

**IMPLEMENTATION OF APEC'S GENERAL TRANSPARENCY STANDARDS**

**AREAS: i) TRADE AND INVESTMENT LIBERALIZATION AND FACILITATION  
ii) MONETARY, FINANCIAL AND FISCAL POLICIES AND THE DISSEMINATION OF MACROECONOMIC POLICY DATA**

ECONOMY: Republic of Korea

Contact Point: Name/Title: Regional Cooperation Division

Organization: Ministry of Foreign Affairs and Trade, Ministry of Finance and Economy, Ministry of Commerce, Industry and Energy, Ministry of Justice, Korea Customs Service, Korea Intellectual Property Office and so on.

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p><b>Transparency in Trade and Investment Liberalization and Facilitation</b></p> <p><u>General Principles</u></p> <p>1. (a) Each Economy will ensure that its laws, regulations, and progressively, procedures and administrative rulings of general application respecting matters in Section C of Part One of the Osaka Action Agenda are promptly published or otherwise made available, for example via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them.</p> <p>(b) Each Economy will have or designate an official journal or journals and publish any measures referred to in paragraph 1 in such journals. Each Economy will publish such journals on</p>	<p>The Ministry of Commerce, Industry and Energy (MOCIE) publishes annually the "Consolidated Public Notice for FDI" since March 1999. The notice compiles and publishes FDI restrictions, other than those stipulated in the Foreign Investment Promotion Act (FIPA 1998)</p> <p>Invest Korea also frequently publishes updated information on the adjustments made in its foreign investment policy, and its comprehensive website (<a href="http://www.investkorea.org">www.investkorea.org</a>) helps enhancing transparency and facilitating foreign investment. The "Consolidated Public Notice for FDI" is</p>	<p>Korea plans to establish the GF4 system, which will allow related ministries (MOCIE, Ministry of Labour, Ministry of Justice) to share information on services for foreigners and increase policy transparency</p> <p>Korea will continue to notify new draft or revision of phytosanitary-animal quarantine legislations and regulations.</p> <p>Korea will further enhance transparency by strengthening its electronic procurement system, G2B.</p> <p>The Public Procurement Service, Seoul City and other major public</p>	<p>Improvement of the law and the system for promotion of transparency</p> <p>Expansion of IT infrastructure</p>

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<p>a regular basis and make copies of them readily available to the public.</p> <p>(c) An Economy may comply with subparagraph (b) by publication on the Internet.</p> <p>(d) Each Economy will promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.</p>	<p>also available via the invest-Korea website.</p> <p>Invest Korea publishes booklets on Korea's office rent system, housing information, and health care system.</p> <p>The Public Procurement Service (PPS) prevents corruption at the source by the following 3 actions;</p> <ul style="list-style-type: none"> <li>- PPS digitalizes the entire procurement process from submission of bids, review and evaluation, contract making, to contractor payment.</li> <li>- PPS prevents unnecessary contacts between businesses and contracting officials.</li> <li>- PPS minimizes arbitrary decisions by contracting officials in reviewing and evaluating bids.</li> </ul> <p>Korea publishes an annual guidebook "Arbitration Practices in Korea", which provides an overview of the Korean Commercial Arbitration Board (KCAB) as well as its recent activities and developments.</p>	<p>institutions will continuously implement an integrity pledge.</p>	
<p>2. When possible, each Economy will:</p> <p>(a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and</p> <p>(b) provide where applicable interested persons a reasonable opportunity to comment on such</p>	<p>Changes in the tariff system, including rates, are announced to the public well in advance through the government gazette. In addition, the details of adjustment tariffs are released to the press far ahead of the enforcement date, thus allowing concerned industries and traders to prepare.</p>	<p>N/A</p>	<p>N/A</p>

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proposed measures.	Korea informs the public of newly enacted laws and regulations on customs procedures through its website for more than 20 days in order to collect public opinions.		
3. Upon request from an interested person or another Economy, an Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measure referred to in paragraph 1.	Korea is expanding the scope of the administrative information on customs procedures to be made public and enlarging the workforce for more prompt responses to inquires overseas on the website. Korea also is expanding two-way communication channels by offering the information the public needs and activating online discussion rooms for Customs Policies.	Korea plans to place specifications of purchase requests prepared by end-users online to get feedback, and operate a site for feedback on specifications for foreign procurement on G2B.	N/A
<p>4. Each Economy will ensure in its administrative proceedings applying any measure referred to in paragraph 1 that:</p> <p>(a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy;</p> <p>(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the</p>	<p>Korea set up CRM (Customer Relationship Management) to provide customer-oriented administrative service on customs procedures such as quality consulting, provision of customer-tailored information, reflection of customer opinions and management of customer process.</p> <p>In 2004, Korea established the Regulatory Reform Task Force (RRTF) with two-year tenure, which updates and upgrades “bundle regulations” related to many government agencies. It is well resourced with public servants and civilian experts seconded from businesses and research institutions, who participate actively in regulatory reform process. To abolish or improve regulations that may hamper business activities, government established the Business Difficulties</p>	N/A	N/A

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<p>public interest permit; and</p> <p>(c) its procedures are in accordance with domestic law.</p>	<p>Resolution Center (BDRC), a one-stop service for dealing with industrial complaints.</p>		
<p>5. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that:</p> <p>(a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter;</p> <p>(b) provide parties to any proceeding with a reasonable opportunity to present their respective positions;</p> <p>(c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and</p> <p>(d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.</p>	<p>In order to handle complaints about procurement processes, Korea promotes an active role played by the International Contract Dispute Mediation Committee (ICDMC) where any interested party may request for mediation on disputes.</p> <p>Korea institutionalized a systemic review mechanism by drawing up the comprehensive regulatory improvement plan. The Regulatory Reform Committee (RRC) gives ministries a guideline of the plan in terms of priorities and target of reform. Korea also set up an ex ante regulatory review system to the process of government legislation to manage regulation efficiently and effectively.</p>	<p>With a policy shift from quantitative to qualitative approach, the Regulatory Reform Committee seeks to strengthen regulatory control by establishing a database of its review results and monitoring new regulations free from review process and compliance of the regulatory review deadlines of those subject to sunset system.</p>	<p>N/A</p>

<p><b>Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data</b></p> <p>9. Prior to our agreement in the Shanghai Accord to implement APEC transparency principles, we agreed in Brunei Darussalam in 2000 to support the key standards identified by the Financial Stability Forum. Three of these key standards focus on transparency:</p> <p>(a) Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles;</p> <p>(b) Code of Good Practices on Fiscal Transparency; and</p> <p>(c) General and Special Data Dissemination Standards.</p>	<p>Korea publishes "Fiscal Policy Direction every year.(2007.1) - Supplementary Budget (2006.8)</p>	<p>In July 2007, Korea will publish Fiscal Policy Direction for the 2<sup>nd</sup> half of the year 2007.</p>	<p>N/A</p>
<p>10. Following APEC Finance Ministers' decision to support the assessment of Economies' implementation of these transparency codes through the IMF-led Reports on the Observance of Standards and Codes (ROSCs), Economies are encouraged to participate fully in the ROSC program. As voluntary disclosure of ROSC modules promotes transparency, Economies should, where practicable, disclose the results of these assessments.</p>	<p>Korea publishes "Fiscal Policy Direction every year.(2007.1) - Supplementary Budget (2006.8)</p>	<p>In July 2007, Korea will publish Fiscal Policy Direction for the 2<sup>nd</sup> half of the year 2007.</p>	<p>N/A</p>
<p><b>Confidential Information</b></p> <p>11. The provisions of this Statement will not require any Economy to</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular persons or enterprises.			
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ii) MONETARY, FINANCIAL AND FISCAL POLICIES AND THE DISSEMINATION OF MACROECONOMIC  
POLICY DATA**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point**

Name:

Title:

Telephone Number:

Fax Number:

E-mail Address:

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: SERVICES

ECONOMY: Republic of Korea

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<p>1. (a) Each economy will, in the manner provided for in paragraph 1 of the General Principles in the Leaders' Statement, ensure that its laws, regulations, and administrative procedures related to applications for licenses or authorizations (including, inter alia, licensing procedures and requirements/criteria, qualification procedures and requirements, and technical standards) and their renewal or extension are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.</p> <p>(b) Economies will use the Internet as much as possible, and specifically, official government web sites, to fulfill this obligation.</p>	<p>The Administrative Procedures Act (hereinafter referred to as APA) requires administrative agencies to pre-announce laws and subordinate statutes when they intend to enact, amend, or abolish them (See attached, APA Article 41). Therefore, Korea already meets the provision</p> <p>1.(a)</p> <p>E-Government Act of Korea requires administrative agencies to make important administrative information publicly available. Therefore, Korea already meets the provision 1.(b)</p>	<p>No plans for further action since Korea already meets the requirements</p>	<p>N/A</p>
<p>2. Economies will publicize and maintain at least one enquiry point that will endeavor to promptly provide information and respond to questions from an interested person or another Economy pertaining to any actual or proposed measure. Economies will</p>	<p>Relevant administrative agencies provide information and respond to questions from interested persons and other Economies. In addition, APA states that when administrative measures that impose duties or restrict rights of individuals have taken</p>	<p>No plans for further action since Korea already meets the requirements</p>	<p>N/A</p>

