Sixth Session of the Conference of the States Parties to the UN Convention against Corruption

Corruption Impact Assessment system of Korea

5 November 2015
St. Petersburg, Russia
Corruption Prevention Mechanism

What is Corruption Impact Assessment?

Identify and remove corruption-causing factors in the drafts of laws and regulations from the very beginning of the legislation process

Introduced in 2006
Article 28 (Review of corruption-causing factors in laws)

(1) The Commission may review corruption-causing factors in laws, regulations and others, and may recommend necessary actions to be taken by the head of the concerned public organizations in order to improve them.
Objects of assessment: all forms of legislation enacted/enforced by:

**Executive Organizations**
Acts, presidential decrees, ordinances, directives/notifications

**Local Governments**
Bylaws/ordinances

**Public Service-Related Organizations**
Rules/regulations
# Corruption Impact Assessment

## Process

### Legislation proposed by government

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<th>Step</th>
<th>Description</th>
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<tr>
<td>1</td>
<td>Planning for enactment/amendment</td>
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<td>2</td>
<td>Drafting of a bill</td>
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<td>3</td>
<td>Corruption Impact Assessment</td>
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<td>4</td>
<td>Consultation with relevant agencies</td>
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<td>Consultation with the ruling party</td>
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<td>6</td>
<td>Advance notice of enactment</td>
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<td>7</td>
<td>Review by Regulatory Reform Committee</td>
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<td>Review by Ministry of Government Legislation</td>
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<td>9</td>
<td>Review by Vice Ministers’ Meeting &amp; Cabinet Meeting</td>
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<td>10</td>
<td>Presidential approval &amp; co-signature by the Prime Minister &amp; competent Minister</td>
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<td>11</td>
<td>Submission to the National Assembly</td>
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<td>12</td>
<td>Review &amp; passage by the National Assembly</td>
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<td>Final draft transferred to Government</td>
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<td>14</td>
<td>Submission to the Cabinet Meeting</td>
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<td>15</td>
<td>Promulgation</td>
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Corruption Impact Assessment

Process

**Corruption Impact Assessment for Bills**

- **Government agency**
  - (1) Legislative proposal
  - (3) Consultation with relevant agencies
  - (4) Advance notice of enactment/revision

- **ACRC (Assessment)**
  - (2) Submit application
  - (5) Notify assessment result

- **Advisory Group (Consultation)**
  - (6) Notify related matters

- **Process**
  - (7) Review by Regulatory Reform Committee
  - (9) Review by Ministry of Government Legislation

- **Criteria**
  - (8) Notify implementation of ACRC’s recommendations
Corruption Impact Assessment for Existing Legislation

**ACRC (Assessment)**

1. Select items to be assessed
2. Corruption Impact Assessment
3. Collect opinions from related agencies (Hold public hearings, if necessary)
4. Prepare recommendations based on assessment results
5. Notify assessment result & make recommendations
6. Notify implementation of ACRC’s recommendations

**Government agency**

Cooperation for Corruption Impact Assessment (Submit related materials)
Regulate ACRC to consider the opinion of the related agency

**Advisory Group (Consultation)**
Corruption Impact Assessment

Criteria

Assessment Criteria

1. Ease of Compliance
   a. Adequacy of burden of compliance
   b. Adequacy of level of sanctions
   c. Possibility of preferential treatment

2. Propriety of Implementation Standards
   a. Concreteness/objectiveness of discretionary regulations
   b. Appropriateness of consignment/entrustment standards
   c. Clarity of standards for financial support

3. Transparency of Administrative Procedures
   a. Accessibility and openness
   b. Predictability
   c. Possibility of conflict of interest
Case: 1 Aerospace Industry Development Promotion Act

Article 15 (Disposal, etc. of State or Public Property)

(1) Notwithstanding the provisions of the State Property Act or the Public Property and Commodity Management Act, the state or local government may gratuitously lend or concede State-owned facilities etc. to an aerospace industry businessman, if necessary for research, development or production of aircraft or materials. However, it may gratuitously lend the facilities etc. to a non-profit business owner.
Article 17 (Designation of the Accident Investigation Center)

(1) The head of a central government agency, to investigate accidents related with defect products, may designate the accident investigation center (hereinafter “Center”) among the specialized institutions or associations which meet the following pursuant to Article 15 (2) of the Act.

1. The center shall have expertise in investigating accidents related with consumer products and examining the level of danger caused by the product.
2. The center shall not be given financial support directly from the product maker.

Article 17 (Designation of the Accident Investigation Center)

(1) The head of a central government agency ... which meet the following pursuant to Article 15 (2) of the Act.

1. The center shall be a non-profit corporation or association.
2. The organization, staff, and operational procedures of the center shall meet requirements described by the ISO.
3. The center shall have a specialized team to support the accident investigation.
4. The center shall not be given financial support directly from the product maker, and it also shall operate independently in investigate accidents.
Case 3: Enforcement Decree of Fishing Management and Promotion Act

Article 25 (Consignment and Entrustment of Authority)

(1) (Omitted)
(2) Pursuant to Paragraphs (1) and (2) of Article 52 of the Act, the Minister of Oceans and Fisheries may consign or entrust authorities in the following to the head of affiliated organizations, fishing-related associations or a non-profit corporation which are designated by the Minister of Oceans and Fisheries.

1. To designate best fishing hole pursuant to Article 44 (1) of the Act
2. To appoint honorary ranger pursuant to Article 46 (1) of the Act (Newly established)

(3) The Minister of Oceans and Fisheries shall make an official announcement when he or she entrust authorities according to paragraph (2).
Thank you