient to ensure the necessary changes to put an end to IUU fishing by Korean fishing vessels and nationals.

As a result of the involvement of Korean vessels in IUU fishing activities and the insufficient response by the Korean government, the European Union handed out a formal warning (“yellow card”) to Korea in November 2013 under Regulation (EC) No 1005/2008 and extended the warning for a further six months in July 2014.

The Korean government has been working on a new revision of the legislation aiming to submit it to the National Assembly by the end of 2014. Greenpeace formulated a policy reform proposal in June 2014 for presentation to the Ministry of Oceans and Fisheries (MOF), designed to bring about essential high standards of governance in distant water fishing. Subsequently, the Ministry of Oceans and Fisheries presented its revisions and these were submitted to the National Assembly on 8 October by 14 parliamentarians.

Although the government’s amendments go some way towards the changes Greenpeace recommended, there are still important gaps and loopholes. Greenpeace urges decision-makers to set out further amendments in order to fully enable the government to deliver internationally required standards of conservation of marine resources and ecosystems, management and control of Korea’s distant water fleet and effective implementation of the new legislation.

The following contains a summary of the most important changes Greenpeace considers essential to the reform of Korea’s DWF legislation. For detailed text proposals, please refer to the table in the Annex 2:

1. **The need to set the objective of achieving the sustainable management of marine resources and conservation of ecosystems and to fully cooperate with international efforts:** The revised draft legislation still falls short of requiring sustainable management of

marine resources, which is an obligation on all states under the UN Fish Stocks Agreement and a universally endorsed fisheries management objective. (See MOF proposed provisions in Art 1, Art 4, Art 7 (1) 6, and Art 26 in the table; Annex 2). In addition, the law must, for instance, ensure that Korea collects and then provides required fishing and vessel data, and related information to relevant bodies, such as Regional Fisheries Management Organisations (RFMOs), as well as otherwise cooperate with international fisheries management organisations and arrangements and other related international organisations in accordance with its obligations and. (e.g. see Greenpeace's proposed changes in Art 18 Add).

2. **The need to define the term “national” and strengthen related provisions to ensure that all aspects of beneficial ownership will be covered by the law and to prevent operators from evading the rules by moving their operations under flags of convenience:** While MOF proposed Art 12-2 is seemingly meant to cover all beneficial owners that are not covered by the current law by stating that “[t]he nationals of the Republic of Korea shall not engage in IUU fishing in international waters and shall comply with the matters to be complied with by distant water fishery operators, etc.”, these and associated provisions remain insufficient and, more importantly, are meaningless without a legal definition of the term “national” . Specifically, Greenpeace recommends that a definition of the term “national” must be added to Article 2, to cover all natural or legal persons and entities, and thereby extend the application of the law to e.g. companies registered in Korea, beneficially owned by Korean nationals etc. (please see Greenpeace's detailed proposals for Article 2). In fact, in their current form the government's proposed revisions may make it impossible to sanction a Korean company which operates a DWF for relevant breaches of the law.

To provide a specific example in support of further revisions of the government text :

Recent matters involving *Yantar 31* and *Yantar 35* in the CCAMLR area were not investigated by the Korean Government because at the time those vessels were owned by the Joint Venture Orion Co Ltd. Yet, the joint venture was/is reportedly part-owned (49%) by the Korean fishing company Sajo Industries. This highlights at least three shortcomings:

- 1) the provisions relating to beneficial owners need to be tightened: Sajo avoided having to obtain a permit under Art 6(1) by keeping its ownership stake in Venture Orion Ltd to 49% instead of 50%. In addition to adding a definition of the term “national”, Greenpeace also propose to lower the threshold for “ownership” to 25% and to define the term “held beneficially” (please see detailed Greenpeace proposals in Annex 2).

2) the provisions on fishery permissions and reporting (Article 6 of the law revisions) must be further tightened: Greenpeace proposes that MOF proposed Art 6(7) must be tightened, amongst others, by covering any “person who intends to own or operate a distant water fishing operation or who does do so...” and by providing that “[a]ny person who intends to engage or does engage in ocean fisheries as an overseas corporation established through collaboration with a foreign national, or with a foreign national in any other way, shall file a report with the Minister of Oceans and Fisheries” (see detailed Greenpeace proposals in Annex 2). These proposed Greenpeace revisions would close the loopholes in relation to Korean nationals buying into existing operation overseas.

3) the provisions relating to the Ministry’s powers must be further tightened: Greenpeace is proposing additional provisions to ensure that the Ministry has broad powers of investigation and regularly audits distant water fishing companies in order to avoid missing any companies trying to hide their involvement in IUU businesses. The revisions of the law proposed by the government currently do not contain provisions that would provide the government with the adequate powers to audit and investigate companies or individual that may be linked to companies and consequently fails to e.g. enable the government to identify beneficial owners that use means to obscure their interests (for instance those that import catch from joint venture vessels with a permission from MOF will voluntarily report to MOF in return for tax reduction, but others will not report to MOF and can easily hide the Korean link to foreign DWF operation). Please see Greenpeace’s detailed proposals in relation to Art 16-2 Add, Art 17-2 Add. Art 6 (1) 6 (7) in Annex 2.

3. **No detailed mechanism or procedures for implementation of the law:** the revised draft of the legislation fails to establish adequate procedures to secure implementation of the law. These should ideally be established by the legislation, but could also be created by means of subsequent regulation such as Enforcement Regulation. However, if further detailed provisions are foreseen, the basis for these should be announced/mentioned within the current revisions of the law. Without clear procedures, implementation and enforcement may vary case-by-case and therefore is likely to create loopholes. Greenpeace urges decision-makers to establish the following procedures;

- i. efficient procedures and powers to investigate illegal, unreported and unregulated (IUU)fishing . See detailed Greenpeace proposals for Art 17-2 Add.
- ii. detailed port inspection procedures. See detailed Greenpeace proposals for Art 14 Add.

- iii. criteria and powers for the establishment of an IUU list of vessels. See detailed Greenpeace proposals for Art 15-2 Add.
 - iv. procedures to require vessels to return to port in the event of VMS failure. See detailed Greenpeace proposals for Art 15 Add.
 - v. mechanisms to crosscheck information provided in catch certificates as criticised in the European Commission Decision para 34. See detailed Greenpeace proposals for Art 14 Add.
4. **Shortcomings in the permitting procedures, such as the absence of a requirement to check the IUU history when giving permission:** The Decision of the European Commission notifying Korea of its yellow card warning on IUU (Nov 2013) states that Korea “fails to comply with point 47(7) of the IPOA IUU by not requesting the history of the vessel in terms of possible infringements committed before granting a fishing license” (at the end of (32), page 6). See Greenpeace’s proposed changes in Art 6 (1).
5. **Securing human and financial resources for implementation:** To implement the law, it is important to put in place sufficient financial and staff resources to secure implementation and compliance. See Greenpeace’s proposed changes in Art 17-2 Add. Moreover, it will be necessary to provide judicial officials with the necessary legal powers of inspection, search and seizure etc. See Greenpeace’s proposed changes in Art 17-2 Add).
6. **Strengthening penal procedures:** Although the penalties have been increased substantially compared to the provisions contained in the previous law, the proposed increases are still not sufficient to deter offenders and deprive them of the benefits gained from IUU fishing. See Greenpeace’s detailed proposals for Art 11 (1) 1 and Art 33. A lesson learned from the recent IUU cases involving *Insung* vessels (see Annex 1), it is necessary to confiscate all fish on board a vessel which is suspected of a violation, since it is not possible to ensure the illegal catch is not mixed and offloaded with legally caught catch. See Greenpeace’s detailed proposals for Art 35 Add.
7. **Establishing procedures to secure full transparency and compliance with human right :** The Korean government has already acknowledged the importance of transparency and stakeholder co-operation, e.g. in the Korean National Plan of Action. However, the principle of transparent and sincere co-operation, including with stakeholders, must be further mainstreamed into the revised law. Also, it is necessary to address human rights issues appropriately in the legislation, particularly in relation to fisheries workers (See Annex 3). Please see Greenpeace’s detailed proposals for Art 4 (1), Art 15-2 (2) on

transparency in Annex 2, as well as Greenpeace proposals for Art 7 (1) 13, Art 13 (3) in relation to human right issues.

8. **Putting into place flag state powers to ensure that the Minister can prohibit Korean vessels from fishing in the waters of other nations, if the vessel is deemed to fish in areas that are not covered by an adequate conservation and management regime**
This is required to ensure that Korean vessels do not contribute to unsustainable fishing in areas of weak governance, as is the case in several developing nations, and symptomatic of recent Korean IUU cases in West Africa. See Greenpeace's proposed changes in Art 7 (1) 5 bis.

In addition, Korea should adopt legislation to prevent IUU caught fish from entering its market by putting in place a reliable and transparent traceability and catch certification system and collaborating with countries having similar systems, such as the EU and the USA.

Concluding remarks:

All of the above recommendations and detailed revisions proposed in the table below should be implemented, both in legislation and in terms of a well-resourced and effective government administration, to put South Korea on its way towards an internationally compliant DWF nation. The purpose of this proposal is to provide specific recommendations for the revisions of the Korean government's control over fishing vessels and individuals engaged in IUU fishing and improve the requirements for distant water fishery operators to meet the international standards, thereby providing the legislative framework to ensure that Korea fulfills its roles and responsibilities as a member of the international community. Detailed recommendations on improving the legislation are following in the table below (See Annex 2).

In addition, Greenpeace would like to emphasise that to achieve full sustainability, it is ultimately necessary to do a holistic review of all oceans related policies. Such review and subsequent actions would need to ensure that all fishing activity is conducted under conditions of full sustainability.

ANNEX 1:

Case study: Insung Vessels

In mid-2014, the *Insung No. 3* and *Insung No. 7* were reportedly found to have legal and illegal catches on board. *Insung No. 3* had 250 tonnes of Patagonian toothfish purportedly legally caught after November 2013, and 60 tonnes of catch allegedly illegally caught before Nov 2013 inside Argentina's EEZ. *Insung No. 7* had 151 tonnes of Patagonian toothfish-purportedly legally caught after November 2013 and 113 tonnes of allegedly illegal catches caught before November 2013 inside Argentina's EEZ.

