



**Handbook for  
the Corruption Impact  
Assessment**



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Handbook for the Corruption Impact Assessment



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# Introduction to the Corruption Impact Assessment System

1. Overview
2. Significance and Key Changes
3. Operating/Related Agencies
4. Subjects
5. Criteria

# I Introduction to the Corruption Impact Assessment System

## 1 Overview

### I Significance of the Corruption Impact Assessment I

- The Corruption Impact Assessment is an anti-corruption tool which is used to systematically analyze and assess corruption-causing factors inherent in laws and regulations, and thereby develop measures for amendment and comprehensive improvement.

### I Objectives of the Corruption Impact Assessment I

- To prevent corruption from occurring by preemptively eliminating uncertain concepts of laws and regulations, regulatory gaps and unrealistic standards
- To lay the foundation for the efficient implementation of anti-corruption policies by analyzing and assessing the fundamental causes of corruption in vulnerable areas of legal system
- To improve the reliability and predictability of anti-corruption policies by rationalizing the judgment criteria and enhancing the transparency of administrative procedures in drawing up and enforcing laws and regulations

### I Background and Rationale I

- A passive anti-corruption system focusing on identification and punishment of each illegal activity has limitations in preventing corruption in structurally vulnerable areas
- A preemptive anti-corruption mechanism needs to be put in place in order to systematically analyze and eliminate the risk of corruption in the drafting phase of laws and regulations
  - The Corruption Impact Assessment System was adopted through the revision of the Anti-Corruption Act on December 29, 2005 and put into effect on April 1, 2006. For public service-related organizations, the system has been in effect since December 28, 2007

## Rationale

- Article 28 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission
  - Analysis and assessment of the corruption-causing factors in laws
- Article 30-32 of the Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission
  - Formulation and submission of the subject items, guidelines and basic data of the corruption impact assessment; recommendations for improvement; and notification of assessment outcomes
  - Request from the heads of public service-related organizations for the corruption impact assessment
- Article 11 (6) of Rules on Legal Work Operation
  - Request for the corruption impact assessment from the heads of the competent agencies drafting a bill when they consult with related agencies



## 2 Significance and Key Changes

### (1) Significance of the Guidelines for the Corruption Impact Assessment

#### Significance

A supplementary set of guidelines detailing the efficient implementation of the Corruption Impact Assessment, which specify details such as the subjects, criteria, methods and procedures

#### Legal Basis

Article 30 (2) of the Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission

In order to efficiently implement the Corruption Impact Assessment, the Anti-Corruption and Civil Rights Commission may draw up guidelines on the subjects of and criteria, methods and plans for the Corruption Impact Assessment to ensure its efficiency, and make notification of those guidelines to the heads of public organizations provided for in Subparagraph 1 (a) and (b) of Article 2 of the Act

#### Rationale

- To ensure the efficiency of the Corruption Impact Assessment by delineating its subjects, criteria, methods and procedures
- To promote the understanding of the Corruption Impact Assessment System by specifying the responsibilities of related agencies with regard to the operation of the Corruption Impact Assessment

### (2) Key changes in the Guidelines for the Corruption Impact Assessment

#### Background

- To mark the 10th anniversary of the introduction of the Corruption Impact Assessment System, the current assessment criteria required improvement and newly-identified corruption-causing factors needed to be reflected in the assessment criteria

### Key changes: criteria improved or supplemented

< As Is >

Area (4)	Criteria (11)
Ease of Compliance	Adequacy of the burden of compliance
	Adequacy of sanctions
	Possibility of preferential treatment
Appropriateness of execution standards	Concreteness and objectiveness of discretionary regulations
	Appropriateness of entrustment/commission standards
	Clarity of financial support standards
Transparency of administrative Procedure	Accessibility/openness
	Predictability
	Possibility of conflict of interests

< To Be >

Area (3)	Criteria (9)
Compliance	Rationality of the burden of compliance (revised)
	(unchanged)
	(unchanged)
Execution	(unchanged)
	Transparency and accountability of entrustment/commission (replaced)
	Possibility of budget leakage (replaced)
Administrative Procedures	Accessibility (split)
	Openness (split)
	(unchanged)
Corruption Control	(unchanged)
	Robustness of anti-corruption mechanisms (added)

- “Appropriateness of entrustment/commission standards” was replaced by “transparency and accountability of entrustment/commission,” considering the increase in entrusted affairs and agency business, and the controversies arising from related corruption
- “Clarity of financial support standards” was replaced by “possibility of budget leakage,” considering the increase in a number of government budgets for welfare and subsidy, and the budget leakage resulting from improper payments
- A new criteria “robustness of anti-corruption mechanisms” was added, which aims to assess whether an internal anti-corruption mechanism needs to be employed or whether anti-corruption laws and policies need to be applied
- In order to clarify the assessment criteria, the the term “adequacy” in the “adequacy of the burden of compliance” was changed to “rationality,” and “accessibility/openness” was split into “accessibility” and “openness”

**Enforcement date: January 1, 2016**

## 3 Operating/Related Agencies

### (1) Operating agency

- The Anti-Corruption & Civil Rights Commission (Article 28 (1) of the Act, Article 30 of the Decree)
  - ⇒ Conduct the Corruption Impact Assessment of Acts and subordinate statutes (i.e. analyze corruption-causing factors and come up with improvement measures)
  - ⇒ Confirm and review implementation of recommendations by public organizations, made upon the results of the Corruption Impact Assessment
  - ⇒ Oversee the operation of the Corruption Impact Assessment System

### (2) Advisory body and a pool of outside experts (Article 24 of the Act, Article 31 of the Decree, Article 21-22 of the Guidelines)

- Put together skilled and experienced experts from different fields in order to ensure the efficiency and professionalism of the assessment
  - ⇒ Submit expert advice on corruption-causing factors inherent in laws and institutions
  - ⇒ Review the feasibility of the opinions of each agency regarding assessment results

### (3) Affiliated agencies

- Public organizations that have the authority to enact or revise Acts and subordinate statutes, administrative rules, and municipal regulations
  - ⇒ Voluntarily establish and operate a mechanism to improve and amend the concerned laws
  - ⇒ Request the Anti-Corruption & Civil Rights Commission to assess proposed bill and legislation, and submit materials as necessary for the assessment
  - ⇒ Make improvements based on assessment results

## 4 Subjects

- In accordance with Article 28 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission, the Commission shall carry out the Corruption Impact Assessment of Acts and subordinate statutes, administrative rules, and municipal regulations

### **(1) Acts and subordinate statutes (e.g. Acts, Presidential Decrees, Prime Ministerial Decrees, Ordinances of Ministries)**

- Draft bills and current laws shall be subject to the assessment, in which the methods and procedures may vary
  - For draft bills, each concerned agency shall request the Commission to conduct an the assessment by submitting materials required for the assessment
    - ※ The assessment shall be carried out on amendment provisions as well as existing provisions deemed to have corruption-causing factors.
  - For current laws, the assessment shall be carried out on subjects selected by the Commission, based on materials submitted by each agency

### **(2) Administrative rules (e.g. directives, regulations, announcements, notices, guidelines)**

- In principle, administrative rules shall be subject to the assessment which is conducted by each agency using its own assessment mechanism. Yet, the Commission shall directly carry out the assessment in the following cases:
  - When an agency enacts or revises the administrative rules as recommended by the Commission based on the assessment results of current administrative rules, or when an agency requests the Commission to conduct the assessment on its behalf due to the difficulties of improving or amending the rules
  - When the Commission selects specific current administrative rules as the assessment subject considering the social controversy over corruption scandals
    - ※ When assessing draft bills or current laws, the Commission, if necessary, shall assess related administrative rules for the implementation of the laws concerned

### (3) Municipal regulations (e.g. ordinances, rules)

- In line with the objective of the local autonomy system in Korea, each local government shall build its own assessment system customized to its conditions, and autonomously carry out the assessment. Yet, the Commission shall directly carry out the assessment in the following cases:
  - When the Commission designates specific municipal regulations as the assessment subject considering the social controversy over corruption scandals or the perceived corruption-causing factors of the municipal regulations concerned
  - When a local government requests the Commission to conduct the assessment on its behalf due to difficulties of improving or amending the regulations

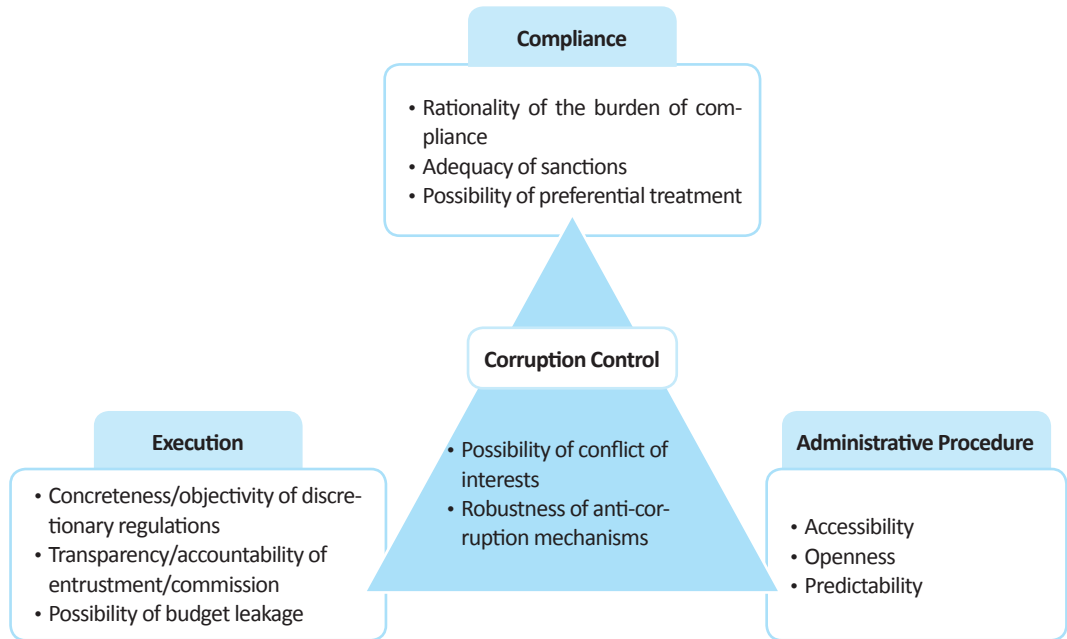
#### Public Service-related Organization Rules (articles of association, bylaws)

- For internal rules and bylaws of public service-related organizations, each public service-related organization shall build its own assessment system customized to its conditions, and autonomously carry out assessments
- However, the heads of public service-related organizations may request the Commission to conduct the Corruption Impact Assessment when they acknowledge the necessity of the assessment over internal rules and bylaws (in accordance with Article 30 (9) of the Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission)

## Operating System of the Corruption Impact Assessment

Category		Agency	ACRC
Draft bills	Draft bills	<ul style="list-style-type: none"> <li>Request for the Corruption Impact Assessment during the phase of consultations with relevant agencies</li> </ul>	<ul style="list-style-type: none"> <li>Conduct the assessment generally within 40 days before the closing date of the pre-announcement of legislation</li> <li>Assess current provisions deemed to have corruption-causing factors, if necessary</li> </ul>
Current laws	Mid-/Long-term Plan	<ul style="list-style-type: none"> <li>Submit assessment subjects regarding current laws</li> </ul>	<ul style="list-style-type: none"> <li>Formulate a mid-/long-term plan for assessment</li> <li>Select and assess mid-/long-term assessment tasks</li> </ul>
	Pending Issues	<ul style="list-style-type: none"> <li>Submit materials upon the request of the ACRC</li> </ul>	<ul style="list-style-type: none"> <li>Put priority on dealing with urgent pending issues</li> </ul>
Administrative rules	Draft rules	<ul style="list-style-type: none"> <li>Operate the autonomous assessment system (in principle)</li> <li>Request the ACRC to conduct the assessment if certain administrative rules are enacted or revised as recommended by the ACRC, or if autonomous improvements are unlikely</li> </ul>	<ul style="list-style-type: none"> <li>Develop, distribute and provide training for an assessment manual</li> <li>Assess related administrative rules upon request, generally within 40 days as statutes</li> </ul>
	Current rules	<ul style="list-style-type: none"> <li>Submit materials upon the request of the ACRC</li> </ul>	<ul style="list-style-type: none"> <li>Select and assess administrative rules having corruption-causing factors</li> <li>Assess related administrative rules as well as statutes, if necessary</li> </ul>
Municipal regulations	Draft regulations	<ul style="list-style-type: none"> <li>Operate the autonomous assessment system (in principle)</li> <li>Request the ACRC to conduct the assessment if autonomous improvements are unlikely</li> </ul>	<ul style="list-style-type: none"> <li>Develop, distribute and provide training for an internal assessment model and manual</li> <li>Assess municipal regulations upon request</li> </ul>
	Current regulations	<ul style="list-style-type: none"> <li>Submit materials upon the request of the ACRC</li> </ul>	<ul style="list-style-type: none"> <li>Select and assess municipal regulations having corruption-causing factors</li> </ul>
Public service-related organization rules	Draft rules, and current rules	<ul style="list-style-type: none"> <li>Operate the autonomous assessment system (in principle)</li> <li>Request the ACRC to conduct the assessment if autonomous improvements are unlikely</li> </ul>	<ul style="list-style-type: none"> <li>Develop, distribute and provide training for an internal assessment model and manual</li> <li>Assess articles of association and bylaws upon request</li> </ul>

## 5 Criteria



### Compliance

Criteria	Details
Rationality of the burden of compliance	To determine whether the burden of compliance—such as cost or sacrifice that should be paid by the public, companies, or organizations, etc. in order to comply with duties stated in laws—is rational and not excessive compared to other similar laws
Adequacy of sanctions	To determine whether the content and level of sanctions on the violation of laws, etc. is adequate and not excessive compared to similar laws
Possibility of preferential treatment	To determine whether a preferential treatment or benefit could be created for a specific company, organization, or person due to the laws, etc.

