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ENFORCEMENT DECREE OF THE GENERAL ACT ON PUBLIC ADMINISTRATION

[Enforcement Date 24. Sep, 2021.] [Presidential Decree No.32014, 24. Sep, 2021., New
Enactment]

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CHAPTER I GENERAL PROVISIONS**Article 1 (Purpose)**

The purpose of this Decree is to prescribe matters delegated by the General Act on Public Administration and those necessary for the enforcement thereof.

Article 2 (Implementation of Proactive Administration)

Details of policies for proactively implementing administration and facilitating proactive administration under Article 4 of the General Act on Public Administration (hereinafter referred to as the "Act") shall be governed by the Regulations on the Operation of Proactive Administration and the Regulations on the Operation of Proactive Administration of Local Public Officials.

CHAPTER II ADMINISTRATIVE ACTION**Article 3 (Standards for Sanctions)**

"Other matters prescribed by Presidential Decree" in Article 22 (2) 4 of the Act means the following:

1. Whether the offender is culpable and the level of culpability;
2. Whether the offender has endeavored to correct or mitigate a violation of the Act.

Article 4 (Consultation and Coordination on Deemed Authorization or Permission)

Where the administrative authority authorized to grant the primary authorization or permission under Article 24 (1) of the Act (hereinafter referred to as "primary authorization or permission") deems it necessary for a prompt progress of consultation or coordination with the administrative authority referred to other authorization or permission related in paragraph (3) of the same Article, it may hold a meeting for consultation and coordination with the relevant authorizing or permitting administrative authority referred to in paragraph (1) of the same Article (hereinafter referred to as "relevant authorization or permission").

[Enforcement Date: Mar. 24, 2023] Article 4

Article 5 (Notification between Administrative Authorities Granting Deemed Authorization or Permission)

(1) Where the relevant authorizing or permitting administrative authority needs to undergo the procedures necessary for relevant authorization or permission, such as deliberation and hearing of opinions, pursuant to the proviso of Article 24 (5) of the Act (hereinafter referred to as "procedures for relevant authorization or permission" in this Article), it shall notify the primary authorizing or permitting administrative authority without delay, specifying the following:

1. Details of the procedures for relevant authorization or permission;
2. A period required for the procedures for relevant authorization or permission;
3. Other matters necessary for performing the procedures for relevant authorization or permission.

(2) Where the primary authorizing or permitting administrative authority grants primary authorization or permission pursuant to Articles 24 and 25 of the Act or modifies the primary authorization or permission after it was granted under Article 26 (2) of the Act, it shall notify the relevant authorizing or permitting administrative authority of such fact without delay.

(3) Except as provided in paragraphs (1) and (2), if any important matters affecting the management or supervision of primary authorization or permission or relevant authorization or permission occur, the primary authorizing or permitting administrative authority or relevant authorizing or permitting administrative authority shall notify each other of such fact.

[Enforcement Date: Mar. 24, 2023] Article 5

Article 6 (Contracts under Public Law)

Where an administrative authority needs to obtain consent or approval of or to consult with, relevant administrative agencies as prescribed in statutes or regulations, etc. when enter into a contract on legal relations under public law pursuant to Article 27 of the Act, it shall obtain such consent or approval or conduct such consultation.

Article 7 (Extension of Payment Deadline for Penalty Surcharges and Payment by Installment)

(1) When a person liable to pay a penalty surcharge intends to postpone the payment of penalty surcharges or pay penalty surcharges in installments pursuant to the proviso of Article 29 of the Act he or she shall file an application therefor with the competent administrative authority, appending the documents substantiating the grounds prescribed in the subparagraphs of the same Article to the written application for an extension of payment deadline for penalty surcharges or payment of penalty surcharges by installments, at least 10 days prior to the deadline.

(2) "Any other reason ... as prescribed by Presidential Decree" referred to in subparagraph 4 of Article 29 of the Act means grounds equivalent to those referred to in subparagraph 1 through 3 of the same Article, for which the administrative authority recognizes it is necessary to extend payment deadline for penalty surcharges or allow payment of penalty surcharges by installments.