A catch certificate was issued for the legal catch of both vessels, after authorities had checked the VMS data and catch report. In the case of *Insung No. 7*, the *Dissostichus* Catch Document (DCD) was issued even before the vessel went to Montevideo for port inspection. Similarly, *Insung No 3* was issued with a DCD for the 'legal' catch before the vessel came to Busan port.

Although checking VMS and catch reports is consistent with CCAMLR regulations (CM 10-05, See Annex A5), that is for a normal vessel: in these cases, they are suspected IUU vessels, with both legal and illegal catch onboard. This alone warrants a much more thorough investigation of both vessels. This precedent underlines the need for much stronger investigative powers and personnel, such as is suggested in article 17-2 of the revised Act. In addition, it is nonsense to issue a catch certificate when there are IUU fish onboard. The operator could have mixed the IUU and legal fish, or offloaded or transshipped the IUU fish, leaving only the legal fish. Provisions are proposed in article 35 accordingly. All catch must be confiscated.

The MOF proposed Art 13 (9) 1,2,3 is essential, so the Minister can order a vessel to stop fishing, come to port and not unload or transship catch. However if the Minister discovers the suspicious activity after the fact, the Minister should be able to confiscate the catch from the legal fishing since there is no way of ensuring the operator had not mixed or offloaded the catch in the meantime. The proposed provision in Article 35 is therefore essential.

Comparison between Old and Proposed New Provisions and Greenpeace Proposed Provisions

Existing legislation (revised in July 2013)	MOF Proposed provisions (as proposed in Oct 2014 and currently under review in the Parliament)	Greenpeace Proposed Provisions	Notes / Explanation
<p>Article 1 (Purpose) The purpose of this Act is <u>to prescribe matters concerning the distant water fishing industry, thereby contributing to strengthening its competitiveness through the sustainable development of the distant water fishing industry and the responsible management of fisheries and to improving the national economy by facilitating the stable security of marine resources in international waters and international cooperation.</u></p>	<p>Article 1 (Purpose)-- <u>to foster the sustainable development of the distant water fishing industry through the promotion of reasonable conservation and management of marine resources in international waters, their development and use, and international cooperation, and to contribute to improving the national economy</u>----- -----.</p>	<p>The purpose of this Act is to foster the sustainable development of the distant water fishing industry through the promotion of <u>an effective</u> conservation and management <u>regime for</u> marine resources in international waters, their development and use, <u>the establishment of effective control and compliance mechanisms and fostering of international cooperation, with the aim</u> to contribute to improving the national economy</p>	<p>The proposed revision is a minor improvement in that it has introduced the aim of conservation and management of marine resources, but it still falls short of requiring sustainable management of marine resources, which is a universally endorsed objective, and instead calls for 'reasonable conservation' – which is an invalid qualification on conservation: the fishing industry will consider 'reasonable' conservation differently than e.g. a regional fisheries management organization. There is no basis for 'reasonable conservation' as an objective and it has no basis in international law.</p>
<p>Article 2 (Definition) The terms used in this Act shall be defined as follows:</p>	<p>Article 2 (Definition)</p>		
<p>1. ~ 4. (Omitted)</p>	<p>1. ~ 4. (Same as at present)</p>	<p>2. <u>The term "distant water fisheries" means the business of capturing or harvesting marine animals and plants in international waters by nationals of the Republic of Korea, either solely or jointly with a foreigner (limited to where the</u></p>	<p>While Art 12-2 is added to cover all types of beneficial ownership, it is written in a vague and general way. It is critical to define clearly in Art 2 in order to close any potential loopholes.</p>

		<p><u>capital stock paid by nationals of the Republic of Korea or voting rights held thereby exceed the criteria prescribed by Presidential Decree; hereinafter the same shall apply);</u></p>	
		<p>Add: <u>The term “national” shall mean a citizen or permanent resident of the Republic of Korea, or legal entity (including a company), and includes:</u></p> <ol style="list-style-type: none"> (1) <u>a company registered in the Republic of Korea or with a branch or an office in the Republic of Korea and</u> (2) <u>a company registered anywhere where the capital stock paid, possessed or held beneficially by a national of the Republic of Korea or voting rights held thereby exceeds 25% or any other lower criteria prescribed by Presidential Decree; and</u> (3) <u>A trust or property held in trust where the beneficial ownership is at least 25% held by a national of the Republic of Korea.</u> <p><u>“Held beneficially” means any arrangement in which a person has an ownership or controlling interest directly or</u></p>	<p>Refer art 2 DWF Act.¹ Need to define “national” to use in Act e.g. to include beneficial owner. A trust is a common law device (e.g. in England or the United States) where property is in the name of one person but held for the benefit of another.</p> <p>It is important to capture the concept of beneficial ownership, as otherwise the new law will easily be subverted.</p> <p>The term ‘Possessed’ is included to cover a situation where ‘bearer shares’ are owned by the person who possesses them.</p>

		<u>indirectly, including directly or indirectly, having shares, voting or other investment power.</u>	
<Amended>	5. The term "worker in the distant water fishing industry" means a person who is employed by a distant water fishery operator and engages in the distant water fishing industry (hereinafter referred to as "distant water fishing industry worker") and who is employed by a business operator related to distant water fisheries and engages in the business related to distant water fisheries (hereinafter referred to as "distant water fisheries related business worker");		
<Amended>	6. The term "fishing operation" means any activity associated with fish tracing and collection in relation to distant water fisheries, keeping, storing and processing of fish catch and transportation of fish catch or fish and fishery products and supply of necessities to a fishing vessel;		
<Amended>	7. The term "international fisheries organization" means any international organization or regional fisheries management organization established under the treaties, or international agreements and convention (hereinafter referred to as "international laws");		

<p><Amended></p>	<p>8. <u>The term "conservation and management measures" mean measures adopted and applied in accordance with the provisions of international laws to conserve or manage one or more species of marine resources;</u></p>		
<p><Amended></p>			
<p>5. The term "international waters" means <u>East Sea, West Sea, East China Sea, and sea areas excluding the Pacific Ocean areas between north of the 25 degrees north latitude and west of the 140 degrees east longitude;</u></p>			
<p>6. <u>"The term "international observer" means any person who engages in embarkation activities to monitor or supervise compliance with international standards for fishing operations or to conduct scientific investigations as designated by the state;</u></p>			
<p>7. <u>The term "illegal, unreported, and unregulated fishing" means any fishing operation conducted in violation of the relevant domestic or international laws or duties concerning unlicensed fisheries or fishing operations.</u></p>			

<p><u>fishing operation unreported or falsely reported to the relevant state or international fisheries organization, fishing operation using a fishing vessel with no nationality in high seas or in waters under the jurisdiction of an international fisheries organization or fishing operation inconsistent with the state responsibilities;</u></p>			
	<p><u>9. The term "flag state" means a state presented by the flag that any vessel displays to inform its nationality;</u></p>		
	<p><u>10. ----- East Sea and West Sea - ----- -----.</u></p>		
	<p><u>11. The term "observer"----- ----- ----by the relevant state or international fisheries organizations-----.</u></p>		
	<p><u>13. The term "illegal fishing" means any fishing operation falling under any of the followings;</u> (a) <u>Fishing activities conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of the state or in contravention of its laws and regulations;</u> (b) <u>Fishing activities conducted by a vessel of state that are</u></p>		

	<p><u>parties to a relevant international fisheries organization, in contravention of the binding conservation and management measures adopted by the organization or relevant provisions of the applicable international law; or</u></p> <p><u>(c) Fishing activities conducted in violation of national laws or international obligations, including those conducted by cooperating states to a relevant international fisheries organization.</u></p>		
	<p><u>14. The term “unreported fishing” means any fishing operation falling under any of the followings:</u></p> <p><u>(a) Fishing activities conducted in waters under the jurisdiction of a state but have not been reported or have been misreported to the relevant national authority, in contravention of national laws and regulations; or</u></p> <p><u>(b) Fishing activities conducted in the area of competence of a relevant international fisheries organization but have not been reported or have been misreported in contravention of the reporting procedure of the organization.</u></p>		
	<p><u>15. The term “unregulated fishing” means any fishing operation falling under any of the</u></p>		

	<p><u>followings:</u></p> <p><u>(a) Fishing activities conducted in the area of application of the international fisheries organization by vessels without nationality or by those flying the flag of a state not party to the international fisheries organization or by a fishing entity in a manner that is not consistent with or contravenes the conservation and management measures of the organization; or</u></p> <p><u>(b) Fishing activities conducted in the area or for fish stock with no applicable conservation and management measures in a manner inconsistent with state responsibilities for the conservation of marine resources under international law.</u></p>		
	<p><u>16. ---whose outer boundary of the territory meets the sea---</u></p>		
	<p><u>17. (Same with the existing subparagraph 9)</u></p>		
	<p><u>18. -----fish and fishery products (including manufactured and processed products sourced from fishery products -----fishing vessels, carriers and supply vessels, etc.-----</u> <u>-----.</u></p>		

<p>8. The term "coastal state" means <u>a country possessing a coastline.</u></p>			
<p><Amended></p>			
<p>9. (Omitted)</p>			
<p>10. The term "transshipment" means the act of off-loading of the whole or partial <u>fish and fishery products</u> kept in one fishing vessel and loading them onto <u>another fishing vessel.</u></p>			
<p>Article 4 (Formulation of Comprehensive Plan for Development of distant water fishing industry) (1) (Omitted)</p>	<p>Article 4 (Formulation of Comprehensive Plan for Development of distant water fishing industry) (1) (Same as at present)</p>	<p>(1) The Minister of Oceans and Fisheries shall formulate a comprehensive plan to develop <u>and ensure the sustainability of</u> the distant water fisheries industry (hereinafter referred to as "comprehensive plan to develop the distant water fisheries industry") <u>and of the fisheries</u> every five years, as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries shall hold a prior consultation with the heads of relevant central administrative agencies <u>and stakeholders.</u></p>	<p>Important to ensure sustainability of the distant water fishing industry as well as just develop it, and stakeholders should be involved.</p>
<p>(2) A comprehensive plan for the development of distant water fishing industry shall include the following matters.</p>	<p>(2)----- -----.</p>		
<p>1. ~ 2. (Omitted)</p>	<p>1. ~ 2. (Same as at present)</p>		