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also make the names, official addresses, and other contact information (including website, telephone, facsimile) of its enquiry point(s) publicly available.	place, the individual shall be informed of various information such as the title and address of the agency to which opinions may be submitted (See attached, APA Article 21). The government also maintains a website where any complaints regarding administrative measures can be submitted for review ( <a href="http://www.epeople.go.kr">www.epeople.go.kr</a> ).		
3. Economies will diligently complete and provide annual updates to their electronic Individual Action Plans (E-IAPs) for services sectors.	Korea fully meets the requirement.	Korea will diligently complete and provide annual updates to the IAPs for services sectors.	N/A
<p>4. Regarding authorizations and licensing procedures, when possible:</p> <p>(a) the competent authorities of an Economy will, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. The competent authorities will establish deadlines for processing of completed applications under normal circumstances.</p> <p>(b) at the request of the applicant, the competent authorities of the Economy will provide, without undue delay, information concerning the status of the application, including any reason for denial. Applicants will also be given the opportunity to resubmit or amend their application for further review, or file an appeal if an application is denied or found in</p>	<p>Korea fully meets the requirement of 4. (a). APA requires administrative agencies to determine and publicly announce in advance the processing period for each type and class of their administrative measures. (See attached, APA Article 19)</p> <p>According to APA, the Government offers relevant information concerning the status of the application, including any reason for denial, provides opportunities to resubmit or amend the application and to file an appeal if an application is denied. (See attached, APA Article 17 and 26)</p>	No plans for further action since Korea already meets the requirements	N/A

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<p>violation of public regulations.</p> <p>(c) Economies will publish the time schedule for and costs of examinations required as part of the application process for a license or authorization in accordance with paragraph 1 of the Leaders' Statement.</p>	<p>Korea fully provides the information on the time schedule for and costs of examination according to the relevant laws and statutes such as Workers' Vocational Competency Development Act.</p>		
<p>5. These Standards should be administered in a reasonable, objective and impartial manner.</p>	<p>According to the aforementioned Administrative Procedures Act and other relevant laws and regulations, Korea maintains the standards so that they are administered in a reasonable, objective and impartial manner.</p>	<p>Korea has no concrete plans for any future action, but will be continuously reviewing relevant laws and regulations so that they maintain the reasonableness, objectiveness, and impartiality.</p>	<p>N/A</p>

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: SERVICES

#### POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

**Economy:** Republic of Korea

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**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

#### Relevant Provisions of Administrative Procedures Acts

##### Unofficial Translation

#### [Article 17 \(Application for Dispositions\)](#)

(1) The application for disposition to administrative agencies shall be made in writing: provided that this shall not be applicable to such cases as otherwise stipulated by other Acts and subordinate statutes and to a case where administrative agencies have determined and publicly announced the other method.

(2) When the application for disposition under paragraph (1) is made by means of electronic message, the application shall be deemed to be filed when the electronic message is inputted in computers, etc. of administrative agencies. <Newly Inserted by Act No. 6839, Dec. 30, 2002>

(3) Administrative agencies shall post a notice (including any notice on the Internet) for the required documents, the receiving agency, the period of processing, and other matters necessary for the application for dispositions, or furnish the manual for its perusal by the general public. <Amended by Act No. 6839, Dec. 30, 2002>

(4) When an application is officially submitted, administrative agencies may, except as specially stipulated by other Acts and subordinate statutes, not reserve or refuse the acceptance thereof or unjustly return it, and in a case of receiving the application, shall give the receipt thereof to the applicants: Provided, That the receipt shall not be required when it is prescribed by the Presidential Decree. <Amended by Act No. 6839, Dec. 30, 2002>

(5) In a case of flaws, etc. and other deficiencies in the required documents of the application, administrative agencies shall allot a considerable period of time for the necessary supplements, and shall promptly request the applicants to make such supplements.

(6) When the supplement is not submitted by the applicants within the period under paragraph (5) above, administrative agencies shall explain the reasons and may return the received applications. <Amended by Act No. 6839, Dec. 30, 2002>

(7) For the convenience of the applicants administrative agencies may have another administrative agency receive the applications: Provided that in such cases, administrative agencies shall determine and publicly announce in advance the types of applications the other administrative agencies may receive.

(8) The contents of applications may be supplemented, modified, and dismissed by applicants until dispositions are rendered: Provided that this shall not be applicable to such a case where otherwise stipulated by other Acts and subordinate statutes or to cases where the nature of the application concerned does not allow for the supplement, modification, and dismissal thereof.

#### **Article 19 (Establishment and Public Announcement of Processing Period)**

(1) In order to advance the convenience of applicants, administrative agencies shall determine and publicly announce in advance the processing period for each type and class of the dispositions.

(2) When deemed difficult to process within the processing period as prescribed in paragraph (1) above due to unavoidable causes, administrative agencies may extend the period only once and within the span of the processing period for the disposition concerned.

(3) When an administrative agency intends to extend the processing period under paragraph (2) above, it shall without delay notify the applicants of the grounds for extension and the expected date for the completion of the processing.

(4) When an administrative agency does not process within a mandated processing period, the applicants may request the administrative agency concerned or the supervisory administrative agency for prompt processing.

(5) The period which shall not be included in the processing period under paragraph (1) above shall be determined by the Presidential Decree.

#### **Article 21 (Advance Notification of Dispositions)**

(1) The matters of the following subparagraphs shall be notified to parties in advance when administrative agencies are rendering dispositions to parties concerned imposing duties on them or restricting their rights or interests:

1. Title of the disposition;
2. Full name or title, and domicile of parties concerned;
3. The factual grounds for the disposition and the contents of the disposition and legal basis;
4. Advice that the opinions may be submitted on the items of subparagraph 3 above and the processing method when no opinions are presented;
5. The title and address of the agency to which opinions may be submitted;
6. Time limit for submission of opinions; and
7. Other necessary matters.

(2) When administrative agencies intend to proceed with a formal hearing, the matters of subparagraphs of paragraph (1) above shall be notified to the parties concerned at least 10 days before the commencement of the hearing. The matters of paragraph (1) 4 through 6 above shall be substituted by the appropriate

matters for the hearing such as the affiliation, official position, and full name of the presider of the hearing, the date and time and location of the hearing, and the processing method in case the parties concerned can not attend the hearings.

(3) The time limit under paragraph (1) 6 above shall be an adequate period to prepare and submit opinions.

(4) The notification requirement under paragraph (1) may not apply to the cases falling under any of the following subparagraphs:

1. When an urgent disposition is necessary for the safety and welfare of the general public;
2. When, in case a certain disposition should be taken because any qualification required by any Act or subordinate statute is not equipped with or is extinguished, it proves that such qualification is not equipped with or is extinguished; and
3. When reasonably deemed that there are grounds that the hearing of opinions is impractical or the hearing is clearly unnecessary considering the nature of the dispositions concerned.

#### **Article 26 (Notice)**

When rendering dispositions, administrative agencies shall notify parties if an action for administrative adjudication or other remedial request may be filed. The parties shall be notified of filing procedure and filing deadline and other necessary matters.

#### **Article 41 (Administrative Pre-Announcement of Legislation)**

(1) When intending to enact, amend, or abolish Acts and subordinate statutes (hereinafter referred to as the "legislation"), administrative agencies preparing the legislation concerned shall pre-announce it: Provided, That in case of falling under any of the following subparagraphs, such pre-announcement may be omitted:  
<Amended by Act No. 6839, Dec. 30, 2002>

1. Where the contents of the legislation have no relation to the rights and duties or day-to-day lives of citizens;
2. Where the legislation requires urgency;
3. Where the legislation is just made for the enforcement of senior Acts and subordinate statutes;
4. Where the pre-announcement might severely damage the public interest; and
5. Where the pre-announcement is deemed unnecessary or difficult considering the nature of the contents of the legislation or for other reasons.

(2) Deleted. <by Act No. 6839, Dec. 30, 2002>

(3) In case where receiving a request for review of the Acts and subordinate statutes that have not gone through the pre-announced legislation procedure, the Minister of Legislation may recommend the pre-announcement of legislation to the administrative agency concerned or directly pre-announce, if the pre-announcement of legislation is deemed necessary.

(4) Matters necessary for the standards and procedures for the pre-announcement of legislation shall be prescribed by the Presidential Decree.

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: INVESTMENT

ECONOMY: Republic of Korea

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1. Each Economy will, in the manner provided for in paragraph 1 of the Leaders' Statement, ensure that its investment laws, regulations, and progressive procedures and administrative rulings of general application ("investment measures") are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.	In order to ensure transparency and predictability, since March 1999 the Ministry of Commerce, Industry and Energy (MOCIE) has published, annually, the "Consolidated Public Notice for FDI". The Notice compiles and publishes FDI restrictions, other than those stipulated in the Foreign Investment Promotion Act (FIPA 1998).	Need to be translated into English.	N/A
2. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, to the extent possible, publish in advance any investment measures proposed for adoption, and provide a reasonable opportunity for public comment.	Any adoption or revision of policies pertaining to foreign investment is released to the media.  Efforts aimed at gauging public opinion are made through mechanisms such as public hearings and legislation notifications.	N/A	N/A
3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will:  (a) endeavor to promptly provide information and respond to questions	(a) Provision of information is allowed in accordance with the Law for Public Information.  (b) Contact point: - Aftercare team of Invest Korea (Korean IPA)	N/A	N/A

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<p>pertaining to any actual or proposed investment measures referred to in paragraph 1 above; and</p> <p>(b) provide contact points for the office or official responsible for the subject matter of the questions and assist, as necessary, in facilitating communications with the requesting economy.</p>			
<p>4. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding investment matters covered by these standards, that:</p> <p>(a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the investment matter;</p> <p>(b) provide parties to any proceeding with a reasonable opportunity to present their respective positions;</p> <p>(c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and</p> <p>(d) ensure subject to appeal or further review under domestic law, that such</p>	<p>All proceedings are processed fairly by the Administrative Litigation Law.</p>	<p>N/A</p>	<p>N/A</p>

