Corruption Impact Assessment

13 October 2011, Seoul

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Anti-Corruption & Civil Rights Commission, Korea
Objectives

- Identify factors causing corruption in **bills and proposed amendments** as well as existing legislation
  
  ➡ Remove corruption risks **from the very stage of drafting laws and regulations**

Legal basis

- **Article 28.1** of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission
  
  ➡ The **ACRC** assesses **all forms of legislation** ranging from acts, presidential decrees, ordinances, directives, regulations, public notifications & administrative rules.
## Assessment factors and criteria

<table>
<thead>
<tr>
<th>Factors</th>
<th>Criteria</th>
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</thead>
<tbody>
<tr>
<td>Ease of compliance</td>
<td>• Adequacy of the burden of compliance</td>
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<tr>
<td></td>
<td>• Adequacy of the level of sanctions</td>
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<td>• Possibility of preferential treatment</td>
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<tr>
<td>Appropriateness of execution standards</td>
<td>• Concreteness and objectiveness of discretionary regulations</td>
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<td></td>
<td>• Appropriateness of consignment/entrustment standards</td>
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<td></td>
<td>• Clarity of financial support standards</td>
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<tr>
<td>Transparency of administrative procedure</td>
<td>• Accessibility and openness</td>
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<td></td>
<td>• Predictability</td>
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<td></td>
<td>• Possibility of a conflict of interest</td>
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Assessment Framework

**Citizens**
Stakeholders (associations/unions)
Civic groups & economic organizations

Survey on the needs for assessment
Survey on legislation and practices
Submit opinions

**ACRC**
*Check whether recommendations are reflected in enactment/amendment bills*
- Identify and select tasks
- Monitor and evaluate compliance

**Corruption Impact Assessment**
- Notify recommendations

**Government agencies**
Legal departments
- Establish enactment plans
- Arrange discussions and interviews related to assessment
Departments related to the legislation concerned
- Identify and submit assessment tasks
- Prepare basic materials

**Outside experts**
Corruption Impact Assessment Advisory Group
- Analyze and review basic materials
- Identify and examine assessment tasks

Expert groups
- Review and submit opinions

**Institutional improvement**
- Request consultation
- Submit opinions

- Submit materials
- Comply with recommendations
- Notify assessment tasks
- Recommend improvement & evaluate compliance
Corruption Impact Assessment for proposed legislation

1. Legislative proposal
2. Apply for assessment
3. Consultation with relevant agencies (10 days)
4. Advance notice of enactment/revision (20 days)
5. Notify assessment result
6. Notify related matters
7. Review by Regulatory Reform Committee
8. Notify how ACRC’s recommendations were reflected

ACRC (ASSESSMENT)
Consultation Advisory Group

Training Course for Anti-Corruption Practitioners of Bangladesh 10-21 October 2011, Seoul
Procedures for the Corruption Impact Assessment

Corruption Impact Assessment for existing legislation

ACRC

Select items to be assessed

Corruption Impact Assessment

Consultation

Draft recommendations

Notify assessment results & make recommendations

Government agency

Institutional improvement according to recommendations, Request for re-deliberation if necessary

Consultation Advisory Group

Notify how ACRC’s recommendations were reflected

Training Course for Anti-Corruption Practitioners of Bangladesh 10-21 October 2011, Seoul
Corruption Impact Assessment for proposed legislation

- Assessments completed

<table>
<thead>
<tr>
<th>Bills received</th>
<th>Assessments completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agreed to original bill</td>
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<tr>
<td>1,368 (100%)</td>
<td>1,099 (80.0%)</td>
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</tbody>
</table>
Corruption Impact Assessment for *proposed* legislation

- Recommended amendments by criteria
  (269 bills, 496 cases)

<table>
<thead>
<tr>
<th>Factors</th>
<th>Cases</th>
</tr>
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<tbody>
<tr>
<td>Ease of compliance</td>
<td>100 cases (20%)</td>
</tr>
<tr>
<td>Propriety of discretion</td>
<td>263 cases (53%)</td>
</tr>
<tr>
<td>Transparency of administrative procedure</td>
<td>133 cases, 27%</td>
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</table>
Thank you