		<p>(2) A comprehensive plan to develop the distant water fisheries industry shall include the following matters:</p> <p>1. Changes in the environment of marine resources in international waters and outlook therefor;</p> <p><u>1 bis international regulatory, policy and scientific developments;</u></p> <p><u>1 ter Impacts on the marine environment including cumulative impacts, and impacts from climate change and ocean acidification;</u></p> <p><u>1 quater the obligation to protect and preserve the marine environment and for the conservation of the living resources of the high seas.</u></p> <p><u>1 quinques the need to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.</u></p>	The plan should include all these matters.
3. Matters concerning a <u>planned survey and development</u> of marine resources in international waters;	3. ----- <u>reasonable conservation and management and development and use</u> -----	<u>conservation and management and development and use</u>	International law does not permit the qualification 'reasonable' conservation
4. ~ 6. (Omitted)	4. ~ 6. (Same as at present)		
<Amended>	<u>7. Matters concerning the management of IUU fishing (hereinafter referred to as "IUU fishing").</u>		
<u>7.</u> (Omitted)	<u>8.</u> (Same with the existing	. Other matters necessary for the efficient	It is important to ensure sustainability.

	subparagraph 7)	promotion of the distant water fisheries industry and to ensure the sustainable use of fishery resources.	
(3) (Omitted)	(3) (Same as at present)		
(4) Necessary matters <u>concerning the formation, etc. of the comprehensive plan for the development of distant water fishing industry</u> shall be prescribed by Presidential Decree.	(4) Matters necessary for the formation of the comprehensive plan for the development of distant water fishing industry, etc. -----.		
Article 5 (Establishment and Operation of Committee for Deliberation on Development of distant water fishing industry) (1) ~ (3) (Omitted)	Article 5 (Establishment and Operation of Committee for Deliberation on Development of distant water fishing industry) (1) ~ (3) (Same as at present)		
(4) The Vice Minister of Oceans and Fisheries shall be the Chairperson.	(4) ----- <u>The Minister of Oceans and Fisheries shall act</u> -----		
(5)·(6) (Omitted)	(5)·(6) (Same as at present)		
(7) Necessary matters concerning the composition and operation of the Deliberation Committee except as otherwise provided for by this Act shall <u>be prescribed</u> by Presidential Decree.	(7) ----- <u>matters... prescribed in</u> ----- -----.		
Article 6 (Fishery Permission and Reporting) (1) A person <u>who intends to engage in ocean</u>	Article 6 (Fishery Permission and Reporting) (1) ----- <u>who will</u> ----- -----	(1) A person <u>who intends to own or operate a distant water fishing operation</u> or who does do so shall obtain the	The EU commission decision on IUU country designation (Nov 2013) states that "KR fails to comply with point 47(7)

<p>fisheries shall obtain the permission of the Minister of Oceans and Fisheries for each fishing vessel. The same shall also apply to any proposed amendment to permitted matters: Provided that minor matters, as prescribed by Presidential Decree, shall be reported.</p>	<p>----- -----.</p>	<p>permission of the Minister of Oceans and Fisheries for each fishing vessel. [...]</p> <p>Add: <u>The person shall provide the history of the vessel which will be used including all infringements and possible infringements committed involving that vessel.</u></p>	<p>of the IPOA IUU by not requesting the history of the vessel in terms of possible infringements committed before granting a fishing licence” (at the end of (32), page 6).</p> <p>This matter must be addressed.</p> <p>In addition, Art 6.1 has a potential loophole in that if a national buys into a foreign DWF operation, it will not necessarily trigger art 6.1. So ‘or who does do so’ is added.</p>
<p><Amended></p>	<p>(2) <u>The Minister of Oceans and Fisheries shall not apply the provisions of Article 6 (8), in cases where any fishing vessel, which has obtained inshore fishery business permit under the Article 41 (1) of the Fisheries Act, is allowed to conduct fishing operations in international waters in accordance with an agreement made on fisheries or fisheries cooperation with a foreign government or a foreign national, etc. (hereinafter referred to as "fisheries cooperation with a foreign national").</u></p>	<p>Delete</p>	<p>This creates a potential loophole.</p>
<p><Amended></p>	<p>(3) <u>A person who intends to obtain a distant water fisheries license in accordance with Article 6 (1), may apply for a permit to run concurrently with fishery business using the same fishing vessel depending on its</u></p>		

	<p><u>structure and capacity as prescribed by Ordinance of the Ministry of Oceans and Fisheries.</u></p>		
<p><Amended></p>	<p>(4) <u>The Minister of Oceans and Fisheries, in case where he/she grants permission for distant water fisheries, shall divide the operating areas into the Pacific, the Atlantic and the Indian Oceans as to permit the operation: Provided that the Pacific, Atlantic and Indian Oceans may be allowed as one operating area according to the type of distant water fisheries.</u></p>		
<p><u>s</u></p>		<p><u>Add: A permit may only be issued to own or operate a vessel flying the flag of a State that—</u></p> <p><u>(a) is a party to the Fish Stocks Agreement;</u></p> <p><u>(b) is a party to, or has accepted the obligations of, a global, regional, or sub-regional fisheries organisation or arrangement, or bilateral or multilateral agreement, to which the permit relates; and</u></p> <p><u>(c) has legal and administrative mechanisms to control its vessels on the high seas and waters of another State in accordance with the agreement or arrangement.</u></p>	<p>This is necessary to avoid Korean nationals owning or operating flags of convenience/non-compliance.</p>

<p><Amended</p>	<p>(5) <u>Notwithstanding paragraph (4), the Minister of Oceans and Fisheries may adjust operating areas and grant permission, if deemed necessary for fisheries cooperation with a foreign country.</u></p>		
<p><Amended></p>	<p>(6) <u>The Minister of Oceans and Fisheries may grant permission by defining the operating period, if deemed necessary for fisheries cooperation with a foreign country, protection of marine resources and other public interests.</u></p>		
<p>(2) Any person who intends to engage in ocean fisheries as an overseas local subsidiary established through collaboration with a foreign national shall file a report with the Minister of Oceans and Fisheries. Where such person intends to make any amendment to such reported matters, he/she shall file an amended report.</p>	<p>7) ----- <u>who will</u> ----- -----.</p>	<p><u>(7) Any person who intends to engage or does engage in ocean fisheries as an overseas corporation established through collaboration with a foreign national, or with a foreign national in any other way, shall file a report with the Minister of Oceans and Fisheries. Where such person intends to make any amendment to such reported matters, or does make such an amendment, the person shall file an amended report.</u></p>	<p><u>Amended to close loophole of Korean national buying into existing vessel.</u></p>
<p>(3) The types of ocean fisheries that require permission under paragraph (1) shall be prescribed by Presidential Decree, and any necessary matters concerning permission, revised permission and reporting of minor matters under paragraph (1), and</p>	<p>(8) ----- ----- <u>under paragraph (7)</u>----- -----.</p>		

reporting and amended reporting under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.			
(4) The Minister of Oceans and Fisheries shall grant permission under paragraph (1), excluding the cases falling under any of the following;	(9) ----- -----.		
1. ~ 4. (Omitted)	1. ~ 4. (Same as at present)		
5. Where the permit quota for ocean fisheries <u>under paragraph (5)</u> is exceeded;	5. <u>under paragraph (10)</u> ----- -----		
6. (Omitted)	6. (Same as at present)		
(5) (Omitted)	10) (Same with the existing paragraph (5))		
<Amended>	(11) <u>A person who has obtained new permission pursuant to Article 7 (2), shall be deemed to have succeeded to any administrative disposition, obligation, condition, etc. incidental to such permission.</u>		
(6) Matters necessary for permit quota for ocean fisheries under <u>paragraph (5)</u> shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.	(12) <u>under paragraph (10)</u> ----- -----.		

<p><Amended></p>	<p>Article 6-2 (Suspension of Permission for Distant Water Fisheries) (1) In case where a person who has been granted permission for distant water fisheries in accordance with Article 6 (1) falls under any of the followings, he/she may file an application for suspension of permission for distant water fisheries with the Ministry of Oceans and Fisheries: Provided, That he/she cannot file the application for such suspension if he/she fails to submit a report on business closure:</p>		
	<ol style="list-style-type: none"> 1. <u>Sinking or destruction of the fishing vessel;</u> 2. <u>In case where the vessel becomes unusable; or</u> 3. <u>In case where undertaking of fishing operation becomes unable as the vessel's whereabouts are unknown.</u> <p>(2) <u>Where the Minister of Oceans and Fisheries has been filed with an application for suspension of permission for distant water fisheries, he/she shall suspend the new permission in lieu of such permission for the vessel for a prescribed period of not exceeding two years from the date of sinking and destruction of the vessel, date of mission or unusable: Provided, That suspension period may be extended within the range of two</u></p>		