(3) The administrative authority may collect penalty surcharges in a lump sum immediately, if a person liable to pay a penalty surcharge for whom the payment deadline for penalty surcharges is extended or the installment payment of penalty surcharges is allowed under the proviso of Article 29 falls under any of the following subparagraphs:

1. Where the person fails to pay the penalty surcharge to be paid in installments by the relevant payment deadline;
2. Where the person fails to comply with a request for provision of security or commits an act of impairing the value of the security provided;
3. Where it is deemed infeasible to collect the whole or remainder of penalty surcharges on the grounds such as compulsory execution, commencement of a public auction, declaration of bankruptcy, dissolution of a corporation, or compulsory collection of national or local taxes;
4. Where the person is deemed able to pay penalty surcharges in a lump sum as grounds provided in the subparagraphs of Article 29 cease to exist;
5. Other cases equivalent to those provided in subparagraphs 1 through 4.

Article 8 (Imposition of Charges for Compelling Compliance)

(1) "Cases ... as prescribed by Presidential Decree" in the proviso of Article 31 (1) of the Act means any of the following:

1. Where the amount of charges for compelling compliance is determined by resolution adopted by a collegiate administrative agency;
2. Where the maximum amount of charges for compelling compliance, such as the maximum amount of charges for compelling compliance imposed per day, which corresponds to Article 31 (1) 5 of the Act, is prescribed by statutes forming the basis for imposing charges for compelling compliance.

(2) The written warning referred to in Article 31 (3) of the Act shall include each of the following:

1. Name and address of an obligor (if an obligor is a corporation or an organization, its name, location of principal office, and the name of its representative);
2. Details of unfulfilled administrative obligations and legal grounds therefor;
3. The deadline for performance of administrative obligations;
4. A statement to the effect that a charge for compelling compliance will be imposed if administrative obligations are not performed;
5. Other matters deemed necessary to be communicated to the obligor, such as the method of raising an objection.

(3) The deadline for performance under paragraph (2) 3 shall be set to secure a sufficient period required for performing obligations in conformity with generally accepted social norms, taking into consideration

the nature and substance of administrative obligations.

[Enforcement Date: Mar. 24, 2023] Article 8

Article 9 (Written Warning of Direct Compulsion)

A written warning referred to in Article 31 (3) of the Act applied mutatis mutandis under Article 32 (3) of the Act shall include the following:

1. Name and address of an obligor (where an obligor is a corporation or organization, its name and location of its principal office, and the name of its representative);
2. Details of unfulfilled administrative obligations and legal grounds therefor;
3. The deadline for performance of administrative obligations;
4. A statement to the effect that direct compulsion will be enforced if administrative obligations are not performed;
5. Other matters deemed necessary to be communicated to the obligor, such as the method of raising an objection.

[Enforcement Date: Mar. 24, 2023] Article 9

Article 10 (Certificate of Person in Charge of Enforcement of Direct or Immediate Compulsion)

A certificate referred to in Articles 32 (2) and 33 (2) of the Act shall include the following:

1. Name and affiliation of the person in charge of enforcement;
2. Legal grounds for direct or immediate compulsion;
3. Other matters necessary for indicating that the holder of relevant certificate is the person in charge of enforcement of direct or immediate compulsion.

[Enforcement Date: Mar. 24, 2023] Article 10

Article 11 (Methods of Raising Objections)

(1) A person who intends to raise an objection under Article 36 (1) of the Act shall submit to the competent administrative authority a document stating the following matters:

1. The name, date of birth, address of the objector (if the objector is a corporation or organization, its name, location of the primary office, and the name of its representative) and contact information thereof;
2. Details of the disposition against which the objection is raised, and the date the disposition is rendered;
3. Grounds for raising an objection.

(2) Where the administrative authority intends to extend the period of notifying the results of an objection pursuant to the proviso of Article 36 (2) of the Act, it shall specify the grounds for the extension, the period thereof, etc. in the written notification.