### Execution

Criteria	Details
Concreteness/ objectiveness of discretionary regulations	To determine whether laws related to discretionary power, scope, standard, and procedure, etc. are stated in a clear, definite, concrete, and objective manner; and to determine if there is a controlling tool for the prevention of excessive discretionary power
Transparency/ accountability of entrustment/ commission	To determine whether entrustment/commission conditions, scope and limitations, and selection procedures, etc. are clearly defined, and to determine if there is a managing/monitoring tool for securing accountability when consigning authority and duties to related public organizations or private associations
Possibility of budget leakage	To determine whether there is any overlap in financial aid— such as national subsidies—due to other laws, or whether there exists any budget leakage due to uncertain standards for aid, and to determine if there is any managing/monitoring tool for the prevention of budget leakage

### Administrative Procedures

Criteria	Details
Accessibility	To determine whether sufficient opportunities are given to stakeholders—including the public, companies, and organizations—during administrative procedures such as policy making and objection, and to check whether the representativeness of stakeholders is secured when collecting opinions
Openness	To determine whether content, procedure, and related information are sufficiently open to stakeholders and the general public
Predictability	To determine whether civil petitioners can easily identify and predict necessary documents, actions, administrative procedures, handling periods, and results

### Corruption Control

Criteria	Details
Possibility of conflict of interest	To determine whether there is any standard, procedure, or post-control tool to prevent private interest during official works
Robustness of anti-corruption mechanisms	To determine whether it is necessary to adopt anti-corruption tools or laws in order to prevent corruption that may arise while implementing laws or policies







# The Corruption Impact Assessment for Laws and Administrative Rules

1. Handling Procedures
2. Documentation Guidelines for Assessment Materials

## II The Corruption Impact Assessment for Laws and Administrative Rules

### 1 Handling Procedures

#### (1) Assessment of draft bills

##### 1) Request for the Corruption Impact Assessment

A. Any administrative agency intending to enact or revise a specific statute shall prepare for a legislative proposal and materials required for assessment, and request the Commission to carry out the assessment as soon as the agency initiates consultations with relevant agencies

※ Exclusions from the assessment request

⇒ Acts and subordinate statutes regarding organization; name of country, national flag and era name; prize/decoration, legal precedents and national holidays; salary and allowances; document, official seal and vehicle management

⇒ However, the Commission may later conduct assessments of the above-mentioned Acts at its discretion

##### B. Assessment materials to be submitted

Category	Materials	Note
Partial revision	<ul style="list-style-type: none"> <li>Proposed legislation</li> <li>Basic data</li> <li>Internal explanations regarding the revision</li> </ul>	<ul style="list-style-type: none"> <li>Additional materials, including detailed data on the assessment, statement of reasons for revision by provision, public hearing documents, or research service data, must be submitted upon request of the ACRC</li> </ul>
Enactment or entire revision	<ul style="list-style-type: none"> <li>Proposed legislation</li> <li>Basic data</li> <li>Detailed data</li> <li>Internal explanations regarding the enactment or revision</li> </ul>	<ul style="list-style-type: none"> <li>Additional materials, including statement of reasons for enactment/revision by provision, public hearing documents, or research service data, must be submitted upon request of the ACRC</li> </ul>

- C. A division within the agency in charge of developing the legislative proposal, shall submit assessment materials after receiving confirmation from the division in charge of statutory assessment
- D. If the proposed bill already submitted in the stage of consultations with relevant agencies or the subsequent pre-announcement period is revised or amended, notification of the details and rationale shall be sent to the Commission without delay

## 2) Assessment of the Commission and notification of the results

### A. Assessment period

- The Commission shall generally carry out the assessment based on the proposed legislation, and other materials submitted by the concerned agency, within 40 days from the stage of consultations with relevant agencies to the closing date of the pre-announcement
  - If the assessment cannot be completed by the given pre-announcement date for good reason, the assessment period may be extended (in such cases, the assessment shall be completed as soon as possible)
  - ※ The assessment period may be extended on the following grounds: delayed submission of a bill; supplementation of materials; delayed consultation with related agencies; or revision or amendment of the bill

### B. Assessment methods

- The Commission shall carry out the assessment based on the bill, and other materials submitted by the agency concerned
  - For an amendment bill, the Commission shall assess current provisions deemed to have corruption-causing factors in addition to the amended provisions
- While carrying out the assessment, the Commission shall continue discussions with the concerned agency, and gather opinions from related agencies and other interested parties if necessary
- With regard to matters relating to multiple agencies or those requiring an advanced level of expertise, the fairness and professionalism of the assessment shall be ensured through the advice of outside experts registered in the Advisory Body on Corruption Impact Assessment or a pool of outside experts
- After completing the assessment, the Commission shall promptly send written notification of

the results including recommendations for improvement to the concerned agency

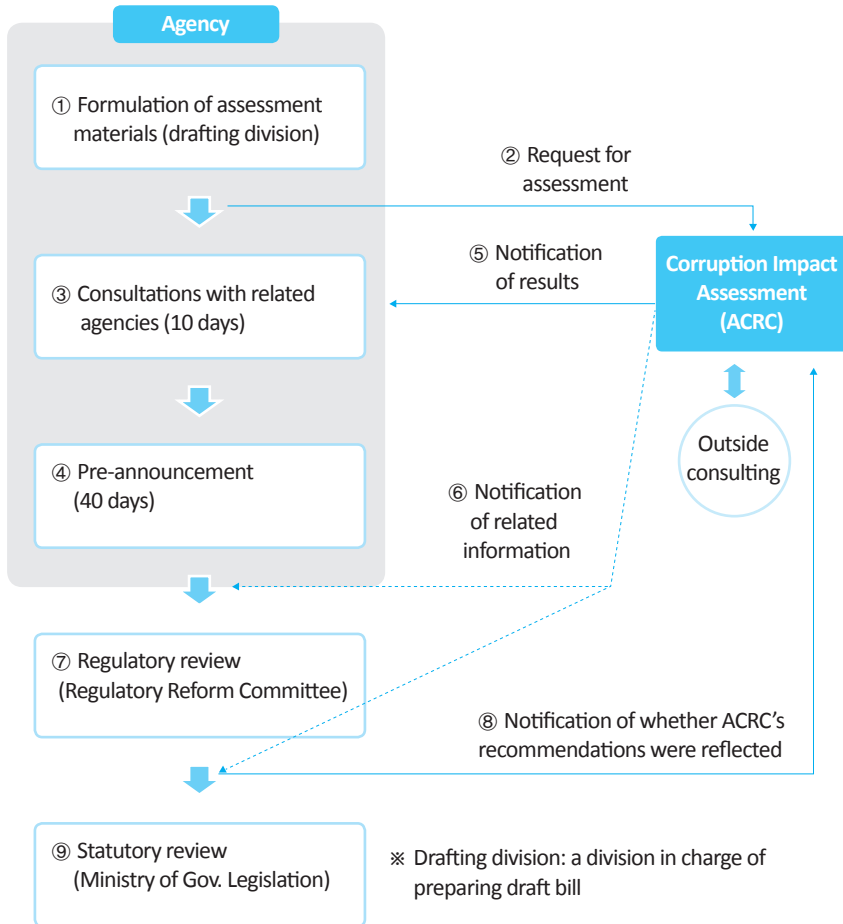
- The assessment results shall be divided into “agreement on original bill”, “recommendations for improvement”, “opinion for withdrawal” and “reference opinions” and sent to the concerned agency.

- The Commission shall notify the Regulatory Reform Committee of the results if they are related to the Regulatory Impact Assessment; as well as the Ministry of Government Legislation if results may serve as a reference for statutory review and improvement

### 3) Handling of the assessment results

- The concerned administrative agency shall notify the Commission in writing of whether it will implement the Commission’s recommendations for improvement made based on the result of the assessment before the agency requests the Ministry of Government Legislation to review the proposed bill.
- If the concerned administrative agency deems that the recommendations cannot be implemented, it shall send a written notification of the reason to the Commission
  - Upon the request for re-assessment, the Commission shall carefully carry out the re-assessment and notify the concerned agency of the results in light of the following factors:
    - ▶ Intent of the request for re-assessment and the validity of its alternative
    - ▶ Any change in circumstances such as external conditions
    - ▶ Other considerations for re-assessment, such as difficulties in consultation or mediation with the concerned agency, which are deemed to require review by the Commission
  - Upon the request for re-assessment, an employee of the Commission who did not assess the concerned bill shall conduct re-assessment, and expert opinions on the bill shall be collected.
- The Commission shall regularly monitor the implementation status of its recommendations and the level of cooperation by the administrative agency, and reflect them in performance evaluation of the agency in light of the following factors:
  - Submission time of a bill, cooperation in providing assessment materials, implementation of recommendations, establishment and operation of an autonomous assessment system etc.
- The assessment results shall be presented to Vice-Minister and State Council meetings, and the Commission shall confirm whether the its recommendations for improvement have been reflected in the bill and shall provide opinions as necessary

## Procedure of the Corruption Impact Assessment for Draft Laws



## (2) Assessment of current laws

### 1) Selection of assessment subjects

#### A. Formulation of a mid-/long-term plan for the Corruption Impact Assessment

- The Commission may formulate and implement a mid and long-term plan for Corruption Impact Assessments of current statutes
  - In order to formulate mid and long-term plans, the Commission shall request each central administrative agency and local government to submit assessment subjects on current statutes.
  - The Commission shall notify each related agency of the plan confirmed by the resolution of the Commission and shall carry out the assessment based on the basic materials submitted by the concerned agency in line with the given assessment period

#### B. Assessment of pending issues

- Apart from mid- and long-term issues, laws which have problems discovered during the assessment process, or matters of social controversy arising from corruption scandals, shall be designated as pending issues and be subject to further assessment

### 2) Assessment of the Commission and notification of the results

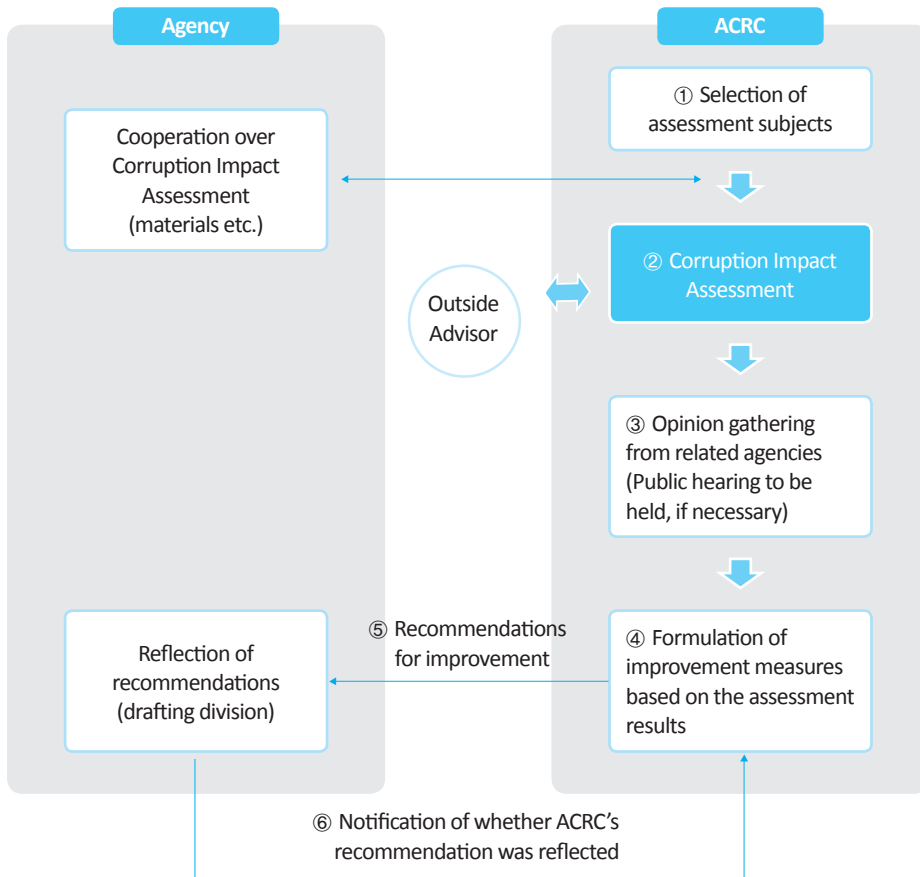
- If its laws are selected as assessment subjects, an administrative agency shall prepare and submit materials for assessment upon the request of the Commission
- If deemed necessary during the process of assessment on the concerned agency, the Commission shall survey the actual status and conduct a preliminary investigation such as documentary examination on papers and assessment materials, containing disciplinary actions, audits and investigation results, and handling of received complaints
- The Commission shall conduct consultations with the concerned agency regarding recommendations for improvement, drawn up based on analysis of implementation status of statutes and assessment results according to assessment standard.
  - For matters that are deemed important, the Commission shall hold a public hearing or debate to gather opinions from related agencies, interested parties and experts
- In addition to assessment results, the Commission shall provide the agency with a written notification of its recommendations for improvement as well as a deadline for implementing those recommendations

### 3) Handling of the assessment results

- The concerned administrative agency shall take required actions in accordance with the recommendations within the given period and shall submit the results to the Commission before the request for review of the Ministry of Government Legislation
- If it is deemed that the recommendations cannot be implemented, the concerned administrative agency shall notify the Commission of the details and reason, and shall send a written request for re-assessment within the given period
- Upon the request for re-assessment, the Commission shall carefully carry out the assessment and send notification of the results to the concerned agency in light of the following factors:
  - ▶ Intent of the request for re-assessment and the validity of its alternative
  - ▶ Any change in circumstances such as external conditions
  - ▶ Other considerations for reassessment, such as difficulties in consultation or mediation with the agency, which are deemed to require review by the Commission
- The Commission shall regularly monitor handling of its improvement recommendations and level of cooperation by the administrative agencies, and will reflect them in performance evaluation of the agency
- When conducting the corruption impact assessment on a draft bill, the Commission shall focus on whether its previous recommendations for improvement on current laws were reflected in the bill



### Procedure of the Corruption Impact Assessment for Current Laws



### (3) Assessment of administrative regulations

#### 1) Assessment of draft administrative rules

##### A. Autonomous assessment system of each agency

- Each agency may examine corruption-causing factors of its administrative rules and improve them autonomously
- The Commission shall develop and distribute a manual including a checklist to be used by agencies for self-assessment

##### B. Direct assessment by the Commission

- An administrative agency shall request the Commission to conduct the assessment before holding consultations with related agencies in the following cases:
  - When the concerned administrative agency intends to enact or revise the administrative regulations for which the Commission gave recommendation for improvement based on the result of the assessment on the then current administrative regulation.
  - When the concerned administrative agency has difficulty in autonomously improving or amending administrative regulations during the process of enactment or revision
- Upon request, the Commission shall complete an assessment of draft administrative regulation bills within approximately 40 days, and send written notification of the results to the concerned agency

#### 2) Assessment of current administrative rules

- The Commission may select specific current administrative rules having a number of corruption-causing factors as separate subjects of assessment.
  - ※ The Commission may, if necessary, carry out an collective assessment of proposed laws including its subordinate administrative rules required for the implementation of laws
  - If its administrative regulations are selected as an assessment subject, the concerned administrative agency shall, upon the request of the Commission, prepare and submit materials for assessment
  - If deemed necessary during the process of assessment, the Commission shall survey the actual status and conduct a preliminary investigation on the submitted assessment materials

- The Commission shall conduct consultations with the concerned agency, regarding recommendations for improvement, which have been drawn up based on assessment results in accordance with analysis of actual status and assessment criteria
  - For matters that are deemed important, the Commission shall hold a public hearing or debate to gather opinions from related agencies, interested parties and experts
- In addition to the assessment results, the Commission shall provide the concerned agency with written notification of its recommendations for improvement, along with a deadline for implementing those recommendations
- The concerned administrative agency shall take required actions in accordance with the recommendations within the given time period and shall promptly submit the results to the Commission

## 2 How to Prepare Assessment Materials by agencies

### (1) Overview

- For partial revision of laws, only basic materials (cover page) shall be submitted to the Commission
- For new enactment or entire revision, detailed materials shall be submitted to the Commission in addition to basic materials
  - ▶ For partial revision, detailed materials shall be prepared and submitted upon the request of the Commission

## (2) Formulation of basic materials (cover page) for the Corruption Impact Assessment

### 1) Form

[Annex No. 1]

### Basic Application for the Corruption Impact Assessment

Title of legislation	(Title of system: _____ )						
Category	Enactment			Amendment		Current law	
Type	Act	Presidential Decree	Prime Ministerial Decree	Ordinance of Ministry	Administrative Regulations (incl. bylaw, articles of association)	Ordinance	Regulation
Related Administrative Regulations (announcements, directives, regulations, rules, guidelines etc.)		Fill in the name of administrative regulations designated by the concerned agency with regard to the implementation of higher-level Acts (not limited to enacted or revised provisions)					
Concerned Agency	Name						
	Supervising Division (Review)	Division (section)					
		Person in charge Rank / Name / Phone number					
	Business Division (Implementation)	Division (section)					
Person in charge Rank / Name / Phone number							
Legislative timeline (planned)	Consultation with Relevant Agencies	Counterpart					
		Period	From . . . . To . . . . ( days)				
※ For enacted or revised Acts only	※ Pre-announcement	From . . . . To . . . . ( days)					
Attachment	Essential Materials	1. Explanations on the revision of the Acts 2. Legislative proposal (including a comparison table of before/after provisions)					
	Others						
Drafter	Agency	Division	Rank	Name	Phone number		
			Any one higher than 5th rank, if possible				

## 2) Sample

### Basic Application for the Corruption Impact Assessment

Title of legislation	Framework Act on National Informatization (Title of system: )						
Category	Enactment		Amendment			Current law	
Type	Act	Presidential Decree	Prime Ministerial Decree	Ordinance of Ministry	Administrative Regulations (incl. bylaw, articles of association)	Ordinance	Regulation
Related Administrative Regulations (announcements, directives, regulations, rules, guidelines etc.)		<ol style="list-style-type: none"> <li>1. Application Guidelines and Evaluation Criteria for Permission of Common Carriers</li> <li>2. Guidelines for Handling Registration of Special Category Telecommunications Businesses</li> <li>3. Regulation on R&amp;D and Management of ICT</li> <li>4. Project for Designating and Supporting Excellent New Technologies</li> <li>5. Guidelines for Management of the Informatization Promotion Fund</li> </ol>					
Concerned Agency	Name	Ministry of Science, ICT and Future Planning (MSIP)					
	Supervising Division (Review)	Division (section)			Regulatory Reform & Legal Affairs Division		
		Person in charge Rank / Name / Phone number			5th rank / ○○○ / 02-2110-0000		
	Business Division (Implementation)	Division (section)			○○○○		
Person in charge Rank / Name / Phone number			4th rank / ○○○ / 02-2110-0000				
Legislative timeline (planned) ※ For enacted or revised Acts only	Consultation with Relevant Agencies	Counterpart					
		Period	From . . . To . . . ( days)				
	※ Pre-announcement	From . . . To . . . ( days)					
Attachment	Essential Materials	<ol style="list-style-type: none"> <li>1. Statutory proposal (including a comparison table of before/after provisions)</li> <li>2. Explanations on the revision of the Acts</li> </ol>					
	Others	<ol style="list-style-type: none"> <li>1. Annual statement of contributions for common carriers</li> <li>2. Current status of ICT R&amp;D projects and evaluation report of each project</li> </ol>					
Drafter	Agency	Division	Rank	Name	Phone number		
	MSIP	○○○○	senior deputy director	○○○	02-2110-0000		

### (3) Formulation of detailed materials: upon request for the Corruption Impact Assessment of enactment or entire revision

[Annex No. 2]

#### Detailed Application for the Corruption Impact Assessment

**Compliance**

**Q1. | Rationality of the burden of compliance |** Are the costs and level of burden borne by citizens, businesses or organizations required for compliance with the legal obligations, rational compared to those of other laws?

