

ADMINISTRATIVE APPEALS ACT

Wholly Amended by Act No. 9968, Jan. 25, 2010

Amended by Act No. 11328, Feb. 17, 2012

Act No. 12718, May 28, 2014

Act No. 14146, Mar. 29, 2016

Act No. 14832, Apr. 18, 2017

Act No. 15025, Oct. 31, 2017

Article 1 (Purpose)

The purpose of this Act is to relieve citizens from the infringement of rights or interests caused by any illegal or unjust disposition or omission of public power by administrative agencies through the administrative appeals procedures, thereby achieving a due operation of administration.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "disposition" means an exercise of public power, the refusal of such exercise, or any other equivalent administrative action, which is the execution of laws with respect to specific facts conducted by administrative agencies;
2. The term "omission" means an administrative agency's failure to make a certain disposition concerning a request made by the party concerned even though it is legally obliged to do so within a reasonable period;
3. The term "ruling" means a decision by an administrative appeals commission under Article 6 on administrative appeals;
4. The term "administrative agency" means an agency of the State or a local government which makes and announces an administrative decision, as well as a public organization or its branches, or an individual with administrative authority, or entrusted with, or delegated to, administrative authority under

relevant statutes or municipal ordinances or rules.

Article 3 (Subject Matters of Administrative Appeals)

- (1) Except as otherwise provided for in other Acts, an administrative appeal may be filed against a disposition or omission by an administrative agency under this Act.
- (2) Except as otherwise provided for in other Acts, no administrative appeal may be filed against a disposition or omission rendered by the President.

Article 4 (Specialized Administrative Appeals, etc.)

- (1) Unless it is necessary given the extraordinary and exceptional nature of a specific case, other Acts shall not provide for a specialized administrative insubordinate procedure (hereinafter referred to as "specialized administrative appeals") that substitutes the administrative appeals under this Act, or any exceptional case of the administrative appeals procedure under this Act.
- (2) Even where other Acts provide for the specialized administrative appeals or an exceptional case to the administrative appeals procedures under this Act, matters that are not provided for in those Acts shall be governed by this Act.
- (3) When the head of a relevant administrative agency enacts or revises the statute that establishes or amends the specialized administrative appeals or an exceptional case to the administrative appeals procedures under this Act, he/she shall conduct a prior consultation with the Central Administrative Appeals Commission.

Article 5 (Categories of Administrative Appeals)

Administrative appeals shall be classified as follows:

1. Appeals for revocation: Appeals for revocation or modification of an illegal or unjust disposition rendered by an administrative agency;
2. Appeals for affirmation of nullity, etc.: Appeals for affirmation of the effectiveness or ineffectiveness of a disposition by an administrative agency, or the existence or non-existence of such disposition;
3. Appeals for performance of obligation: Appeals for a specified disposition against an illegal or unjust disposition of refusal or omission rendered by an administrative agency with respect to an application of the relevant party.

Article 6 (Establishment of Administrative Appeals Commissions)

- (1) With respect to an administrative appeal (hereinafter referred to as "appeal") filed against disposition or omission by the following administrative agencies or its subordinate administrative agencies (referring to any agency supervised, or

entrusted with affairs, by the following administrative agencies, regardless of the hierarchy of administrative organization, and the administrative agency entrusted with affairs shall be deemed to be under the jurisdiction of the administrative agency that entrusts the affairs in question with respect to the entrusted affairs; hereinafter the same shall apply), an administrative appeals commission established under the following administrative agencies shall review and make a ruling: <Amended by Act No. 14146, Mar. 29, 2016>

1. The Board of Audit and Inspection of Korea, the Director of National Intelligence Service, and the heads of other agencies under the direct control of the President prescribed by Presidential Decree;
 2. The Secretary General of the National Assembly, the Minister of National Court Administration, the Secretary General of the Constitutional Court, and the Secretary General of the National Election Commission;
 3. The National Human Rights Commission of Korea, and other administrative agencies prescribed by Presidential Decree in recognition of the independence, uniqueness, etc. of their status and nature.
- (2) With respect to an appeal filed against disposition or omission by the following administrative agencies, the Central Administrative Appeals Commission established under the Anti-Corruption and Civil Rights Commission pursuant to the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Anti-Corruption and Civil Rights Commission"), shall review and make a ruling: <Amended by Act No. 11328, Feb. 17, 2012>
1. The head of a state administrative agency, or its subordinate administrative agency, other than the administrative agencies under paragraph (1);
 2. A Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Metropolitan Autonomous City Mayor, a Do Governor, a Special Self-Governing Province Governor (including the superintendent of education in a Special Metropolitan City, a Metropolitan City, a Special Metropolitan Autonomous City, a Do, or a Special Self-Governing Province; hereinafter referred to as a "Mayor/Do Governor") or its Assembly (including all administrative agencies under the jurisdiction of its Assembly, such as the Chairperson, the Chairperson of a Committee, and the Secretary General) of a Special Metropolitan City, a Metropolitan City, a Special Metropolitan Autonomous City, a Do, or a Special Self-Governing Province (hereinafter

- referred to as "City/Do");
3. Associations of local governments under the Local Autonomy Act and other administrative agencies jointly established by the State, local governments, public corporations, etc; Provided, That the administrative agency under Article 3 (3) shall be excluded herefrom.
- (3) With respect to an appeal filed against disposition or omission by the following administrative agencies, an administrative appeals commission established under the jurisdiction of a Mayor/Do Governor reviews and makes a ruling:
1. An administrative agency under the jurisdiction of a City/Do;
 2. The head of a Si/Gun/autonomous Gu located under the jurisdiction of a City/Do, its subordinate administrative agency, or the Assembly of a Si/Gun/autonomous Gu (including all administrative agencies under the jurisdiction of the Assembly, such as the Chairperson, the Chairperson of a committee, the director of general services, and the head of general services);
 3. An administrative agency jointly established by at least two local governments (referring to a Si/Gun/autonomous Gu) and a public corporation, etc. under the jurisdictions of a City/Do.
- (4) Notwithstanding paragraph (2) 1, with respect to an appeal filed against disposition or omission by the head of a specialized local administrative agency under the control of a state administrative agency prescribed by Presidential Decree, the administrative appeals commission established under the immediate upper-level administrative agency having jurisdiction over the relevant administrative agency shall review and make a ruling.