	<p><u>years if any ground is prescribed by ordinance of the Ministry of Oceans and Fisheries, including a case where a vessel is under construction or its import is underway.</u></p> <p>(3) <u>Where the holder of a mortgage to the vessel has rendered his/her right in order to execute his/her mortgage, the Minister of Oceans and Fisheries shall suspend the new permission in lieu of such permission for the vessel for three months from the day of informing to the day on which the price of successful bid is paid.</u></p>		
<p>Article 7 (Restrictions on Permission for Distant Water Fisheries)</p> <p>(1) Where the Minister of Oceans and Fisheries <u>grants permission</u> for distant water fisheries under Article 6, he/she <u>may impose restrictions</u> on the permission in cases falling under any of the following;</p>	<p>Article 7 (Restrictions, etc. on Permission for Distant Water Fisheries)</p> <p>(1) _____ <u>grants permission or in case of a permitted vessel</u>-----<u>may impose restrictions on... or suspend distant water fisheries, or impose restrictions on its mooring at or departure from and entry into a port</u> ---</p>		
<p>1. Where a resolution concerning resource <u>preservation measures</u> by international fisheries management organizations exists;</p>	<p>s1. -----<u>conservation and management measures</u>-----</p>	<p>1. Where a resolution concerning <u>conservation measures</u> by international fisheries management organizations exists;</p>	<p>“Resource conservation and management measures” is too narrow. Need to conserve not just targeted resources but related marine environment.</p>
<p>2.3. (Omitted)</p>	<p>2.3. (Same as at present)</p>	<p>Where the permission for distance water fisheries fails to meet international <u>law or standards</u> regarding fisheries in <u>the high</u></p>	<p>Need to ensure where international law is not met then the Minister may not issue a permit. International law not just</p>

		seas;	international standards must be met.
<Amended>	<u>4. Where there are voluntary or interim measures adopted by a international fisheries organization being established;</u>		
<Amended>	<u>5. Where fishing operations are undertaken in waters where a coastal state deems that it is unable to grant a valid license, permission or authorization and to conduct monitoring, supervision and control of foreign vessels entering the areas under its jurisdiction;</u>		
		Add: <u>5 bis. Where there the Minister has determined there is not a proper conservation and management regime in place with respect to waters under the jurisdiction of a coastal State.</u>	This is required to ensure that Korean vessels do not contribute to unsustainable fishing by fishing in areas where there is an inadequate conservation and management regime.
<u>4. Where necessary for the management, etc. of marine resources</u>	<u>6. marine resources in international waters -----</u>	<u>6. Where the permission is necessary for the management of fishery resources, sustainable fisheries, protection of the marine environment etc.</u>	Necessary to add protection of the marine environment, just management of marine resources
<Amended>	<u>7. Where the vessel has a record of being punished by cancellation of its permission or distant water fisheries under Article 11 (1);</u>		
<Amended>	<u>8. Where the vessel with a record of being punished by cancelation of its permission for distant water fisheries, etc. under Article 11 (1)</u>		

	<u>changes its name without a justifiable ground;</u>		
<Amended>	<u>9. Where the vessel has a history of being under a special control as one of the high risk group of vessels under Article 15-2;</u>		
<Amended>	<u>10. Where the vessel is registered or once registered on the list of IUU fishing vessels by an international fisheries organization or a coastal state;</u>		
<Amended>	<u>11. Where the distant water fishery operator violates this Act and the Fisheries Act or violates an order or a disposition under the Fisheries Act, or a restriction or condition thereunder;</u>		
<Amended>	<u>12. Where the Minister of Oceans and Fisheries deems that there are good grounds for suspecting IUU fishing vessel or to necessary to place restrictions for public interests;</u>		
	<u>13. Where it comes to fall under the causes prescribed by Ordinance of the Ministry of Oceans and Fisheries, including prevention of negligent accidents related to fishing activities, etc.</u>	13. Where it comes to fall under the causes prescribed by Ordinance of the Ministry of Oceans and Fisheries, including prevention of negligent accidents related to fishing activities, <u>human rights</u> etc.	Need to be able to address human rights issues too.
(2) (Omitted)	(2) (Same as at present)		
Article 8 (Grounds for			

<p>Disqualification (1) A person falling under any of the followings may not receive permission under Article 6 (1). The same shall also apply to cases where a person corresponding thereto from among such executives exists in regard to juristic person:</p>			
<p>1. ~ 3. (Omitted)</p>	<p>1. ~ 3. (Same as at present)</p>		
<p>4. A person in whose case two years have not passed from the date on which permission is cancelled under Article 11 (1)</p>	<p>4. -----is cancelled (excluding cases falling under subparagraph 1).-----</p>		
<p>Article 10 (Discontinuation, etc. of Permission for Distant Water Fisheries) (1) Where a person who has received the permission for distant water fisheries under Article 6 (1) and one who has filed a report under <u>Article 6 (2)</u> discontinues such ocean fishing or becomes incompetent, he/she shall file a report with the Minister of Oceans and Fisheries. <Condition, Amended></p>	<p>Article 10 (Discontinuation, etc. of Permission for Distant Water Fisheries) (1) ----- -----<u>under paragraph (7)</u>----- ----- <u>Provided, That a person who is in the period of distant water fisheries suspension or under investigation as a suspicious IUU fishing shall not report its business closure until such period is expired or the investigation is completed.</u></p>		
<p>(2) (Omitted)</p>	<p>(2) (Same as at present)</p>		
<p>Article 11 (Cancellation, etc. of Permission for Distant Water Fisheries) (1) Where permission for distant water</p>	<p>Article 11 (Cancellation, etc. of Permission for Distant Water Fisheries) (1) ----- -----</p>	<p>Amend six months to two years.</p>	<p>Six months is too short: 2 years is recommended for serious matters.</p>

<p>fisheries falls under any of the followings, the Minister of Oceans and Fisheries may cancel such permission for distant water fisheries or order the suspension of ocean fisheries within a period not exceeding six months: Provided, That in cases where an <u>offence under subparagraph 1 is committed</u>, such permission for distant water fisheries shall be cancelled:</p>	<p>----- ----- <u>in cases under</u> ----- -----.</p>		
<p>1. ~ 5. (Omitted)</p>	<p>1. ~ 5. (Same as at present)</p>		
<p>(2) ~ (4) (Omitted)</p>	<p>(2) ~ (4) (Same as at present)</p>		
<p><Amended></p>	<p><u>Article 12-2 (Control and Management of Its Nationals)</u> <u>(1) The people of the Republic of Korea shall not engage in IUU fishing in international waters and shall comply with the matters to be complied with by distant water fishery operators, etc. under Article 13.</u> <u>(2) Where there is a suspicion that its national is engaged in IUU fishing or supporting such fishing, the Minister of Oceans and Fisheries shall take appropriate actions necessary to prevent the reoccurrence of IUU fishing to the extent that such actions shall not interfere with any responsibility of the relevant state.</u></p>	<p>(2) Where there is a suspicion that its national is engaged in IUU fishing or supporting such fishing, the Minister of Oceans and Fisheries <u>shall investigate</u>, <u>and</u> shall take appropriate actions necessary to prevent the reoccurrence of IUU fishing to the extent that such actions shall not interfere with any responsibility of the relevant state.</p>	<p>There should be powers for a positive investigation as well.</p>

	<p>(3) <u>The Minister of Oceans and Fisheries shall make efforts to stop its national from engaging or supporting IUU fishing through the collaboration with an international fisheries organization or a coastal state.</u></p>		
<p>Article 13 (Matters to be Complied with by Distant Water Fishery Operators) (1) Distant water fishery operators shall faithfully conduct fishing operations within the extent of permitted matters, and comply with resolutions concerning <u>resource preservation measures</u> of international fisheries management organizations and international standards related to high seas fisheries.</p>	<p>Article 13 (Matters to be Complied with by Distant Water Fishery Operators) (1) Distant water fishery operators and distant water fishing industry workers (hereinafter referred to as "distant water fishery operators, etc.")<u>conservation and management measures</u>.</p>		
<p>(2) <u>Distant water fishery operators shall not undertake an activity falling under any of the followings in international waters.</u></p>	<p>(2) <u>Distant water fishery operators, etc. ... concerning significant violation in international waters</u>.</p>		
<p><u>1. Fishing without valid licence, permission or registration;</u></p>	<p><u>1. Fishing without a valid license, permission or authorization granted by a flag state or a relevant coastal state;</u></p>		
<p><u>2. Fishing in a closed area or during a closed period or conducting fishing</u></p>	<p><u>2. Failing to keep the record of catch amount and detailed data required by international fisheries</u></p>	<p>2. Failing to keep the record of catch amount and <u>other</u> data required by international fisheries organizations,</p>	<p>2: Data is required not just by RFMOs. All data not just catch data.</p>

<p><u>operations for species that are prohibited from being captured or harvested;</u></p>	<p><u>organizations in regards to the amount of catch (including the data transmitted by vessel monitoring systems) or misreport the amount of catch;</u></p>	<p><u>coastal States and the Republic of Korea, in regard to the amount of catch (including the data transmitted by vessel monitoring systems) or misreport the amount of catch or other data;</u></p>	
<p>3. <u>Capturing or harvesting and storing, transshipment or unloading of fish smaller than the permitted size;</u></p> <p>4. <u>Fishing without an allocated fishing quota or with an overrun of quota in an area for which fishing quotas have been allocated;</u></p> <p>5. <u>Fishing with unauthorized fishing gears;</u></p> <p>6. <u>Fishing in violation of conservation measures of an international fisheries organization under the jurisdiction of such organization;</u></p> <p>7. <u>Engaging in transshipment of fish or a joint fishing operation with a IUU vessel identified by international fisheries organizations or assisting such vessel;</u></p> <p>8. <u>Concealing or randomly modifying a vessel's unique marking, identifier or inspection information;</u></p> <p>9. <u>Interfering with an international observer's</u></p>	<p>3. <u>Fishing in a closed area set by an international fisheries organization or a coastal state or during a closed period, or fishing without an allocated fishing quota or with an overrun of quota;</u></p> <p>4. <u>Direct fishing for a stock for which fishing is temporarily or permanently prohibited;</u></p> <p>5. <u>Fishing with unauthorized fishing gears;</u></p> <p>6. <u>Forging or concealing vessel's marking, identifier or registered information;</u></p> <p>7. <u>Concealing, tempering with or disposing of evidence relating to the inspection conducted on board;</u></p> <p>8. <u>Violating conservation and management measures in the area under the jurisdiction of an international fisheries organization;</u></p> <p>9. <u>Engaging in transshipment or in a joint fishing operation with or supporting a vessel registered as an IUU fishing vessel by an international fisheries organization;</u></p> <p>10. <u>Interfering with an observer's travel, embarkation, disembarkation,</u></p>		

