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CLAIM SETTLING AGENTS

**HYOPSUNG**  
Surveyors & Adjusters Corporation

PROVIDING PROFESSIONAL MARINE  
SERVICES SINCE 1976

## FISHERY CLAIMS

**HYOPSUNG SURVEYORS & ADJUSTERS CORPORATION**

**BUSAN, KOREA**

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## **INTRODUCTION**

The Korean peninsula is surrounded by the sea on three sides and fishing activities using various gears and facilities thrive all the year round.

Vessels navigating in Korean waters often come into contact with fishing nets, seaweed farms or other floating aquaculture facility resulting in damage to the fishing gears and facilities.

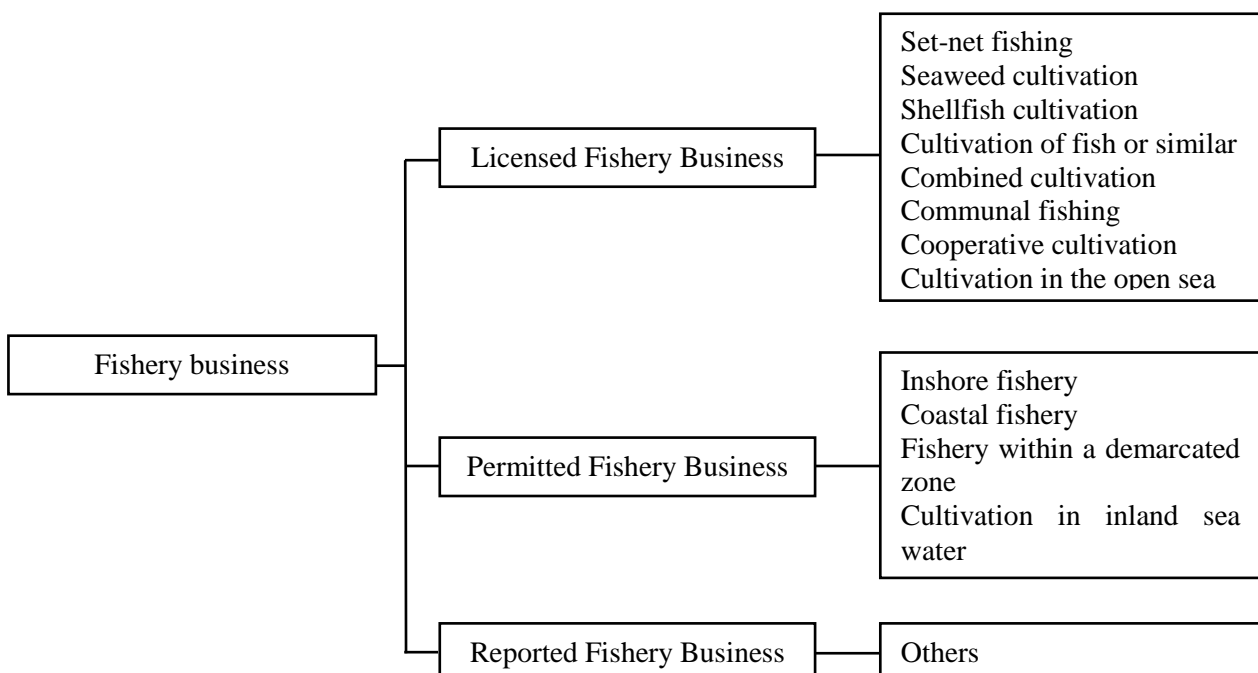
Upon noticing an incident, the owner of the damaged gear or facility (“the fisherman” hereinafter) will contact the Korea Coast Guard, who will launch an immediate investigation and establish whether the vessel involved came into contact with the facility due to negligence or intentional act.

The fisherman will then pursue a claim for his financial loss against the Owners of the vessel.

The following is the brief summary of the characteristics of commercial fishing activities in Korea, which we hope would be of assistance to the Clubs and the Members.

## **CHAPTER 1. Commercial Fishing in Korea**

According to the Fisheries Act of Korea, commercial fishing (fishery business) is classified as follows :





## **CHAPTER 2. Fishery Claims**

The following is an overview of the fishing gears and facilities commonly used in Korea and the related fishery claims submitted over the past few years.