Article 7 (Composition of Administrative Appeals Commissions)

- (1) An administrative appeals commission (excluding the Central Administrative Appeals Commission; hereafter the same shall apply in this Article) shall be comprised of not more than 50 members, including one chairperson. *<Amended by Act No. 14146, Mar. 29, 2016>*
- (2) The chairperson of an administrative appeals commission shall become an administrative agency to which the administrative appeals commission belongs; and where the chairperson is absent or is unable to perform his/her duty because of inevitable circumstances, or where he/she deems it necessary, a member of the administrative appeals commission shall act on behalf of the chairperson according to the following order:
 1. A member of the administrative appeals commission who is nominated by

- the chairperson in advance;
2. A member of the administrative appeals commission, who is a public official and nominated in accordance with paragraph (4) (where there are two or more members, a member who has a higher class as a public official or a higher class of duties as a public official belonging to the Senior Civil Service Corps; where they have the same class or class of duties, a member with longer period of service; and where the period of service is equal, a senior in age).
 - (3) Notwithstanding paragraph (2), where an administrative appeals commission is established under the jurisdiction of a Mayor/Do Governor pursuant to Article 6 (3), a member of the commission who is not a public official may be designated as the chairperson of the commission as prescribed by ordinance of the relevant local government. In such cases, the chairperson shall serve as a non-standing member.
 - (4) The administrative agency with which an administrative appeals commission is affiliated, shall commission a member of the relevant administrative appeals commission from among the following persons, taking gender into consideration, or shall nominate a member of such commission from among public officials of the administrative agency: *<Amended by Act No. 14146, Mar. 29, 2016>*
 1. A person who has experience in practices for at least five years after being qualified as an attorneys-at-law;
 2. A person who holds or held the position of assistant professor or higher at a school under paragraphs (1) through (6) of Article 2 of the Higher Education Act;
 3. A person who served as a public official of Grade IV or higher or a public official belonging to the Senior Civil Service Corps;
 4. A person who has work experience for at least five years in relevant fields after acquiring a doctoral degree;
 5. A person who has abundant knowledge and experience in administrative appeals.
 - (5) A meeting of an administrative appeals commission shall be comprised of its chairperson and eight members who are designated by the chairperson for each meeting (of whom at least six members shall be those commissioned pursuant to paragraph (4), but where the chairperson is not a public official in accordance with paragraph (3), at least five members shall be commissioned):

Provided, That a commission may be comprised of its chairperson and six members designated by the chairperson for each meeting (of whom at least five members shall be those commissioned pursuant to paragraph (4), but where a member who is not a public official serves as the chairperson in accordance with paragraph (3), at least four members shall be commissioned) as prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree (in cases of an administrative appeals commission established under the jurisdiction of a Mayor/Do Governor under Article 6 (3), ordinance of a relevant local government).

- (6) An administrative appeals commission shall adopt a resolution with the attendance of a majority of the members under paragraph (5) and by the concurring vote of a majority of those present.
- (7) The organization and operation of an administrative appeals commission and other necessary matters shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 8 (Composition of the Central Administrative Appeals Commission)

- (1) The Central Administrative Appeals Commission shall be comprised of not more than 70, including one Chairperson, and its standing members shall not be more than four. *<Amended by Act No. 14146, Mar. 29, 2016>*
- (2) The Chairperson of the Central Administrative Appeals Commission shall be one person, from among the vice chairpersons of the Anti-Corruption and Civil Rights Commission, and where the Chairperson is absent or is unable to perform his/her duty because of inevitable circumstances, or where he/she deems it necessary, a standing member (in order of seniority of service as a standing member, and in cases of equal seniority of service, in order of their age) shall act on the Chairperson's behalf.
- (3) A standing member of the Central Administrative Appeals Commission shall be designated as a state public official in general service and in a fixed term position under Article 26-5 of the State Public Officials Act, and shall be appointed by the President through the Prime Minister upon the recommendation of the Chairperson of the Central Administrative Appeals Commission, from among those who have served as public officials of Grade III or higher or as

public officials in general service who belong to the Senior Civil Service Corps for at least three years in his/her term of office, or from among those who have extensive knowledge and experience in administrative appeals. <Amended by Act No. 12718, May 28, 2014>

- (4) A non-standing member of the Central Administrative Appeals Commission shall be commissioned by the Prime Minister, taking gender into consideration, upon the recommendation of the Chairperson of the Central Administrative Appeals Commission from among persons referred to in any subparagraph of Article 7 (4). <Amended by Act No. 14146, Mar. 29, 2016>
- (5) The meetings of the Central Administrative Appeals Commission (excluding the meetings of its subcommission under paragraph (6)) shall be comprised of nine persons, including the Chairperson, standing members, and non-standing members designated by the Chairperson for each meeting.
- (6) The Central Administrative Appeals Commission may have a subcommission comprised of four members that reviews and adopts a resolution on a case in relation to the administrative disposition of driver's license under the Road Traffic Act (excluding cases that are to be reviewed and decided on by the Central Administrative Appeals Commission, in accordance with the decision made by the subcommission), from among cases on an appeal (hereinafter referred to as "case").
- (7) The Central Administrative Appeals Commission and the subcommission shall adopt a resolution with the attendance of a majority of the members under paragraphs (5) and (6), respectively, and by the concurring vote of a majority of those present.
- (8) The Central Administrative Appeals Commission may establish a specialized commission for a prior consideration of the cases designated by the Chairperson, if deemed necessary.
- (9) Matters concerning the organization, operation, etc. of the Central Administrative Appeals Commission, the subcommission, and the specialized commission shall be prescribed by Presidential Decree.

Article 9 (Term of Members, Guarantee of their Status, etc.)

- (1) A member designated pursuant to Article 7 (4) shall be reappointed during his/her term of office.
- (2) A standing member of the Central Administrative Appeals Commission appointed pursuant to Article 8 (3) shall serve in office for three years and

may be reappointed once.

- (3) The term of office of a member commissioned under Articles 7 (4) and 8 (4) shall be two years, but he/she may be reappointed twice: Provided, That where a member is commissioned by an administrative appeals commission established under one of the agencies referred to in Article 6 (1) 2, the term of office of the member shall comply with the relevant regulations of the National Assembly, the Supreme Court, the Constitutional Court, or the National Election Commission.
- (4) Any of the following persons shall not serve as a member of an administrative appeals commission under Article 6 (hereinafter referred to as the "commission"); if a member comes to fall under any of the following, he/she shall resign from the commission ipso facto:
1. A person who is not a national of Republic of Korea;
 2. A person falling under any subparagraph of Article 33 of the State Public Officials Act.
- (5) A member commissioned as prescribed in Article 7 (4) and 8 (4) shall not be decommissioned against his/her will, except where he/she is sentenced to imprisonment without labor or heavier punishment, or he/she is unable to perform his/her duty for a long time due to inevitable circumstances.

Article 10 (Disqualification of, Challenge to, and Voluntary Refrainment by, Members)

- (1) Any member of the commission who falls under any of the following shall be disqualified from reviewing and resolving on a case. In such cases, the decision of disqualification shall be made by the chairperson of the commission (hereinafter referred to as the "chairperson") ex officio or upon request by the party concerned:
1. Where a member or his/her spouse or ex-spouse, becomes the party to the case in question, or is a co-creditor or co-obligor of the case in question;
 2. Where a member is or was a relative of the party to the case in question;
 3. Where a member has testified or appraised with respect to the case in question;
 4. Where a member is or was involved in the case in question as a representative of the party;
 5. Where a member has involved in the disposition or omission that is subject to the case.