<p>travel, _____ embarkation, disembarkation, inspections and other duties;</p> <p>10. <u>Interfering with embarkation, disembarkation, vessel inspections and communications of port state control inspectors or high-seas on-board inspectors;</u></p> <p>11. <u>Forging a statistical document or failing to submit such document;</u></p>	<p>inspections and other duties;</p> <p>11. <u>Interfering with embarkation, disembarkation, vessel inspection and communications of port state control inspectors or high-sea on-board inspectors;</u></p>		
		<p><u>Add: Forging a statistical document or failing to submit statistical documents, concealing, tampering with or disposing of evidence relating to an investigation;</u></p> <p><u>Add: 11 bis carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation where Korea is not party to that organisation, or not cooperating with that organisation as established by that organisation.</u></p> <p><u>Add: the conduct of business directly connected to illegal, unreported or unregulated fishing, including the trade in/or the importation of fishery products.</u></p> <p><u>Add: interfering with vessel monitoring systems, or failing to return to port if vessel monitoring systems fail and are not restored as required by this Act and</u></p>	<p>: Need to add the matters noted: -fishing inconsistent with conservation and management measures, conduct of business of IUU fishing, forging document, interfering with VMS. These are widely accepted definitions used in the IPOO-IUU and the FAO Port State Measures Agreement.</p> <p>11 bis is from the IPOA-IUU. It would cover for instance the situation where a vessel is fishing in an area covered by an RFMO, but the vessel does not fly the flag of a Party to the RFMO or or a co-operating non-Party.</p>

		<u>the Minister of Oceans and Fisheries.</u>	
<u>12. Other illegal, unreported or unregulated fishing other than those prescribe in subparagraph 1 through 11.</u>	<u>12. Failing to install vessel monitoring systems or intentionally ignoring the installation of such system.</u>		
(3) The Ministry of Oceans and Fisheries shall formulate measures necessary to improve working conditions for non-Korea crew and to prevent human rights violations against them, and shall ensure that <u>distant water fishery operators</u> comply with such measures.	(3)----- ----- <u>distant water fishery operators, etc.</u> ----- ---	Need to amend to cover human rights of Korean and non-Korean crew.	Need to include foreign-Korean crew.
(4) In addition to matters to be complied with prescribed in paragraphs (1) through (3), matters with which <u>distant water fishery operators</u> shall comply may be prescribed by Ordinance of the Ministry of Oceans and Fisheries for the implementation of international conventions and sustainable use of fishery resources, etc.	(4) ----- ----- <u>distant water fishery operators, etc.</u> ----- -----		
(5) If deemed necessary for <u>conservation measures</u> of international fisheries organizations, the Minister of Oceans and Fisheries may require <u>a distant water fishery operator</u> to cooperate in an inspection conducted on board	5) ----- <u>conservation and management measures</u> ----- ----- <u>distant water fishery operators, etc.</u> ----- -----.		

<p>a vessel and to take other necessary measures in accordance with the procedure prescribed by international fisheries organizations.</p>			
<p>(6) If a <u>distant water fishery operator</u> violates any matters to be complied with prescribed in paragraphs (1) through (4), the Minister of Oceans and Fisheries may suspend support for the company engaged in ocean fisheries under Article 25 or subsidies and loans for such company under Article 26 or may deprive its eligibility for such support, subsidies or loans.</p>	<p>(6) ----- <u>distant water fishery operators, etc.</u>---- ----- -----.</p>		
<p><Amended></p>	<p>(7) <u>A distant water fishery operator, etc., who is granted a license, permission or authorization from a coastal state or who violates any matter prescribed in paragraph (1) through (4), shall report such violation and reasons, etc. to the Minister of Oceans and Fisheries.</u></p>		
<p><Amended></p>	<p>(8) <u>Any investigation and disposition concerning the violation of matters to be complied with by oceans fishery operators, etc. prescribed in paragraph (1) through (4) shall be taken in an immediate manner.</u></p>	<p>8) Any investigation and disposition concerning the violation of matters to be complied with by distant water fishery operator, etc. prescribed in paragraph (1) through (4) shall be taken in an immediate manner <u>and in any case within seven working days.</u></p>	<p>Should specify within 7 working days (not just 'immediate')</p>

<p><Amended></p>	<p>(9) <u>The Minister of Oceans and Fisheries shall take this following measures against distant water fishery operators, etc. who violate matters to be complied with prescribed in paragraph (2) or who are found to allegedly violate such matters:</u> <u>1. Immediate suspension of fishing operation;</u> <u>2. Coming into a designated port; and</u> <u>3. Prohibiting from unloading and transshipment of fish catch.</u></p>		
<p>(7) Matters necessary for <u>measures taken</u> under paragraph (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.</p>	<p>(10) ----- <u>measures under paragraph (5) and reporting procedure, etc. under paragraph (7)-</u> -----.</p>		
<p><Amended></p>	<p><u>Article 13-2 (Data Provision Request)</u> <u>The Minister of Oceans and Fisheries, if necessary for investigation on any violation of matters to be complied with by distant water fishery operators, etc. under paragraph (13), may request a distant water fishery operator, etc. to provide related data and information, and in such cases, the distant water fishery operator, etc. shall, upon receipt of such request, follow the request, unless any extenuating circumstance exists.</u></p>		
<p>Article 14 (Port state Control</p>	<p>Article 14 (Port state Control</p>		

<p>Inspection) (1) Where a vessel that loads a catch of fish species <u>in international waters</u> intends to enter a domestic port, it shall submit documents, etc. verifying the name of the fish catch, the quantity thereof, a fish catch certificate, etc. 24 hours before the vessel is due to enter the port to the Minister of Oceans and Fisheries.</p>	<p>Inspection) (1) overseas----- -----48 hours--- ----- -----.</p>		
<p><Amended></p>	<p>(2) <u>Where a relationship with IUU fishing of a vessel that has filed a report under paragraph (1) is confirmed, the Minister of Oceans and Fisheries may bar port entry of such vessel.</u></p>		
<p>(2) Where the vessel that has filed a report under paragraph (1) falls under any of the followings, the Minister of Oceans and Fisheries may direct the relevant public official who undertakes port state control inspection as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to enter the vessel and inspect the fish catch, account books, documents or other goods associated with illegal, unreported, and unregulated fishing or ask questions to relevant parties.</p>	<p>(3) ----- ----- ----- -----.</p>	<p>Add: <u>The public official who undertakes port state control inspection shall confirm all information specified in the catch certificates with other reliable sources of information such as the fishing licenses held by the distant water fishery operator, the VMS positions of the fishing vessels, the catch reports or copies of the logbooks.</u></p>	<p>EU 2013 Decision in para 34 noted deficiencies in cross checking catch certificates.</p>

1. (Omitted)	1. (Same as at present)		
2. Where the vessel is registered on the list of IUU vessels by an <u>international fisheries organization</u> ;	2. <u>an international fisheries organization or a foreign government</u> -----		
3. (Omitted)	3. (Same as at present)		
<Amended>	4. <u>A vessel of a state registered as an IUU fishing country by other governments</u> ;		
<Amended>	5. <u>A vessel carrying a fish species prescribed in an agreement with a foreign government on co-operation in preventing IUU fishing of marine resources</u> ;		
4. (Omitted)	6. (Same with the existing subparagraph 4)		
(3) Where a relationship with IUU fishing is confirmed as a result of port state control inspections under paragraph (2), the Minister of Oceans and Fisheries may place on <u>embargo</u> on the relevant vessel or impose restrictions on any <u>unloading and transshipment</u> of the fish catch.	(4)----- <u>under paragraph (3)</u> ----- ----- ----- <u>entry, departure and use of port</u> - ----- <u>unloading, transshipment, packing and processing or supply of fuel and necessities, etc.</u> -----.		
(4) A public official who enters and inspects ships <u>under paragraph (2)</u> shall carry a certificate indicating his/her authority and	(5) <u>under paragraph (3)</u> ----- ----- -----.		

<p>show it to relevant parties.</p>			
		<p>Add: Inspection procedure</p> <p><u>1. Officials in charge of inspections (officials) shall be able to examine all relevant areas, decks and rooms of the fishing vessel, catches processed or not, nets or other gear, equipment and any relevant documents which officials deem it necessary to verify in compliance with applicable laws, regulations or international management and conservation measures. Officials may also question persons deemed to have information on the matter subject to inspection.</u></p> <p><u>2. Inspections shall involve the monitoring of the entire landing or transshipment operations and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped.</u></p> <p><u>3. Officials shall sign their inspection report in the presence of the master of the fishing vessel, who shall have the right to add or cause to be added any information that he considers relevant.</u> <u>Officials shall indicate in the logbook that an inspection has been made.</u></p> <p><u>4. A copy of the inspection report shall be handed over to the master of the fishing vessel, who may forward it to the distant water fishery operator.</u></p> <p><u>5. The master shall cooperate with and assist in the inspections of the fishing vessel and shall not obstruct, intimidate or</u></p>	<p>Detailed provisions on port State inspection are required. This wording is based on the 2008 EU IUU Regulation article 10.</p>

		<u>interfere with the officials in the performance of their duties.</u>	
(5) Necessary matters concerning <u>inspection and question under paragraph (2) and the embargo under paragraph (3), etc.</u> shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.	(6) <u>embargo in accordance with paragraph (2) and (4), and inspection and questions in accordance with paragraph (3)</u> ----- -----.		
Article 15 (Installation of Vessel Monitoring Systems) (1) (Omitted)	Article 15 (Installation of Vessel Monitoring Systems) (1) (Same as at present)	Add: <u>If a vessel operated by a distant water fishing operator has failed to transmit VMS signals according to regulations for a period of 30 days, or such other period prescribed by the Minister, the distant water fishery operator shall ensure that the vessel returns to a Korean port immediately through the most direct route possible.</u>	A vessel shall not be permitted to continue operating for 30 days if the VMS is not transponding properly. 30 days would be a maximum period that a vessel should be permitted to be outside Korea without a functioning VMS before it must return.
<Amended>	(2) <u>An operator of overseas cargo transportation services who has registered his/her marine cargo transport services under Article 24 (2) of the Marine Transport Act shall install vessel monitoring systems.</u>		
(2) (Omitted)	(3) (Same with the existing paragraph (2))		
<Amended>	<u>Article 15-2 (Special Management of High Risk Group of Vessels)</u> (1) <u>The Minister of Oceans and Fisheries, in order to eliminate IUU fishing, shall categorize a vessel</u>		