### **1. Set Net Fishery Claims**

#### 1-1. Definition of set net

A type of fishnet that is anchored in one position rather than being drifted, trawled, or manipulated by hand: set nets are secured by stones or anchors in muddy seabed in approx. 20 to 30 meters depth to catch various kinds of fish, i.e. anchovy, hairtail, mackerel and etc. between April to January of the next year. In off fishing season (from February to March), only the outer guide rope remains after the nets are removed. Fish are entrapped in the pockets of the net and harvested twice a day when the tides are stable between high and low.

#### 1-2. Relevant regulation

Fisheries Act - Article 8 (Licensed Fishery Business)

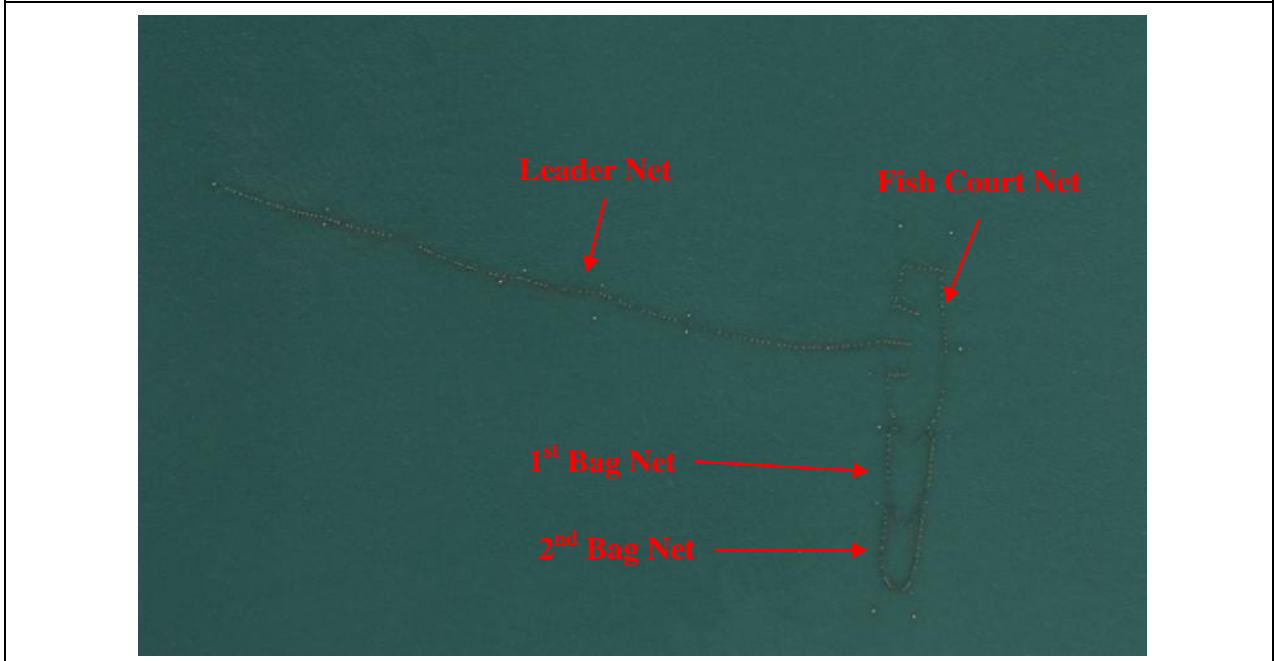
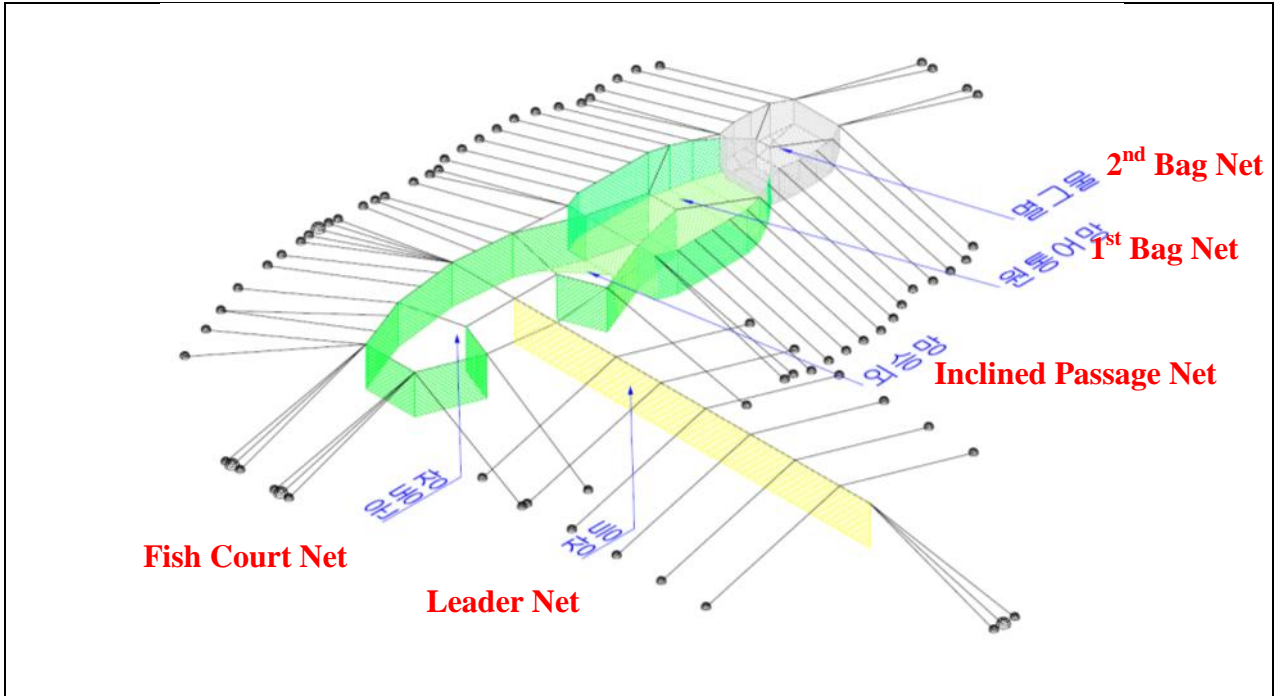
*(1) Any person who intends to engage in any of the following fishery business shall obtain a license from the head of a Si/Gun/Gu: Provided, That any person who intends to engage in business of cultivation in the open sea shall obtain a license from the Minister of Oceans and Fisheries: <Amended by Act No. 9948, Jan. 25, 2010; Act No. 11690, Mar. 23, 2013>*