- (2) If there is any circumstance in which it is impracticable to expect a fair review and resolution from a member, any party may file a request with the chairperson to challenge the member.
- (3) A request to disqualify or challenge a member shall be filed in writing, by stating the grounds therefor: Provided, That if unavoidable, materials clarifying the grounds for such request shall be submitted within three days from the date such request is filed. <Amended by Act No. 14146, Mar. 29, 2016>
- (4) When a request to disqualify or challenge a member violates paragraph (3), the chairperson shall reject it by decision. <Newly Inserted by Act No. 14146, Mar. 29, 2016>
- (5) The chairperson may receive an opinion with respect to a case, from a member subject to a request for disqualification or challenge.
- (6) When the chairperson receives a request to disqualify or challenge a member, he/she shall make a decision on such request and service the authentic copy of the decision on the applicant without delay.
- (7) If a member participating in a meeting of the commission becomes aware that he/she has an excuse for disqualification or challenge, he/she may voluntarily refrain from review of and resolution on the relevant case. In such cases, the member who intends to refrain shall clarify the request to the chairperson.
- (8) Paragraphs (1) through (7) shall apply *mutatis mutandis* to employees, other than members, who become involved in the affairs concerning review of and resolution on cases. <Amended by Act No. 14146, Mar. 29, 2016>

Article 11 (Legal Fiction as Public Official in Application of Penalty Provisions)

Members of the commission who are not public officials shall be deemed public officials in the application of the penalty provisions under the Criminal Act and other Acts.

Article 12 (Succession of Power of the Commission)

- (1) After an appeal is filed by the party, where the commission has lost the power to make a ruling with respect to the appeal due to an amendment to or the repeal of a relevant statute or in accordance with a decision to change an appellee under Article 17 (5), the relevant commission shall forward the written appeal, related documents, and other materials to the commission which newly has the power to make a ruling on the appeal.
- (2) In the case of paragraph (1), the commission shall, without delay, notify the following persons of such fact, upon receipt of such documents:

1. A person who files an administrative appeal (hereinafter referred to as "appellant");
2. A person to whom an administrative appeal is filed (hereinafter referred to as "appellee");
3. A person who intervenes in an appeal under Articles 20 and 21 (hereinafter referred to as "intervenor").

Article 13 (Standing on Appeal)

- (1) An appeal for revocation may be filed by a person with legal standing to seek the revocation or modification of a disposition. The same shall apply to a person with legal standing to be recovered by the revocation of a disposition, even after the effect of such disposition has been extinguished due to the expiration of period or execution of disposition, or for other reasons.
- (2) An appeal for affirmation of nullity, etc. may be filed by a person with a legal interest to seek an affirmation as to whether a disposition is valid, or whether a disposition exists.
- (3) An appeal for fulfillment of an obligation may be filed by a person who has requested a disposition and has a legal interest to seek a certain disposition against disposition of refusal or omission by an administrative agency.

Article 14 (Ability for Appellant of Unincorporated Association or Foundation)

Any unincorporated association or foundation whose representative or manager is appointed may file an appeal in the name of the association or foundation.

Article 15 (Selected Representatives)

- (1) When several appellants file an appeal jointly, not more than three representatives may be appointed, from among them.
- (2) Where appellants fail to select representatives under paragraph (1), the commission may recommend them to select their representatives if deemed necessary.
- (3) Selected representatives may perform all activities relating to the relevant case on behalf of the other appellants: Provided, That in the event of the withdrawal of an appeal, the selected representatives shall obtain the consent of other appellants and shall explain in writing that the consent has been obtained.
- (4) If representatives are selected, the other appellants may perform activities relating to the relevant case only through such representatives.
- (5) If deemed necessary, the appellants who have designated representatives may discharge or substitute their representatives. In such cases, the appellants shall

notify the commission thereof without delay.

Article 16 (Succession of Status of Appellant)

- (1) If an appellant dies, the heir or a third party who, under other statutes, has succeeded to the right or interest related to the subject matter of the appeal, shall succeed to his/her status as an appellant.
- (2) Where a corporate appellant is terminated in accordance with a merger, the juristic person who continues to exist after the merger or has been newly established by the merger shall succeed to the status of such appellant.
- (3) In the case of paragraphs (1) and (2), a person who has succeeded to the status of an appellant shall report in writing the grounds therefor to the commission. In such cases, such report shall be accompanied by a document proving the succession to right or interest due to death, etc. or the merger.
- (4) In the case of paragraph (1) or (2), if a notification or other act that has been made to a person who died or a juristic person that existed before the merger reaches his/her successor until the date of reporting under paragraph (3), the notification or act is effective, as such, to the successor.
- (5) Any person to whom the right or interest related to the subject matter of the appeal has been transferred, may succeed to the status as an appellant with permission of the commission.
- (6) If the commission receives a request to succeed to the status under paragraph (5), it may request the parties and intervenors to submit their opinion within a specified period, and if the parties or intervenors fail to do so, it shall be deemed that they have no opinion to offer.
- (7) The commission shall determine whether to permit the application for succession to status under paragraph (5) and without delay shall serve the authentic copy of the decision on the applicant and the certified copy of decision to the parties and intervenors.
- (8) Where the commission fails to permit succession to the status under paragraph (5), an applicant may file an objection within seven days from the date on which he/she receives the authentic copy of the decision.

Article 17 (Eligibility for, and Correction of Designation of, Appellee)

- (1) An administrative appeal shall be filed by designating the administrative agency which has made a disposition as an appellee (in cases of an appeal for fulfillment of obligation, it shall be an administrative agency that has received an appellant's request): Provided, That where the power related to the subject

- matter of the appeal has been transferred to another administrative agency, the appellee shall be the administrative agency that has received such power.
- (2) If an appellant has made a mistake in designating the appellee, the commission may, ex officio or upon request by the party concerned, correct the designation of the appellee.
 - (3) When the commission has made a decision to correct the designation of the appellee under paragraph (2), it shall serve the authentic copy of the decision on the parties (including the former appellee and newly designated appellee; hereafter the same shall apply in paragraph (6)).
 - (4) If a decision is made under paragraph (2), an appeal filed against the former appellee shall be deemed to have been withdrawn, and the administrative appeal shall be deemed to have been filed against a newly designated appellee as at the time the administrative appeal was filed against the former appellee.
 - (5) If circumstances referred to in the proviso to paragraph (1) have occurred after an administrative appeal was filed, the commission shall make a decision to correct the designation of the appellee ex officio or upon request by the party concerned. In such cases, paragraphs (3) and (4) shall apply *mutatis mutandis*.
 - (6) The party concerned may raise an objection to the commission with respect to the decision of the commission under paragraph (2) or (5) within seven days from the date on which he/she receives the authentic copy of the decision.

Article 18 (Appointment of Agents)

- (1) An appellant may appoint an agent, other than his/her legal agent, from among the following persons:
 1. Spouse of the appellant or blood relative within three degrees of the appellant or his/her spouse;
 2. Where the appellant is a juristic person, or where the appellant is an unincorporated association or foundation, with standing to appeal, the executive officers and employees thereof;
 3. Attorneys-at-law;
 4. Persons entitled to represent the appellant in an appeal under other Acts;
 5. Other persons who have obtained permission from the commission.
- (2) An appellee may appoint any of the employees of the appellee or any person referred to in paragraph (1) 3 through 5 as an agent of the appellee.
- (3) Article 15 (3) and (5) shall apply *mutatis mutandis* to agents under paragraphs (1) and (2).

Article 18-2(Court-Appointed Counsel)

- (1) Where an appellant cannot afford to appoint an agent, he or she may apply for appointment of a court-appointed counsel for representation, to the commission.
- (2) The commission shall decide whether to appoint a state-appointed counsel applied for under paragraph (1) and notify the appellant of the result without delay. In such cases, the commission may decide not to appoint a court-appointed counsel if the filed appeal is obviously unlawful or groundless, or if deemed to be an abuse of a right.
- (3) Matters for the operation of court-appointed counsels, such as procedure of and requirements for application for a court-stated counsel, and qualifications and remuneration for state-appointed counsels shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations or the Presidential Decree.