① Excessive      ② Rational

**Contents**

<Table 1-1> Details of regulations related to the burden of compliance

No.	Legal Basis	Compliance Details	Interested Party (Contact)

<Additional Comments> Necessity and validity of the burden of compliance


<Reference>

1	
2	

## Guideline

### No.

: Every new and amendment provision which may force the people to bear the costs and burden shall be listed and given a serial number

### Legal Basis

: If a new and amendment provision forces the people to bear the costs and burden, its legal base shall be stated in detail to the extent of the paragraph of the article of the legal ground

### Compliance Details

: The burdens borne by complying with law include not only capital expenditures but also legal or de facto sacrifices and opportunity costs

e.g. various documents, prior declaration, training, regular reports, regular inspections, use of designated items, prohibition of specific facilities or actions, removal, restrictions on outside work, etc.

### Interested Parties (Contact)

: The contact information of interested parties—including representative individuals or organizations subject to the law—shall be filled in to examine the validity of the burden of compliance

<Additional Comments> If additional explanation is deemed necessary, more details on the necessity and validity of the burden of compliance shall be presented in accordance with a serial number given in Table 1-1

<Reference> With regard to the burden of compliance, any other available materials to be used as reference for the Corruption Impact Assessment shall be attached separately with the list of the attachment

e.g. subordinate statutes, administrative regulations, research papers, public hearing materials, public survey results, media releases, etc.



**Sample**

**<Table1-1> Details of regulations related to the burden of compliance (Example)**

No.	Legal Basis	Compliance Details	Interested Party (Contact)
1	Article 4, Food Sanitation Act	Prohibition on sale, storage, transportation and display of hazardous foods	Korea Food Service Industry Association (KFIA) (1688-0000)
2	Article 8, Food Sanitation Act	Prohibition on sale and usage of toxic apparatus, etc.	Korea Foods Industry Association (02-3470-0000) Korea Ceramic Art Association (031-632-0000)
3	Article 41, Food Sanitation Act	Obligation of employees of food service businesses to receive annual training on sanitation	KFIA (1688-0000)
4	Article 51, Food Sanitation Act	Obligation of food service businesses and group food service facilities designated based on Presidential decree to have a cook	KFIA (1688-0000)

**<Additional Comments> Necessity and validity of the burden of compliance**

3	Offering mandatory sanitation training to entertainment industry workers can prevent food-related health risks and improve the nutritional quality of foods
---	---

**<Reference>**

1	Media releases related to hazardous foods
2	Opinions of interested parties related to the proposed revision of the Food Sanitation Act

**Q2. | Adequacy of sanctions |** Are the content and level of sanctions imposed on the violation of laws appropriate compared with those pursuant to similar laws?

- ① Adequate                      ② Low                      ③ High

**Contents**

<Table 1-2> Sanctions

No.	Legal Basis	Violations	Applicable Sanctions

<Additional Comments>

No.	Necessity of sanctions and adequacy of the level of sanctions

<Reference>

1	
2	

## Guideline

### No.

: Every enacted or revised provision which stipulates sanctions for the violation shall be listed with a serial number

### Legal Basis

: Articles and paragraphs which stipulate sanctions for the violation shall be filled in (See Appendix)

### Violations

: Specific type, severity, number and gravity of violations shall be filled in

### Applicable Sanctions

: The type and level of sanctions imposed to different violations shall be described (If details on sanctions are included in an appendix, those shall be briefly described and related materials shall be attached separately)

e.g. type of sanctions

- Cancellation, withdrawal and suspension of permission for business
- Penalty, negligence fine, additional tax / illegally-gained money / additional charge, surcharge / levy
- Announcement of violations, restriction on employment, refusal of supply, restriction on qualification for government-licensed business or bidding

<Additional Comments> If additional explanation is deemed necessary, more details supporting the necessity of sanctions and the validity of the level of sanctions shall be presented in accordance with a serial number given in Table 1-2

<Reference> With regard to the level of sanctions, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list e.g. research papers, public hearing materials, public survey results, media releases, etc.

Sample

<Table 1-2> Sanctions

No.	Legal Basis	Violations	Interested Party (Contact)
1	Article 47, Crime Victim Protection Act	A person who received a subsidy under false pretenses or by using other unjust methods	Imprisonment for not more than 5 years or a fine not exceeding KRW 20 million
2	Article 47, Crime Victim Protection Act	A person who used a subsidy for purposes other than the protection or support of crime victims	Imprisonment for not more than 3 years or a fine not exceeding KRW 10 million

<Additional Comments> Necessity of sanctions and adequacy of the level of sanctions

1	Considering social impact and harm caused by receipt of a subsidy in an illegal and unfair manner and its use for unspecified purposes, a person who has received a subsidy under false pretenses or by using other unjust methods shall be punishable by imprisonment for not more than five years or by a fine not exceeding KRW 20 million. A person who has used a subsidy for unspecified purposes shall be punishable by imprisonment for not more than three years or by a fine not exceeding KRW 10 million
---	---

<Reference>

1	<ul style="list-style-type: none"> <li>· Related statistical data such as documented cases of individuals receiving subsidies in an illegal and unfair manner, and using them for unspecified purposes</li> <li>· Similar sanctions imposed under other Acts and subordinate statutes</li> </ul>
---	--

**Q3. Possibility of preferential treatment** Is there any possibility that certain classes, businesses, groups or individuals receive preferential treatment or benefit from the application of the law?

- ① No                      ② Yes

**Contents**

<Table 1-3> Contents of beneficial regulations

No.	Legal Basis	Beneficiary	Contents

<Additional Comments> Reason for giving preferential treatment and its adequacy


<Reference>

1	
2	

## Guideline

### No.

: Any case where a new or amendment provision provides or likely to provide benefits or reflective benefit to someone, shall be listed with a serial number

### Legal Basis

: Articles and paragraphs of enacted or amended provisions or their legal basis which induce specific preferential treatment or benefits, shall be filled in

### Beneficiary

: Anyone who is currently receiving or likely to receive even a small benefit shall be stated as (potential) beneficiary

### Contents

: Any benefits incurred pursuant to statutes shall be briefly described

<Additional Comments> If additional explanation is deemed necessary, additional details justifying the preferential treatment and its adequacy shall be presented in accordance with a serial number given in Table 1-3

<Reference> With regard to the preferential treatment, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

## Sample

**<Table 1-3> Contents of beneficial regulations**

No.	Legal Basis	Beneficiary	Contents
1	Article 33, Elementary & Secondary Education Act, Article 64, Enforcement Decree of the Act	School Steering Committees	Raising and utilization of school development funds
2	Article 18-5, Act on Special Measures for the Promotion of Venture Businesses	Local governments and venture businesses in promotion districts	Preferential support of funds
3	Article 25, Special Act on the Development of Enterprise Cities	Development project operators	Exemption of tax and charges

**<Additional Comments> Reason for preferential treatment and its adequacy**

1	To promote autonomy and diversity among school administration
2	To reduce the economic gap between different regions and revitalize region-specific strategic industries by promoting and supporting venture businesses in ways to suit regional characteristics
3	To ensure the smooth development of enterprise cities

**<Reference>**

1	Research services report on measures to promote transparency in school administration development funds
---	---

## Implementation

<Table 2-1> Discretionary matters

No.	Legal Basis (Article & Paragraph)	Contents

### Guideline

#### No.

: Every new or amendment provision which stipulates discretionary matters shall be listed together with a serial number

#### Legal Basis (Article & Paragraph)

: When new and amendment provisions include multiple discretionary matters, legal basis of each discretion, shall be filled in at article and paragraph level

#### Contents

: Any benefits incurred pursuant to statutes shall be briefly described

※ Though not clearly stipulated, certain provisions on which working-level public officials or related agencies can't avoid making discretionary decisions in terms of the interpretation and application of indeterminate concepts or the selection of effects, shall be considered de facto discretionary statutes



## Sample

&lt;Table 2-1&gt; Discretionary matters

No.	Legal Basis	Contents
1	Article 33-37, River Act	Permission for occupation of river areas and collection of occupation fees
2	Article 9, Paragraph 4, Fisheries Act	Under certain conditions, a mayor, county governor or district office head shall issue a license for a village fishery, cooperative cultivating fishery or other fishery—excepting cultivating fisheries of the high seas—to fishing village societies, fishery union corporations and fishery cooperatives
3	Article 25, 27, 28, Wastes Control Act, Article 11, Enforcement Decree of the Act (Annex 6)	Permission for collection, transportation and process of wastes; cancellation/suspension of a permit or license, or imposition of a penalty surcharge, under certain conditions
4	Article 132, Marine Environment Management Act, Article 98, Enforcement Decree of the Act (Annex 19)	Based on the outcome of a marine pollution impact assessment, false reporters, emitters of pollutants, and those who fail to deliver their duties, such as keeping, supplying and reporting of documents pursuant to the Act shall be subject to aggravated or mitigated fines for negligence

### <Note> Criteria to decide whether discretion exists

- If there is any indeterminate concept or missing regulation with regard to the requirement (standard) of administrative disposition, there exists discretion subject to assessment
  - ⇒ In the process of interpreting and applying missing regulations or indeterminate concepts which are abstract and polysemous, de facto discretion or arbitrary decision by public officials in charge may arise
  
- If an effectiveness part of a legal provision stipulates if a specific action may be taken or a certain action may be chosen out of stated multiple options, this is construed as discretion to be assessed.
  - ⇒ A case in which a legal provision grants a discretion where a certain action can be taken or not by specifying “When ..., one may ...” or “When ..., one may not ...”
  - ⇒ A case in which a legal provision allows an action to be taken out of stated multiple actions by specifying “When ..., one may ... or ...”
  - ※ If it is unclear whether the Minister ○ ○ has been granted discretion to give permission, as in the provision “One who intends to do ... must obtain the permission of the Minister ○ ○,” it shall be stated as discretion matter in the evaluation report

**Q4. | Concreteness/objectiveness of discretionary regulations |** Are the discretionary matters such as the subject, scope and standard of discretion, and the process for exercising discretion, clearly, definitely, concretely and objectively defined? Is there any mechanism to prevent the excessive exercise of discretion?

- ① Concrete/objective (incl. control mechanism)                      ② Abstract/subjective

**Contents**

<Table 2-2> Concreteness/objectiveness of discretionary regulations

No.	Name of Discretion (Legal Basis)	Subject of Discretion	Process/ Condition for Exercising Discretion	Scope/ Degree of Discretion	Applicable Sanctions

<Additional Comments> Rationale behind abstract/subjective discretionary regulations


<Reference>

1	
2	

## Guideline

### No.

: Every new or amendment provision which stipulates discretionary matters shall be listed in Table 2-2, in line with a serial number given in Table 2-1

### Name of Discretion (Legal Basis)

: Key details of discretion which is stipulated in the concerned law or can be induced by means of interpretation, and its legal basis, shall be described

### Authority of Discretion

: Person who exercises discretion shall be filled in

### Process and Conditions for Exercising Discretion

: Standards or considerations for exercising discretion pursuant to the Acts and subordinate statutes shall be described

※ Detailed standards stipulated in an appendix or subordinate statutes shall be briefly described in Table 2-2 and the other details shall be attached separately

### Scope and Degree of Discretion

: Type of actions or effects that can be decided by executing discretion (whether to grant a permit or license, whether to cancel or suspend, interpretation or application of indeterminate concepts, etc.); length of the period (cancellation, suspension); and upper or lower limits of the amount (standards for aggravating or mitigating a fine for negligence or penalty surcharge) shall be specified

### Discretion Control Mechanism

: The type and details of the mechanism designed to control excessive exercising of discretion as stipulated in Acts and subordinate statutes shall be described

<Additional Comments> The rationale behind abstract and subjective discretionary regulations, if any, shall be described in line with a serial number given in Table 2-2

<Reference> With regard to the concreteness and objectiveness of discretionary regulations, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. subordinate statutes stipulating the concerned discretion in detail

## Sample

**<Table 2-2> Concreteness/objectiveness of discretionary regulations**

No.	Name of Discretion (Legal Basis)	Subject of Discretion	Process/ Condition for Exercising Discretion	Scope/ Degree of Discretion	Discretion Control Mechanism
1	Calculation of a penalty surcharge (Annex 1 of the Enforcement Decree of the Act on Fair Labelling and Advertising)	Fair Trade Commission	Article 15, Annex 1	Reduction of 50% or more, 100% exemption	The reason for a reduction of more than 50% shall be specified in the resolution

**<Additional Comments> Rationale behind abstract/subjective discretionary regulations**

1	The concrete validity of discretion shall be improved by imposing administrative actions in a flexible manner, considering inevitable cases such as delinquency of payments of violating businesses, changes in or worsening of market or industry conditions, economic crises
---	--

**<Reference>**

1	Public announcement regarding specific standards for imposing penalty surcharges on businesses which violate the Act on Fair Labelling and Advertising (The Korea Fair Trade Commission, Notification No. 2014-12)
---	--

**Q5-1. | Transparency and accountability of entrustment/commission |** Are the requirements, scope, limitation and selection procedure of entrustment and commission clearly defined when the authority and duties are entrusted to public service-related organizations or different private organizations ?

- ① Yes
- ② No

**Q5-2.** Is there any management and monitoring mechanism designed to secure accountability of entrustment and commission ?

- ① Yes
- ② No

**Contents**

<Table 2-3> Regulations on entrustment and commission

No.	Name of Concerned Affairs	Legal Basis	Requirements	Scope/ Limitation	Selection Procedure	Management/ Monitoring Mechanism

<Additional comments> Rationale behind obscure regulations on entrustment and commission


<Additional comments> Rationale behind the absence of a management and monitoring mechanism


<Reference>

1	
2	

## Guideline

### No.

: Every new or amendment provision which stipulates matters regarding entrustment and commission (including re-entrustment) shall be listed with a serial number

※ In addition to entrustment and commission, designation to grant administrative affairs shall also be filled in

### Name of the Concerned Affairs

: Key affairs regarding entrustment and commission shall be filled in

### Legal Basis

: Any provision which stipulates the concerned entrustment and commission shall be filled in

### Requirements

: The summarized criteria for selecting the subject of entrustment and commission shall be filled in together with related provisions

### Scope/Limitation

: The summarized scope of affairs subject to entrustment and commission shall be filled in together with related provisions. If the limitation of the affairs is set forth in a specific Act, the concerned Act and subordinate statute shall be filled in

### Selection Procedure

: The summarized procedure for selecting a subject of entrustment and commission shall be filled in together with related provisions

### Management/Monitoring Mechanism

: The summarized details of a management and monitoring mechanism for organizations in charge of entrustment and commission shall be filled in together with related provisions (incl. sanctions)

<Additional Comments> Further explanations of the rationale behind the failure to meet all the requirements of transparency/accountability of entrustment and commission, or of alternative regulations, if any, shall be described in line with a serial number given in Table 2-3

<Reference> With regard to entrustment and commission, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. research papers, public hearing materials, etc.