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decisions will be implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.			
5. If screening of investments is used based on guidelines for evaluating projects for approval and for scoring such projects if scoring is used, in accordance with paragraph 1 of the Leaders' Statement each Economy will publish and/or make publicly available through other means those guidelines.	Screening procedures for foreign investment are not in place. Foreign investors are only obliged to notify the Korean government of their activities. Investments in the defence industry designated by a Presidential decree should be approved by the Minister of Commerce, Industry and Energy.	N/A	N/A
6. Each Economy will maintain clear procedures regarding application, registration, and government licensing of investments by:  (a) publishing and/or making available clear and simple instructions, and an explanation of the process (the steps) involved in applying/government licensing/registering; and  (b) publishing and/or making available definitions of criteria for assessment of investment proposals.	Notice of the procedures for registration is available in accordance with the Foreign Investment Promotion Act.	N/A	N/A
7. Where prior authorization requirement procedures exist, each Economy will conduct reviews at the appropriate time to ensure that such procedures are simple and transparent.	No prior authorization procedures exist for foreign investments.	N/A	N/A
8. Each Economy will make available to investors all rules and other appropriate information relating to	All policies are provided on the homepages of the Ministry of Commerce, Industry and Energy	N/A	N/A

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investment promotion programs.	<a href="http://www.mocie.go.kr">www.mocie.go.kr</a> and Invest Korea ( <a href="http://www.investkorea.org">www.investkorea.org</a> )		
9. When negotiating regional trade agreements and free trade agreements that contain provisions with an investor/state dispute settlement mechanism, each Economy should consider whether or not to include transparency provisions.	The investor/state dispute settlement mechanism and transparency provisions are included in all FTAs and RTAs signed by Korea.	N/A	N/A
10. Each Economy will participate fully in APEC-wide efforts to update the APEC Investment Guidebook.	Korea is fully amenable to such efforts, and participated in the 6 <sup>th</sup> revision project, submitting the results to APEC.	N/A	N/A

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: INVESTMENT**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point**

Name:

Title:

Telephone Number:

Fax Number:

E-mail Address:

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: COMPETITION LAW AND POLICY AND REGULATORY REFORM

ECONOMY: Republic of Korea

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p><b>Competition Law and Policy</b></p> <p>1. In furtherance of paragraph 1 of the General Principles of the Leaders' Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.</p>	<p><b>Strengthening of information provision through the webpage</b></p> <ul style="list-style-type: none"> <li>- Operation of the KFTC news section</li> <li>- Posting of various KFTC's policy documents, legal documents, lecture scripts and press releases</li> <li>- Access to information on deliberations of the KFTC and identified violations</li> <li>- Operation of public participation section with archives on anti-competitive regulatory reforms and KFTC innovation efforts</li> </ul> <p><b>Provision of information through existing media</b></p> <ul style="list-style-type: none"> <li>- Provision of information on major law enforcement cases, enactment and revision of law and outcome of regulatory reforms through newspaper, broadcasting and magazines</li> </ul> <p><b>Provision of information through new media</b></p> <ul style="list-style-type: none"> <li>- The PCRM (Policy Customer Relationship Management) system, launched in February 2005, provides a variety of policy information to scholars and journalists concerned about competition policy and to interested businesses and customers affected by the policy.</li> </ul>	<p>Update of the KFTC's English webpage for foreign clients and publication of Quarterly News (planned for 2007)</p> <ul style="list-style-type: none"> <li>- Introduction of the KFTC's major deliberation cases and competition law and policy trends</li> </ul> <p>Publication of the brochure of the 2006 KFTC's performance report in English (within the first half of 2007)</p> <p>Update of the introductory brochure of the KFTC in English (within 2007)</p>	<p>Improvement of the law and the system for promotion of transparency</p> <p>Expansion of IT infrastructure</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	<p>- Promotion of the use of the Internet portal news service and blogs</p> <p><b>Operation of information disclosure request system</b></p> <p>- Information disclosure request system: Information owned and managed by public institutions is disclosed upon request</p> <p>- Information publication system: Information on major policies, projects and budget execution owned and managed by public institutions is voluntarily provided</p>		
<p>2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders' Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.</p>	<p><b>Guarantee of the examinee's right to plead and defend under the Monopoly Regulation and Fair Trade Act</b></p> <p>- The KFTC shall, before issuing corrective measures or levying surcharges in response to violations of the Act, provide the parties concerned and interested parties with the opportunity to state their opinions. (Article 52)</p> <p>- The parties concerned and interested parties may attend a hearing of the KFTC to state their opinions or present relevant materials. (Article 52-2)</p> <p>- Any party who is dissatisfied with measures taken by the KFTC may file an appeal with the KFTC within thirty days from the receipt of notification of said measures. (Article 53)</p> <p>- Where a person desires to file a lawsuit against any measure taken by the KFTC, he may file an administrative suit with the Seoul Appellate Court (Article 54, 54)</p> <p><b>The KFTC revised the "Rules on the KFTC's Committee operation and case handling procedure" in November 2004 to enhance transparency and fairness of the deliberation process.</b></p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	<ul style="list-style-type: none"> <li>- Deliberation preparation process: provides opportunity for the examiner and the examinee to sufficiently dispute each other's claim and evidence by letter before the deliberation date</li> <li>- Multiple deliberation system: allows the Committee to have deliberation as many times as necessary on controversial and complex cases to guarantee prudent deliberation and sufficient chance to state opinion</li> <li>- Installation of presentation facilities and simultaneous interpretation booth</li> </ul>		
<p><b>Regulatory Reform</b></p> <p>1. In furtherance of paragraph 1 of the General Principles of the Leaders' Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.</p>	<p>The Regulatory Reform Committee (RRC) website (<a href="http://www.rrc.go.kr">www.rrc.go.kr</a>) provides citizens and businessmen with all the regulatory information. The website also provides a dedicated section, 'regulatory reform status,' to check progress of reforms on bundle regulations as well as individual regulations under each ministry and disclose findings to public. Local governments also open their regulatory information to the public.</p> <p>In 2005, the Ministry Of Government Legislation (MOLEG) instructed a Guideline to make discretionary action transparent by improving legal statues that are vague in its conditions and effect provisions. Especially, the MOLEG has expanded the role of the Statutory Interpretation Deliberation Committee so that the general public can request rational interpretation on legal statues to the MOLEG.</p>	<p>To provide user-friendly regulatory information, the RRC plans to enhance regulatory registration system by December 2007. It will disclose related regulations in a packaged manner and produce a "Regulations Map" by which anyone can understand important regulations at a glance.</p>	<p>N/A</p>
<p>2. In furtherance of paragraphs 2 and 3 of the Leaders' Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process APEC Leaders' Transparency</p>	<p>Each ministry is required under the Administrative Procedure Act to broadly disclose objective and key contents of legislation proposal to public media such as official gazette, internet and newspaper. Any</p>	<p>To prevent administrative investigation conducted by government agencies that might be arbitrary or cause burden on business, the Basic Law on</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>Standards and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed regulatory reform measure.</p>	<p>comments from citizens should be handled with respect and the result should be notified to commenter. For regulations may require broad consultation with the public, government can hold a public hearing to collect extensive opinions from experts and citizen. From July 2006, the amended Basic Act on Administrative Regulations (BAAR) mandates disclosure of Regulatory Impact Analysis (RIA) at time of public notification to reinforce the transparency and accountability of the Ministry responsible for drawing up the RIA.</p> <p>The Administrative Procedure Act and the BAAR guarantees institutional mechanism to collect civil society groups' opinions in the regulatory reform process. Civil society groups can request improvement of a regulation by suggesting their opinions to the RRC, and may also participate and speak in the committee as an interest holder. Also, civil society groups participating as RRC members sometimes represent the opinion of groups.</p> <p>In order to take into account the opinions of foreign businesses, the Prime Minister's Office has been operating a regular consultation channel with foreign chambers of commerce and industry, such as the AMCHAM, since 2005.</p>	<p>Administrative Investigation is under legislation. It will improve the transparency of administrative investigation.</p>	

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: COMPETITION LAW AND POLICY AND REGULATORY REFORM**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy: Republic of Korea**

**Contact Point**      Name: Yongho Han    Title: Deputy Director, International Cooperation Team, KFTC

Telephone Number: 82-2-2110-4754    Fax Number: 82-2-504-9459    E-mail Address: drager@ftc.go.kr

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.** <http://www.ftc.go.kr>,  
<http://ftc.go.kr/eng/>

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: STANDARDS AND CONFORMANCE

ECONOMY: Republic of Korea

Contact Point: Name/Title: Mr. Choi/Senior Researcher, Ji-Sook Song/Deputy Director

Organization: Ministry of Commerce, Industry and Energy, Ministry of Agriculture and Forestry

Telephone Number: 82-2-509-7254/82-2-500-1716 Fax Number: 82-2-509-7307/82-2-504-6659

E-mail Address: [tbt@kats.go.kr](mailto:tbt@kats.go.kr)/[jssong@maf.go.kr](mailto:jssong@maf.go.kr)