(3) The administrative authority shall record and maintain the receipt and processing status of objections raised under Article 36 of the Act in the objection processing ledger.

(4) Where it is necessary for improving the objection system, the Minister of Government Legislation may request the administrative authority to provide data necessary for examining the current status of operating the objection system, such as processing status of objections.

[Enforcement Date: Mar. 24, 2023] Article 11

Article 12 (Grounds for Application for Re-Examination of Dispositions)

"Where there arise reasons equivalent to grounds for retrial referred to in Article 451 of the Civil Procedure Act, and other cases prescribed by Presidential Decree" in Article 37 (1) 3 of the Act means any of the following cases:

1. Where a public official who directly or indirectly handled disposition affairs commits a crime related to the disposition in the course of performing his or her duties;
2. Where any documents or data forming the basis of dispositions were forged or fraudulently altered;
3. Where a third party's false statement formed the basis of dispositions;
4. When judgment on important matters that may affect dispositions is omitted.

[Enforcement Date: Mar. 24, 2023] Article 12

Article 13 (Methods of Filing Applications for Re-examination of Dispositions)

(1) A person who intends to apply for re-examination of dispositions under Article 37 (1) of the Act shall

submit to the administrative authority which rendered relevant dispositions the documents evidencing grounds for application for re-examination of dispositions, including the following:

1. The name, date of birth, address of an applicant (if the applicant is a corporation or organization, its name, location of the primary office, and the name of its representative) and contact information thereof;
 2. Details of disposition subject to re-examination and the date the disposition was rendered;
 3. Grounds for application for re-examination.
- (2) If the administrative authority in receipt of an application filed under paragraph (1) finds that the details of application needs to be supplemented, it may specify details to be supplemented and request the applicant to supplement it, setting an appropriate period of up to 20 days.
- (3) The supplementation period under paragraph (2) shall not be counted towards the period of notifying re-examination results under Article 37 (4) of the Act.
- (4) Where the administrative authority intends to extend the period of notifying re-examination results pursuant to the proviso of Article 37 (4) of the Act, it shall specify the grounds, period, etc. of extension in the written notice of extension.

[Enforcement Date: Mar. 24, 2023] Article 13

CHAPTER III LEGISLATIVE ACTIVITIES OF ADMINISTRATION

Article 14 (Establishment of National Public Administrative Legislation Committee)

- (1) For the purposes of advisory on important matters concerning improvement of the legal system in the field of administration, formulation of standards for application of law, etc. under Article 39 (2) of the Act, the National Public Administrative Legislation Committee shall be established under the Ministry of Government Legislation (hereinafter referred to as the "Committee").
- (2) The Committee shall provide advices at the request of the Minister of Government Legislation on the following:
1. Matters concerning the introduction and improvement of the standards commonly applicable to statutes or regulations, etc.;
 2. Matters concerning fact-finding surveys on statutes or regulations and the analysis of the impacts thereof;
 3. Other matters corresponding to subparagraphs 1 and 2, which the chairperson of the Committee (hereinafter referred to as the "chairperson") deems necessary for legislation.
- (3) Where the Minister of Government Legislation deems it necessary to take improvement measures under Article 39 (2) of the Act with respect to the matters advised pursuant to paragraph (2), the Minister of Government Legislation may recommend the head of the competent central administrative agency to take improvement measures after consultation with the relevant agencies.

Article 15 (Composition of Committee)

- (1) The Committee shall be comprised of not more than 50 members, including two Chairpersons.
- (2) The Minister of Government Legislation shall serve as one chairperson, and the other chairperson shall be commissioned by the Prime Minister from among persons with extensive expertise and experience in the legal system in the field of administration (hereinafter referred to as "the commissioned chairperson"). In such cases, the chairperson who is the Minister of Government Legislation may, if necessary, assign the public officials under his or her control to act for the chairperson who is the Minister of Government Legislation.
- (3) The following persons shall become the Committee members:
1. Governmental members: Persons nominated by the head of the agency to which the relevant person belongs, from among public officials in general service (including public officials in special service or in extraordinary civil service equivalent thereto) belonging to the Senior Civil Service Corps of the following central administrative agencies:
 - (a) The Ministry of Justice;
 - (b) The Ministry of the Interior and Safety;