*1. Set net fishery business: Business of catching marine animals in a demarcated area of waters with the fishing gear prescribed by Presidential Decree set up at a certain place;*

#### 1-3. Description of set net

A set net consists of a combination of the following nets and outer guide ropes.

- Leader Net : Fish are lead into fish court net.
- Fish Court Net : Fish will temporarily stay before entering 1<sup>st</sup> bag net via the inclined passage net
- Inclined Passage Net : Fish are lead into 1<sup>st</sup> bag net.
- 1st Bag Net : Main trap-fish are trapped in set net.
- 2nd Bag Net : Fish are moved and gathered from 1<sup>st</sup> bag net



Set-Net

## 2. Laver Farm Claims

### 2-1. Definition of laver (seaweed) farming

Seaweed farming is the practice of cultivating and harvesting seaweed. Laver, often called “Gim”, is species of the seaweed cultivated in Korea.

Laver cultivation is the oldest aquaculture in Korea, and the main production areas are in the south west coast of Korea including Sinan, Wando and Jindo of South Jeolla Province.

Nets with attached laver seeds are installed in sea water in October, and harvests are taken from November to May of the following year.

### 2-2. Relevant Regulation

Fisheries Act - Article 8 (Licensed Fishery Business)

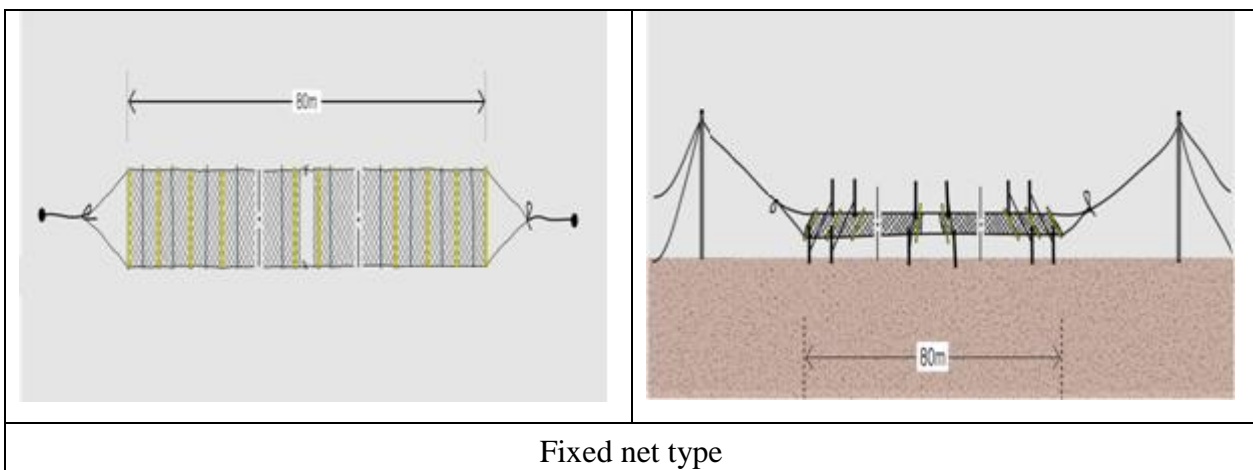
*(1) Any person who intends to engage in any of the following fishery business shall obtain a license from the head of a Si/Gun/Gu: Provided, That any person who intends to engage in business of cultivation in the open sea shall obtain a license from the Minister of Oceans and Fisheries: <Amended by Act No. 9948, Jan. 25, 2010; Act No. 11690, Mar. 23, 2013>*

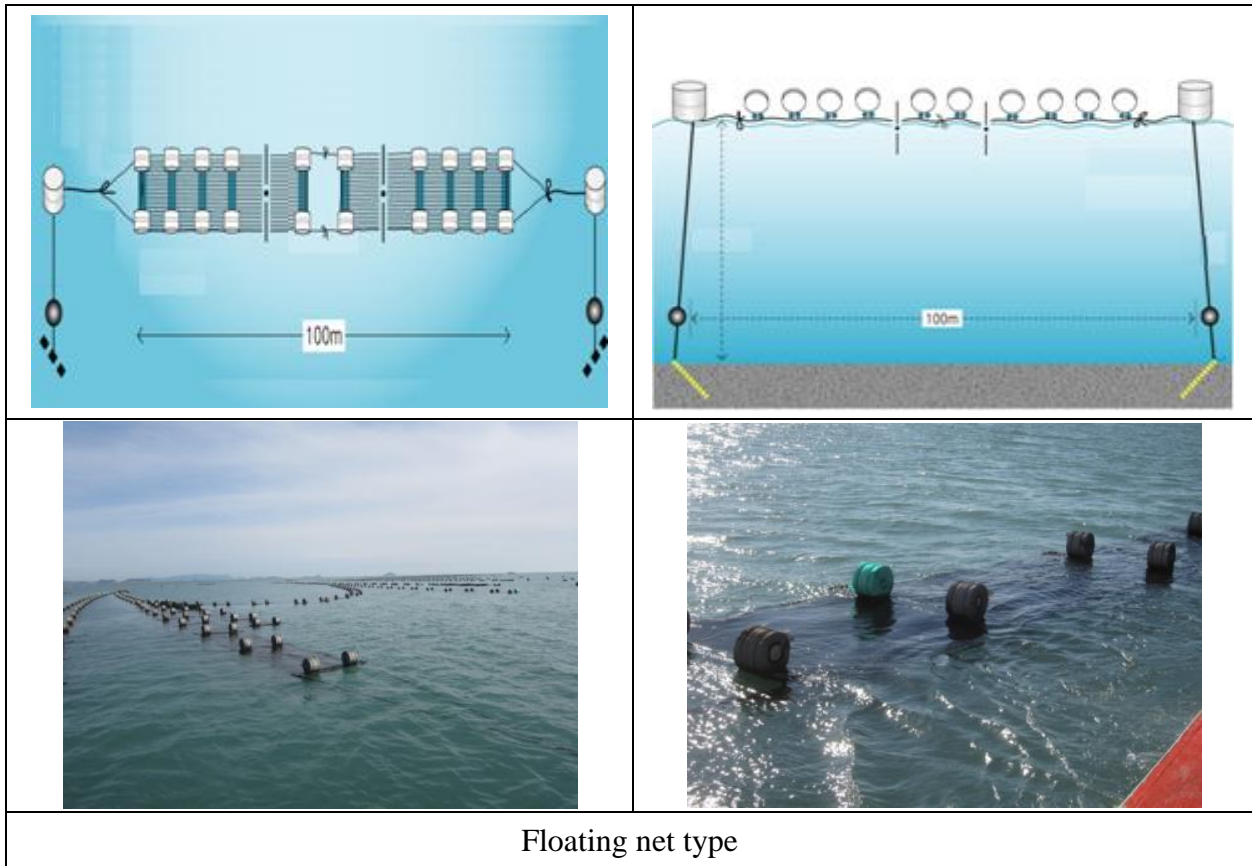
*2. Business of cultivating seaweed: Business of cultivating seaweed in a demarcated area of waters by using the seabed or installing necessary facilities under water*