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>1. In accordance with paragraph 1 of the Leaders' Statement, and the WTO Agreements on Technical Barriers to Trade (TBT) and on the Application of Sanitary and Phytosanitary (SPS) Measures, each Economy will:</p> <p>(a) promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its laws, regulations, policies, administrative rulings, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to standards and conformance; and,</p> <p>(b) have or designate an official journal or journals and publish in them information on technical regulations, sanitary and phytosanitary measures and related conformity assessment procedures on a regular basis and</p>	<p>Standards are readily available to the public via internet homepage <a href="http://www.standard.go.kr">http://www.standard.go.kr</a>. Technical regulations are published in the official gazette, Gwanbo, in accordance with Administrative Procedure Act and as well, upload on the internet homepage of relevant authority.</p> <p>Korea is promptly publishing or otherwise making available to all interested parties, through <a href="http://www.nvrgs.go.kr">www.nvrgs.go.kr</a> and <a href="http://www.npqs.go.kr">www.npqs.go.kr</a>, information on its laws, regulations, policies, administrative rulings, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to SPS matters; and,</p> <p>Korea designates an official monthly journal "Veterinary Research and Quarantine Service News" and a</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
make copies of them readily available to the public.	quarterly journal "Plant Quarantine Services News" and publishing in them information on technical regulations, sanitary and phytosanitary measures and related conformity assessment procedures on a regular basis and making copies of them readily available to the public. The information can be obtained at <a href="http://www.nvrqs.go.kr">www.nvrqs.go.kr</a> and <a href="http://www.npqs.go.kr">www.npqs.go.kr</a> .		
2. As far as practicable, each Economy will maintain one centrally located website for the information referred to above.	Gwanbo mentioned above is also distributed via internet homepage, <a href="http://gwanbo.korea.go.kr/">http://gwanbo.korea.go.kr/</a> and <a href="http://www.moleg.go.kr/">http://www.moleg.go.kr/</a> of Ministry of Government Legislation.  Korea is maintaining a centrally located website, <a href="http://www.maf.go.kr/">www.maf.go.kr</a> , for the information referred to above. This website is linked to the Member Economies section of the APEC Secretariat's homepage.	N/A	N/A
3. In accordance with paragraph 2 of the Leaders' Statement and the WTO TBT and SPS Agreements, each Economy will publish in advance any standards or conformance requirement that it proposes to adopt and provide interested persons a reasonable opportunity to comment on such proposed measures and take those comments into account before a final measure is adopted. Each Economy that is a WTO member will notify proposals to the WTO as required by the TBT and SPS Agreements.	Regulators publish a notice on proposals in the official gazette or via internet at an early appropriate stage, when amendments can still be introduced and comments taken account. Normally sixty days of comment period are provided to all interested parties. Regulators allow a reasonable interval between publication and entry into force so that producers of relevant goods have sufficient time to adapt to the new requirements.  In accordance with paragraph 2 of the Leaders' Statement and the WTO TBT and SPS Agreements, Korea is	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	<p>making public in advance any standards or conformance requirement that it proposes to adopt by notifying to the WTO and publishing in official journals, and providing interested persons a reasonable opportunity to comment on such proposed measures.</p> <p>The Korean law also stipulates that it should have more than 60days as a preliminary notification period for the trade-related standards or conformance requirement to collect as many comments as possible on them.</p> <p>Regarding the comments made within 60 days after the notification to the WTO as required by the TBT and SPS Agreements, they are being taken into account before a final measure is adopted. As a member country of the WTO, Korea appropriately notifies proposals to the WTO as required by the TBT and SPS Agreements.</p>		
<p>4. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed standards and conformance measure.</p>	<p>Regulators or relevant authority provide information on request from interested parties and respond to questions on any standards and conformance measure adopted or proposed. 4 Enquiry Points respond to any request from out of territory. Korean Agency for Standards and Technology(KATS) for industrial products, Ministry of agriculture and Forestry for agricultural products, Ministry of Maritime Affairs and Fisheries for fishery products, Ministry of Health and Welfare for health, food sanitation and cosmetic products.</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	<p>In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy through the WTO or bilateral channels, Korea is endeavouring to promptly provide information and respond to questions pertaining to any actual or proposed standards and conformance measure.</p>		
<p>5. Recognizing that standards and conformance measures can have an adverse impact on trade and development, each Economy will ensure that such measures are developed and administered in a transparent manner, and in compliance with WTO TBT/SPS obligations, as well as the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations so as to prevent the creation of unnecessary or arbitrary barriers to trade.</p>	<p>Korea develops and administers standards in a transparent manner in accordance with Industrial Standardization Act, which was aligned with the Code of Good Practice for the Preparation, Adoption and Application of Standards. Conformance measures are developed and administered in compliance with WTO/TBT obligation e.g. notification to WTO members at an early appropriate stage, provision of 60 days of comment period etc.</p> <p>Recognizing that standards and conformance measures can have an adverse impact on trade and development, Korea is striving to ensure that such measures are developed and administered in a transparent manner by actively participating in the discussions of international SPS-related standard organizations such as OIE, IPPC and CODEX. With respect to sanitary and phytosanitary measures, Korea is implementing them based on health requirements agreed between trade partners and Korea. Based on the</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	WTO/SPS agreement and related international standards of OIE, IPPC and CODEX, agreed health requirements are stipulated in Korea's animal and plant quarantine act.		
6. Each Economy will promote awareness of and compliance with the transparency provisions of the WTO TBT and SPS Agreements.	<p>With a view to complying with WTO TBT obligations and to promoting a better understanding of good regulatory practice, Korea provides regulators with "Manual on the Implementation of WTO/TBT Agreement."</p> <p>Korea is striving to promote awareness of the transparency provisions of the WTO TBT and SPS Agreement, and to comply with the notification requirements.</p>	Korea will continue to notify new draft or revision of phytosanitary animal quarantine legislations and regulations.	N/A
7. Each Economy that is a WTO Member will cooperate in the Triennial Reviews of the TBT Agreement to promote awareness of and compliance with the transparency provisions of the TBT Agreement, the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations.	Pursuant to Triennial Review, we have followed-up on the specific recommendations for action contained therein. All information on Triennial Reviews of the TBT Agreement was informed to the relevant authorities via offline or online. The importance of complying with transparency obligations under the TBT Agreement was reiterated.	N/A	N/A
8. Each Economy will continue to provide updated information for the SCSC Contact List which is maintained on the APEC Secretariat's website and includes a range of contacts for each economy relevant to standards and conformance activities.	<p>Korea keeps providing updated information with contacts relevant to standards and conformance activities.</p> <p>Korea is listed on the Secretariat's website and has been providing its updated information for the SCSC Contact List which is maintained on the APEC Secretariat's website.</p>	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>9. Each Economy will, as appropriate, promote the observance of these transparency standards by the regional and local governments, and non-governmental standardizing bodies within its territory.</p>	<p>In Korea, SPS rules and regulations are established under the central government, and those rules and regulations are applied to and implemented in all the regional and local governments, and non-governmental standardizing bodies within its territory. By doing so, these transparency standards are properly observed by the regional and local governments, and non-governmental standardizing bodies.</p>	<p>A workshop is planned to be in October this year in order to promote non-governmental standardizing bodies' observance of transparency standard.</p>	<p>N/A</p>

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: STANDARDS AND CONFORMANCE**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point**

Name:

Title:

Telephone Number:

Fax Number:

E-mail Address:

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: INTELLECTUAL PROPERTY

Economy: Republic of Korea

Contact point: name/title: Dongbi Kim/Deputy Director

Organization: Korean Intellectual Property Office

Telephone number: 82-42-481-8604

Fax number: 82-42-472-3459

E-mail: eastqueen7@kipo.go.kr

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>1. In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish in its domestic language or otherwise make available its laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights in such a manner as to enable interested parties to become acquainted with them.</p>	<p>KIPO publishes all industrial property statutes, enforcement decrees and enforcement regulations on its website at <a href="http://www.kipo.go.kr/">http://www.kipo.go.kr/</a>, including Patent Act, Utility Model Act, Design Act, Trademark Act, Unfair Competition Prevention and Trade Secret Protection Act, and Semiconductor Integrated Circuits Lay-Out Design Act. All the above-mentioned statutes are published both in Korean and English. However, decrees and enforcement regulations are only available in Korean.</p>	<p>KIPO is in the process of translating all industrial property statutes, enforcement decrees, and enforcement regulations so that they reflect the recent amendments. It is also making commentary treatises on industrial property laws in Korean and English. Outcomes of the above-mentioned tasks will be published on KIPO website at <a href="http://www.kipo.go.kr/">http://www.kipo.go.kr/</a>. The tasks are expected to complete in 2007.</p>	<p>N/A</p>
<p>2. Furthermore, each Economy will clarify procedures and practices regarding application, issuance, and registration of intellectual property rights by publishing the following information:</p> <p>(a) Clear and simple instructions, and an explanation of the steps involved regarding the application and registration process,</p> <p>(b) Examination guidelines and assessment criteria used to review an</p>	<p>KIPO website has detailed explanation on the application procedures, issuance, and registration of patent, utility model, design, and trademark.</p> <p>(a) KIPO website has detailed verbal explanation on application procedures and flow charts for visual presentation.</p> <p>(b) The website has the Patent and Utility Model Examination Guidelines,</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>application for approval, if applicable,</p> <p>(c) Contact points for inquires on standards, technical regulations, and other requirements,</p> <p>(d) Provisions that are directed to SMEs.</p>	<p>Trademark and Design Examination Standards, and Trademark Examination Manual. They are written in Korean and in .pdf or .hwp file format.</p> <p>(c) Every webpage of KIPO website contains contact information of the staff who can best answer questions on a certain topic. In addition, KIPO operates a Call Center that answers all questions on industrial property rights and the status of applications. (Tel: 82-1544-8080)</p> <p>(d) N/A</p>		
<p>3. Each Economy will also provide a system for the registration of industrial property, which shall include:</p> <p>(a) Providing to the applicant a communication in writing, which may be electronic, of the reasons for any refusal to register a trademark or grant a patent;</p> <p>(b) Providing to the applicant an opportunity to respond to communications from the relevant government authorities, to contest an initial refusal, and to have a higher authority review any refusal to register a trademark or grant a patent;</p> <p>(c) An opportunity for interested parties to petition to oppose or to challenge a trademark or patent application or to seek cancellation</p>	<p>(a) If the examiner finds a ground for rejection of a patent application, a notice of preliminary rejection will be issued; and the applicant will be given an opportunity to submit a response to the preliminary rejection within a time limit designated by the examiner. Such time limit is extendable upon the request for an extension by the applicant. In responding to the preliminary rejection, the applicant may file an argument with or without an amendment to the specification and/or claims. If the examiner determines that the argument is without merit and the ground for rejection has not been</p>	<p>(c) The opposition procedure will be abolished on July 1, 2007 and merged with the invalidation trial under the revised <i>Patent Act</i>.</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>after a trademark has been registered or a patent has been granted; and</p> <p>(d) A requirement that decisions in opposition or cancellation proceedings be reasoned and in writing.</p>	<p>overcome, he will issue a notice of final rejection of the patent application.</p> <p>(b) The applicant may lodge an appeal against the examiner's final rejection within 30 days from the date of receipt of the notice of final rejection. Any party which doubts the validity of a right may request a trial for invalidation of patent. Such appeal and trial procedure are conducted in the Intellectual Property Tribunal which was established by merging the former Trial Board and Appeal Board as of March 1, 1998 in KIPO. The Intellectual Property Tribunal's decision may be appealed to the Patent Court that was also established as an appellate level court and has been operating from March 1, 1998. An appeal against the Patent Court's decision may be reviewed by the Supreme Court.</p> <p>(c) Under the patent Act 133 article, an interested party may request a trial to invalidate a patent. Under the trademark Act 71 article, an interested person may demand a trial to invalidate a registered trademark.</p>		