[This Article Newly Inserted by Act No. 15025, Oct. 31, 2017]

Article 19 (Qualification of Representative, etc.)

- (1) The qualification of a representative, manager, selected representative, or agent shall be clearly explained in writing.
- (2) If a representative, manager, selected representative, or agent has become disqualified, the appellant or appellee shall report the fact in writing to the commission. In such cases, explanatory materials shall be submitted along with the report.

Article 20 (Intervention)

- (1) Any third party or administrative agency having an interest in the result of administrative appeals may intervene in the appeals on the relevant case until the commission or its subcommission under Articles 7 (6) and 8 (7) renders a resolution on the relevant administrative appeal.
- (2) Any person who intends to intervene under paragraph (1) shall submit a written request for intervention stating the purpose of and grounds for intervention to the commission. In such cases, he/she shall also submit as many copies of the written request for intervention as the number of the parties.
- (3) When the commission receives the request for intervention under paragraph (2), the commission shall serve the copies on the parties.
- (4) In the case of paragraph (3), the commission may require the parties and other

intervenor to submit their opinion on the request for intervention of a third party within a specified period, and if the parties and intervenors fail to submit their opinion within the period, it shall be deemed that they have no opinion to offer.

- (5) Upon receipt of a request for intervention under paragraph (2), the commission shall make a decision whether to accept it, and the commission shall serve the authentic copy of the written decision on the applicant and a certified copy of the written decision on the parties and other intervenors.
- (6) The requester may file an objection with the commission within seven days from the date on which he/she is served with the authentic copy of the written decision under paragraph (5).

Article 21 (Request for Intervention)

- (1) If it is deemed necessary, the commission may request a third party or an administrative agency having interests in the result of administrative appeals to intervene in the appeals of the relevant case.
- (2) Upon receipt of a request made under paragraph (1), the third party or administrative agency shall notify the commission of his/her/its intention of whether to intervene in the appeals of the relevant case without delay.

Article 22 (Status of Intervenor)

- (1) An intervenor may perform a procedural act of appeals that the party can conduct in the course of administrative appeals.
- (2) When the party submits relevant documents to the commission under this Act, the party shall submit as many copies as the number of intervenors, and when the commission provides notification to the parties or serves relevant documents on the parties, it shall do the same to intervenors.
- (3) Articles 18 and 19, and paragraph (2) of this Article shall apply *mutatis mutandis* to the appointment of an agent of an intervenor, qualification of a representative, and submission of documents.

Article 23 (Submission of Written Appeal)

- (1) A person who intends to file an administrative appeal shall prepare a written appeal under Article 28 and submit it to an appellee or the commission. In such cases, he/she shall submit it, along with as many copies as the number of appellees.
- (2) Where an appellant has submitted a written appeal to a wrong administrative agency because an administrative agency failed to provide notification under

Article 58 or made a mistake in providing notification to the appellant, the wrong administrative agency shall, without delay, forward the written appeal to an appellee with due authority.

- (3) The administrative agency which has forwarded the written appeal under paragraph (2) shall notify the appellant thereof without delay.
- (4) In calculating a period for filing an appeal under Article 27, the appeal shall be deemed to have been filed as at the time the written appeal was presented to the appellee or the commission under paragraph (1), or the administrative agency under paragraph (2).

Article 24 (Appellee's Receipt and Handing of Written Appeal, etc.)

- (1) Within ten days from the date on which an appellee receives or is served with a written appeal under Article 23 (1) or (2) or Article 26 (1), the appellee shall submit the written appeal (applicable only to Article 23 (1) or (2)) and a written answer to the commission: Provided, That this shall not apply where the appellant withdraws the appeal.
- (2) Where a third party, who is not the party against whom a disposition is directed, files an appeal, the appellee shall inform the party against whom the disposition is directed of such fact without delay. In such cases, the copy of a written appeal shall be served, along with the information.
- (3) When sending a written appeal pursuant to the main body of paragraph (1), the appellee shall send the written appeal to the commission with due authority even if no commission or a wrong commission is entered in the written appeal.
- (4) When sending the written answer pursuant to the main body of paragraph (1), the appellee shall send as many copies of the written answer as the number of appellants, and the following matters shall be clearly specified on the written answer:
 1. Grounds and reasons for the disposition or omission;
 2. Answers responding to the purpose and reasons for an appeal;
 3. In the case of paragraph (2), the name, address, and contact information of the party against whom the disposition is directed, and whether the obligation referred to in paragraph (2) has been fulfilled.
- (5) In the case of paragraphs (2) and (3), the appellee shall notify the appellant of the fact of delivery without delay.
- (6) Where the Central Administrative Appeals Commission reviews and makes a ruling on a case, an appellee shall send a written appeal and a written answer

not only to the commission, but to the head of the competent central administrative agency, in accordance with paragraph (1).

Article 25 (Ex officio Revocation, etc. by Appellee)

- (1) Where an appellee receiving a written appeal pursuant to Article 23 (1) and (2) or Article 26 (1) finds that the appeal is well-grounded, the appellee may revoke or modify a relevant disposition ex officio, confirm the disposition, or make a disposition upon request by the party (hereafter referred to as "ex officio revocation, etc." in this Article) in accordance with the objective of the appeal. In this case, the appellant shall be notified thereof in writing.
- (2) Where the appellee has made ex officio revocation, etc. under paragraph (1), unless the appellant withdraws an appeal, the appellee shall present to the commission a written document attesting ex officio revocation, etc. when sending a written appeal and a written answer in accordance with the main body of Article 24 (1).

Article 26 (The Commission's Receipt and Handling of Written Appeal, etc.)

- (1) When the commission receives a written appeal under Article 23 (1), the commission shall serve a copy of the written appeal on an appellee without delay.
- (2) When a written answer is submitted by an appellee to the commission from an appellee under the main body of Article 24 (1), the commission shall serve a copy of the written answer on an appellant.

Article 27 (Period for Filing Appeal)

- (1) An appeal shall be filed within 90 days from the date on which an appellant becomes aware that a disposition has been made.
- (2) If an appellant has been unable to file an appeal within a period prescribed in paragraph (1) due to a natural disaster, war, emergency, or other force majeure events, he/she may file an appeal within 14 days from the date on which the cause thereof no longer exists: Provided, That where an appeal is filed in a foreign country, the period shall be 30 days.
- (3) No appeal may be brought after 180 days pass from the date a disposition is made: Provided, That the same shall not apply where any extenuating ground exists.
- (4) The period referred to in paragraphs (1) and (2) shall be an immutable term.
- (5) Where an administrative agency made a mistake in informing an appellant, notifying a period for filing an appeal as longer than that prescribed in

paragraph (1), and an appeal has been filed in such period, the appeal shall be deemed to have been filed within the period prescribed in paragraph (1).

- (6) When an administrative agency fails to notify a period for filing an appeal, the appeal may be filed within the period referred to in paragraph (3).
- (7) Paragraphs (1) through (6) shall not apply to an appeal for affirmation of nullity, etc. and an appeal for performance of obligation against omission.