&lt;Table 2-3&gt; Regulations on entrustment and commission

No.	Name of the Concerned Affairs	Legal Basis	Requirements	Scope/Limitation	Selection Procedure	Management/Monitoring Mechanism
1	Official approval of national technical qualifications	Article 23, Paragraph 2 of the National Technical Qualifications Act, Article 29, Paragraph 4 of the Enforcement Decree of the Act	Non-profit corporation equipped with organization, work force and facility required for official approval, which has expertise and representativeness in each field of qualification (Article 29, Paragraph 4 of the Enforcement Decree)	Article 29, Paragraph 4-6 of the Enforcement Decree	Submission of the request for entrustment → notice → submission of the application for entrustment → deliberation, designation and notice (Article 41 of the Enforcement Regulation of the Act)	Assessment of entrusted agency, cancellation of entrustment, legal fiction as public officials (Article 24, 24-2, 25 of the Act)
2	Operation of designated education and training courses	Article 10, Paragraph 2 of the National Technical Qualifications Act	Any party meeting the standards provided for by Presidential Decree, in terms with faculty, a facility and equipment for experiment and training, curriculum (Article 10, Paragraph 2 of the Act)	Article 10, Paragraph 2 of the Act	Application for designation → consultation with Minister of Employment and Labor → deliberation, designation and notice (Article 14-2 of the Enforcement Decree)	Investigation on designated agencies, cancellation of designation (Article 24-4, 24-5 of the Act)



**Q6-1. Possibility of budget leakage** Do different financial support programs including government subsidies overlap with each other in accordance with other laws, or is there any possibility of budget leakage arising from unclear standards for support?

- ① Yes
- ② No

**Q6-2.** Is there any management and monitoring mechanism designed to prevent budget leakage?

- ① Yes
- ② No

**Contents**

<Table 2-4> Regulations on financial support

No.	Legal Basis	Type of Support	Recipient of Support	Standards/ Procedure	Similar Support Cases	Management/ Monitoring Mechanism (incl. sanctions)

<Additional Comments> Differentiation from similar support programs or rationale behind the unclear regulations on financial support


<Additional comments> Rationale behind the absence of a management and monitoring mechanism


<Reference>

1	
2	

## Guideline

### No.

: Every new or amendment provision which stipulates matters regarding financial support shall be listed with a serial number

### Legal Basis

: Any provision which stipulates financial support shall be filled in

### Type of Support

: The specific type of financial support shall be filled in

e.g. subsidy, grant, contribution, use of national and public property, loan, reduction and exemption of royalty or loan fees

### Standards/Procedure

: The standards and procedures of financial support which are stipulated in the Act shall be filled in

※ Detailed standards stipulated in an appendix or subordinate statutes shall be briefly described in Table 2-4 and the other details shall be attached separately

### Similar Support Cases

: Any similar cases of financial support for the same recipient in accordance with other laws shall be filled in

### Management/Monitoring Mechanism

: The type and details of a mechanism designed to prevent any illegal or unfair financial support shall be described

<Additional Comments> Further explanations of the necessity of the financial support concerned notwithstanding a similar support case; and the rationale behind the unclear standards/scope of financial support, or the absence of a management and monitoring mechanism shall be described in line with a serial number given in Table 2-4

<Reference> With regard to financial support, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. subordinate statutes stipulating the standards of financial support in detail

Sample

<Table 2-4> Regulations on financial support

No.	Legal Basis	Type of Support	Recipient	Standards/ Procedure	Similar Support Cases	Management/ Monitoring Mechanism (incl. sanctions)
1	Article 10, Act on Promotion of Skilled Workers	Grant	Outstanding skilled workers provided for by Presidential Decree	<p>Recipients shall be selected among skilled workers with experiences of 7 or more years in specific manufacturing fields as prescribed by the Minister of Employment and Labor.</p> <p>Application shall be made upon the recommendation of business owners. Details on the application including procedure, selection criteria, the number of final recipients shall be notified by April 30 (Article 9 of the Enforcement Decree).</p> <p>The Deliberation Commission for Promoting Skilled Workers shall select the recipients (Article 22 of the Enforcement Decree)</p>	Selection and awarding of outstanding skilled workers (Article 12, Special Act on Support for Small Urban Manufacturers)	Anyone who received or intends to receive financial support by using deceitful or unjust methods may be restricted from receiving support or be subject to redemption (Article 19 of the Act)

<Additional Comments> Rational behind the ambiguous regulations on financial support

1	Considering the diversity of fields subject to financial support (96 fields) and the disparity of technological levels and deliberation standards between different fields, it is somewhat inevitable that recipients be selected by means of public notice (fairness shall be ensured by establishing the Deliberation Commission for Promoting Skilled Workers)
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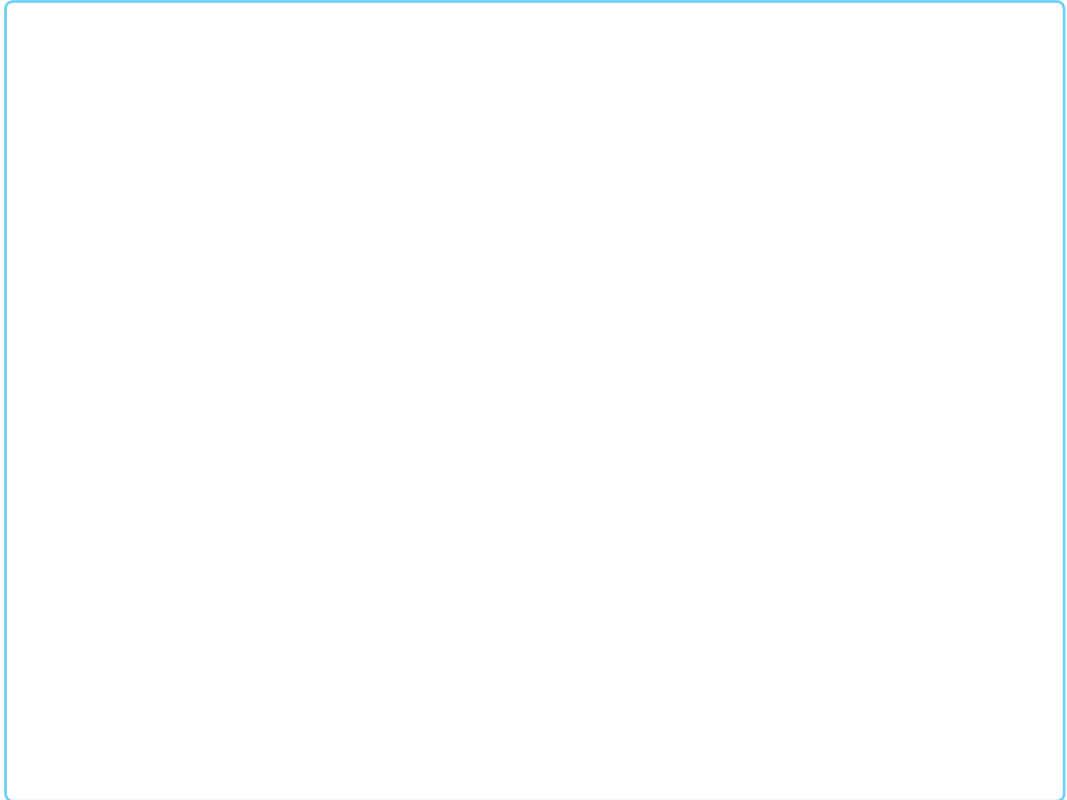
<Reference>

1	Regulations on the selection of outstanding skilled workers and preferential treatment (bylaws of Human Resources Development Service of Korea)
---	---

## Compliance

### Contents

<Figure 3-1> Workflow

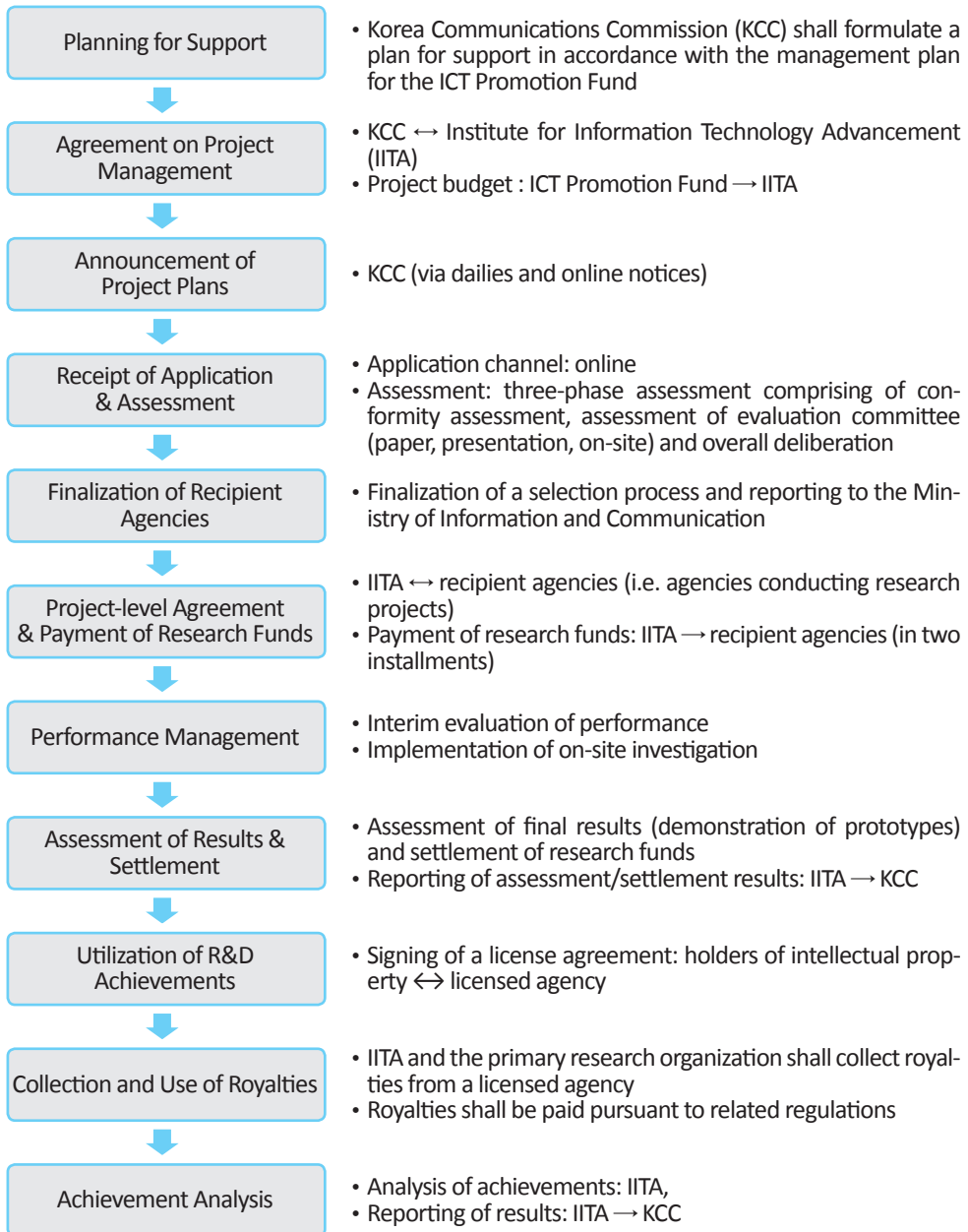


#### Guideline

- The workflow shall be described so as to help applicants easily understand the assessment process
- Legal basis of each task in the workflow shall be described—including not only the laws concerned but also related laws and regulations such as higher- and lower-level laws, administrative rules, and municipal regulations

Sample

<Table 3-1> Workflow of funding project for ICT



**Q7. | Accessibility |** Are sufficient opportunities given to stakeholders-including the public, companies, and organizations-during administrative procedures such as policy making and objection, and is the representativeness of stakeholders secured when collecting opinions ?

① Yes (the representativeness of stakeholders is secured)                      ② No

**Contents**

<Table 3-2> Procedures for collecting opinions and making an appeal

No.	Legal Basis	Details

<Additional Comments> Rationale behind the absence of a separate mechanism to ensure participation


<Reference>

1	
2	

## Guideline

### No.

: Every new or amendment provision which offers the public the opportunity to participate shall be listed with a serial number

### Legal Basis

: Any provision which stipulates the opportunity to participate shall be filled in

### Details

: Mechanisms which allow various interested parties, such as citizens, businesses or organizations, to participate in different administrative procedures including policy making or making appeals shall be specifically described

e.g. public hearings, hearing the opinions of residents, proposals for planning, hearings, submission of opinions

<Additional Comments> If there is not a separate opportunity to participate with regard to the concerned Acts and subordinate statutes or handling of the concerned affairs other than regulations of the Administrative Procedures Act, the rationale and background shall be described by referring to the following examples

<Rationale behind the absence of a separate mechanism to promote participation (Example)>

- Ⓐ The Administrative Procedures Act allows sufficient participation  
⇒ Participation of interested parties pursuant to the Administrative Procedures Act is sufficient to secure transparency in the concerned procedures
- Ⓑ Participation of interested parties needs to be minimized due to possible side effects such as personal information leakage  
⇒ Cases of possible side effects of information leakage shall be presented and any notable consequences shall be described
- Ⓒ In many cases, swift decision-making and action are more important than participation  
⇒ The necessity of swift decision-making and action, and the rationale behind the possibility that the participation of interested parties could hinder swift decision-making and action shall be described
- Ⓓ Expanded participation may undermine the professionalism and efficiency of administrative procedures  
⇒ The rationale explaining how expanded participation undermines the efficiency of administrative procedures shall be described
- Ⓔ The judgement that it is reasonable not to promote the participation of interested parties shall be explained

<Reference> With regard to accessibility, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. subordinate statutes stipulating how to participate, research papers, public hearing materials

**<Table 3-2> Procedures for gathering opinions and making an appeal**

No.	Legal Basis	Details
1	Article 14, Act on Planning and Use of National Territory	Holding of a public hearing and opinion gathering from residents and experts when formulating or revising a metropolitan plan
2	Article 26, Act on Planning and Use of National Territory	Suggestions from residents (including interested parties) on planning for urban area and county management
3	Article 26, Road Act	When a road management authority intends to determine, alter or abolish a road zone, it shall make a public announcement including the matters specified by Presidential Decree, such as the address, drawings and area of the relevant road zone, to gather opinions from residents, relevant experts, etc.
4	Article 9, Minimum Wage Act	Announcement of the proposed minimum wage and procedure for making an appeal



**Q8. | Openness |** Are content, procedure and related information sufficiently open to stakeholders and the general public?

① Yes

② No

**Contents**

**<Table 3-3>** Information disclosure systems

No.	Legal Basis	Details

**<Additional Comments>** Rationale behind the absence of a separate information disclosure system


**<Reference>**

1	
2	

## Guideline

### No.

: Every new or amendment provision which stipulates information disclosure and mandatory information sharing with interested parties shall be listed with a serial number

### Legal Basis

: Any provision which stipulates matters regarding information disclosure shall be filled in

### Details

: With regard to relevant duties, the contents of disclosed information, the timing and method of disclosure shall be described in detail

<Additional Comments> If there is not a separate information disclosure with regard to the concerned Acts and subordinate statutes or handling of the concerned affairs other than regulations of the Information Disclosure Act, the rationale and background shall be described

<Reference> With regard to openness, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. subordinate statutes stipulating matters regarding information disclosure in detail, research papers, public hearing materials, etc.