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	(d) It has conducted.		
<p>4. Each Economy will provide that final judicial decisions or administrative rulings, those where appeals are no longer possible, of general applicability pertaining to the protection, including enforcement, of intellectual property rights shall be communicated to the parties to the proceedings. Each Economy will also provide for publication of such decisions or rulings, or where such publication is not practicable, made publicly available, in a domestic language in such a manner as to enable governments and rights holders to become acquainted with them.</p>	It has conducted.	N/A	N/A
<p>5. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, when possible, publish in advance any proposed changes to laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights, and provide where applicable interested persons a reasonable opportunity for public comment. Each Economy will also make available to all interested parties timely updates of changes to intellectual property law statutory regimes, including as appropriate via the APEC Secretariat.</p>	<p>When intending to enact, amend, or abolish acts and subordinate statutes, administrative agencies preparing the legislation concerned shall announce in advance the purpose of the legislation, its important contents, or its entire text by the means of the Official Gazette, internet, newspaper, etc. within 20 days and any person may submit opinions concerning the pre-announced legislation in Korea.</p> <p>Whenever KIPO introduces new policies, proposes to change procedures concerning IPR, it opens the public hearings to get public comment and provides information by publishing the brochure, sending e-mails, giving presentations on them.</p>	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>6. In addition to paragraphs 3, 4, and 5 of the Leaders' Statement, each Economy will conduct as appropriate periodic reviews of administrative regulations, rules, and procedures to ensure they are simplified, consistent, and transparent. Outstanding issues raised by the reviews will be resolved where possible in a timely manner.</p>	<p>To improve and review the system related to IPR, KIPO has established several committees such as the Customer Improvement Advisory board, the Customer Complaint Settlement Board, and the Customer System Study board. The committees deal with IPR issues on a regular basis. KIPO also runs a cyber bulletin board to collect the public's opinion on the IP laws and systems. If their opinions are reasonable and acceptable, KIPO always reflects them on the laws and systems through these measures.</p>	<p>KIPO will regularly seek the participation of interested parties and the general public. KIPO has already conducted participation programs, such as the patent administration ombudsman, the patent experience meeting, and a public subscription for suggestion on patent administration. Those programs are expected to make transparent the IPR related procedure and system.</p>	<p>N/A</p>
<p>7. Where possible, each Economy will publish information on its efforts to provide effective enforcement of intellectual property rights in its civil, administrative and criminal system, including any statistical information that the Economy may collect for such purposes.</p>	<p>KIPO established the intellectual Property Protection Center. This Center's website at <a href="http://www.kipo.go.kr/ippc">http://www.kipo.go.kr/ippc</a> provides information on enforcement of IP protection in Korea. Furthermore, KIPO continually alerts the public to KIPO's activities on anti-counterfeiting by producing and disseminating the brochures, leaflets, and other informational materials. English translations of some materials are available.</p>	<p>N/A</p>	<p>N/A</p>
<p>8. Each Economy will conduct regular briefings in appropriate fora to provide updates on the status of intellectual property protection and enforcement as well as future policy direction, if appropriate</p>	<p>N/A</p>	<p>KIPO will try to provide IPR information and conduct regular briefings attentively in such area as every stage of policy making, improvements and updates of our IPR system through the regular meeting between the public and officials, KIPO's website, giving a presentation and so on.</p>	<p>N/A</p>

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: INTELLECTUAL PROPERTY**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point**                      Name/Title

Telephone Number:

Fax Number:

E-mail Address:

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: CUSTOMS PROCEDURES

ECONOMY: Republic of Korea

Contact Point: Name/Title: Min Hee/ deputy director

Organization: Korea Customs Service

Telephone Number: 042-4 81-7961 Fax Number: 042-481-7969

E-mail Address: kcstcd@customs.go.kr

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
1. In furtherance of paragraph 1 of the Leaders' Statement, each Economy, will promptly publish and make available on the Internet, information on its customs laws, regulations, procedures and administrative rulings of general application in such a manner as to enable stakeholders to become acquainted with them.	Various customs-related information as well as Information on the customs laws, regulations, procedures and administrative rulings of general application is available on the web site of the Korea Customs Service(KCS)( <a href="http://www.customs.go.kr">www.customs.go.kr</a> ). - To secure transparency, KCS runs on its web site channels for public proposal for institutional improvement, discussion, talk with the commissioner, the report center for regulatory reform, KCS and customs ombudsman, etc.	N/A	N/A
2. In furtherance of paragraph 2 of the Leaders' Statement, each Economy will, to the extent possible, publish in advance any regulations of general application governing customs procedures proposed for adoption, and provide a reasonable opportunity for comments from stakeholders.	On regulations of general application governing customs procedures proposed or enacted, KCS officially requests comments from relevant organizations and notifies the public through the KCS website for more than 20 days under the relevant legislations.  - If necessary, KCS holds off-line consultative meetings with interested persons.  - KCS constantly gathers through on/off-line channels public opinions and proposals on institutional improvement to reflect them in revising and enacting institutions.	N/A	N/A
3. In furtherance of paragraph 4 of the Leaders' Statement, and taking into account Economies' individual circumstances, upon request from a	To guarantee institutionally advance rulings for tariff classification, the application of the provisions in the WTO Agreement on Customs Valuation, the application of rules of origin	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>stakeholder in its territory, each Economy wherever possible will provide for the issuance, of advance rulings based on specific facts and circumstances provided by such requester prior to the importation of a good into its territory, for areas such as:</p> <p>(a) tariff classification;</p> <p>(b) the application of the provisions set forth in the WTO Agreement on Customs Valuation;</p> <p>(c) the application of duty drawback;</p> <p>(d) country of origin marking requirements;</p> <p>(e) the application of rules of origin under free trade agreements and other preferential tariff regimes; and</p> <p>(f) admissibility requirements.</p>	<p>under free trade agreements and other preferential tariff regimes, etc., KCS is running the Tariff Classification Committee composed of experts from the Customs and private sectors, the Customs Valuation Council, and the Origin Confirmation Committee, and without the legislative restrictions and need for privacy protection of the importers, the advance ruling is published through the web site.</p> <p>- In addition, regarding customs drawback, admissibility requirements and all other customs areas, pre and post inquiries are guaranteed institutionally, and the result is published through the web site unless it is required otherwise for privacy protection.</p>		
<p>4. Subject to domestic confidentiality requirements, each Economy, will make such advance rulings publicly available for purposes of ensuring application of the rulings to other goods where the facts and circumstances are the same as those under which the rulings are issued.</p>	<p>If an importer requests the commissioner or customs collector to pre-examine the dutiable value before declaring it to the Customs, 'the pre-examination form of dutiable value' is issued to the importer to guarantee the application of the same ruling under the Customs Act.</p> <p>For the goods which have gone through the pre- confirmation of tariff, the tariff classification No., item name, usage, size and other necessary information to be applied are published.</p>	N/A	N/A
<p>5. In furtherance of paragraph 5 of the</p>	<p>a) When finding an error in the amount of tax</p>	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>Leaders' Statement, where warranted each Economy will maintain procedural transparency and fairness in customs procedures by:</p> <p>(a) providing for the prompt review and correction of customs administrative actions;</p> <p>(b) ensuring that importers are provided with the right to a level of administrative review independent of the employee or office issuing the determination subject to review; and</p> <p>(c) maintaining the availability of judicial review of customs administrative determinations.</p>	<p>already paid, dutiable value or tariff classification, KCS notifies it to the taxpayer so that he or she can request rectification within the fixed period and correct the declaration or request the correction.</p> <p>b) When disapproving the tax determination, the importer can appeal to the customs collector and call on the Commissioner for examination, the Board of Audit and Inspection of Korea for audit and the National Tax Tribunal for adjudication.</p> <p>- KCS ombudsman, upon request, will call on institutional improvement, etc. after checking the relevant facts.</p> <p>c) Audit by KCS and judgement by the National Tax Tribunal are selectively available. In case there is no response within 90 days after the request or the decision is unacceptable, the applicant can take the legal proceeding.</p>		
<p>6. Each Economy will, maintain one or several contact points to which interested parties can address questions concerning customs matters, and shall make available on the Internet information concerning the procedures for making such inquires.</p>	<p>The report center for regulatory reform, channels for public proposals for institutional improvement, discussion and talk with the commissioner, consultation service, KCS ombudsman, etc. are available on the KCS web site.</p>	N/A	N/A