Article 28 (Method of Filing Appeal)

- (1) An appeal shall be filed in writing.
- (2) In cases of filing an appeal against a disposition, the following matters shall be included in the written appeal:
 - 1. The name, and address or place of business, of the appellant (where he/she wishes to be served with it at a place, other than the address or the place of business, he/she shall write the place where he/she is to be served);
 - 2. The appellee and the commission;
 - 3. Details of the disposition that is the subject matter of an appeal;
 - 4. Date on which the appellant becomes aware that disposition has been made;
 - 5. Purpose of and grounds for an appeal;
 - 6. Whether notification of an administrative appeal is provided to the appellee, and the details of such notification.
- (3) In cases of an appeal against an omission, the details and date of the application with respect to which the omission occurred, shall be stated in addition to the matters referred to in paragraph (2) 1, 2, and 5.
- (4) If the appellant is a juristic person, an unincorporated association or foundation, other than a competent appellant under Article 14, or the appeal is filed by a selected representative or an agent, the name and address of such representative, manager, selected representative, or agent shall be stated in addition to the matters referred to in paragraphs (2) and (3).
- (5) A written appeal referred to in paragraph (1) shall be signed and sealed by the appellant, representative, manager, selected representative, or agent.

Article 29 (Modification of Appeal)

- (1) An appellant may modify the purpose of, or grounds for, an appeal within the scope of not modifying the foundation of appeal.
- (2) Where an appellee issues a new disposition or modifies a disposition which is the subject matter of appeal, after a relevant appeal is filed, an appellant may modify the purpose of or ground for the appeal in conformity with such new

disposition or modified disposition.

- (3) An application for modification of appeal under paragraph (1) or (2) shall be made in writing. In such cases, an appellant shall submit as many copies of application for modification of appeal as the number of appellees and intervenors.
- (4) The commission shall serve appellees and intervenors with copies of application for modification of appeal under paragraph (3).
- (5) In the case of paragraph (4), the commission may require the appellees and intervenors to submit their opinion with respect to application for modification of appeal; and if appellees and intervenors fails to submit their opinion within a specified period, it shall be deemed that they have no opinion to offer.
- (6) The commission shall make a decision whether to permit the application for modification of appeal under paragraph (1) or (2) and shall, without delay, serve the authentic copy of the decision, on the applicant, and the certified copy of the decision, on the party and intervenor.
- (7) An appellant may submit an objection to the commission within seven days from the date on which the delivery is made to the appellant under paragraph (6).
- (8) If the modification of appeal is decided, the administrative appeal shall be deemed to have been filed with the modified purpose or ground as at the time the administrative appeal was first filed.

Article 30 (Suspension of Execution)

- (1) No appeal shall adversely affect the effect of disposition or execution thereof, or continuation of proceedings.
- (2) If the commission deems that it is urgent to prevent a possible serious loss from being caused by a disposition or execution thereof, or continuation of proceedings, it may, ex officio or upon request by the party, decide to suspend all or part of the effect of such disposition or execution thereof, or continuation of proceedings (hereinafter referred to as "suspension of execution"): Provided, That where the object of a suspension of the effect of the disposition is attainable by suspending the execution of the disposition or continuation of proceedings, suspension of the effect of the disposition itself shall not be permitted.
- (3) If the suspension of execution is feared to have a serious effect on public welfare, it shall not be permitted.

- (4) If a suspension of execution has a serious effect on public welfare or the cause therefor ceases to exist after deciding to suspend the execution, the commission may, ex officio or upon request by the party, revoke the suspension of execution.
- (5) A request for a suspension of execution shall be made at the same time as filing an appeal, or prior to adoption of resolution by the commission or subcommission on an appeal under Article 7 (6) or Article 8 (7); and a request for revocation of decision on suspension of execution shall be made with the submission of a document stating the purpose of and grounds for such request to the relevant commission prior to adoption of resolution by the commission or subcommission on an appeal under Article 7 (6) and Article 8 (7): Provided, That where a written appeal is submitted to an appellee and where an appeal is filed at the same time as filing a request for suspension of execution, the copy of the written appeal and the filing receipt shall be presented together.
- (6) Notwithstanding paragraphs (2) and (4), if it is deemed that the wait for the review and decision of the commission may cause a serious loss, the chairperson of the commission may make an ex officio decision in lieu of such review and decision. In such cases, the chairperson shall, without delay, report it to the commission for approval, and if he/she fails to obtain the approval, the chairperson shall revoke the decision to suspend execution or to revoke the suspension of execution.
- (7) If the commission reviews the suspension of execution or the revocation of suspension of execution and makes a decision thereon, it shall serve the authentic copy of the decision on the relevant party without delay.

Article 31 (Provisional Disposition)

- (1) Where it is strongly suspected that a disposition or omission is illegal and unjust and thus it is necessary to grant temporary status to prevent a serious disadvantage or urgent danger that the disposition or omission might cause to the party, the commission may issue a provisional disposition ex officio or upon request by the party.
- (2) With respect to the provisional disposition under paragraph (1), Article 30 (3) through (7) shall apply *mutatis mutandis*. In such cases, "may cause a serious loss" in the former part of paragraph (6) of the same Article shall be construed as "may cause a serious disadvantage or urgent danger".
- (3) The provisional disposition under paragraph (1) shall not be permitted if the

suspension of execution under Article 30 (2) can achieve the purpose.

Article 32 (Correction)

- (1) If the commission deems that an appeal filed is unlawful but correctable, it may require the appellant to correct the appeal within a specified period: Provided, That in cases of insignificant matters, the commission may correct them ex officio.
- (2) When an appellant is required to correct an appeal pursuant to paragraph (1), the correction shall be made in writing. In such cases, the written correction shall be submitted together with the copies thereof, in the same number as the number of the parties.
- (3) The commission shall serve copies of a written correction submitted under paragraph (2) on the other parties without delay.
- (4) If any correction is duly made under paragraph (1), the appeal shall be deemed to have been brought lawfully from the beginning.
- (5) The period for making a correction under paragraph (1) shall not be included in the period for making a ruling under Article 45.

Article 33 (Supplementation of Claim)

- (1) If the party deems it necessary to supplement a claim made in a written appeal, written correction, written answer, written request for intervention, etc. or to rebut the claim of the other party, the party may submit a written supplement. In such cases, the written supplement shall be submitted together with the copies thereof, in the same number as the number of the other parties.
- (2) The commission may determine the deadline for a written supplement, if it deems it necessary.
- (3) If the commission has received a written supplement under paragraph (1), it shall serve the copies thereof to other parties, without delay.

Article 34 (Presentation of Documentary Evidence, etc.)

- (1) The party concerned may present documentary evidence or other articles of evidence supporting the party's claim, in addition to a written appeal, written correction, written answer, written request for intervention, supplementary documents, etc.
- (2) Documentary evidence referred to in paragraph (1) shall be accompanied by the copies thereof, in the same number as the number of the other parties.
- (3) The commission shall serve the copies of documentary evidence presented by the party on the other parties without delay.

Article 35 (Request to Present Materials, etc.)

- (1) If deemed necessary for an examination of a case, the commission may request the pertinent administrative agency to present the relevant documents, ledgers, and other necessary materials under its custody.
- (2) If deemed necessary, the commission may request an administrative agency in charge of statutes related to a case, the head of any other relevant administrative agency, or public officials of such administrative agency to appear in person before a meeting of the commission and state their opinion or present their written opinion.
- (3) If there is no special reason, the head of the pertinent administrative agency shall comply with the request by the commission under paragraphs (1) and (2).
- (4) Where the Central Administrative Appeals Commission reviews and makes a ruling on an appeal, the head of the competent central administrative agency may present his/her written opinion or appear in person before the Commission to state his/her opinion.