	<p><u>falling under any of the followings as a high risk group of vessels and put it under special management:</u></p> <p><u>1. Where a vessel whose permission for distant water fisheries was cancelled under Article 11 or a vessel which has been punished by suspension of distant water fisheries due to IUU fishing on two or more occasions in the last three years;</u></p>		
	<p><u>2. Where a vessel, which an administrative disposition has been imposed on as its IUU fishing activities were caught, or which is under investigation on its alleged such violation, is sold to a third party or has changed its nationality to other state;</u></p> <p><u>3. Where the people of the Republic of Korea under Article 12-2 violate matters to be complied with by distant water fishery operators, etc. prescribed in Article 13.</u></p> <p><u>(2) The Minister of Oceans and Fisheries shall formulate a plan for a special management of high risk group of IUU fishing vessels each year and implement such plan.</u></p>	<p><u>(2) The Minister of Oceans and Fisheries shall formulate a plan for a special management of high-risk groups of IUU fishing vessels each year and implement such plan following consultations with all stakeholders.</u></p> <p><u>Add: 1. The Minister of Oceans and Fisheries shall, establish an IUU vessel list. The list shall include the fishing vessels in relation to which information obtained establishes that they are engaged in IUU fishing.</u></p> <p><u>2. Before placing any fishing vessel on the IUU vessel list, the Minister of Oceans and Fisheries shall provide the distant water fishery operator of the fishing vessel concerned with a detailed statement of reasons for the intended listing and with all elements supporting the suspicion that the fishing vessel has carried out IUU fishing. The statement shall mention the right to ask for or to provide additional information, and give the distant water fishery operator the possibility of being heard and to defend</u></p>	<p>Formulation of the plan will be an important task, which should involve stakeholders and consultation.</p> <p>Need to establish and maintain an IUU list.</p> <p>Suggestion based on EU 2008 Directive article 27.</p>

		<p><u>their case, leaving them adequate time and facilities.</u></p> <p><u>3. When a decision is taken to place a fishing vessel on the IUU vessel list, the Minister of Oceans and Fisheries shall notify that decision, and the reasons for it, to the distant water fishery operator.</u></p> <p><u>4. Where the flag State is other than the Republic of Korea, the Minister of Oceans and Fisheries shall:</u></p> <p><u>(a) notify the flag State of the inclusion of the fishing vessel on the IUU vessel list and shall provide the flag State with the detailed reasons for listing.</u></p> <p><u>(b) request flag States with fishing vessels on the IUU vessel list to:</u></p> <p><u>(i) notify the distant water fishery operator of the fishing vessel of its inclusion on the IUU vessel list, of the reasons justifying this inclusion and of the consequences resulting from it; and</u></p> <p><u>(ii) take all the necessary measures to eliminate IUU fishing, including, if necessary, the withdrawal of the registration or the fishing licences of the fishing vessels concerned, and to inform the Minister of Oceans and Fisheries of the measures taken.</u></p>	
Article 16 (Reporting of Results of Fishing Operation, etc.)	Article 16 (Reporting, etc. of Results of Fishing Operation, etc.)		
(1) (Omitted)	(1) (Same as at present)	(1) A person who has obtained permission for distant water fisheries pursuant to Article 6 (1) or a person who has obtained approval for exploratory fishing pursuant to Article 17 (1) shall report the current	Need to ensure include bycatch.

		status of operations of the relevant fisheries, the amounts of catches of <u>targeted fish and by-catch</u> , and the amount of landing or sales to the Minister of Oceans and Fisheries.	
(2) <u>Where distant water fishery operators and persons engaged in ocean industry workers have violated matters to be complied with under Article 13 internationally, they shall report such fact, the ground therefor, etc. to the Minister of Oceans and Fisheries.</u>	(2) <u>Where a person who has obtained permission for distant water fisheries under Article 6 (1) and a person who has obtained approval for exploratory fishing under Article 17 (1) intend to transship fish catch, he/she shall obtain approval from the Minister of Oceans and Fisheries in advance.</u>	<u>Add: Where distant water fishery operators and persons engaged in ocean industry workers have violated matters to be complied with under Article 13 internationally, they shall report such fact, the ground therefore, etc. to the Minister of Oceans and Fisheries within one month. Failure to do so will be a breach under article 13.</u>	Compliance with self-reporting is necessary.
(3) Necessary matters concerning the fisheries subject to reporting, and the process and methods of reporting under <u>paragraph (1) and (2)</u> shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.	(3) <u>under paragraph (1)</u> ----- ----- -----.		
<Amended>	(4) <u>Matters necessary for the approval of transshipment under paragraph (2) shall be prescribed and notified by the Minister of Oceans and Fisheries.</u>		
<u>Article 16-2 (Performance Review on Distant Water Fisheries Operation)</u>		Add: The Minister of Oceans and Fisheries shall audit all <u>distant water fishery operators and business operators related to distant water fisheries</u> every year and update database for beneficially ownership.	Under the current law, joint venture must report to MOF voluntarily which is normally done for tax benefit when importing the catch from the vessels. In case the company doesn't report, there is no way for MOF to find out the hidden

		<p>The Minister shall publish reporting requirements for <u>distant water fishery operators</u> and <u>business operators related to distant water fisheries</u>.</p>	<p>beneficial ownership and effectively manage them.</p>
<p><Amended></p>	<p><u>Article 17-2 (Judicial Police Power)</u> <u>The public officials in charge of monitoring, supervising and controlling fishing operation and port state control inspectors shall perform the duties of judicial police officials pursuant to the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties concerning the violation of this Act and any measure prescribed by this Act.</u></p>	<p><u>Add: specific measures for MCS such as a plan and a special investigation unit will be established by the Minister of Oceans and Fisheries (see below for suggestion on IUU investigation procedure)</u> <u>Add: The Minister of Oceans and Fisheries shall ensure that adequate human and financial resources are provided to public officials in charge of monitoring, inspecting, searching, enforcing, supervising and controlling distant water fishery operators and business operators related to distant water fisheries and related businesses, fishing operation and port state control.</u> <u>Add: The Minister of Oceans and Fisheries and public officials empowered in this Article will have all necessary legal rights to undertake regular spot checks and field audits to ensure the effectiveness of the Distant Water Fisheries Act and monitor the compliance of fishing companies, inspect the premises of distant water fishery operators and business operators related to distant water fisheries and related businesses, including joint ventures with any involvement in distant water fisheries, and inspect and as necessary seize documents, data, computing equipment, databases and files and other materials</u></p>	<p>This is a good start, but a concrete mechanism needs to be implemented. Suggest through formulating a plan and a special investigation unit.</p> <p>Officials need to have powers of inspection, seizure etc.</p>

		<p><u>and equipment to enable them to carry out their functions.</u></p> <p><u>Add: The Minister of Oceans and Fisheries shall ensure that necessary spot checks and regular audits are carried out on distant water fisheries businesses to ensure the effective functioning of this Act.</u></p>	
		<p><u>1. The Minister of Oceans and Fisheries shall set up a body to compile and analyse:</u></p> <p><u>(a) all information on IUU fishing and</u></p> <p><u>(b) any other relevant information, as appropriate, such as:</u></p> <p><u>(i) catch data;</u></p> <p><u>(ii) trade information obtained from national statistics and other reliable sources;</u></p> <p><u>(iii) vessel registers and databases;</u></p> <p><u>(iv) regional fisheries management organisation catch documents or statistical document programmes;</u></p> <p><u>(v) reports on sightings or other activities of fishing vessels presumed to be engaged in IUU fishing and IUU vessel lists reported or adopted by regional fisheries management organisations;</u></p> <p><u>(vi) reports on fishing vessels presumed to be engaged in IUU fishing;</u></p> <p><u>(vii) any other relevant information obtained, inter alia, in the ports and on the fishing grounds.</u></p>	<p>Add investigation mechanism.</p> <p>This investigation mechanism is modelled on the EU IUU 2008 Directive article 25.</p>
<p>Article 18 (Promotion of, and Assistance to, International</p>			

<p>Fisheries Cooperation Projects)</p>			
<p>(1) The Minister of Oceans and Fisheries shall formulate policies to facilitate international cooperation in fisheries including a system for international cooperation in fisheries and measures to secure marine resources in international waters for enterprises engaged in the distant water fisheries industry. <i><Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23,</i></p>			
<p>(2) The Minister of Oceans and Fisheries may fully or partly cover the expenses incurred in implementing the following international fisheries cooperation projects within its budget, as prescribed by Presidential Decree: <i><Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013 ></i></p> <p>1. Engaging in negotiations and concluding agreements in relation to the distant water fisheries industry with an international fisheries organization, a foreign</p>			

<p>government, or a foreign fisheries-related institution or organization;</p> <ol style="list-style-type: none">2. International exchange of information, technologies, and human resources in relation to the distant water fisheries industry;3. International standardization of technologies, joint surveys and research, and technical cooperation in relation to the distant water fisheries industry;4. Convening international academic conferences and international exhibitions in relation to the distant water fisheries industry;5. Market research and analysis of overseas fish and fishery products and systematic dissemination of information collected in relation to the distant water fisheries industry;6. Training and educating domestic and foreign seafarers and ship officers;7. Other matters deemed necessary for international cooperation in the distant water fisheries industry. <p>(3) The Minister of Oceans and Fisheries may provide administrative and financial</p>			
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<p>assistance to help international fisheries-related institutes and organizations facilitate their international cooperation activities in fisheries ,as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11982, Jul. 30, 2013></p>			
		<p><u>Add: The Minister of Oceans and Fisheries shall provide fishing and vessel data and related information, including operational level data, to international fisheries management organizations and arrangements and other related international organizations according to the requirements and requests of those organization and arrangements. Commercial confidentiality shall not be a reason to withhold information, subject to arrangements for confidentiality provided by such organizations and arrangements.</u></p>	<p>This provision is necessary to ensure that the Ministry provides fishing and vessel information to RFMOs etc.</p>
<p>Article 21 (Facilitation of Surveys and Research of Marine Resources in International Waters) The Minister of Oceans and Fisheries shall conduct the following projects, such as surveys of marine resources in international waters and advancement of research and scientific technologies related to</p>	<p>Article 21 (Facilitation of Surveys and Research of Marine Resources in International Waters) ----- -----.</p>		

ocean fisheries.			
1.2. (Omitted)	1.2. (Same as at present)		
3. Operation of <u>international observer programs</u> ;	3. <u>observer</u> -----		
4. (Omitted)	4. (Same as at present)		
Article 26 (Subsidization and Financing) (1) (Omitted)	Article 26 (Subsidization and Financing) (1) (Same as at present)		
(2) where a distant water fishery carries out the following projects, the Government may <u>partially</u> subsidize required funds, grant a loan or provide assistance, etc. for securing sites:	(2)----- ----- <u>wholly or partially</u> ----- -----.	<u>Add: subject to criteria in the Presidential Decree:</u>	Need to add consistency with Presidential decree.
1. ~ 7. (Omitted)	1. ~ 7. (Same as at present)	<u>Add: The Presidential Decree shall incorporate measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources. The Decree shall comply with measures and standards relevant to a fishing capacity provided by regional fisheries management organizations and international organization.</u>	Need to ensure subsidies do not undermine sustainability, and are consistent and compliant with international requirements.
<Amended>	(3) <u>Where deemed necessary to improve the management structure of distant water fisheries, the Government may provide financial</u>	3) Where deemed necessary to improve the management structure of distant water fisheries, <u>consistently with sustainable conservation and</u>	Need to ensure international consistency.