### 2-3. Description of laver farming

The following two methods are mainly employed in laver cultivation:

- 1) Fixed net type cultivation: nets are hung between bamboo sticks in the seabed, which are submerged during high tide and exposed to the sun at low tide
- 2) Floating net type cultivation: nets are floated with buoys on the surface of the sea





The standard unit of the laver cultivation facility is called “Chaek” which is approx. 40 meter in length consisting of a row of connected nets (one net is 2m (w) x 4(m)). One “Jul” (expanded unit facility) is 100 meters in length as per the above photos and consists of 2 chaeks.



### **3. Stow Net Fishery Claims**

#### 3-1. Definition of stow net

A type of fishnet that is anchored in one position rather than being drifted, trawled, or manipulated by hand; stow nets are secured by one (1) anchor and placed according to the direction and strength of the current to catch various kinds of fish, i.e. anchovy, hairtail, mackerel and etc. the mouth of stow nets is held open by frames.

#### 3-2. Relevant Regulation

Fisheries Act - Article 41 (Permitted Fishery Business)

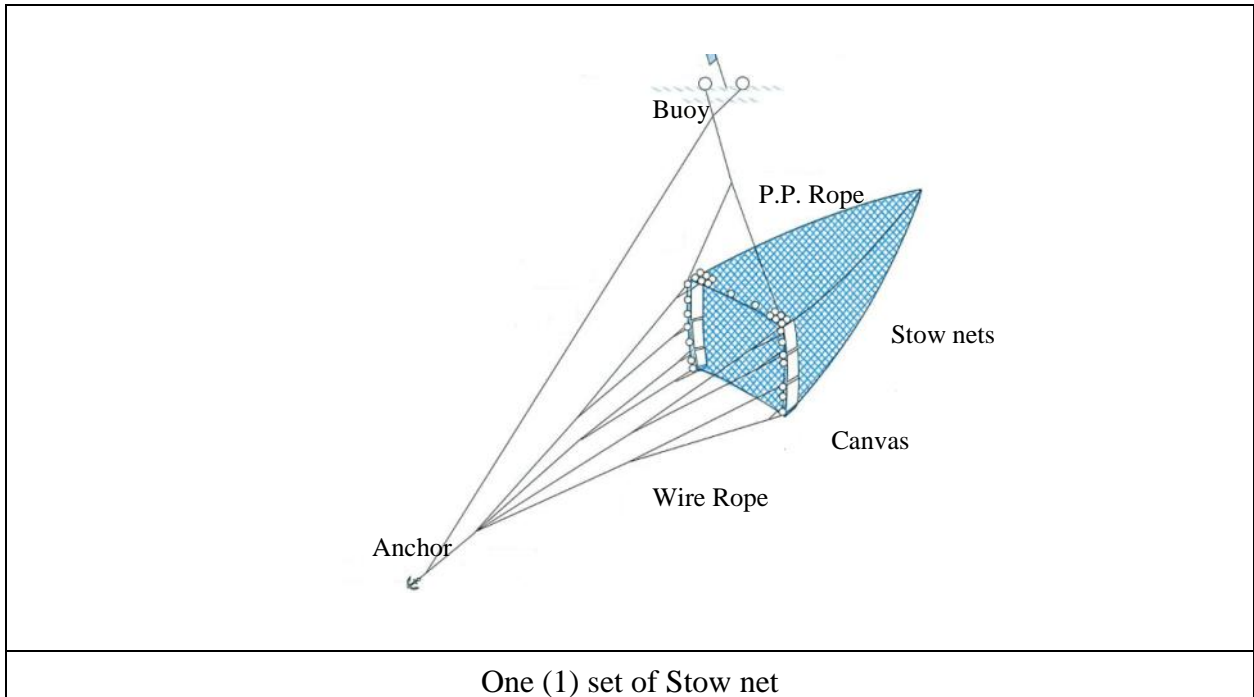
*(1) Any person who intends to run any fishery business that uses a powered fishing vessel with a gross tonnage of at least ten tons or a powered fishing vessel with a gross tonnage of less than ten tons as prescribed by Presidential Decree because of particular needs for protection of fishery resources and coordination of fisheries (hereinafter referred to as "inshore fishery business") shall obtain a permit for each fishing vessel or fishing gear from the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12541, Mar. 24, 2014>*