- (c) The Office for Government Policy Coordination;
- (d) The Ministry of Personnel Management;
- (e) The Ministry of Government Legislation;
- (f) Central administrative agencies designated by the chairperson who is the Minister of Government Legislation, in connection with agenda items submitted to the Committee;
- 2. Commissioned members: Persons commissioned by the Prime Minister from among those who have extensive expertise and experience in the legal system in the field of administration, etc.
- (4) The term of office of the commissioned chairperson and commissioned members shall be two years, and may be consecutively renewed only once.
- (5) The term of office of a commissioned member who is newly commissioned after the resignation of a commissioned member, etc. shall be the remainder of one's predecessor's term of office.

Article 16 (Operation of Committee)

- (1) Each chairperson shall represent the Committee respectively, and exercise overall control of the affairs of the Committee.
- (2) If both chairpersons are unable to perform their duties due to unavoidable grounds, a member designated in advance by the chairperson who is the Minister of Government Legislation shall perform their duties on their behalf.
- (3) Meetings of the Committee shall be convened jointly by the two chairpersons where they deem necessary.
- (4) Where it is deemed necessary in relation to the agenda of the Committee, the chairperson may require relevant public officials, civil experts, etc. to attend the meeting of the Committee, or request submission of data from the heads of relevant institutions.
- (5) A majority of current members of the Committee including the two chairpersons shall constitute a quorum, and any resolution by the Committee shall require the concurring vote of a majority of those present.
- (6) The Commission may have subcommittees to efficiently perform its duties.
- (7) Except as provided in this Decree, matters necessary for the composition and operation of the Committee and the subcommittees referred to in paragraph (6) shall be determined by the chairperson of the Committee, subject to resolution by the Committee.

Article 17 (Performance of Legislative Impact Analysis)

- (1) If necessary to improve the legal system in the field of administration, the Minister of Government Legislation may perform a systematic analysis on the current statutes or regulations in terms of the effectiveness of legislation, various impacts of legislation, etc. (hereinafter referred to as "legislative impact analysis") pursuant to Article 39 (2) of the Act.
- (2) The details of the legislative impact analysis shall be as follows:
 - 1. Analysis on the appropriateness and effectiveness of statutes or regulations as norms;
 - 2. Analysis of the effectiveness and efficiency of statutes or regulations;
 - 3. Analysis of other various impacts of statutes or regulations.
- (3) Where it is deemed necessary to improve the relevant statutes or regulations based on the results of legislative impact analysis, the Minister of Government Legislation may take necessary measures, such as formulating a plan for improving the statutes or regulations or having the improvement of the statutes or regulations to be reflected in the legislative plan, in consultation with the head of a competent central administrative agency.
- (4) The Minister of Government Legislation may require the Korea Legislation Research Institute referred to in the attached Table of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes to conduct surveys and research necessary to perform the duties prescribed in paragraphs (1) through (3).
- (5) The Minister of Government Legislation may fully or partially subsidize, within the budget, expenses incurred by the institute conducting the surveys and research under paragraph (4) in conducting such surveys and research.

Article 18 (Legislative Activities of Administration)

Except as provided in this Decree, matters concerning the procedures for legislative activities of administration, formulation of governmental legislative plans, improvement of legal systems in the field of administration, and procedures for interpretation of statutes and regulations prescribed in Articles 38 through 40 of the Act shall be governed by the Regulations on Management of Legislative Affairs.

Article 19 (Forms)

Written application, written notice, processing ledger, and other forms referred to in the Act or in this Decree may be determined and publicly notified by the Minister of Government Legislation.

ADDENDA <Presidential Decree No. 32014, Sep. 24, 2021>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That Articles 4, 5, and 8 through 13 shall enter into force on March 24, 2023.

Article 2 Omitted.