Article 36 (Examination of Evidence)

- (1) If the commission deems it necessary for review of a case, it may, ex officio or upon request by the party, conduct an examination on the evidence by the following means:
 1. By requiring any of the parties concerned or interested persons (including public officials of the relevant administrative agencies; hereinafter the same shall apply) to appear in person before the commission to answer any question pertinent thereto;
 2. By requiring the parties or interested persons to submit papers, ledgers, articles, or other evidence in their possession, and keeping them in custody;
 3. By requiring a third person with special knowledge and experience to conduct expert appraisal;
 4. By inquiring of the parties or interested persons, or investigating or inspecting papers, articles, etc. by entering a place deemed necessary, such as the place of address, residence, or business, of the parties concerned or interested persons.
- (2) If necessary, the commission may entrust the personnel of an administrative agency to which the commission belongs or other administrative agencies with the task of investigating evidence referred to in paragraph (1).
- (3) A person who examines the evidence shall carry a certificate of identification

and produce it to the party or the person for reference.

- (4) The party, etc. referred to in paragraph (1) shall comply with, and cooperate faithfully in, any investigation, requests, etc. of the commission.

Article 37 (Joinder or Separation of Procedure)

If necessary, the commission may merge related appeals or separate merged appeals and review them.

Article 38 (Specifying and Changing of Hearing Dates)

- (1) A hearing date for deliberation shall be specified ex officio by the commission.
- (2) A change of a hearing date shall be made ex officio or upon request by the party.
- (3) If a hearing date is changed, the commission shall notify the parties of the fact and grounds therefor without delay.
- (4) Notification of a hearing date or of a change of a hearing date may be made in writing or in simple methods of notification (hereinafter referred to as "simple methods of notification") such as a phone call to the phone number stated on the written appeal, text message using cellular phone, facsimile, electronic mail, etc.

Article 39 (Ex officio Review)

If necessary, the commission may review matters that the parties have not claimed.

Article 40 (Methods of Review)

- (1) The review of an administrative appeal shall be made by orally or in writing: Provided, That if the party requests for oral hearings, the review shall be conducted orally, except where it is deemed that a decision can be made only through a written review.
- (2) Upon receipt of a request for oral hearings under paragraph (1), the commission shall determine whether to permit such request and notify the applicant thereof.
- (3) The notification under paragraph (2) may be provided by simple methods of notification.

Article 41 (Confidentiality of Statement, etc.)

Any statements made by members during meetings of the commission, or other matters prescribed by Presidential Decree, disclosure of which is likely to impede fairness in review and ruling made by the commission shall not be disclosed to the public.

Article 42 (Withdrawal of Appeal, etc.)

- (1) An appellant may withdraw an appeal in writing before a resolution is adopted

under Articles 7 (6) and 8 (7).

- (2) An intervenor may withdraw a request for intervention in appeal, in writing before a resolution is adopted under Articles 7 (6) and 8 (7).
- (3) A written withdrawal under paragraph (1) or (2) shall be signed and sealed by the appellant or intervenor.
- (4) An appellant or an intervenor shall submit the written withdrawal to the appellee or the commission. In such cases, Article 23 (2) through (4) shall apply *mutatis mutandis*.
- (5) When the appellee or the commission receives the written withdrawal under paragraph (1) or (2) with respect to a pending case, the appellee or commission shall inform other relevant administrative agencies, appellants, and intervenors of such fact, without delay.

Article 43 (Classification of Rulings)

- (1) If an appeal is unlawful, the relevant commission shall dismiss it.
- (2) If the commission finds that an appeal is groundless, it shall dismiss the appeal.
- (3) If the commission finds that an appeal for revocation is well-grounded, it shall revoke the disposition, or modify the disposition into another one, or order the appellee to replace the disposition with another one.
- (4) If the commission finds that an appeal for affirmation of nullity, etc. is well-grounded, it shall affirm as to whether a disposition is effective, or whether a disposition has been made.
- (5) If the commission finds that an appeal for performance of obligation is well-grounded, it shall issue a disposition following the request or shall order the appellee to do so.

Article 43-2 (Mediation)

- (1) With the consent of the parties concerned in the scope of their rights and authority, the commission may conduct a mediation for prompt and fair resolution of an appeal: *Provided* That this does not apply where such mediation is inappropriate in terms of public interests or goes against the nature of the disposition concerned.
- (2) In conducting a mediation under paragraph (1), the commission shall take into account all circumstances, including the legal and factual status of the case filed for an appeal, and the interests of parties and stakeholders, and explain the reason and purpose of the mediation.
- (3) Mediation shall be constituted when the details agreed by the parties concerned

are entered in a written mediation on which the parties concerned affix their signatures or seals, and the commission confirms it.

- (4) Article 48 through 50, 50 (2) and 51 shall apply *mutais mutandis* to a mediation under paragraph (3).

[This Article Newly Inserted by Act No. 15025, Oct. 31, 2017]

Article 44 (Circumstantial Rulings)

- (1) If recognizing an appeal is believed to be detrimental to the public welfare even though the commission deems that the appeal is well-grounded, the commission may issue a ruling to dismiss the appeal. In such cases, the commission shall specify it in the *urteilsformel* of the ruling that the disposition or omission is unlawful or unjust.
- (2) In making a ruling under paragraph (1), the commission may take proper relief measures for the appellant or order the appellee to take such measures.
- (3) Paragraphs (1) and (2) shall not apply to an appeal for affirmation of nullity, etc.

Article 45 (Period for Making Rulings)

- (1) A ruling shall be made within 60 days from the date on which the appellee or the commission has received a written appeal under Article 23: Provided, That if unavoidable circumstances exist to the contrary, the chairperson may extend the period for another 30 days *ex officio*.
- (2) If a ruling period is extended under the proviso to paragraph (1), the chairperson shall inform the parties thereof by seven days before the ruling period expires.

Article 46 (Method of Ruling)

- (1) A ruling shall be made in writing.
- (2) The following matters shall be stated in a written ruling under paragraph (1):
 1. Number and title of the case;
 2. Names and addresses of the parties, representatives, or agents;
 3. *Urteilsformel*;
 4. Purport of appeal;
 5. Grounds for appeal;
 6. Date of ruling.
- (3) The grounds stated in a written ruling shall include the judgment based on which it can be recognized that the *urteilsformel* is justified.

Article 47 (Scope of Ruling)

- (1) The commission shall not make any ruling on matters, other than a disposition or omission which is the subject matter of appeal.
- (2) The commission shall not make any ruling more unfavorable for an appellant than a disposition which is the subject matter of appeal.

Article 48 (Service and Effectiveness of Ruling)

- (1) The commission shall serve an authenticated copy of a written ruling on the parties without delay. In such cases, the Central Administrative Appeals Commission shall also notify the head of the competent central administrative agency of the result of ruling.
- (2) A ruling shall come into effect as at the time of service on the appellant pursuant to the former part of paragraph (1).
- (3) The commission shall serve an intervenor with a certified copy of the ruling without delay.
- (4) If a third party who is not the party against whom the disposition is directed files an appeal, the commission shall serve through an appellant a certified copy of the written ruling on the party against whom the disposition is directed, without delay.