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: CUSTOMS PROCEDURES**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point**

Name:

Title:

Telephone Number:

Fax Number:

E-mail Address:

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: MARKET ACCESS

**ECONOMY:** Republic of Korea

**Contact Point:** Customs Cooperation Division (MOFE), WTO Division (MOFAT), Trade Cooperation Policy Division (MOCIE)

**Organization:** Ministry of Finance and Economy, Ministry of Foreign Affairs and Trade and, Ministry of Commerce, Industry and Energy

**Telephone Number:** 822-2150-9330 (MOFE), 822-2100-7645 (MOFAT), 822-2110-5291(MOCIE)

**Fax Number:** 822-503-9239 (MOFE), 822-2100-7979 (MOFAT), 822-503-0174 (MOCIE)

**E-mail Address:**

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>1. (a) In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures.</p> <p>(b) Such information could include publication of the following measures:</p> <p>(i) tariff schedules, with current applied tariff rates, on the Internet;</p> <p>(ii) details of preferential tariff programs;</p> <p>(iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and</p> <p>(iv) NTMs maintained by member</p>	<p>Korea has made information on its laws, regulations and procedures and administrative rulings relating to tariff and non-tariff measures available on the Internet at <a href="http://www.customs.go.kr">www.customs.go.kr</a></p> <p>The information on the website includes :</p> <p>(i) tariff schedules, with current applied tariff rates;</p> <p>(ii) details of preferential tariff programs;</p> <p>(iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and</p> <p>(iv) NTMs maintained including commodity classification, customs valuation, etc.</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
economies.			
2. In accordance with paragraph 2 of the Leaders' Statement, when possible each Economy will endeavour to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.	Korea endeavours to publish in advance any tariff or non-tariff measure that it proposes to adopt and provide interested persons a reasonable opportunity to comment on such proposed measures. Such prior notifications are available at <a href="http://www.mocie.go.kr">www.mocie.go.kr</a>	N/A	N/A
3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.	Upon request from an interested person or another Economy, Korea endeavours to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above through Ministry of Foreign Affairs	N/A	N/A
4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.	Korea endeavours to ensure that non-tariff measures are administered in a transparent manner by publishing the "Consolidated Public Notice on Guidelines of Exports and Imports" (available at <a href="http://www.mocie.go.kr">www.mocie.go.kr</a> ) so as to mitigate their effect on the trade and development of other Economies.	N/A	N/A
5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and will participate actively in these negotiations as they move forward.	Korea, as a WTO Member, where possible, provides information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations, notably the Doha Development Agenda, on market access and is participating actively in the Doha Round as it moves forward. In particular, in 2004, 2005, Korea notified NTB lists to the WTO Secretariat as the DDA negotiations on NTBs proceeded.	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.	Korea does not operate an import licensing system. All commodities can be imported without a licence unless on a negative list of prohibited or restricted items (the Consolidated Public Notice on Guidelines of Exports and Imports, published semi-annually by MOCIE)	N/A	N/A
7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.	Korea, as a WTO Member, submits its updated tariff data and trade data to the WTO Integrated Data Base and the APEC tariff database in a timely manner. As of Mar. 26 2007, Korea's tariff and trade data for 2006 is available on the WTO website. In addition, Korea's tariff and trade data for 2007 will be updated by the end of March.	N/A	N/A
8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG's Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.	Korea has provided to the APEC Secretariat for inclusion on the website of the Market Access Group(MAG) links to individual government websites including Korea <b>Food and Drug Administration, Korea Customs Service, National Plant Quarantine Service and National Veterinary Research and Quarantine Service</b> , etc. Further information on specific officials responsible for developing, administering implementing and/or enforcing policies related to tariff and non-tariff measures can be also found on these websites.  Current information on Korea's import	N/A	N/A

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
	<p>regulations are available on MAG's Import Regulation website. Details on Korea's import regulations can be found on the linked websites</p> <p>Korea has provided as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.</p>		

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: MARKET ACCESS**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy:**

**Contact Point:**

**Telephone Number:**

**Fax Number:**

**E-mail Address:**

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

## IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

### AREA: BUSINESS MOBILITY

ECONOMY: Republic of Korea

Contact Point: Name/Title: Gi-rak KIM / Coordinator of International Cooperation Team

Organization: Korea Immigration Bureau(KIB)