	<u>support for the discard and reduction of fleet or necessary expenses incurred.</u>	<u>management of marine resources and international agreements and guidelines</u> , the Government may provide financial support for the discard and reduction of fleet or necessary expenses incurred.	
(3) Necessary matters concerning the <u>criteria and conditions</u> , etc. of subsidization of funds and loans under paragraph (1) and (2) shall be prescribed by Presidential Decree.	(4) ----- <u>conditions for...and criteria for and condition of discard and reduction</u> --- -----.		
<u>Article 29 (Disposition of Penalty Surcharges)</u> (1) <u>Where a disposition for suspension of fisheries under Article 11 is likely to cause confusion to supply and demand of fish and fishery products, the Minister of Oceans and Fisheries may impose a penalty surcharge not exceeding 200 million won in lieu of a disposition for suspension of fisheries.</u> (2) <u>Matters necessary for the imposition of a penalty surcharge under paragraph (1) shall be prescribed by Presidential Decree.</u> (3) <u>Unless the penalty surcharge under paragraph (1) is paid by the prescribed deadline, the Minister of Oceans and</u>	<Deleted>		

<p><u>Fisheries shall collect such penalty surcharge under the precedents of disposition on default of national taxes.</u></p>			
<p>Article 31 (Fees) <u>A person who files an application for permission under this Act or an amended application or reporting related to such shall pay a fee as prescribed by Ordinance of the Ministry of Oceans and Fisheries.</u></p>	<p><Deleted></p>		
<p>Article 33 (Penal Provisions)</p>	<p>Article 33 (Penal Provisions)</p>		
		<p><u>Add: Where the person convicted of a violation is a legal entity, the person may be punished by double the fine for a human being.</u></p>	<p>A legal entity may be convicted. Penalties should be higher as a company cannot be imprisoned.</p>
<p>(1) A person who violates any provision of Article 13 (2) 1 through 8, shall be punished by imprisonment of not exceeding three years or a fine of not exceeding three times the potential gain from the relevant fish and fishery products, based on the average import prices of the products for the preceding three years. <Condition, amended></p>	<p>(1) <u>Article 13 (2) 1, 3, 4, 5, 8 and 9 ----- -----five years----- -----five times----- -----wholesale prices----- ----. Provided, That a person who has violated two or more times within five years shall be punished by imprisonment of not exceeding five years and by a fine of not exceeding eight times the potential gain from the relevant fish and fishery products, based on the average wholesale prices of the products for the preceding three years.</u></p>	<p>(1) A person who violates any provision of Article 13 (2) 1, 3, 4, 5, 8 and 9 shall be punished by imprisonment of not exceeding five years <u>and/or</u> a fine of not exceeding five times the potential gain from the relevant fish and fishery products, based on the average wholesale prices of the products for the preceding three years. Provided that a person who has violated two or more times within five years shall be punished by imprisonment of not exceeding five years and by a fine of not exceeding eight times the potential gain from the relevant fish and fishery products, based on the average wholesale prices of the</p>	<p>Should be a fine and/or imprisonment.</p>

		products for the preceding three years.	
<Amended>	(2) <u>A person who violated provision of Article 13 (2) 2, 6, 7, 10, 11 and 12, and a person who violated measures by the Minister of Oceans and Fisheries under Article 13 (3) shall be punished by imprisonment of not exceeding five years or a fine of not exceeding 500 million won: Provided, That a person who has violated two or more times within five years shall be punished by imprisonment of not exceeding five years or a fine of not exceeding 800 million won.</u>	(2) A person who violated provisions of Article 13 (2) 2, 6, 7, 10, 11 and 12, and a person who violated the measures by the Minister of Oceans and Fisheries under Article 13 (3) shall be punished by imprisonment of not exceeding five years <u>and/or</u> a fine of not exceeding 500 million won: Provided that a person who has violated two or more times within five years shall be punished by imprisonment of not exceeding five years <u>and/or</u> a fine of not exceeding 800 million won.	Should be fine and/or imprisonment. added 13(3). There should be a punishment for those who violated human right measures.
(2) A person falling under any of the followings shall be punished by imprisonment for a term not exceeding three years or a fine of not exceeding <u>20 million won</u> .	(3)----- <u>-30 million won</u> -----.	(3) A person falling under any of the following shall be punished by imprisonment for a term not exceeding three years <u>and/or</u> a fine of not exceeding <u>40 million won</u> .	Should be a fine and/or imprisonment. 30 million won is only about Euro 30,000.
1. A person who engaged in ocean fisheries without obtaining permission for distant water fisheries, or revised permission under Article 6 (1);	1. ----- <u>revised permission for ocean fisheries</u> -----		A company must be able to be fined along with individuals. See definition of person in article 2.
2. (Omitted)	2. (Same as at present)		
<Amended>	<u>3. A person who violates matters to be complied with under Article 12-2 (1).</u>		
(3) A person falling under any of	(4)-----	(4) A person falling under any of the	20 million won is only about 15,000

<p>the followings shall be punished by imprisonment of not exceeding two years or a fine of not exceeding <u>10 million won</u>.</p>	<p>---20 million won-----.</p>	<p>followings shall be punished by imprisonment of not exceeding two years <u>and/or</u> a fine of not exceeding <u>40 million won</u>.</p>	<p>Euro. Should be at least double. Should be and/or.</p>
<p>1. (Omitted)</p>	<p>1. (Same as at present)</p>		
<p>2. A person who engages in ocean fisheries without filing a report or an amended report under Article 6 (2), or who engages in a business related to ocean fisheries without filing a report or an amended report under Article 23 (1);</p>	<p>2. <u>Article (6) 7</u>----- ----- -----</p>		
<p>3. A person who engages in projects for purposes other than the original ones after filing reports or amended reports under Article 6 (2), or who engages in projects for purposes other than the original ones after filing reports or amended reports under Article 23 (1);</p>	<p>3. <u>Article (6) 7</u>----- ----- -----</p>		
<p>4. A person who files a false report or an amended report under Article 6 (2), or who files a false report or an amended report under Article 23 (1).</p>	<p>4. <u>Article (6) 7</u>----- ----- --</p>		
<p>(4) <u>A person who fails to install vessel monitoring systems in violation of Article 15</u> shall be punished by imprisonment of</p>	<p>(5) <u>fall under any of the followings</u>----- -----<u>10 million won</u>----- -----.</p>	<p>(4) A person who under any of the followings shall be punished by imprisonment of not exceeding one year <u>and/or</u> a fine of not exceeding <u>40</u></p>	<p>Should be and/or and 40 million won at least (30,000 euro)</p>

not exceeding one year or a fine of not exceeding <u>five million won.</u>		<u>million won.</u>	
<Amended>	<u>1. A person who fails to file a report under Article 13 (7);</u>		
<Amended>	<u>2. A person who fails to follow the data and information provision request under Article 13-2 without justifiable ground or a person who fails to install vessel monitoring systems in violation of Article 15; and</u>		
<Amended>	<u>3. A person who fails to file a report under Article 16 or misreports.</u>		
(5) (Omitted)	(6) (Same as at present)	<u>Add (6) In addition to punishment by imprisonment and a fine, a person described in paragraphs (1) through (4) may be disqualified from holding a permit under Article 6 permanently or for any period decided by the Court.</u>	Disqualification also essential.
Article 35 (Confiscation) (1) In cases of Article 33, <u>fish catch, manufactured goods, fishing vessel, fishing gears, explosives or poisonous substances which are possessed or carried by a criminal may be confiscated: Provided, That in cases where he/she has been punished two or more times within the past five years, the fish catch, fishing vessels and fishing gears shall be</u>	Article 35 (Confiscation) (1) -----catches, products, fishing gears or explosive substances -----shall be confiscated. <Condition, deleted>	(1) In cases of Article 33, fish catch, manufactured goods, <u>fishing vessel</u> , fishing gears, explosives or poisonous substances which are possessed or carried by a criminal may be confiscated: Provided, That in cases where <u>he/she has been punished two or more times within the past five years, the fish catch, fishing vessels and fishing gears shall be confiscated.</u> All fish onboard a vessel which has been involved in violations shall be subject to	Fishing vessel must be confiscated as well as fishing gear, and compulsory confiscation for repeat offenders. All fish onboard an IUU vessel must be confiscated.