Article 49 (Binding Force, etc. of Ruling)

- (1) A ruling recognizing an appeal shall be binding the appellee and other relevant administrative agencies involved in the case.
- (2) Where a disposition which is revoked by a ruling or the nullity or non-existence of which is affirmed, has been made to reject a request by the party concerned, the administrative agency that has originally made the disposition shall render a new disposition with regard to the previous request in accordance with the purpose of the ruling. *<Newly Inserted by Act No. 14832, Apr. 18, 2017>*
- (3) If a ruling is made to order the execution of a disposition regarding which a request by the party concerned was rejected or neglected by an omission, the administrative agency shall, without delay, render a disposition with regard to the previous request in accordance with the purpose of the ruling.
- (4) Paragraph (2) shall apply *mutatis mutandis* to cases where a disposition made upon a request is revoked by a ruling for its procedural illegality or unjustness.
- (5) If a disposition for which a public announcement or notification has been made is revoked or modified by a ruling, the administrative agency which issued the disposition shall without delay make a public announcement or notification that

the disposition is revoked or modified.

- (6) If a disposition on which a notice has been provided to interested persons, other than the party against whom the disposition is directed, in accordance with the provisions of the relevant statute, is revoked or modified by a ruling, the administrative agency which has made the disposition shall notify the interested persons of the fact that the disposition is revoked or modified, without delay.

Article 50 (Direct Disposition by the Commission)

- (1) Notwithstanding Article 49 (3), where an appellee fails to render a disposition, the commission may order the appellee to take corrective measures in writing within a specified period, if the party concerned makes a request; and if the appellee fails to comply with the order within the period, the commission may render a direct disposition: Provided, That this shall not apply where the commission is unable to render a direct disposition due to the nature of the disposition or for other unavoidable reasons. <Amended by Act No. 14832, Apr. 18, 2017>
- (2) Where the commission has rendered a direct disposition according to the main body of paragraph (1) of this Article, it shall notify the relevant administrative agency of the fact, and the agency in turn, shall regard the disposition rendered by the commission as its own disposition and shall take necessary measures, such as administration and supervision, in accordance with the relevant statutes.

Article 50-2 (Indirect Compulsion by the Commission)

- (1) If an appellee fails to render a disposition required under Article 49 (2) (including cases applied *mutatis mutandis* in Article 49 (4)) or Article 49 (3), the Commission shall specify a reasonable period by decision upon request by the appellant, and where the appellee fails to comply with the decision within the specified period, the Commission may render an order to the appellee to pay compensation for losses in proportion to the number of days in default or to compensate immediately for losses.
- (2) Where there are changes in circumstances, the commission may modify the content of such decision made under paragraph (1) upon request by either of the parties concerned.
- (3) The commission shall consider the opinions of the other party of the request before making a decision in accordance with paragraph (1) or (2).
- (4) Where the appellant is dissatisfied with a decision made under paragraph (1) or

- (2), he/she may file for administrative litigation.
- (5) The effect of a decision made under paragraph (1) or (2) shall apply to the State, local government, or public institution to which the appellee administrative agency belongs, and the authentic copy of the decision, regardless of whether litigation is brought thereagainst under paragraph (4), shall have the same effect as that of an execution title provided for in the Civil Executive Act with regard to compulsory execution. In this regard, execution clause shall be granted by a public official of an administrative agency to which the relevant commission belongs in compliance with an order of the Chairperson of the commission.
- (6) Unless otherwise expressly provided for in this Act, the relevant provisions of the Civil Execution Act shall apply mutatis mutadis to compulsory execution conducted based upon a decision of indirect compulsion: Provided, That the administrative court having jurisdiction over the place where the appellee is located shall become a competent court in applying Articles 33, 34, 44, and 45 of the Civil Execution Act.

[This Article Newly Inserted by Act No. 14832, Apr. 18, 2017]

Article 51 (Prohibition of Further Administrative Appeal)

Where a ruling on appeal is made, further appeal shall not be filed against the ruling, the same disposition, or omission.

Article 52 (Filing Appeal, etc. through Electronic Data Processing Systems)

- (1) A person who follows the administrative appeals procedure pursuant to this Act may prepare a written appeal and other documents in electronic format, and submit them using an information and communications network through an electronic data processing system (referring to an electronic device with data processing capability which is established through integrating computer hardware, software, database, network, security elements, etc., that allow a person to prepare, submit, and serve electronic documents necessary for an administrative appeals procedure; hereinafter the same shall apply) designated and operated by the commission.
- (2) The electronic documents submitted pursuant to paragraph (1) shall be deemed submitted in accordance with this Act, and the obligation to submit the copy thereof shall be exempted.
- (3) The electronic documents submitted pursuant to paragraph (1) shall be deemed received with the details recorded in an electronic data processing system as at the time a person who has submitted the documents confirms the receipt

number provided by the electronic data processing system, through an information and communications network.

- (4) In cases of an appeal received through an electronic data processing system, when the period for filing an appeal is counted pursuant to Article 27, the appeal shall be deemed filed as at the time it is received under paragraph (3).
- (5) Matters necessary for the details of the designation of electronic data processing systems, and the receipt of and handling with an written appeal, etc. through electronic data processing systems shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 53 (Digital Signature, etc.)

- (1) The commission may request a person who intends to follow the administrative appeals procedures through an electronic data processing system, to present an official digital signature or other certification (hereafter in this Article referred to as "digital signature, etc.") pursuant to Article 2 (3) of the Digital Signature Act that enables the identification of the person.
- (2) A person who put a digital signature, etc. pursuant to paragraph (1) of this Article is deemed to have affixed his/her signature or seal in accordance with this Act.
- (3) Matters necessary for digital signatures, etc. shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 54 (Service, etc. using Electronic Data Processing Systems)

- (1) An appellee or the commission may serve a person who has filed an administrative appeal pursuant to Article 52 (1) or who has intervened in an appeal, with a written ruling or various documents under this Act using an electronic data processing system and its associated information and communications network: Provided, That this shall not apply if an appellant or an intervenor does not consent to the aforementioned service.
- (2) In the case of the main body of paragraph (1), the commission shall input and register documents, such as a written ruling to be served, in an electronic data processing system, and then notify the fact that the document has been registered by an email, etc., in accordance with the methods prescribed by the

National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

- (3) The service of a document through an electronic data processing system under paragraph (1) has the same effect as the one in writing.
- (4) The documents served pursuant to paragraph (1) are deemed to be received with the details recorded in an electronic information processing system, as at the time the appellant confirms the electronic documents registered under paragraph (2): Provided, That if such details are not confirmed within two weeks (within seven days for documents other than a written ruling) from the date of notification of registration under paragraph (2), the notice is deemed to have arrived on the date when two weeks (seven days for documents other than a written ruling) elapse from the date of notification of registration.
- (5) Articles 52 and 53 and this Article shall apply *mutatis mutandis* where a person who has filed an appeal or has intervened in an appeal in writing files an application for use of an electronic data processing system.
- (6) Articles 52 and 53 and this Article shall apply *mutatis mutandis* to the service of documents between the commission, an appellee, and other relevant administrative agencies.
- (7) A method of service pursuant to the main body of paragraph (1) or other necessary matters shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 55 (Return of Documentary Evidence, etc.)