## Sample

**<Table 3-3> Information disclosure systems**

No.	Legal Basis	Details
1	Article 4-3, Paragraph 5, Public Education Officials Act	Prior disclosure of information regarding recruitment of university staff, including applicable fields, number of job openings, qualification for application, evaluation criteria
2	Article 14, Enforcement Regulation of the Road Act	Public announcement of the type of road, the number and name of a route, section, opening date or closing date through official gazettes when determining or abolishing a partial or entire road zone
3	Article 9-2, Occupational Safety and Health Act, Article 8-4, Enforcement Decree of the Act	Public announcement of relevant data including the number of industrial accidents in workplaces, accident rate, ranking
4	Article 4-3, Architecture Act	Disclosure of minutes of the Architectural Committee meetings
5	Article 21, Enforcement Decree of the Construction Technology Promotion Act	Disclosure of the list of the Central Construction Technology Committee members

**Q9. | Openness |** Is it easy for citizens to get information on and predict necessary documents, steps, administrative procedures, handling period, and results ?

- ① Yes
- ② No

**Contents**

**<Table 3-4>** Predictability of administrative procedures

Category	Legal Basis	Details
Preparations		
Procedures		
Results		
Period		

**<Additional Comments>** Rationale behind the low predictability


**<Reference>**

1	
2	

## Guideline

### Preparations

: Every new or amendment provision which stipulates what civil petitioners need to prepare shall be described

### Procedures

: Any provision which stipulates procedures for handling the affairs concerned shall be described

### Results

: Any provision which allows civil petitioners to check handling results after taking required steps and completing normal work procedures shall be described

### Period

: The period for handling the affairs concerned shall be filled in together with any relevant provision

<Additional Comments> If the predictability of administrative procedures and results is deemed to be low, the reason shall be explained

<Reference> With regard to predictability, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

e.g. subordinate statutes stipulating the procedure and period for handling the concerned affairs, and related research papers, etc.

## Sample

### <Case 1> Evaluation of safety and efficacy of drugs, etc.

<Table 3-4> Regulations on financial support

Category	Legal Basis	Details
Preparations	Article 9, Regulation on the Safety of Drugs, etc.	Materials regarding details of the origin or discovery and development, chemical structure, physiochemical properties, toxicity and safety of drugs, etc.
Procedures	Not stipulated	—
Results	Not stipulated	—
Period	Not stipulated	—

### <Additional Comments> Rationale behind the low predictability

- |   |   |
|---|---|
| 1 | It is difficult to predict the evaluation period and its results because determining whether a specific drug is safe and effective requires a high level of expertise and scientific verification |
|---|---|

### <Reference>

- |   |  |
|---|--|
| 1 | Criteria for toxicity testing of drugs (The Ministry of Food and Drug Safety, Notification No. 2014-136) |
| 2 | Criteria for safety testing of drugs (MFDS, Notification No. 2014-59)                                    |
| 3 | Regulations for approval and review of biological products (MFDS, Notification No. 2015-41)              |

**Sample****<Case 2> Public Water Occupation and Use****<Table 3-4> Predictability of administrative procedures**

Category	Legal Basis	Details
Preparations	Article 4, Enforcement Regulation of Public Waters Act (Annex 4)	Project plan, calibrated plan, design document, etc.
Procedures	Article 8, Public Waters Management Act	Application → Consultation between relevant authorities → Permission → Announcement
Results	Not stipulated	—
Period	Not stipulated	—

**<Additional Comments> Rationale behind the low predictability**

1	It is difficult to predict whether and when permission will be granted as those determinations are made after consideration of the purpose of the occupation or use of public waters, and through consultation with relevant agencies
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**<Reference>**

1	Regulation on handling of matters regarding public water management and reclamation (The Ministry of Oceans and Fisheries, Notification No. 2013-19)
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## Corruption Control

Q10. **Possibility of conflict of interest** Is there any standard, procedure or countermeasure designed to prevent the involvement of private interests during official works

① Yes

② No

## Contents

<Table 4-1> Possibility of conflict of interest

No.	Legal Basis	Details

<Additional Comments> Rationale behind the absence of a separate mechanism for preventing conflict of interests


<Reference>

1	
2	



## Guideline

### No.

: Every new or amendment provision which stipulates a mechanism designed to prevent any intervention of private interests shall be listed with a serial number

### Legal Basis

: Any provision which stipulates a mechanism designed to prevent conflict of interests shall be filled in

### Details

: The type and details of the mechanism designed to prevent any conflict of interests pursuant to Acts and subordinate statutes shall be described

e.g. qualification of members, regulations on tenure and reappointment, exclusion and evasion of and challenge to members, decommission of members, legal fiction as public official, regulations on prohibition against holding more than one office, and of for-profit activities

<Additional Comments> If a separate mechanism designed to prevent conflict of interests is deemed unnecessary, the reason shall be explained

<Reference> With regard to the possibility of conflict of interests, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

Sample

<Table 4-1> Possibility of conflict of interests

No.	Legal Basis	Details
1	Article 41, 41-2, Invention Promotion Act	Drawing up of regulations on the qualifications of civilian members of the Industrial Property Dispute Resolution Commission, the term in office of members, exclusion and evasion of and challenge to members
2	Article 20, 22, Enforcement Decree of the Construction Technology Promotion Act	Drawing up of regulations on exclusion and evasion of and challenge to members, and decommission of members
3	Article 17-2, 17-3, 43, Game Industry Promotion Act	Regulations on exclusion and evasion of and challenge to members, disclosure of meeting minutes, legal fiction as public official in the application of penal provisions
4	Article 24, Industrial Accident Compensation Insurance Act	Regulations on exclusion and evasion of and challenge to members of the Deliberation Commission of the Industrial Accident Compensation Insurance

**Q11. | Robustness of anti-corruption mechanism |** Is it necessary to introduce an anti-corruption mechanism designed in order to prevent corruption that may arise while implementing laws or policies

① Yes

② No

**Contents**

**<Table 4-2>** Related corruption cases and anti-corruption mechanism

No.	Corruption Cases	Related Regulations	Whether an anti-corruption mechanism is in place

**<Additional Comments>** Rationale behind the absence of a separate anti-corruption mechanism


**<Reference>**

1	
2	

**Guideline**

**No.**

: With regard to new or amendment provision, any corruption case and an anti-corruption mechanism shall be listed with a serial number

**Corruption Cases**

: Related corruption cases shall be briefly described

- ※ Corruption cases reported and handled, investigations of an internal audit or the Board of Audit and Inspection of Korea (BAI), observations of the National Assembly, press releases, etc.

**Related Regulations**

: Regulations on the affairs affected by corruption shall be filled in

**Whether an Anti-corruption Mechanism is in Place**

: An anti-corruption mechanism designed to prevent any potential corruption with regard to new or amendment provision shall be described

e.g. Joint investigation for guidance, crackdown and inspection conducted by more than two people, private participation system (civilian members, council, etc.), utilization of committee-type organization for evaluation, assessment and adjustment, the enhancement of a goods verification system aiming to prevent any fraud related to supply of goods

- ※ Even if there is no relevant corruption case, any mechanism designed to prevent potential corruption cases shall be described

<Additional Comments> If there is not a separate opportunity to participate with regard to the concerned Acts and subordinate statutes or handling of the concerned affairs other than regulations of the Administrative Procedures Act, the rationale and background shall be described by referring to the following examples

Rationale behind the lack of necessity of a separate anti-corruption mechanism (Example)

- ㉓ Since the law subject to the assessment do not contain corruption-causing factors such as occurrence of preferential treatment, unclear regulations, or low predictability, a separate anti-corruption mechanism is not necessary

- ⓑ The occurrence of preferential treatment, ambiguity of regulations, etc., is not directly linked to corruption  
 ⇒ The rationale behind the above argument and supportive documents shall be presented
- ⓒ Since the ethics and practices of the person in charge, rather than the incompleteness of laws or systems, give rise to corruption, a separate anti-corruption mechanism is not necessary  
 ⇒ The rationale behind the above argument and supportive documents shall be presented
- ⓓ Since the law subject to the assessment contain corruption-causing factors such as the occurrence of preferential treatment, unclear regulations, or low predictability, an anti-corruption mechanism shall be created pursuant to subordinate statutes or administrative regulations  
 ⇒ Key contents of drafted subordinate statutes or administrative regulations shall be attached separately

<Reference> With regard to the robustness of an anti-corruption mechanism, any other available materials to be used as reference for the Corruption Impact Assessment shall be included in an attached list

**Sample**

**<Table 4-2> Related corruption cases and anti-corruption mechanisms**

No.	Legal Basis	Related Regulations	Whether an anti-corruption mechanism is in place
1	A false appraisal report for the issuance of a huge amount of loan, which had been written in return for a bribe, was discovered	Article 68, Act on the Acquisition of Land, etc. for Public Works and the Compensation	Three appraisals shall be selected in case of appraising compensation for lands, etc.
2	Corrupt practices, such as excessive cost estimation and the signing dual contracts with a subcontractor, were found in the delivery process of cost-reimbursement contracts under the defense procurement project	Article 28, Regulation on the Cost Estimation of Defense Procurement	The Act on the Fair Defense Acquisition Program Cost Management System is in the enactment process



# The Corruption Impact Assessment for Municipal Regulations

1. Significance
2. Subjects
3. Exceptions
4. Methods

## III The Corruption Impact Assessment for Municipal Regulations

### 1 Significance

- The Corruption Impact Assessment for municipal regulations is a preventive measure against potential corruption which may result from excessive discretion under specific ordinances and rules, conflict between and shortcomings of regulations, etc.

### 2 Subjects

- Draft municipal regulations
  - Assessment of local governments: proposed enactment or amendment of ordinances and rules
  - Assessment of the ACRC: If there are any differences between relevant agencies or divisions, or if the law concerned involves sensitive issues, the ACRC shall conduct the assessment upon request
- Current municipal regulations
  - Assessment of local governments: ordinances and rules in effect
  - Assessment of the ACRC: For areas vulnerable to corruption, the ACRC shall conduct the assessment after selecting target ordinances and rules

### 3 Exceptions

- All municipal regulations shall be subject to an assessment, but simple or technical matters which are unrelated to corruption-causing factors, such as document management, may be exempted
  - ※ Administrative regulations including directive, regulations, shall be subject to the assessment, if necessary

#### Examples of Excepted Regulations

- Ordinances and rules regarding simple and technical matters such as the establishment of agencies, administrative management, administrative support, organizational operation, division of work, and document management
  - e.g. Organization of agencies in charge and affiliated agencies, on-duty and emergency services, acting for authority, representation of duty, meeting protocol, government building management, issuance of certificate, security, anniversary-related regulations
  - ※ The division in charge may conduct the assessment for the above-mentioned exceptions by authority



## 4 Methods

### (1) Draft municipal regulations

- Assessment divisions: divisions in charge of assessment under local governments (audit and inspection office, legal affairs office, etc.)
  - ※ The division in charge shall be selected by considering organizational characteristics and work practices of different local governments
- Assessment period: the assessment shall be conducted during the phase of consultation between relevant agencies and divisions, and the following pre-announcement of a draft
  - ※ In principle, the assessment results shall be notified by the end date of pre-announcement (for more than 20 days) from the day of receipt
- Assessment scope: proposed enactment (entire set of regulations), proposed amendment (partial set of regulations) shall be subject to analysis and review
- Assessment methods: the assessment shall be conducted in accordance with checklists of 11 criteria and types of tasks
  - ※ (Reference) Guideline for assessment by criteria
- Procedures
  - 1) Request for an assessment
    - A drafting division shall draw up a proposal for new or amendment municipal regulations and basic materials
    - Immediately after initiating consultation with relevant agencies and divisions, a drafting division shall send an official written request for an assessment to the division in charge by attaching the proposal (incl. a comparison table of before/after provisions), basic materials and explanations
      - ※ (Annex No. 1) Basic Materials for the Corruption Impact Assessment Template
  - 2) Receipt of proposed municipal regulations and basic materials
    - Every document received shall be given a serial number by order of receipt, and any additional materials and documents shall be collected in a single folder until the assessment is complete
    - An assessor shall review the received proposal for municipal regulations and basic materials to check for any missing materials, and ensure that the received materials have been properly prepared, and request additional materials if necessary

### 3) Review and assessment of proposed laws and basic materials

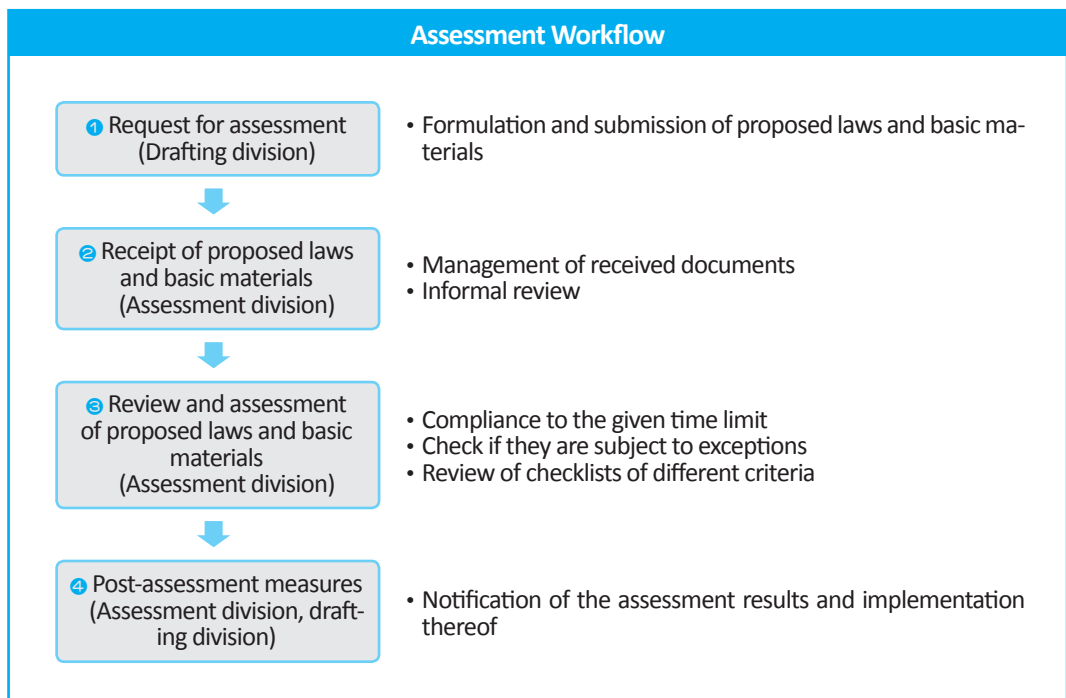
#### 4) Post-assessment measures

- If the assessment reveals a problem or indicates room for improvement, the assessment division shall draw up a notification of results and a detailed assessment report, and shall deliver its opinions for improvement to the drafting division; if there is nothing to improve, it shall notify its approval of the original draft

※ [Annex No. 2] Notification of Results Template

※ [Annex No. 3] Detailed Assessment Report Template

- For matters requiring the advice of and consultation with the Commission, such as differences in opinions between agencies, the Commission shall, upon request, conduct the assessment, cooperate with and provide support for the Corruption Impact Assessment (Article 30, Paragraph 7-8 of the Decree)



## (2) Current municipal regulations

### Self-assessment of local governments

- Assessor
  - The assessment division or the division in charge of the concerned laws shall conduct the assessment of current laws in order to improve issues regarding corruption-causing factors
- Methods and procedures
  - The assessment division may request that the concerned division submit materials for assessment. Upon such a request, the division concerned shall submit the required materials
  - The assessment division or the concerned division shall hold discussions with relevant divisions on recommended improvements based on the analysis of the operational status of laws and the assessment results by criteria
    - ※ For important matters, public hearings, discussions and consultation with relevant agencies, interested parties and experts shall be held to gather opinions
- Handling of assessment results
  - When there is an opinion of improvement, the assessment division shall draw up a detailed assessment report and a notification of results, and shall deliver the recommendation for improvements to the concerned division along with a deadline for implementation. In return, the concerned division shall implement the recommended improvements and then submit the results to the assessment division before the request for review from the Ordinances and Rules Deliberation Commission
  - If the concerned division directly conducts the assessment and comes up with measures for improvement, it shall draw up a detailed assessment report and send it to the assessment division before revising the concerned law
    - ※ If a local government intends to conduct an assessment as part of an overhaul of current laws in specific fields, it may request the ACRC for a training and advice