Telephone Number: +82-2-2110-3445 Fax Number: +82-2-503-0190

E-mail Address: kkr0475@moj.go.kr

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p><b>Publication and Access</b></p> <p>1. In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its immigration laws, regulations, policies, and progressively, administrative rulings of general application, procedures and practices as they relate to business persons, collectively referred to as "immigration measures". Economies will ensure that immigration regulations and requirements based on policy are clear, concise, current, simple, transparent and readily available, and meet applicable Standards for Pre-Arrival and Entry and will:</p> <p>(a) Provide user-friendly application forms, instructions and reference materials.</p>	<p><b>Fully implementing</b></p> <p>1. Korea published comprehensive information on immigration policies and procedures with regard to short term business entry and temporary residence. And also published information with regard to long term business entry and registration procedures. Information is available at :</p> <ul style="list-style-type: none"> <li>▶ Korea Immigration Bureau internet website: <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a></li> <li>▶ Government for foreigners: <a href="http://www.g4f.go.kr/">http://www.g4f.go.kr/</a></li> </ul> <p>Information service about Korea's visa application, entry, departure, stay in Korea, alien registration, and online service including FAQ, Q&amp;A, online application, download forms, is also published on these websites at <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a> and <a href="http://www.g4f.go.kr/">http://www.g4f.go.kr/</a></p> <p>In addition, immigration news and major policy guide are available at above websites</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p><b>Consultation</b></p> <p>2. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, when possible, publish in advance using the media and other mechanisms as appropriate proposed immigration measures that might affect business mobility and where applicable provide interested persons a reasonable opportunity to comment on such proposed measures. Such measures should include:</p> <p>(a) A set of rules and regulations that provide sanctions for the production, sale and use of fraudulent documents;</p> <p>(b) Effective rules and regulations that are precise in specifying what constitutes document fraud and what the sanctions are for producing, selling or using fraudulent documents; support inspectors, investigators and prosecutors in apprehending and taking action against fraudulent document producers, vendors and users; and promote business facilitation as well as protect the country's inhabitants;</p> <p>(c) In respect to professional service, a comprehensive Code(s) of Conduct that sets out in very practical terms the behavior expected of all immigration officials, including employee's responsibilities, service policies and standards, clear guidance and practical examples, and that is developed in consultation with internal</p>	<p><b>Fully implementing</b></p> <p>2(a) The Korean Passport Act says that it provides penalties for the persons convicted of the production, sale and use of fraudulent documents such as passport and travel document. Further information is available at: Ministry of Government legislation website: <a href="http://www.moleg.go.kr/">http://www.moleg.go.kr/</a> The Korean Immigration Law article 7-2 also prohibits false application of visa.</p> <p>2(b) The Criminal law provides rules and regulations that what constitutes document fraud and what the penalties are for producing, selling or using fraudulent documents. The Code of Criminal Procedure provides rules and regulations for the inspectors, investigators and prosecutors in apprehending and taking action against fraudulent document producers, vendors, and users. Further information is available at: <a href="http://www.moleg.go.kr/">http://www.moleg.go.kr/</a></p> <p>2(c) Code of Conduct of the Ministry of Justice provides comprehensive standards for the immigration officers' behaviour. Most of the contents are about standard for the anticorruption of officers. Further information is available at: <a href="http://www.moj.go.kr/">http://www.moj.go.kr/</a></p> <p>2(d) Korea Independent Commission Against Corruption states that any one who noticed breaches of Code of Conduct could report the breaches. Korea Independent Commission Against Corruption does not publish the name of reporter and the content of reports. Further information is available at: <a href="http://www.kicac.go.kr/">http://www.kicac.go.kr/</a></p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>and external stakeholders as appropriate; and</p> <p>(d) Mechanisms for reporting or filing complaints on code of conduct breaches without fear of reprisal or prejudice.</p>			
<p><b>Information Services</b></p> <p>3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor when possible to promptly provide information and respond to questions pertaining to any actual or proposed immigration measures and will provide:</p> <p>(a) Points of inquiry for business persons or businesses with questions;</p> <p>(b) Simple, quick and user-friendly application processes with clear information and instructions on requirements relating to any exemptions, fees and charges;</p> <p>(c) Information that is easily accessible to internal/external stakeholders (Customer Help Desks/Call Centres or Industry Consultative Committees, Internet, displays and signs); and</p> <p>(d) Where appropriate, will provide mechanisms so that stakeholders' service charters are developed which clearly state the level of service they</p>	<p><b>Fully implementing</b></p> <p>3(a) Korea provides Q&amp;A sites in the below websites and each district immigration office has its own website and has Q&amp;A sites. Anyone who has any question about business or business related matters uses these sites.</p> <ul style="list-style-type: none"> <li>▶ Korea Immigration Bureau internet website: <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a></li> <li>▶ Government for foreigners: <a href="http://www.g4f.go.kr/">http://www.g4f.go.kr/</a></li> </ul> <p>Two immigration officers have been stationed in KOTRA. They consult with business people who have foreign invest visa about business related matters and immigration related matters. Further information is available at:</p> <ul style="list-style-type: none"> <li>▶ Korea Trade-Investment Promotion Agency <a href="http://www.kotra.or.kr/wps/portal/dk">http://www.kotra.or.kr/wps/portal/dk</a></li> </ul> <p>3(b) Korea Immigration Bureau internet website: <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a>, Government for foreigners: <a href="http://www.g4f.go.kr/">http://www.g4f.go.kr/</a> and also each district immigration office's internet website provides clear and comprehensive information on all visa requirements, online application forms, fees, etc.</p> <p>3(c) Korea Immigration Bureau internet</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>can expect, and are displayed in public areas such as airports, Immigration offices and overseas missions.</p>	<p>website: <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a>, Government for foreigners: <a href="http://www.g4f.go.kr/">http://www.g4f.go.kr/</a> and also each district immigration office's internet website provides general information on all short term and long term visa categories.</p> <p>3(d) Ministry of justice published service charter standard in 1998 and amended it in June 2002. In compliance with service charter standard of MOJ, each district immigration office published its own service charter standard. These charts describe KIB's commitment to quality service in handling applications. The service chart standard is available at: <a href="http://www.moj.go.kr/ca/contents/CACNT0010.jsp">http://www.moj.go.kr/ca/contents/CACNT0010.jsp</a></p>		
<p><b>Decision Making</b></p> <p>4. In accordance with paragraph 4 of the Leaders' Statement, each Economy will ensure that immigration measures are administered in a transparent manner, including, wherever possible, reasonable notice in accordance with domestic procedure when a proceeding is initiated, and an opportunity to present facts and arguments in support of their positions, when time, the nature of the proceeding, and the public interest permit, and that the procedure is in accordance with domestic law. Economies shall:</p> <p>(a) Strive for transparency in decision-making that is based on an economy's prevailing employment and</p>	<p><b>Fully implementing</b></p> <p>4(a) Korean migration law requires that an applicant be notified of a decision to grant or refuse a visa related application. In case of refusal, decision is provided in written document.</p> <p>4(b) KIB made all efforts to facilitate the visa issuance process of business travellers. For example KIB is implementing reservation system via internet and exclusive counter for business visa. Information of visa processing service is published at : <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a></p> <p>4(c) KIB is operating many systems to ensure consistency and quality of decision making including annual appraisal system and audit system.</p> <p>4(d) KIB has been training employees with</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>immigration policies and procedures and, where applicable, provide decisions that are in writing and denials that provide reasons based on requirements and information on any right of appeal or waivers;</p> <p>(b) Strive for reasonable processing times for decision-making in an effort to avoid unnecessary delay or uncertainty on the part of business travelers;</p> <p>(c) Ensure that decisions are consistent with published guidelines and requirements through regular quality control reviews;</p> <p>(d) Ensure that employees are trained in decision-making procedures and have access to current written guidelines and instructions relating to interpretation of regulations and laws;</p> <p>(e) Ensure that authority to make decisions includes appropriate checks and balances, and is strictly controlled to prevent abuse of power;</p> <p>(f) Provide periodic review mechanism of systems and procedures to ensure uniformity and consistency in decision making; reviews undertaken in consultation with employees to eliminate "red tape;"</p> <p>(g) Develop and implement mechanisms which monitor and evaluate the organization's performance against established</p>	<p>various education programs related to legitimate decision-making procedures. Officers regularly held informal gathering for discussion for correct application of guidelines and instructions of regulations and laws. KIB provides upgraded guide book or instruction book whenever regulations and laws are changed.</p> <p>4(e) KIB has been enhancing internal Audit System and building more strong control system to ensure well checked and balanced decision making process and to prevent abuse of power.</p> <p>4(f) To ensure uniformity and consistency in decision making, KIB has regular gathering for discussion of officers.</p> <p>4(g) KIB operates annual appraisal systems to provide managers with information and statistics relating to their duties, including visa operation and performance against processing service standards.</p> <p>4(h) Through the annual appraisal systems, KIB checks consistency between different district offices, quality of visa issuance process between different district offices and respective officers, quality of information given to applicants.</p> <p>4(i) The basis or criteria upon which discretionary power is exercised by immigration officials is published in policy guidelines and procedures manual on:  ▶ Korea Immigration Bureau internet website: <a href="http://www.immigration.go.kr/">http://www.immigration.go.kr/</a></p> <p>4(j) Korean Immigration Law requires that an</p>		

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>service standards;</p> <p>(h) To the extent possible, have a system in place for monitoring consistency between different offices, provinces or regions concerning decisions, procedures and information provided;</p> <p>(i) Where appropriate, clearly define and make publicly available the basis or criteria upon which discretionary power is exercised by officials; and</p> <p>(j) To the extent possible, convey reasons for decisions to applicants and document grounds for decisions clearly and retain these for monitoring and review.</p>	<p>applicant be notified of a decision to grant or refuse an application. In case of refusal, decision is provided in written document. All the application documents and decision documents should be preserved for 20 years</p>		
<p><b>Review</b></p> <p>5. In accordance with paragraph 5 of the Leaders' Statement and its own immigration laws, where warranted, each Economy will provide procedures that are simple, consistent, and easily accessible for review and appeal of immigration decisions and, where warranted, prompt correction of final administrative actions, regarding immigration measures which provide parties to the proceeding with a reasonable opportunity to present their respective positions, a decision based on the evidence and submissions in the administrative record, tribunals or panels that are impartial and independent of any</p>	<p><b>Fully implementing</b></p> <p>5(a) Public service standard is published in the Immigration Law and guideline. Also Ministry of Justice published service charter standard in 1998 and amended it in June 2002. In compliance with service charter standard of MOJ, each district immigration office published its own service charter standard. These charts describe KIB's commitment to quality service in handling applications. The service chart standard is available at: <a href="http://www.moj.go.kr/ca/contents/CACNT0010.jsp">http://www.moj.go.kr/ca/contents/CACNT0010.jsp</a></p> <p>5(b) According to service charter standard, each district immigration office stated management responsibilities in employee development, in the promotion and monitoring of ethical practices and integrity. Each office is implementing its own education regularly for</p>	<p>N/A</p>	<p>N/A</p>

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter, and implementation of the final decision. To ensure transparent administrative regulations and decision-making, Immigration Administrations shall have:</p> <p>(a) To the extent possible, objective performance standards for managers to ensure compliance and accountability for the Standards on Professional Conduct;</p> <p>(b) To the extent possible, guidelines and policies that clearly state management responsibilities in employee development and in the promotion and monitoring of ethical practices and integrity; and</p> <p>(c) Selection criteria for managerial positions that include demonstrated ability to accept responsibility and accountability for implementation of the Standards on Professional Conduct.</p>	<p>employee development, man to man guardian services for the new immigration officers.</p> <p>5(c) The National Public Service Law provides the legal basis for employment and promotion of all KIB employees, including senior officers. KIB's selection criteria for senior officers therefore requires applicants to demonstrate an ability through interview and other appropriate methods and promote a quality of public service in compliance with Code of Conduct.</p>		

## **IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

### **AREA: BUSINESS MOBILITY**

#### **POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy: Republic of Korea**

**Contact Point**                      Name: Gi-rak KIM                      Title: Coordinator of international cooperation team

Telephone Number: +82-2-2110-3445      Fax Number: +82-2-503-0190      E-mail Address: kkr0475@moj.go.kr

**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

<http://www.immigration.go.kr/>

<http://www.g4f.go.kr/>

<http://www.moj.go.kr/>

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: GOVERNMENT PROCUREMENT**

ECONOMY: Republic of Korea

Contact Point: Name/Title: Kang, HeeMin / Deputy Director

Organization: Ministry of Finance and Economy

Telephone Number: 82-2-2150-2461

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
<p>1. Consistent with paragraph 1 of the Leaders' Statement, each Economy will:</p> <p>(a) ensure that its laws, regulations, and progressively judicial decisions, administrative rulings, policies (including any discriminatory or preferential treatment such as prohibitions against or set asides for certain categories of suppliers), procedures and practices (including procurement methods) related to government procurement (collectively referred to as "procurement rules") are promptly published or otherwise made available, for example, via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them;</p> <p>(b) designate an official journal or journals and publish the procurement rules in such journals on a regular basis and make copies of the journals readily available to the public (e.g., via the Internet); and</p>	<p>Procurement rules are published in the official gazette (<a href="http://gwanbo.korea.go.kr">http://gwanbo.korea.go.kr</a>) and on the Korean ON-line E-Procurement System(KONEPS) (<a href="http://www.KONEPS.go.kr">www.KONEPS.go.kr</a>).</p> <p>Procurement-related measures are published in the KONEPS webpage in both English and Korean. Additionally, Public Procurement Service (PPS) publishes each year, an Annual Report on government procurement-related information, as well as occasional reports describing procurement operations.</p> <p>Procurement information for regional and local governments is also published at KONEPS.</p>	<p>The Korean Government will implement further reforms to facilitate public access to procurement-related regulations.</p>	<p>N/A</p>