Enforcement Decree of Fisheries Act - Article 24 (Kinds of Coastal Fishery)

*(1) According to Fisheries Act –Article41(1), Kinds of Coastal Fishery is following subparagraphs:  
12. Coastal Stow Nets Fishery: Business of catching marine animals by using stow nets with fishing vessel*

#### 3-3. Description

Stow net consists of a net assembly that resembles a sack, canvas, anchor, a buoy, wire ropes as per below drawing.



One (1) set of Stow net



## 4. Arkshell Seed Farm Claims

### 4-1. Overview of arkshell seed production

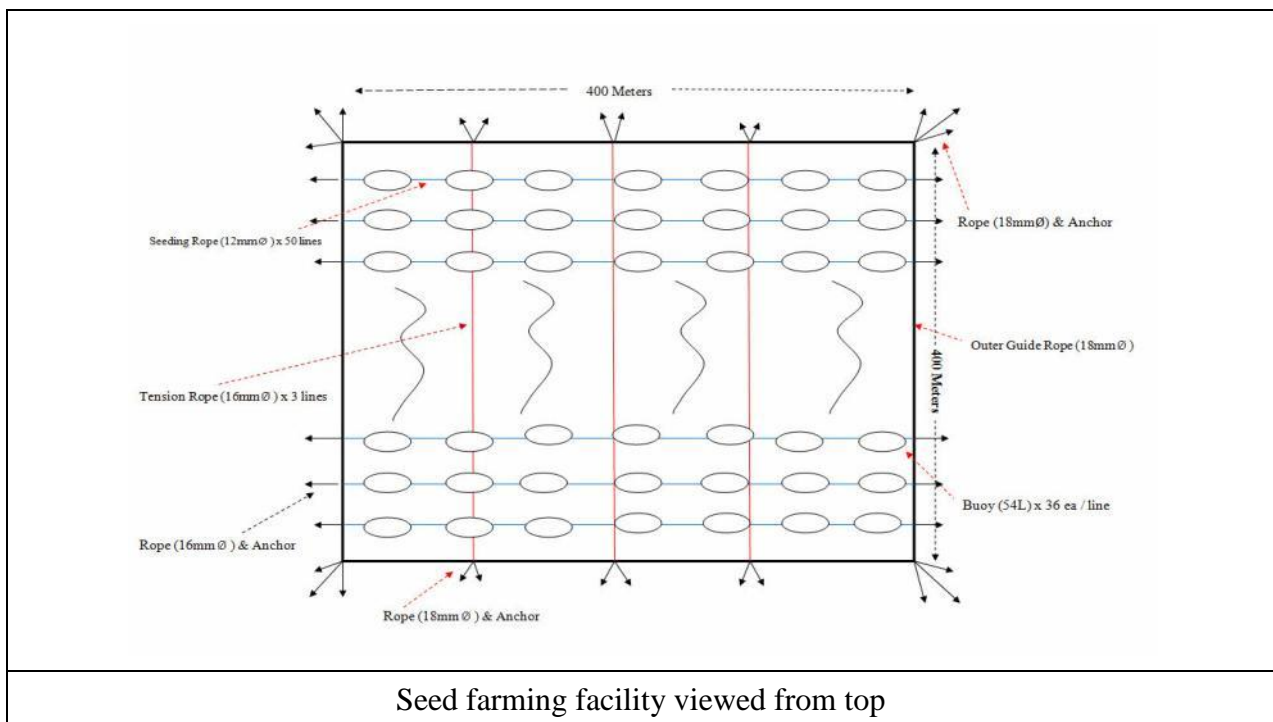
Aqua seed production in Korea is one of the aquaculture/fishing methods permitted under Article 41 of Korea's Fisheries Act. The head of the county office authorizes the license to the fishing community association and the fishermen who individually manage their aqua facilities.