### Assessment of the ACRC

- Selection of assessment tasks and execution of assessment
  - The Commission shall select certain municipal regulations, which have been deemed to have resulted in lingering corruption or to have inherent corruption risks, from among a number of local governments as a separate assessment subject
  - If the Commission deems it necessary for the process of assessment, it shall survey the actual

- status and conduct a preliminary investigation including documentary examination on submitted assessment materials, such as the results of disciplinary actions, audits and investigations, and complaints handling
- The Commission shall hold consultations with the concerned agency regarding its recommendation for improvement proposed based on the analysis of the operational status of municipal regulations, and the assessment results by criteria
  - During the process of assessment, the Commission shall gather a range of opinions through external consultations such as discussions and meetings, and shall also survey the actual status with local governments and independent experts, if necessary (Article 29 of the Act)
- Submission of assessment materials: each local government
    - If municipal regulations are selected as an assessment subject, each local government shall submit materials for assessment, upon the request of the Commission (Article 30, Paragraph 3 of the Decree)
    - When the Commission requests related materials—including operational status documents, statistics and work plans, related complaint documents, audit and investigation results, etc.—each local government shall submit the materials to the Commission
  - Handling of assessment results: each local government shall take measures upon the notification of the Commission
    - When the Commission recommends that the head of a local government in charge of the concerned law make improvements in accordance with the assessment results, it shall send a written notification along with a deadline for those improvements (Article 30, Paragraph 4 of the Decree)
    - Upon recommendation, the head of the concerned local government shall take the measures required within the given time limit and report the results to the Commission
    - The Commission shall monitor and collect status updates of each local government to ensure that its recommendations have been properly implemented, reflecting the results in the Anti-Corruption Initiative Assessment

[Annex No. 1]

### Application for Corruption Impact Assessment Template

※Reference Number	Basic Application for the Corruption Impact Assessment			
Title of municipal regulation				
Type	Ordinance	Rule	Educational Rule	
Category	Enactment	Amendment	Current regulation	
Name of relevant laws		(names of delegating laws, enforcement laws of the assessment subject law, etc.)		
Local Governments	Drafting Division	Division (Section or Team)		
		Person in charge: Rank / Name / Phone number		
Legislative timeline (planned)	Consultation with relevant agencies	Counterpart (Division)		
		Period	From . . . . . To . . . . . ( Days)	
	Pre-an-nouncement	From . . . . . To . . . . . ( Days)		
Opinion Gathering	1. whether the subject materials are reviewed by a legal affair division or an audit division 2. whether a public hearing or seminar, etc. is held			
Attachment	1. Legislative proposal (including a comparison table of before/after provisions) 2. Explanations of the enactment or amendment of regulations ※ If a request is being made to have the ACRC conduct an assessment, the reason for this request shall be included as an attachment			
Drafter	Division	Rank	Name	Phone number

※ The reference number shall be filled in by the assessment division

### Notification of Results of the Corruption Impact Assessment

Name of law			
Assessor	(Division)	(Rank)	(Name)
Drafting division		Notification date	. . .
Relevant provision	Assessment result	Measures to be taken	
<ul style="list-style-type: none"> <li>If the assessment results suggest room for improvement, the concerned provision shall be described</li> </ul>	<ul style="list-style-type: none"> <li>Problems and measures for improvement shall be briefly described</li> </ul>	<p>(Example 1) The assessment division shall directly amend the concerned provision</p> <p>(Example 2) The assessment division shall notify the drafting division of the results and request amendment</p>	

[Annex No. 3] Detailed Assessment Report Template

## Detailed Assessment

Name of law

Provision subject to assessment

Criteria

Current Status

Issues

Results



# The Corruption Impact Assessment for Rules & Bylaws of Public Service- related Organizations

1. Significance
2. Subjects
3. Exceptions
4. Methods



## IV The Corruption Impact Assessment for Rules & Bylaws of Public Service-related Organizations

### 1 Significance

- Transparency can be secured in the process of policy-making and implementation by eliminating and preventing, at their inception, potential corruption-causing factors inherent in the internal rules and bylaws of public service-related organizations (Introduced on December 28, 2007)
  - ※ Legal Basis: Article 30, Paragraph 9 of the Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission

### 2 Subjects

- Internal rules and bylaws enacted and managed by public service-related organizations under Article 3-2 of the Public Service Ethics Act, including regulations, rules, guidelines:
  - Rules and bylaws directly affecting the lives of the people and corporate activities, such as accounting, contract, sales, construction and architecture, asset management, etc.
  - Rules and bylaws related to matters having potential corruption-causing factors, such as entrustment, personnel affairs, audit, investigation, commission, etc.
  - Rules and bylaws deemed to have issues or room for improvement due to other corruption cases, audit and investigation cases, or by request of the National Assembly

### 3 Exceptions

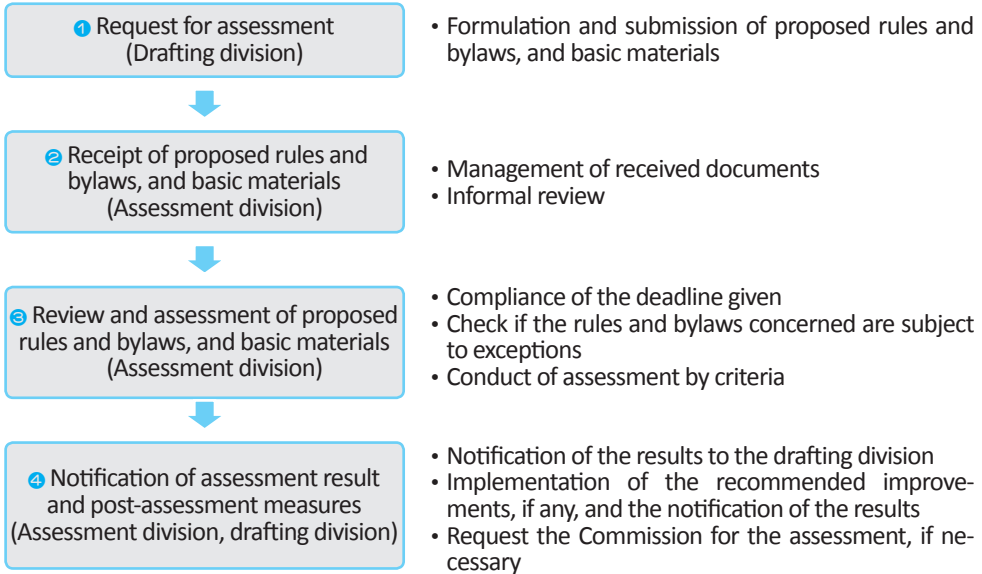
- Internal rules and bylaws regarding simple or technical matters such as the establishment of agencies, administrative management, administrative support, organizational operation, division of work, and document management
  - Organization of agencies in charge and affiliated agencies, on-duty and emergency services, acting for authority, representation of duty, meeting protocol, government building management, issuance of certificate, proposal, security, different templates, official approval (seal), anniversary, etc.
- Internal rules and bylaws regarding the use of recreational, welfare and cultural facilities operated by an agency
  - Rules and bylaws regarding the use of recreational facilities, sports facilities, cultural and artistic facilities, libraries, memorial halls, art galleries, museums, and any other social and cultural facilities
    - ※ The assessment division may conduct an assessment for the above-mentioned exceptions by authority

### 4 Methods

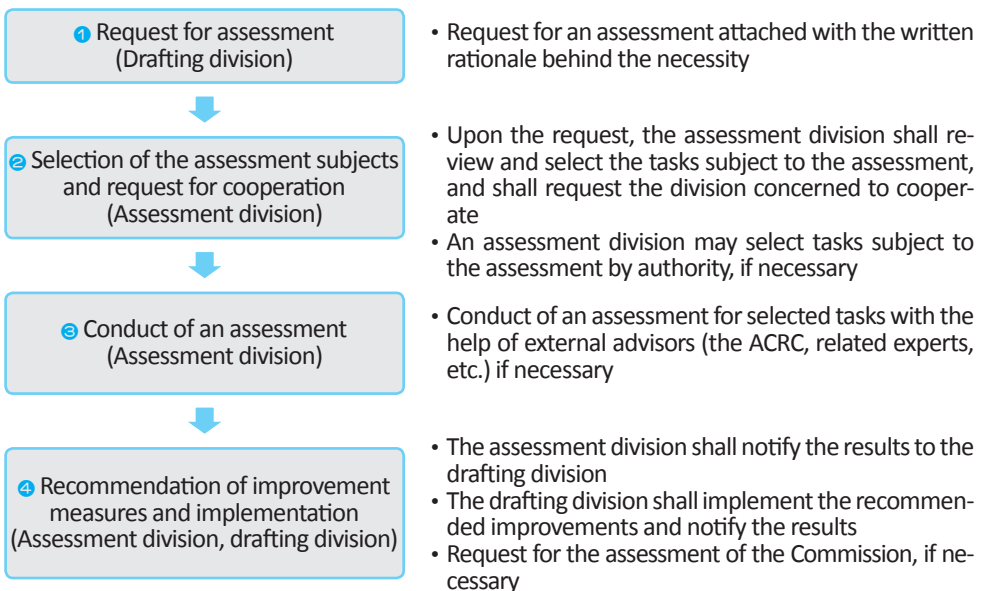
#### (1) Autonomous Assessment

- Concept
  - Draft and current internal rules and bylaws shall be subject to an assessment based on an autonomous assessment system commensurate with the characteristics of each public organization
- Assessment subject
  - Draft rules and bylaws: the assessment criteria shall be applied to the assessment of rules and bylaws except in the above-mentioned cases
  - Current rules and bylaws: If deemed necessary, the assessment shall be conducted for current rules and bylaws which have corruption-causing factors and the potential to give rise to irregularities

### Workflow of Autonomous Assessment of New or Amendment Rules and Bylaws



### Workflow of Autonomous Assessment of Current Rules and Bylaws



## (2) Assessment Upon Request

- Concept
  - If an assessment of internal rules and bylaws is deemed necessary, the head of the public organization shall request that the Commission conduct the assessment (Article 30, Paragraph 9 of the Decree)
- Assessment subject
  - Matters for which autonomous improvements may be difficult

### Matters for which autonomous improvements may be difficult

- ✦ In cases where a public organization cannot make improvements on its own due to the conflicts of interest with a relevant agency or division concerning anti-corruption measures
- ✦ In cases where a statutory revision is required in order to eliminate corruption-causing factors inherent in internal rules and bylaws
- ✦ Other cases where a public organization finds it difficult to make an autonomous decision

- Procedures
  - The necessity of conducting an assessment and the opinions of the concerned agency shall be specifically described and submitted to the Commission for request
  - Upon request, the Commission shall conduct an assessment, hold consultations on the assessment results and send written notification of the results to the concerned public organization
  - After receiving the assessment results, the concerned public organization shall send a written notification to the Commission stating whether it has reflected the results into its rules and bylaws

[Annex No. 1]

### Basic Application for the Corruption Impact Assessment Template

※ Reference Number	Basic Application for the Corruption Impact Assessment			
Name of laws	The name of laws shall be listed if the rules and bylaws subject to assessment have higher laws (e.g. the Act on Contracts to Which the State is a Party)			
Category	Enactment	Amendment	Current rule	
Type	Article of association, regulation, rule, guideline, etc.			
Name of internal rules & bylaws (Article of association, regulation, enforcement rule, guideline, etc.)	Name of internal regulations subject to assessment			
Division in Charge	Drafting Division	Division (Section or Team)		
		Person in Charge: Rank / Name / Phone		
	Assessment Division	Division (Section or Team)		
		Person in Charge: Rank / Name / Phone		
Timeline of Enactment or Amendment (Planned)	Consultation with relevant agencies	Counterpart		
		Period	From . . . . . To . . . . . ( Days)	
	Planned Completion Date	From . . . . . To . . . . . ( Days)		
Opinion Gathering	1. To be filled in if there is a process of opinion gathering through pre-announcement of the enactment or amendment			
Attachment	1. Proposed rule (including a comparison table of before/after provisions) 2. Opinions and related materials regarding corruption-causing issues, if necessary			
Drafter	Division	Rank	Name	Phone number

- ※ 1. The reference number shall be filled in by the assessment division in the order of receipt
- 2. The name of laws shall be listed only if the rules and bylaws subject to assessment have upper laws

### Notification of Results of the Corruption Impact Assessment

Name of law			
Assessor	(Division)	(Rank)	(Name)
Drafting division		Notification date	. . .
Relevant provision	Assessment result	Measures to be taken	
<ul style="list-style-type: none"> <li>If the assessment results suggest room for improvement, the provision concerned shall be described</li> </ul>	<ul style="list-style-type: none"> <li>Detailed assessment report (attached separately)</li> </ul>	<ul style="list-style-type: none"> <li>Acceptance of proposed improvements - Whether the drafting division has completed the proposed improvements shall be checked and described</li> </ul>	
<ul style="list-style-type: none"> <li>If the assessment results show no issues</li> </ul>	<ul style="list-style-type: none"> <li>Approval of the original draft</li> </ul>	<ul style="list-style-type: none"> <li>Written notification of approval of the original draft</li> </ul>	

#### Measures to be taken based on the assessment results

- If the results suggest room for improvement, the assessment division shall draw up a detailed written assessment report and deliver it to the drafting division. If there is no specific issue, the assessment division shall notify the drafting division of its approval of the original draft
- If the drafting division confirms the issue or room for improvement after reviewing the detailed assessment report, it shall reflect its improvement and proceed with the enactment and amendment accordingly, and submit the results to the assessment division
- If the drafting division does not agree with the recommended improvements, it shall proceed with original enactment or amendment upon the approval of the final approving authority

[Annex No. 3] Detailed Assessment Report Template

## Detailed Assessment

**Name of law**

Provision subject to assessment

**Criteria**

**Current Status**

**Issues**

**Results**



# Appendix



# Operational Guidelines for the Corruption Impact Assessment

## Chapter 1. General Provisions

### Article 1 (Purpose)

This regulation aims to prescribe the requirements needed to ensure efficiency in the Corruption Impact Assessment according to Article 28 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission and Articles 30 to 32 of the Enforcement Decree of the same Act.

### Article 2 (Definition)

The Corruption Impact Assessment (hereinafter “assessment”) in this regulation refers to analysis and reviews of corruption-causing factors in assessment subjects (hereinafter “assessment subject”) stated in Article 3, and thereafter presentation of any of the following opinions:

1. Agreement on the original bill: Concludes that no corruption-causing factors exist in the assessment subjects stated in Article 3 and consequently accepts assessment subjects as they are,
2. Recommendation for improvement: Recommends action such as revision, supplementation, or deletion of entire or any part of assessment subjects in order to remove or rectify corruption-causing factors existing in assessment subjects, or
3. Opinion for withdrawal: Proposes the withdrawal of assessment subjects entirely if corruption-causing factors are so serious over all as to preclude the possibility of improvement.

### Article 3 (Assessment Subject)

An assessment is conducted for any of the following matters:

1. Enactment of or amendment to acts, presidential decrees, prime ministerial decrees, and ministerial ordinances (hereinafter “enacted/amended bill”);
2. Acts, presidential decrees, prime ministerial decrees, and ministerial ordinances; and directives, regulations, announcements, and notices (including the enactment of or amendment to directives, regulations, announcements, and notices) delegated by them; and ordinances and rules (hereinafter “acts and subordinate statutes”).
3. Enactment of or amendment to ordinances and rules of which the head of the local government has requested an assessment (hereinafter “enacted/amended local government bill”); and

4. Internal regulations of organizations related to public service, such as company regulations and articles (including those that are to be enacted or amended), of which the head of the organization has requested an assessment (hereinafter “internal regulations of organization related to public service”).