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(c) promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.			
<p>2. Each economy will disseminate information on its procurement rules, for example, by:</p> <p>(a) publishing either a positive or negative list of the procuring entities subject to its rules; and</p> <p>(b) providing a description of its procurement rules on the APEC Government Procurement Experts Group Home Page and linking its government procurement Home Page, where available, with the APEC Government Procurement Experts Group Home Page.</p>	<p>The KONEPS webpage posts a positive list of procurements covered by WTO GPA and provides a link to the English version of procurement rules.</p> <p>The GPEG homepage provides a link to the KONEPS webpage, and to the English version of the website for Korean Government procurement rules.</p>	N/A	N/A
<p>3. Consistent with paragraph 2 of the Leaders' Statement, when possible each Economy will publish in advance any procurement rules that it proposes to adopt; and provide, where applicable, interested persons a reasonable opportunity to comment on such proposed procurement rules.</p>	<p>According to the Administrative Procedures Act, when intending to establish, amend or abolish legislations (including those related to procurement), administrative agencies preparing the legislation concerned pre-announce it by means of the official gazette, public bulletin, Internet, newspaper, broadcasting, etc. for no less than 20 days, and listen to comments from interested persons. Any interested member of the public may submit an opinion.</p>	<p>The Korean Government will hold public hearings in which all interested parties can voice their views and be heard.</p>	N/A
<p>4. Consistent with paragraph 3 of the Leaders' Statement, each Economy will endeavor upon request from an interested person or another Economy</p>	<p>Both the Public Procurement Service and the Ministry of Finance and Economy provide answers to procurement-related questions and</p>	<p>Through prompt responses to questions, the Korean Government will strive to strengthen the public's right to know.</p>	N/A

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to promptly provide information and respond to questions pertaining to any actual or proposed rules. Each Economy will also establish contact points for such inquiries.	also they list contact points and run Question and Answer page in their respective homepages.		
<p>5. Consistent with paragraph 4 of the Leaders' Statement, in administrative proceedings applying to any procurement rule, each Economy will ensure that:</p> <p>(a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy;</p> <p>(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and</p> <p>(c) its procedures are in accordance with domestic law.</p>	<p>According to the Administrative Procedures Act, when procuring agencies render dispositions to parties concerned, impose duties on them, or restrict their rights or interests, they provide the parties concerned with reasonable notice, including a description of the nature of the proceeding and a statement of the legal authority under which the proceeding is initiated.</p> <p>Regarding coverage of procurement, qualification to participate in tendering, tender notice, awarding a contract, etc. contracting parties may make a formal objection, in order to cancel or correct a matter. This process is regulated by law.</p>	N/A	N/A
6. Consistent with paragraph 5 of the Leaders' Statement, where warranted, each Economy will ensure that appropriate domestic procedures are	In order to handle complaints about the procurement process, the Korean Government operates the International Contract Dispute	N/A	N/A

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<p>in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that:</p> <p>(a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter;</p> <p>(b) provide parties to any proceeding with a reasonable opportunity to present their respective positions;</p> <p>(c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and</p> <p>(d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.</p>	<p>Mediation Committee (ICDMC), whose service may be requested by any interested party.</p> <p>The fundamental principle of the ICDMC is that all parties involved in the dispute resolution process are given equal opportunities to present their respective positions.</p> <p>When a party objects to a decision by the ICDMC, the case in question may be referred to court for resolution.</p>		
<p>7. Each Economy will endeavour to maximize transparency in access to procurement opportunities. This should be accomplished where possible by:</p> <p>(a) where open tendering is adopted, publishing procurement opportunities</p>	<p>The Korean Government regulates that a tender for Government Procurement shall be announced on KONEPS, and that such announcement shall include all information related to participation, such as qualification requirements, time limits for the procurement</p>	N/A	N/A

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<p>in a medium readily accessible to suppliers (e.g., on the Internet);</p> <p>(b) making the same information on procurement opportunities available in a timely manner to all potential suppliers;</p> <p>(c) publishing contact details of purchasers, and their product/ service purchase interests, for suppliers wishing to register their interest in being notified of bidding opportunities that may not be publicly advertised;</p> <p>(d) making available early advice of complex high-value procurement needs through staged procedures such as public requests for information, requests for proposals and invitations for pre-qualification, and allowing adequate time for interested suppliers to prepare and submit a response;</p> <p>(e) making publicly available requirements and procedures for pre-qualification of suppliers; and</p> <p>(f) any time limits established for various stages of the procurement process.</p>	<p>process etc. Any interested supplier can use this information free of charge.</p> <p>PPS promotes and provides education on, the use of KONEPS. Since 2004, KONEPS has been providing a CRM-based, customized information service, and has also been running a web call center. PPS has also been providing mobile services for PDA(Personal Digital Assistant) since 2005. This service enables users to perform searches for procurement information and participate in tenders through their PDAs.</p> <p>To allow adequate time to prepare for participation in a tender, the period of notice for international tendering is set 40 days, depending on the type of procurement.</p> <p>In cases where bidding opportunities are not publicly advertised (Selective Tendering) in international tendering, procuring agencies notify the tender to selected suppliers first, and then open the notice to the public. In this way, the qualifications of any suppliers wishing to participate in the tender are assessed.</p> <p>For complex, high-value procurement, a "Guide to Competitive Tendering" is made available, which provides detailed and essential information on procurement.</p> <p>Procuring agencies prepare detailed</p>		

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	evaluation criteria and pre-qualification time limits for tender participants, and deliver them upon request.		
<p>8. Each Economy will make available for suppliers all the information required to prepare a responsive offer. This should include where possible:</p> <p>(a) providing in procurement notices the following information: the nature of the product or service to be procured; specifications; quantity, where known; time frame for delivery; closing times and dates; where to obtain tender documentation, where to submit bids, and contact details from which further information can be obtained;</p> <p>(b) providing any changes to participating suppliers; and</p> <p>(c) providing tender documentation and other information to suppliers promptly on request.</p>	<p>Korean Government procurement notices provide the following information: the nature of the product or service to be procured; specifications; quantity, where known; time frame for delivery; closing times and dates; where to obtain tender documentation; where to submit bids; and contact details from which further information can be obtained.</p> <p>In the case where any changes are made to a tender, a procuring agency is required to promptly send notification of such changes, using the same method and means as those for the initial notice.</p> <p>The procuring entity provides tender-related information as requested by a tender participant, and responds promptly to reasonable requests for additional explanations as they arise.</p>	N/A	N/A
<p>9. Each Economy will maintain transparent criteria for evaluating bids and evaluate bids and award contracts strictly according to these criteria. This should be done where possible by:</p> <p>(a) specifying in procurement notices or tender documentation all evaluation criteria, including any preferential</p>	<p>The Korean Government maintains transparent processes for evaluating tender documentation, and ensures that a procuring agency awards contracts according to these processes. Along these lines, the Korean Government regulates that procurement notices shall include all criteria and methods of evaluation.</p>	<p>The Korean Government will continuously update its evaluation criteria in order to maintain conditions of transparency and fairness.</p>	N/A

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<p>arrangements; and</p> <p>(b) maintaining, for a predetermined period proper records of decisions sufficient to justify decisions taken in the procurement process.</p>	<p>In the case of international procurement, tendering and contracting documentation is filed for 5 years.</p>		
<p>10. Each Economy will award contracts in a transparent manner. This should be accomplished where possible by:</p> <p>(a) publishing the outcome of the tender including the name of the successful supplier and the value of the bid; and</p> <p>(b) as a minimum promptly notifying unsuccessful suppliers of the outcome of their bids and where and when contract award information is published, and debriefing unsuccessful suppliers on request.</p>	<p>The Korean Government publishes outcomes of tenders at KONEPS, the online procurement data system. Published outcomes include those of unsuccessful suppliers. For international tenders only, reasons for unsuccessful outcomes are provided upon request.</p>	N/A	N/A
<p>11. Consistent with paragraph 11 of the Leaders' Statement, an Economy does not need to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or that would be contrary to the public or national interest, or compromise security of the economy concerned or that would prejudice the legitimate commercial interests of particular persons or enterprises. Each economy will keep commercially sensitive information secure and prevent its use for personal gain by procurement officials or to prejudice fair, open and effective</p>	<p>Confidential information mentioned in Key Transparency Provision number 11 is secured by the Official Information Disclosure Act.</p> <p>When a contracting official uses commercially sensitive information for his own interests or a third party's interests, the official is either detained in custody or fined, and the personal gain is forfeited.</p> <p>Furthermore, those persons who inform or report contracting officials who take bribes in their government procurement duties, and who are able</p>	<p>While the Korean government will strive to maintain transparency by publishing all necessary information, it will at the same time keep sensitive and confidential commercial information secure, in order to preserve public interest.</p>	<p>Create a transparent and credible procurement culture by actively participating in international efforts to enhance transparency in government procurement, such as the Global Forum on Fighting Corruption and Safeguarding Integrity, and WTO Working Group for Transparency in Government Procurement.</p>

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competition.	<p>to provide material evidence of such bribes will be awarded monetary compensation within budgetary limits.</p> <p>The Korean Government has digitalized all procurement procedures, thereby minimizing arbitration of contracting officials with suppliers and, as a result, preventing corruption.</p>		

**IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

**AREA: GOVERNMENT PROCUREMENT**

**POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER**

**Economy: Republic of Korea**

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**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.**

[www.KONEPS.go.kr](http://www.KONEPS.go.kr)