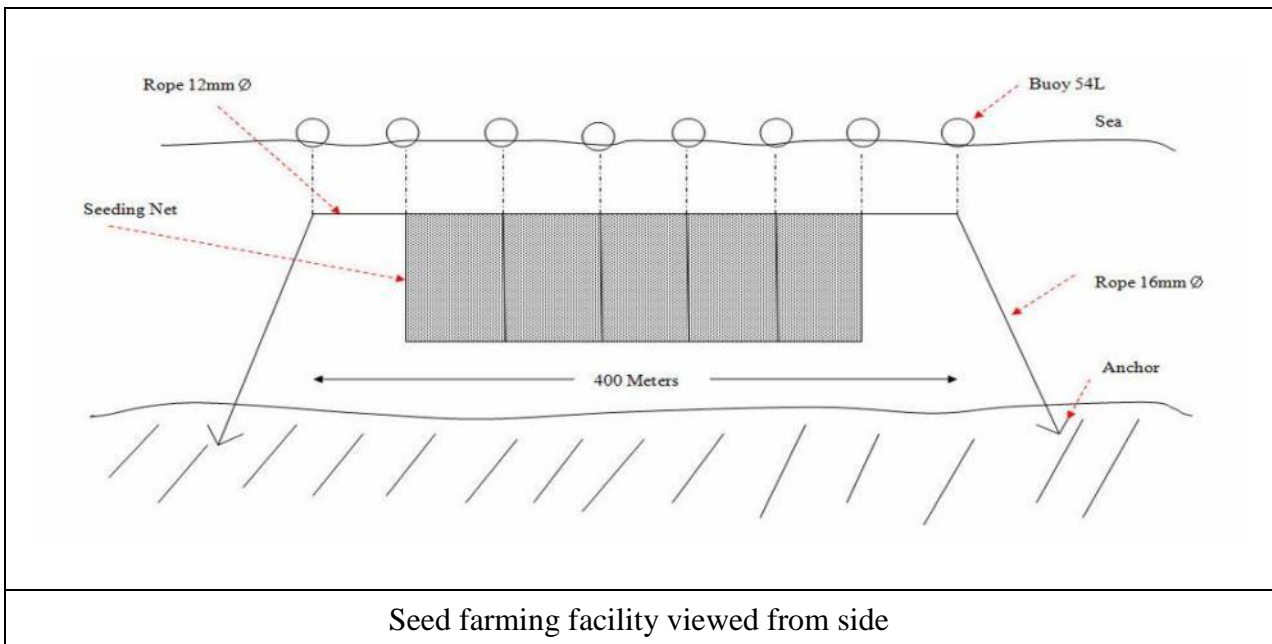
Arkshell seed production facility is in general approx. 400 meters long x 250 meters wide (outer guide ropes) and has approx. 70 meter long ropes at each side with steel anchors laid into the bottom of the sea. Tension ropes are set and tightened at the center of the facility.

Approx. 400 meter-long seeding ropes with a number of buoys attached at each 5 meters are installed to catch the natural arkshell larva floating in the sea.

In general, facilities are installed in July and arkshell larva is attached to the seeding nets over August to November to grow up to a size of 1.2 cm to 1.5 cm.

The seedlings will be harvested in November and sold to local arkshell farmers.







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*S. K. also regularly appears as a guest lecturer at Korea Insurance Institute (KII) and Korea Marine Environment Management Corporation (KOEM) giving lectures on oil pollution/fisheries claims since 2011.*



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