#### **Article 4 (Assessment Criteria)**

If an assessment is conducted on an assessment subject, decisions will be made according to the attached criteria (hereinafter “assessment criteria”).

## **Chapter 2. Procedures for the Corruption Impact Assessment**

### **Section 1. Corruption Impact Assessment of Enacted/Amended Bill**

#### **Article 5 (Receipt of Bills and Basic Applications)**

In the case that the head of a central administrative agency requests an assessment to the Anti-Corruption and Civil Rights Commission (hereinafter “ACRC”) by submitting enacted/amended bills and the basic application in Annexed Form No. 1 (hereinafter “basic application”), the ACRC receives the written assessment request of the relevant central administrative agency (hereinafter “agency concerned”). In the case of enacted or fully amended bills, it should be verified whether the detailed application on the Corruption Impact Assessment in Annexed Form No. 2 (hereinafter “detailed application”) is attached additionally.

#### **Article 6 (Exclusive Responsibility System)**

- (1) In order to improve effectiveness and professionalism in assessment, each official in charge of assessment, or assessor takes exclusive responsibility of different agencies.
- (2) Upon receiving a written assessment request, officials in charge of receiving submitted documents pass on the documents to the assessor designated according to the division of responsibilities.
- (3) The receiving assessor makes the documents available for preview by the director.

## **Article 7 (Receipt of Additional Materials and Preparation of Assessment Report)**

- (1) When a written assessment request is submitted, the assessor reviews the submitted documents. If there is any missing document or the basic/detailed applications are not appropriate, the assessor requests the agency concerned to submit additional materials or supplement the submitted documents.
- (2) The assessor assesses corruption-causing factors based on enacted/amended bills and the basic/detailed applications submitted by the agency concerned according to the assessment criteria. The assessor then fills in Annexed Form No. 3 Basic Assessment Report and—in cases where there is any recommendation for improvement, opinion for withdrawal, or other important matters to be reviewed—Annexed Form No. 4 Detailed Assessment Report.
- (3) When conducting an assessment according to Paragraph (2), the assessor comprehensively analysis and reviews inherent corruption-causing factors in higher statutes related to the assessment subject, subordinate statutes related to the assessment subject such as administrative rules and ordinances, and other related or similar laws.

## **Article 8 (Assessment Period)**

The assessor should complete assessment by the last day of pre-announcement of the enacted/amended bills, and immediately notify the agency concerned of assessment results. If the assessor cannot complete assessment owing to unavoidable circumstances, such as delayed submission of documents or delayed consultation with related agencies, the assessment period may be extended up to 40 days from the last day of pre-announcement of the bills.

## **Article 9 (Request of Advice and Consultation with Related Agencies, etc.)**

- (1) The assessor may consult experts stated in Article 21 in any of the following cases:
  1. Professional and technical knowledge and experience is required
  2. There are sharp conflicts of interest or the agency concerned has contradictory opinions
  3. It is recognized that advice is required for other reasons, for example, if a re-assessment is necessary at the request of the agency concerned
- (2) In order to make notification of a recommendation for improvement, the assessor should consult with the agency concerned. The assessor may, if necessary, consult with related agencies—such as the Ministry of Government Legislation (MOLEG)— for the effective implementation of recommendations.

- (3) The assessor may collect opinions from stakeholders and related agencies if the substance of assessment falls under any of the following subparagraphs (hereinafter “significant matters”):
1. A significant ripple effect on the livelihood of the people is expected
  2. There are sharp conflicts of interest or the agency concerned has contradictory opinions
  3. Multiple central administrative agencies are involved

#### **Article 10 (Report and Notification of Assessment Result)**

- (1) In order to make notification of the recommendation for improvement or withdrawal of the enacted/amended bill, the assessor should obtain approval from the Chairperson of the ACRC (hereinafter “Chairperson”). For simple or repeated recommendations, the assessor may obtain approval according to the following subparagraphs:
1. For general matters: Director General of the Anti-Corruption Bureau
  2. For minor matters: Director in charge of the matter
- (2) If the recommendation for improvement or opinion for withdrawal to be notified according to Paragraph (1) is judged as being a significant matter, it may be laid before the Commissioners’ meeting for approval. In this case, before being laid before the Commissioners’ meeting, the matter should first be reviewed by legal advisors (who are in charge of anti-corruption according to Article 7 Paragraph (2) of the Presidential Decree on the Organization of the Anti-Corruption and Civil Rights Commission and Affiliated Organizations).
- (3) In order to make notification of an agreement on an entire original enacted/amended bill, the assessor should obtain approval from the director in charge of the matter.
- (4) The assessor makes notification of the assessment result to the agency concerned as soon as the assessment result has been approved.
- (5) The assessor reports the assessment result and notifies the agency concerned by filling in Annexed Form No. 5 Corruption Impact Assessment Result Notification with Annexed Form No. 4 Detailed Assessment Report attached (except for agreement on the original assessment subject).
- (6) If the assessment result is a recommendation for improvement or opinion for withdrawal and is closely related to regulatory impact analysis under Article 7 of the Framework Act on Administrative Regulations, it may be sent to the Regulatory Reform Committee and utilized for a regulatory review.

- (7) If the assessment result is a recommendation for improvement or opinion for withdrawal and may be used as reference for the review of bills and the modification/improvement of laws according to Articles 21 and Article 24 of the Legislative Duty Operation Rule, it may be sent to the MOLEG and utilized for legislative works.

### **Article 11 (Re-assessment)**

- (1) If the agency concerned requests re-assessment of an assessment result, the ACRC conducts a re-assessment considering the points in the following subparagraphs:
  1. Intent of re-assessment request of the agency concerned and validity of the alternative
  2. Any change in circumstances, such as changes in external environment
  3. Other matters that are judged to require re-assessment, such as difficulty in consultation/ conciliation with the agency concerned
- (2) An enacted/amended bill under request for re-assessment should be re-assessed by assessors other than the initial assessor, and should be discussed with related divisions as well as experts in order to collect relevant opinions on the matter.
- (3) If a re-assessment result reaffirms the initial opinion of the ACRC, the result should be notified to the agency concerned after being approved by the Chairperson.
- (4) If a re-assessment result alters the initial opinion of the ACRC, the result should be notified to the agency concerned after being approved by the Chairperson. If the initial result was sent after being decided upon by the Commissioners' meeting, the re-assessment result should be reviewed by legal advisors, reported to the Chairperson, and then decided upon by the Commissioners' meeting.

### **Article 12 (Follow-up Management Including Monitoring and Review of Implementation, etc.)**

- (1) The Director of the Corruption Impact Assessment Division should monitor and review the implementation of recommendations included in an assessment result by the agencies concerned every six months and report results to the Chairperson.
- (2) The Director of the Corruption Impact Assessment Division may conduct an on-site inspection if it is necessary to monitor and review implementation status.

- (3) If the agencies concerned have not implemented recommendations within the given period without specific reasons, the ACRC may take necessary actions such as reporting to the Vice Ministers' or Cabinet meetings in order to ensure implementation.
- (4) If it is recognized that follow-up management should end owing to changes in circumstances, it may end after approval has been obtained from the Director General of the Anti-Corruption Bureau. If the case is a significant matter, it must be laid before the Commissioners' meeting for approval.
- (5) The Chairperson may decide upon necessary terms for follow-up management of a recommendation included in an assessment result.

## **Section 2. Corruption Impact Assessment of Current Acts and Subordinate Statutes.**

### **Article 13 (Establishment and Implementation of the Mid to Long-term Plan for the Corruption Impact Assessment)**

- (1) The ACRC may establish and implement mid to long-term plans for the Corruption Impact Assessment of current acts, presidential decrees, prime ministerial decrees, and ministerial ordinances; and directives, regulations, announcements, and notices delegated by them; and ordinances and rules (hereinafter "current acts and subordinate statutes").
- (2) In order to establish mid to long-term assessment plans, the Director of the Corruption Impact Assessment Division may request central administrative agencies and local governments to submit assessment subjects related to current acts and subordinate statutes.
- (3) The Director of the Corruption Impact Assessment Division receives and manages assessment subjects submitted by central administrative agencies and local governments.
- (4) The ACRC consults with the agencies concerned based on assessment subjects submitted by each agency and establishes mid to long-term assessment plans.
- (5) The ACRC confirms the mid to long-term plans for the Corruption Impact Assessment after obtaining approval from the Commissioners' meeting, and then notifies the agencies concerned of the plans. The ACRC receives basic and detailed applications regarding acts and subordinate statutes which are subject to assessment from the agencies concerned according to the assessment schedule, and conducts an assessment.

### **Article 13.2 (Corruption Impact Assessment of Pending Issues)**

Apart from mid to long-term plans for the Corruption Impact Assessment, the ACRC may conduct a Corruption Impact Assessment of current acts and subordinate statutes in the case that falls under any of the following subparagraphs:

1. If corruption or other irregularities have been recognized as social issues, or are expected to heighten social concerns
2. If a Corruption Impact Assessment is necessary for areas structurally prone to corruption
3. If there is an urgent need to remove or reduce corruption-causing factors in areas being promoted as national policy priorities or those with increased budget expenditures
4. If it is recognized during the Corruption Impact Assessment of enacted/amended bills that there are corruption-causing factors in the relevant or related current acts and subordinate statutes.

### **Article 14 (Receipt of Basic/ Detailed Applications and Preparation of Assessment Forms, etc.)**

Article 5, Article 7, and Article 9 apply to the receipt of basic and detailed applications, receipt of additional materials, preparation of assessment forms, and requests of advice on the Corruption Impact Assessment of current acts and subordinate statutes.

### **Article 15 (Request of Materials and Fact-finding Investigation, etc.)**

- (1) The assessor may request related public organizations to submit materials and documents regarding the assessment, such as technical guidelines, results of disciplinary action, audit, and investigation, and status of complaint-handling, if it is deemed necessary in conducting an assessment according to Article 30 Paragraph (3) of the Enforcement Decree of the Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereinafter "Enforcement Decree").
- (2) The assessor may conduct a preliminary review, such as literary review of materials and documents related to the results of disciplinary action, audit, and investigation, and status of complaint-handling, and visit related public organizations in order to conduct a fact-finding investigation or request the attendance of and statement of opinion of interested parties, testifiers or related public officials, if it is deemed necessary in conducting an assessment.

## **Article 16 (Consultation with the Agencies Concerned and Collection of Opinions)**

The assessor prepares a draft recommendation based on an analysis of the current implementation status of legislation as well as reviews undertaken according to the assessment criteria, and consults with the agency concerned regarding the draft recommendation. For significant matters, public hearings and discussions may be organized to collect opinions from related agencies and organizations, stakeholders, and other experts.

## **Article 17 (Reporting of Recommendation and Adoption by the Commissioners' Meeting)**

- (1) If a recommendation is related to a significant matter, the assessor may make an interim report to the Chairperson before consulting with the agency concerned.
- (2) After consultation with the agency concerned, the assessor prepares a recommendation for improvement which incorporates the consultation results, has the recommendation reviewed by legal advisors, reports it to the Chairperson, and then lays it before the Commissioners' meeting for adoption. If recommendations are provided for current acts and subordinate statutes, together with enacted/amended bills as stated in Article 13.2 Subparagraph 4, Article 10 applies.

## **Article 18 (Provision of Recommendation and Re-assessment, etc.)**

- (1) The assessor gets approval from the Chairperson regarding the recommendation adopted by the Commissioners' meeting, and notifies the head of the agency concerned of the recommendation in writing with a copy of the resolution attached.
- (2) Article 11 applies to re-assessment.
- (3) Article 12 applies to follow-up management.

## **Section 3. Corruption Impact Assessment of Enacted/Amended Local Government Laws**

### **Article 19 (Assessment of Enacted/Amended Local Government Laws)**

- (1) The ACRC may conduct an assessment of enacted/amended local government laws in the case that it is requested by local governments.



- (2) Article 5, Article 7, and Article 9 to Article 11 apply to the assessment of enacted/amended local government laws conducted according to Paragraph (1).

#### **Section 4. Corruption Impact Assessment of Internal Regulations of Organizations Related to Public Service**

##### **Article 20 (Assessment of Internal Regulations of Organizations Related to Public Service)**

- (1) In the case that the head of organization related to public service requests the Corruption Impact Assessment for internal regulations such as company regulations and articles of association, the ACRC may conduct an assessment after consulting with the agency concerned.
- (2) Article 5, Article 7, and Article 9 to Article 11 apply to the assessment of enacted/amended internal regulations of organization related to public service conducted according to Paragraph (1).
- (3) Article 5, Article 7, Article 9, and Article 14 to Article 17 Paragraph (2) apply to the assessment of current internal regulations of organization related to public service conducted according to Paragraph (1).

### **Chapter 3. Advice on Corruption Impact Assessment**

##### **Article 21 (Organization of Advisory Group)**

- (1) In order to enhance professionalism and fairness of the assessment process, the ACRC may organize an Advisory Group (hereinafter “Advisory Group”) according to Article 31 Paragraph (1) of the Enforcement Decree.
- (2) The Advisory Group consists of experts of different fields who have been recommended by related agencies and organizations or recruited by the ACRC, and who fall under any of the following subparagraphs:
1. Those who are working at universities, research institutes, civil groups, or public organizations, and who have expertise in anti-corruption
  2. Those who are qualified lawyers, patent attorneys, public accountants, engineers, tax accountants, or customs brokers, and who have experiences and knowledge of anti-corruption
  3. Others who belong to an academic society or association and who are recognized to have

professionalism and experiences equivalent to qualifications stated in Paragraph (1) or Paragraph (2).

### **Article 22 (Request for Advice)**

- (1) If any of the reasons stated in the subparagraphs of Article 9 Paragraph (1) exist, the assessor may request advice from experts in the relevant fields who belong to the Advisory Group, or outside experts who are recognized to fall under any of the subparagraphs of Article 21 Paragraph (2) and have been listed in the pool of outside experts of the ACRC (hereinafter “experts, etc.”).
- (2) If the matters requiring advice are significant, the assessor may request advice from more than one expert, etc.

### **Article 23 (Method of Advice)**

- (1) The assessor requests advice by using Annexed Form No. 6 Request for Advice on Corruption Impact Assessment.
- (2) The assessor may hold discussions or consultation meetings with experts, etc. if it is deemed necessary. In the case of significant matters, two or more experts should be invited to such discussions or consultation meetings.
- (3) The assessor may request advice via telephone, fax, e-mail, or other methods of communication whenever necessary.

### **Article 24 (Reward for Advice)**

The ACRC provides monetary rewards for experts, etc. who provided opinions in response to the request for advice regarding assessment. The rewards are paid within the budget decided upon by the ACRC.

### **Article 25 (Detailed Operational Guidelines)**

Other detailed issues necessary for the operation of the Advisory Group, which are not stated in this regulation, are separately decided upon by the Chairperson after being approved by the Commissioners’ meeting.

## Chapter 4. Management of Documents, Materials, and Capabilities

### Article 26 (Management of Documents)

- (1) The assessor assigns document numbers according to the order of submission—submission date and serial number.
- (2) The assessor registers a series of documents and materials related to assessment, which are produced between the submission date and the assessment completion date, to the Corruption Impact Assessment Management System and manages them under the system.

### Article 27 (Collection and Management of Materials Related to Corruption)

The Director of the Corruption Impact Assessment Division may collect and manage materials related to corruption—such as results of the Integrity Assessment, statistics about corrupt public officials, and reviews of cases reported to the ACRC—in order to utilize them for assessment.

### Article 28 (Establishment of the Corruption Impact Assessment Management System)

The Director of the Corruption Impact Assessment Division may establish and operate the Corruption Impact Assessment Management System in order to systematically register and manage submitted materials related to assessment, advice from experts, etc., and assessment results.