<u>confiscated.</u>		confiscation.	
(2) (Omitted)	(2) (Same as at present)		
Article 36 (Fines) (1) A fine of not exceeding 5 million won shall be imposed against a person falling under any of the followings:	Article 36 (Fines) (1)----- -----.		
1. ~ 3. (Omitted)	1. ~ 3. (Same as at present)		
4. A person who violates provisions of Article 13 (2) 9 through 12;	<Deleted>		
<u>5. A person who fails to file a report under Article 16 or who files a false report.</u>	<Deleted>		
(2) (Omitted)	(2) (Same as at present)		

ANNEX 3:

Human right violations by Korean vessels in New Zealand waters

Oyang 70		
IUU activity	Human right abuse	선원 인권침해
Chronology of the case	18 June 2010, Oyang 70 sank off Otago with the loss of six men (5 Indonesian, 1 Korean). From the testimony from survivors, they were mistreated; working for 2-3 days without breaks, eating only fish without rice or noodles and were provided with only 2 fish per day. ²	2010년 6월 18일 오양 70호의 침몰로 6명이 사망. (인도네시아 선원3명, 한국인 선장 1명, 인도네시아인 2명) 생존자인 인도네시아, 필리핀, 한국등의 선원들이 진술하기를, 선원들이 2-3일간 쉬는 시간 없이 노동을 할 것을 강요당하고 거부할 경우 음식을 주지 않았다 진술 또한 식량도 없이 잡는 물고기로 연명하고 있었고 나중에는 하루에 물고기 2개만 지급하는 등의 문제가 있었음 ³
Oyang 75		
IUU activity	Human right abuse, forgery wage documents, dumping waste 1. 2011: 39 crew cited human right abuse 2. Illegal fishing dumping and filling false catch returns 3. Illegal dumping waste	선원 인권침해, 임금체불, 사문서 위조 및 선원법 위반 1. 2011년 : 39명의 외국인 선원 인권 침해 제기, 임금문서 위조 2. 2012 : 불법해양투기 및 어획량 허위신고 2013 : 불법 해양투기
Chronology of the case	1. 20 June 2011, 39 crew members escaped from the vessel in Christchurch. They claimed physical and verbal abuse and underpayment. NZ govt started investigations into foreign vessels in its waters in Aug	1. 2011년 6월 20일 오양 75호, 39명의 인도네시아인 선원들이 크라이스트처치에서 탈출함. 39명 모두 언어 및 심리적 폭력, 임금 미지급을 포함한 계약 위반, 성폭력, 폭행등의 비인간적인 대우를 받았다고 증언

² <http://www.munz.org.nz/2013/03/08/findings-on-oyang-70-sinking-a-stain-of-new-zealands-conscience/>

³ <http://www.3news.co.nz/nznews/oyang-70-crew-reveal-why-ship-sank-2010082216>

	<p>2011 and announced the report in Feb 2012, saying practically only KR vessels have human right abuses of such extent. 28 Sep 2012, KR govt announced the results of its investigation report, confirming the crimes and charged 5 KR crews and 5 officers of the Sajo Oyang company. End of 2012, Busan court reached decides not to indict because Sajo Oyang provided a statement from the plaintiffs (the abused crew members) saying they did not want to press charges against that the Korean crew and company officers. Jun 2012, the above human rights situation is covered in the TIP report, causing the US to warn KR that it could downgrade KR to level 2.</p> <p>2. Dumping almost 405 tons of fish at sea on both Southern island voyages, filing false catch returns⁴</p>	<p>뉴질랜드 정부는 2011년 8월부터 자국 수역의 외국선박 조사에 착수하였고 2012년 2월 발표된 뉴질랜드 정부 보고서에는 거의 한국 선박에만 이런 류의 인권침해가 일어나고 있다고 언급됨</p> <p>2012년 9월 28일 정부 합동조사단은 조사결과를 발표하면서 인권침해, 임금체불, 사문서 위조 및 선원법 위반 사실을 확인하고 한국인선원 5명과 사조오양 직원 5명을 검찰에 송치</p> <p>2012년말 부산지검은 사건에 대해 피의자인 사조 오양측에서 선원들이 관련자들 처벌을 원치 않는다는 취지의 문서를 제출했다는 이유로 불기소 처분을 내림</p> <p>2012년 6월 발간된 TIP(연례 인신매매 보고서)보고서에선 사조 원양어선의 인권 유린 문제가 도마에 오르며 미국 국무부가 2013년 2월 2등급으로 강등할 가능성을 경고함</p> <p>2. 남섬으로 두번의 항해동안 약 405톤에 달하는 물고기들을 가치가 없다는 판단 하에 무단 투기, (약 \$1.4m가치) 뉴질랜드 정부는 벌금(NZD) 420,000을 판결 (2012년 9월)</p>
Fines/Settlement	<p>1. Korean government seized the case 2. 2012, Fined \$420,000 for fish dumping⁵ 3. 2013, Find \$10,500</p>	<p>1. 한국 정부 불기소 처분 2. 무단투기 벌금 처분(뉴질랜드) 2012년 벌금(NZD) 420,000 3. 2013년 벌금 NZD 10,500</p>
Oyang 77		
IUU activity	Fish dumping and misreporting catch	선원 임금체불 및 어획량 거짓 신고
Chronology of the case	<p>13 IUU charges were brought in 2012, and its fishing license revoked. Crew also claimed \$2.335 million in unpaid wages over two years. Vessel name was changed to Jille in 2013. In 2014 the captain was</p>	<p>2012년 13건의 불법어업이 확인되어 어업허가가 취소됨. 또한 선원들도 2년 동안 2백만 달러의 임금을 덜 받았다고 주장함. 뉴질랜드 남섬 동쪽 배타적경제수역(EEZ) 안에서 잡은 근해어 53 톤을 작고</p>

⁴ <http://www.mpi.govt.nz/news-resources/news/crew-of-oyang-75-sentenced>

⁵ <http://www.3news.co.nz/nznews/oyang-75-crew-fined-420000-for-fish-dumping-2012092112>

	convicted and fined \$120,500 and the vessel was forfeited to the New Zealand Government ⁶	시장성이 없다는 이유로 바다에 무단 투기한 혐의로 기소됨. 어획량을 뉴질랜드 당국에 거짓 신고한 혐의도 받고 있음. ⁷ 2013년 이름을 Jille 로 변경하였음. 2014년 9월 뉴질랜드 크라이스트처치 지방법원이 선장에 12만 달러의 벌금, 그리고 한국 사조오양 소속 원양어선 '오양 77호'에 몰수조치를 내림
Fines/Settlement	Captain fined \$120,500 in 2014 and the \$1.5million vessel was forfeited	2014년 선장은 12만 달러의 벌금형, 배는 몰수조치 됨
Sin Ji		
IUU activity	Human right abuse	선원 인권침해
Chronology of the case	In 2009, the ITF and Maritime Union investigated the Shin Ji after 12 Indonesian crew left the vessel. The reason was that the vessel were not paying wages, problems with harassment from officers, and substandard living and working conditions. ⁸ In 2011, 7 crews walked off, claiming they had not been paid in two years.	2009년, 12명의 인도네시아 선원들이 임금체불과 폭력과 열악한 컨디션에 하선, ITF와 뉴질랜드 조사관이 조사한 결과 환경 개선이 필요함을 지시 ⁹ 2011년 3월, 해당 어선에서 7명의 인도네시아 선원이 열악한 처우를 견디지 못하고 2년치 임금도 받지 못한 채 배에서 탈주
Melilla 201,203		
IUU activity	Human right abuse and unpaid wages	선원 인권침해 및 임금미지급

⁶ <http://www.mpi.govt.nz/news-resources/news/trawler-forfeited-heavy-fine-for-fish-dumping>

<http://www.stuff.co.nz/sunday-news/latest-edition/6556276/Crew-aid-foreign-fishing-boats-probe>

⁷ http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201409102103141&code=970207

⁸ <http://www.dol.govt.nz/news/media/2012/foreign-charter-vessels-2012-tough-action.asp>

⁹ <http://www.munz.org.nz/2011/10/16/fishing-charges-for-oyang-75-officers-point-to-industry-wide-failings/>

Chronology of the case	<p>Melilla 201 is accused Illegally discarding fish at sea and filing "false or misleading" catch returns. Also, she is claiming \$4 million in unpaid and underpaid wages have been claimed by the crew of this vessel. ¹⁰</p> <p>2014, Melilla 201, a problematic vessel with human right abuse and underpaid wages, was finally seized.</p> <p>Taejin Fisheries Co of Busan owe 93 Indonesian crew \$4.5 million in wages¹¹</p>	<p>2014년 기준, 멜리아 201호는 지난 2년간 인권 침해와 선원 고용문제로 문제를 일으킴</p> <p>2014년 10월, 해양 무단 투기혐의로 뉴질랜드 정부에 잡힌 태진수산의 배 Melilla 201, 203에 대해 뉴질랜드 정부가 압수 처리함</p> <p>태진수산은 93명의 인도네시아 선원들에게 4천5백만달러의 임금을 지불하지 않았고 현재 배를 포기한 상태</p>
Fines/Settlement	<p>March 2013, The Ministry for Primary Industries seized the Melilla 201 and cancelled the fishing licenses of both vessels(Melilla 201,203)</p>	<p>2013년 3월 뉴질랜드 정부는 멜리아 201호를 몰수하고 201,203호의 어업허가권을 취소함</p>
Dong Won fisheries and Dong Nam		
IUU activity	<p>Human right abuse and unpaid wages</p>	<p>선원 인권침해 및 임금미지급</p>
Chronology of the case	<p>Two Korean fishing companies (Dong Won fisheries and Dong Nam) operating off New Zealand are being taken to court in that country by over 200 Indonesian sailors working for them for unpaid wages and being subjected to harsh working conditions.¹²</p>	<p>임금 미지급 문제로 인도네시아 선원들은 뉴질랜드 측에 동원수산에 동남아 임금을 미지급하고 열악한 노동 환경을 제공했다며 2014년 총 1400만 달러(144억 원) 규모의 소송을 제기, 선원들은 '노동 착취' 수준의 저임금을 받아왔다고 주장 ¹³</p>

¹⁰ <http://www.odt.co.nz/news/dunedin/285419/trawlers-remain-while-cases-queue-court>

¹¹ <http://www.stuff.co.nz/business/industries/10654518/Government-seizes-Korean-trawler>

¹² <http://www.fis.com/fis/worldnews/worldnews.asp?monthyear=8-2014&day=5&id=70400&l=e&country=&special=&ndb=1&df=1>

¹³ <http://www.etoday.co.kr/news/section/newsview.php?idxno=966237>