Upon receipt of a request for return of documentary evidence, etc. after a ruling, the commission shall without delay return documents, ledger books, articles, or the authentic copy of other evidential material presented by an appellant, to the presenter.

Article 56 (Obligation to Report Modification of Place to Be Served, including Address)

If the party, agent, intervenor, etc. modify their address, office, or place to be served, he/she shall immediately report to the commission in writing or through an electronic data processing system. The same shall apply to the modification of an electronic mail address, etc. under Article 54 (2).

Article 57 (Service of Documents)

The provisions related to the service under the Civil Procedure Act shall apply *mutatis mutandis* to the method of service of documents under this Act.

Article 58 (Notification of Administrative Appeals)

- (1) When an administrative agency makes a disposition, it shall inform the party against whom the disposition is directed, of the following:
 1. Whether it is possible to file an administrative appeal against the disposition;
 2. In case of filing an administrative appeal, the procedure and period for filing an appeal.
- (2) If requested by an interested person, an administrative agency shall, without delay, inform the person of the following matters. In this case, if requested to provide them in written form, it shall do so:
 1. Whether the disposition in question is the subject matter of administrative appeals;
 2. If the disposition is the subject matter of administrative appeals, the applicable commission and the period for filing an appeal.

Article 59 (Improvement of Unjust Statutes, etc.)

- (1) In review of, and ruling on, an appeal, if the Central Administrative Appeals Commission deems that an order, etc. (referring to Presidential Decree, Ordinance of the Prime Minister or any of the Ministries, directives, established rules, notifications, municipal ordinances, municipal rules, etc.; hereinafter the same shall apply), which constitute grounds for a disposition or omission, are substantially unjust due to the absence of a statutory basis, confliction with superior legislation, excessive burden to the citizens, or other similar reasons, it may request the relevant administrative agency to take a proper corrective measure, including amendment or repeal of such order. In such cases, the Central Administrative Appeals Commission shall notify the Minister of Legislation of the fact that such request to take a corrective measure has been made. *<Amended by Act No. 14146, Mar. 29, 2016>*
- (2) Upon receipt of such request under paragraph (1), an administrative agency shall comply with the request unless there is good cause.

Article 60 (Investigation, Guidance, etc.)

- (1) The Central Administrative Appeals Commission may investigate an administrative agency regarding the following matters and give necessary instructions:
 1. Operational status of commissions;

2. Executorial status of rulings;
 3. Operational status of administrative appeals.
- (2) With regard to a case over which an appeal litigation is filed in accordance with the Administrative Litigation Act after going through administrative appeals under this Act, an administrative agency shall semi-annually notify the Central Administrative Appeals Commission that has made a ruling on the relevant appeal or the relevant administrative appeals commission under the jurisdiction of the Mayor/Do Governor under Article 6 (3), of matters prescribed by Presidential Decree, such as the details or results of the case, by the 15th day of the month following the month in which the appeal litigation was filed.
- (3) An administrative appeals commission under the jurisdiction of a Mayor/Do Governor under Article 6 (3) shall submit materials collected pursuant to paragraph (2) to the Central Administrative Appeals Commission, upon request by the Commission.

Article 61 (Delegation of Authority)

@Part of the authority of the commission under this Act may be delegated to its chairperson, as prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after its promulgation: Provided, That the amended provisions of Article 60 (2) and (3) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Prior Consultation on Establishment, etc. of Specialized Administrative Appeals)

The amended provision of Article 4 (3) shall apply, beginning with a legislative bill on which prior legislative notice is first published after this Act enters into force.

Article 3 (Applicability to Qualification of Commission Members)

The amended provisions under Article 7 (4) and Article 8 (4) shall apply, beginning with a commission member who is first commissioned after this Act enters into force.

Article 4 (Special Cases concerning Investigation, Guidance, etc.)

(1) When the administrative agency submits the relevant material for the first time in accordance with the amended provisions of Article 60 (2), it shall submit the relevant materials for the whole year of 2009 by March 31, 2010, notwithstanding the same paragraph.

(2) In applying the amended provisions of Article 60 (2) and (3), the "Central Administrative Appeals Commission" of the amended provisions of Articles 60 (2) and (3) shall be construed as the "administrative appeals commission under the Prime Minister" until the previous day of the enforcement date of this Act pursuant to the main body of Article 1 of the Addenda.

Article 5 (Transitional Measures concerning the Commission)

The commission under the previous provisions as at the time when this Act enters into force shall be deemed the commission under this Act.

Article 6 (Transitional Measures concerning Members of the Commission)

Members of the commission under the previous provisions as at the time this Act enters into force shall be deemed to have been appointed or commissioned as members of the commission pursuant to this Act. In such cases, the term of office of members shall be the remaining period.

Article 7 (Transitional Measures concerning Pending Cases)

(1) Except as otherwise provided for in this Act or other Acts, this Act shall also apply to a pending case on which an appeal has been filed before this Act enters into force: Provided, That matters already in effect under the previous provisions shall not be affected.

(2) Notwithstanding the main body of the above paragraph (1), with respect to a case on which the commission has adopted a resolution under previous Articles 6 (6) and 6-2 (7) before this Act enters into force, the previous commission shall make a ruling.

(3) Notwithstanding the main body of paragraph (1), with regard to a pending case on which an appeal has been filed before this Act enters into force, an appellee shall perform his/her obligation under the amended provisions of Article 24 (2), only upon request by the relevant commission.

Article 8 Omitted.

Article 9 (Relationship with Other Statutes)

(1) Where the previous provisions of the Administrative Appeals Act are cited by other statutes as at the time this Act enters into force and if provisions corresponding thereto exist in this Act, such corresponding provisions of this Act

shall be deemed to have been cited in lieu of the previous provisions.

(2) Where the "Administrative Appeals Commission under the Prime Minister" is cited by other statutes as at the time this Act enters into force, the "Central Administrative Appeals Commission" under this Act shall be deemed to be cited.

ADDENDUM <Act No. 11328, Feb. 17, 2012>

This Act shall enter into force on July 1, 2012.

ADDENDA <Act No. 12718, May 28, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures for Changes to Classification of Public Officials)

A public official in extraordinary civil service who is serving as a standing member of the Central Administrative Appeals Commission in accordance with the previous provisions as at the time this Act enters into force shall be deemed appointed as a public official in a fixed term position under Article 26-5 of the State Public Officials Act on the date this Act enters into force. In such case, his/her term of office shall be the remainder of the term of office as at the time he/she was appointed as a standing member.

ADDENDUM <Act No. 14146, Mar. 29, 2016>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 14832, Apr. 18, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Binding Force of Ruling of Revocation, etc. and Indirect Compulsion)

The amended provisions of Articles 49 (2) and 50-2 shall apply beginning with rulings rendered on or after this Act enters into force.

ADDENDA <Act No. 15025, Oct. 31, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation:
Provided That the amended provision of Article 18 (2) shall enter into force one

year after the promulgation date.

Article 2 (Applicability to State-Appointed Counsel and Mediation)

- (1) The amended provision of Article 43-2 may be applied to cases filed before the enforcement of this Act.
- (2) The amended provision of Article 18-2 may be applied to cases filed before the enforcement of that amended provision.