### Article 28.2 (Management of Corruption Impact Assessment Capabilities)

- (1) The ACRC should make efforts to improve assessment techniques and expertise of its assessors.
- (2) The ACRC may establish and implement measures to improve the assessment capabilities of central administrative agencies, local governments, and organization related to public service, as well as to encourage agencies at all levels to identify and eradicate corruption-causing factors autonomously.

### Article 29 (Re-assessment Period)

According to Presidential Directive No. 334 - the Regulation on the Issuance and Management of Directives and Regulations, actions such as abolition or amendment of this regulation should be taken by January 1, 2018 in consideration of laws or changes in circumstances after issuance of this regulation.

### Assessment Criteria (Regarding Article 4)

Area	Criteria	Review points
Compliance	Rationality of the burden of compliance	Is the burden of compliance—such as cost or sacrifice that should be paid by citizens, businesses, or organizations to comply with the obligations stated in the law—rational and not excessive compared to other similar laws?
	Adequacy of sanctions	Is the content and level of sanctions against the violation of the law adequate and not excessive compared to similar laws?
	Possibility of preferential treatment	Is there any possibility that certain businesses, groups or individuals are given special favors or benefits from the application of the law?
Execution	Concreteness and objectiveness of discretionary regulations	Are the provisions related to discretion, such as officials with discretionary power, scope of discretion, and criteria and procedures to exercise discretion, stated in a clear, definite, concrete, and objective manner, and does the law have in place mechanisms to control exercise of excessive discretion?
	Transparency & accountability of entrustment/ commission	Does the law clearly define the requirements, scope, limits, and selection procedures with regard to entrustment or commission of authority or duties to organizations related to public service or private organizations? Are any management or supervision mechanisms put in place to ensure accountability in entrustment or commission?
	Possibility of budget leakage	Is there any overlap in financial support such as national subsidies pursuant to other laws, or any possibility of budget leakage caused by unclear criteria for financial support? Are any management or supervision mechanisms put in place to prevent budget leakage?
Administrative Procedures	Accessibility	Does the law offer stakeholders—including citizens, businesses, and organizations—sufficient opportunities to participate in administrative process such as making policies or raising objections, and ensure representativeness of stakeholders in the process of collecting opinions?
	Openness	Is information related to relevant service or procedures sufficiently accessible to stakeholders and the general public?
	Predictability	Is it easy for citizens to learn about and predict required documents, steps, administrative procedures, handling period and results?
Corruption Control	Possibility of conflict of interest	Are there any standards and procedures to prevent the pursuit of private interests in the performance of public duties, and mechanisms to control such acts?
	Robustness of anti-corruption mechanisms	Is it necessary to adopt internal control mechanisms or apply anti-corruption laws to prevent corruption that may occur in the process of implementing the law or policy concerned?

[Annex Form No. 1]

### Basic Application for the Corruption Impact Assessment

Title of legislation	(Title of system: _____ )						
Category	Enactment		Amendment			Current rule	
Type	Act	Presidential Decree	Prime Ministerial Decree	Ordinance of Ministry	Administrative Regulations (incl. bylaw, articles of association)	Ordinance	Regulation
Related Administrative Regulations (announcements, directives, regulations, rules, guidelines etc.)		Fill in the name of administrative regulations designated by the concerned agency with regard to the implementation of higher-level Acts (not limited to enacted or revised provisions)					
Concerned Agency	Name						
	Supervising Division (Review)	Division (section)					
		Person in charge Rank / Name / Phone number					
	Business Division (Implementation)	Division (section)					
Person in charge Rank / Name / Phone number							
Legislative timeline (planned)	Consultation with Relevant Agencies	Counterpart					
		Period	From . . . . .To . . . . .( days)				
※ For enacted or revised Acts only	※ Pre-announcement	From . . . . .To . . . . .( days)					
	Essential Materials	1. Explanations on the revision of the Acts 2. Legislative bill (including a comparison table of before/after provisions)					
	Others						
Drafter	Agency	Division					

## Detailed Application for the Corruption Impact Assessment

### Compliance

**Q1. | Rationality of the burden of compliance |** Are the costs and level of burden borne by citizens, businesses or organizations required for compliance with the legal obligations, rational compared to those of other laws?

① Excessive                       ② Rational

### Contents

**<Table 1-1>** Details of regulations related to the burden of compliance

No.	Legal Basis	Compliance Details	Interested Party (Contact)

**<Additional Comments>** Necessity and validity of the burden of compliance


**<Reference>**

1	
2	

**Q2. | Adequacy of sanctions |** Are the content and level of sanctions imposed on the violation of laws appropriate compared with those pursuant to similar laws?

① Adequate

② Low

③ High

**Contents**

<Table 1-2> Sanctions

No.	Legal Basis	Violations	Applicable Sanctions

<Additional Comments>

No.	Necessity of sanctions and adequacy of the level of sanctions

<Reference>

1	
2	

**Q3. Possibility of preferential treatment** Is there any possibility that certain classes, businesses, groups or individuals receive preferential treatment or benefit from the application of the law?

① Yes

② No

**Contents**

**<Table 1-3>** Contents of beneficial regulations

No.	Legal Basis	Beneficiary	Contents

**<Additional Comments>** Reason for giving preferential treatment and its adequacy


**<Reference>**

1	
2	



**Implementation**

<Table 2-1> Discretionary matters

No.	Legal Basis (Article & Paragraph)	Compliance Details

**Q4. | Concreteness/objectiveness of discretionary regulations |** Are the discretionary matters such as the subject, scope and standard of discretion, and the process for exercising discretion, clearly, definitely, concretely and objectively defined? Is there any mechanism to prevent the excessive exercise of discretion?

- ① Concrete/objective (incl. control mechanism)      ② Abstract/subjective

**Contents**

<Table 2-2> Concreteness/objectiveness of discretionary regulations

No.	Name of Discretion (Legal Basis)	Subject of Discretion	Process/Condition for Exercising Discretion	Scope/Degree of Discretion	Discretion Control Mechanism

<Additional Comments> Rationale behind abstract/subjective discretionary regulations


<Reference>

1	
2	

**Q5-1. | Transparency and accountability of entrustment/commission |** Are the requirements, scope, limitation and selection procedure of entrustment and commission clearly defined when the authority and duties are entrusted to public service-related organizations or different private organizations ?

- ① Yes
- ② No

**Q5-2.** Is there any management and monitoring mechanism designed to secure accountability of entrustment and commission ?

- ① Yes
- ② No

### Contents

**<Table 2-3>** Regulations on entrustment and commission

No.	Name of Concerned Affairs	Legal Basis	Requirements	Scope/ Limitation	Selection Procedure	Management/ Monitoring Mechanism

**<Additional Comments>** Rationale behind obscure regulations on entrustment and commission


**<Additional Comments>** Rationale behind the absence of a management and monitoring mechanism


**<Reference>**

1	
2	

**Q6-1. Possibility of budget leakage** Do different financial support programs including government subsidies overlap with each other in accordance with other laws, or is there any possibility of budget leakage arising from unclear standards for support?

① Yes

② No

**Q6-2.** Is there any management and monitoring mechanism designed to prevent budget leakage?

① Yes

② No

**Contents**

<Table 2-4> Regulations on financial support

No.	Legal Basis	Type of Support	Recipient of Support	Standards/ Procedure	Similar Support Cases	Management/ Monitoring Mechanism (incl. sanctions)

<Additional Comments> Differentiation from similar support programs or rationale behind the unclear regulations on financial support


<Additional Comments> Rationale behind the absence of a management and monitoring mechanism

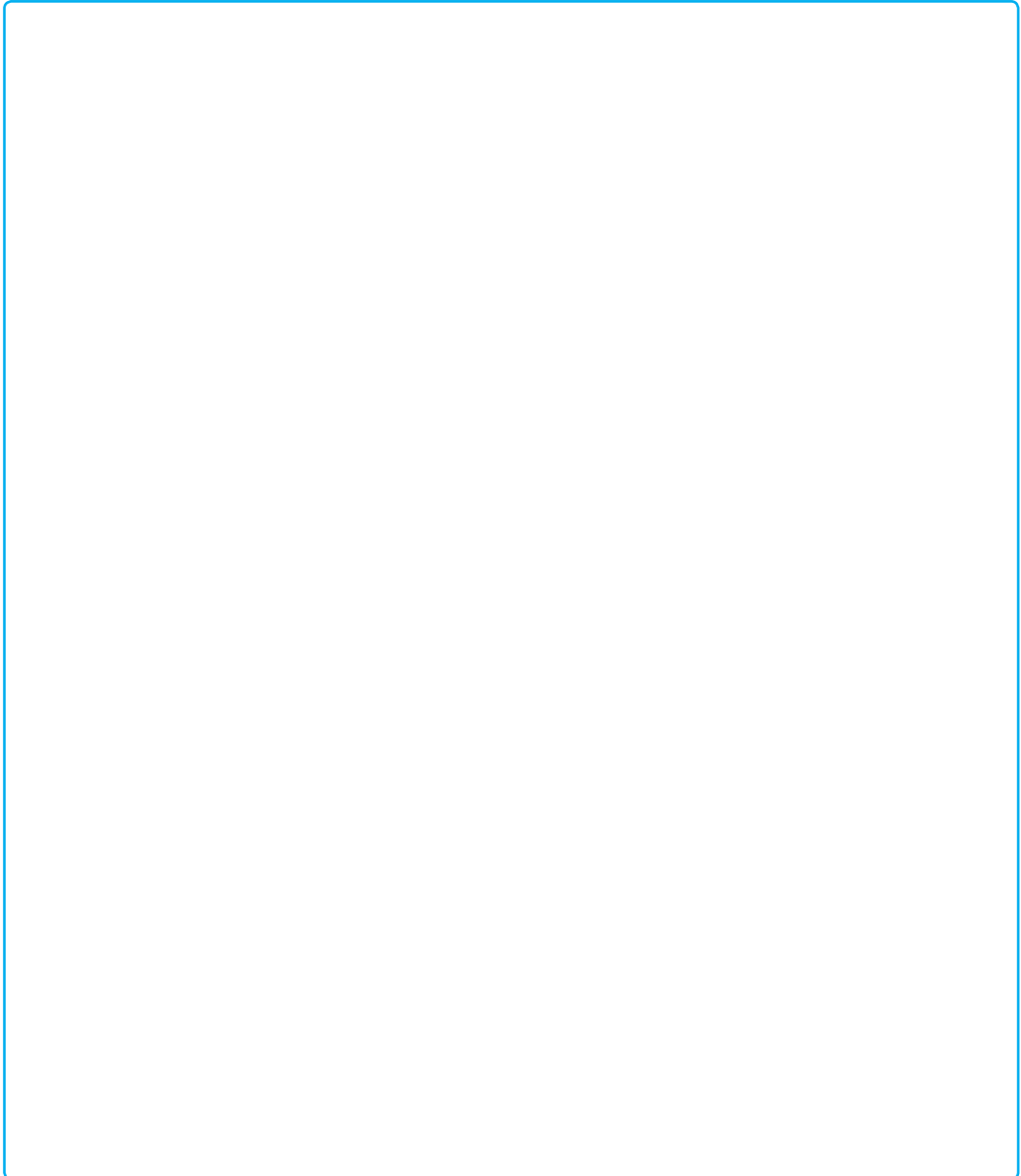

<Reference>

1	
2	

## Administrative Procedures

### Contents

<Figure 3-1> Workflow



**Q7. | Accessibility |** Are sufficient opportunities given to stakeholders-including the public, companies, and organizations-during administrative procedures such as policy making and objection, and is the rrepresentativeness of stakeholders secured when collecting opinions ?

① Yes (the representativeness of stakeholders is secured)

② No

**Contents**

<Table 3-2> Procedures for collecting opinions and making an appeal

No.	Legal Basis	Details

<Additional Comments> Rationale behind the absence of a separate mechanism to ensure participation


<Reference>

1	
2	

**Q8. | Openness |** Are content, procedure and related information sufficiently open to stakeholders and the general public?

① Yes

② No

### Contents

**<Table 3-3>** Information disclosure systems

No.	Legal Basis	Details

**<Additional Comments>** Rationale behind the absence of a separate information disclosure system


**<Reference>**

1	
2	

**Q9. | Predictability** Is it easy for citizens to get information on and predict necessary documents, steps, administrative procedures, handling period, and results ?

① Yes

② No

**Contents**

**<Table 3-4>** Predictability of administrative procedures

Category	Legal Basis	Details
Preparations		
Procedures		
Results		
Period		

**<Additional Comments>** Rationale behind the low predictability


**<Reference>**

1	
2	

## Corruption Control

**Q10. Possibility of conflict of interest** | Is there any standard, procedure or countermeasure designed to prevent the involvement of private interests during official works

① Yes

② No

## Contents

<Table 4-1> Possibility of conflict of interest

No.	Legal Basis	Details

<Additional Comments> Rationale behind the absence of a separate mechanism for preventing conflict of interests


<Reference>

1	
2	



**Q11. | Robustness of anti-corruption mechanism |** Is it necessary to introduce an anti-corruption mechanism designed in order to prevent corruption that may arise while implementing laws or policies

① Yes

② No

**Contents**

**<Table 4-2>** Related corruption cases and anti-corruption mechanism

No.	Corruption Cases	Related Regulations	Whether an anti-corruption mechanism is in place

**<Additional Comments>** Rationale behind the absence of a separate anti-corruption mechanism


**<Reference>**

1	
2	

[Annex Form No. 3]

## Basic Assessment Report

□ Assessed Legislation :

Reason for request	Purpose of draft					
	Major contents of draft					
Assessment Result	Agreement on original bill		Recommendation for improvement		Observation	
	Summary of recommendations					

□ Assessments conducted for the past 3 years

Purpose of draft	1st				
	2nd				
	3rd				
	...				
Recommendation for improvement	Frequency	Assessment item	Recommendation		Compliance
Other (current laws subject to assessment, etc.)					

## [Annex Form No. 4] Detailed Assessment Report Template

### Detailed Assessment

**Title of legislation:**

Provision subject to assessment

**Criteria**

**Current Status**

**Issues**

**Results**

[Annex Form No. 5]

Serial number	<b>Notification of the Result of the Corruption Impact Assessment</b>
A. Legislation under assessment	
Title of legislation	
Name of organization	
B. Observations	
<p>※ Assessment Criteria</p> <ul style="list-style-type: none"> <li>• Ease of compliance (Rationality of the burden of compliance, adequacy of disciplinary regulations, possibility of preferential treatment)</li> <li>• Appropriateness of execution standards (Concreteness and objectiveness of discretionary regulations, transparency/accountability of entrustment/commission, possibility of budget leakage)</li> <li>• Transparency of administrative procedure (Accessibility, openness, predictability)</li> </ul>	
C. Recommendations	
D. Other remarks	
<p>The Anti-Corruption and Civil Rights Commission hereby notifies the agency above of the results of the <i>Corruption Impact Assessment</i> pursuant to Article 28 Paragraph 1 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission and Article 30 Paragraph 6 of its Enforcement Decree.</p> <p style="text-align: center;">Date: Chairperson of the Anti-Corruption and Civil Rights Commission</p>	

[Annex Form No. 6]

Serial number	<b>Request of Advice on the Corruption Impact Assessment</b>							
Receiver : Organization Name of advisor								
The Anti-Corruption and Civil Rights Commission hereby requests advice from the person above on the <i>Corruption Impact Assessment</i> pursuant to Article 31 of the Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission and Article 23 of the Operational Guidelines for the Corruption Impact Assessment.								
Date:								
Requester Name, Corruption Impact Assessment Division, ACRC (Phone/Fax: ) (E-mail: )								
Assessment Subject	Title of legislation							
	Category	Enactment			Amendment		Current law	
	Type	Act	Presidential decree	Prime Ministerial Decree	Ordinance of Ministry	Administrative Regulations (incl. bylaw, articles of association)	Ordinance	Regulation
	Ref. no.							
Reason for requesting advice								
Items to be advised on	- review opinions on legal draft by assessment criteria -							
Attachments	1. Application materials submitted by the agency concerned 2. Preliminary assessment report prepared by the official in charge 3. A copy of related laws and regulations 4.							
Remarks	Please respond to the request for advice by (mm/dd/yyyy).							