

Checklist for “Official Events Related to the Duties of Public Officials”

1. Background

- No public official should accept any money or goods exceeding KRW 1 million at a time, or KRW 3 million per fiscal year, from the same person, regardless of any connection to his or her duties and regardless of any pretext.

- No public official should, in connection to his/her duties, accept any money or goods even though the value does not exceed KRW 1 million at a time from the same person, regardless of whether the money or goods are given as part of any expectation of a favour in return.

- Money or goods provided uniformly in a normally accepted range by an organizer of an official event related to the duties of public officials to all participants thereof, in the form of transportation, accommodation, food and beverages, etc., is an exception under Article 8.6 of the Improper Solicitation and Graft Act.

- Here it is necessary to review the meaning of and criteria for defining the terms “related to the duties,” “official event,” “normally accepted range,” and “provided uniformly.”

2. Criteria for Determining an Official Event “Related to Duties”

- The exception specified in the above-mentioned Article 8.6 of the Act is limited to an official event related to the duties of public officials.

- A sport event organized to promote friendship or an event mainly aimed at offering entertainment is not considered an official event related to the duties of public officials.

- Whether an event is an official event is decided by considering different conditions comprehensively, such as the purpose and details of the event,

participants, whether it is open to the public, whether there exists an internal approval procedure regarding the operation of such an event, and whether an official invitation in the form of an official document or mail was sent by the event organizer.

- Official events related to duties of public officials include not only events hosted by organizations such as public institutions or private companies, but also by individuals.

<Reference: Specific criteria for determining an “official event” (check list)>

*** Checklist 1**

○ Purpose and details of an event

<input type="checkbox"/>	◆ The event is directly related to the duties and business of a host organization.
<input type="checkbox"/>	◆ This event consists of programs in line with its purpose. * Do not check if the main purpose of the programs is to provide meals or entertainment.
<input type="checkbox"/>	◆ The event was included in the event schedule.

*** Checklist 2**

○ Participants

<input type="checkbox"/>	◆ The event involves a proper selection of participants in line with the characteristics or purpose of the event.
<input type="checkbox"/>	◆ The participants of the event are related to the objectives and details of the event.
<input type="checkbox"/>	◆ The event specifies participants.
<input type="checkbox"/>	◆ The event needs to specify participants for the purpose of the event.

*** Checklist 3**

- Whether the event is open to the public

<input type="checkbox"/>	◆ The event is held in public.
<input type="checkbox"/>	◆ There is a reasonable reason for holding the meeting as a closed-door event.

*** Checklist 4**

- Procedure

<input type="checkbox"/>	◆ There is an internal approval procedure regarding the planning and operation of the event.
<input type="checkbox"/>	◆ There is an official invitation in the form of an official document, mail, etc. sent by the event organizer.

In order for an event to be recognized as an official event, all of the items in the above check lists should be checked. Otherwise, it is considered an official event only by their name and in fact is a private gathering.

3. Criteria for money or goods “uniformly provided” “within a normally accepted range”

- **“Normally accepted range”**

- “Normally accepted range” refers to any money or goods provided within the same range at similar types of event.

- Whether money or goods are provided in a normally accepted range is decided by considering various aspects comprehensively including the extent to which benefits are provided at the same or a similar event, the venue, the scope and statues of participants, internal standards and cost-bearing capacity, and whether the event is carried out through a normal expense procedure.

*** Checklist**

<input type="checkbox"/>	<input checked="" type="checkbox"/> The money or goods provided is proper according to various aspects such as the extent to which money or goods are provided in an identical or a similar event, the venue, the scope of participants and their statuses, internal standards and cost-bearing capacity.
<input type="checkbox"/>	<input checked="" type="checkbox"/> The event is carried out through a normal expense procedure.

” Money or goods uniformly provided”

○ “Money or goods uniformly provided” refers to any money or goods provided uniformly rather than to specific individuals or groups.

- “Uniformly provided” does not necessarily mean that every participant is provided with an equal amount of money or goods, but rather that participants are given different amounts depending on their role in the event.

*** Checklist**

<input type="checkbox"/>	<input checked="" type="checkbox"/> Money or goods are provided only to specific individuals or groups.
<input type="checkbox"/>	<input checked="" type="checkbox"/> There is a reasonable cause to differentiate the amount of money or goods depending on the role of each participant in the event.

4. Exceptions for Official Events

Meals

○ If meals are not provided at an official event specified in Article 8.6 of the Improper Solicitation and Graft Act, they should fall into other exceptions under Article 8 of the Act:

- Meals not exceeding KRW 30,000 which are offered for the purposes of facilitating the performance of duties, social relationships, and rituals as specified in Article 8.2 of the Act

- In the case where participants pay an entry fee or membership fee, meals are allowed as money or goods offered from a legitimate source of rights as specified in Article 8.3 of the Act.

o Also, meals that are equally paid by participants are allowed since there is no money or goods received by any in this case.

- Each participant can pay for the excess amount of the 30,000won limit for food and beverages.

Note: Illegal split payment of business expenses is banned.

□ **Transportation**

o Transportation is allowed if it corresponds to money or goods permitted by societal rules and norms, which falls into an exception in accordance with Article 8. 8. of the Act.

- Whether a transportation is allowed is decided by considering various aspects comprehensively, including the relationship between the party concerned and the organizer, the details and degree of relevance to duties, the time and process of provision of money or goods and the value of money or goods.

| **Reference 1: Relevant Cases**

1. IFA Global Press Conference

o Event Overview

- Title: IFA Global Press Conference

- Objective: To access up-to-date industry information at the Internationale Funkausstellung (IFA), the world's largest trade fair for consumer electronics, and to keep up with the latest technological trends in consumer electronics and the global consumer electronics industry

- Venue: Lisbon, Portugal

- Host: German Association for Consumer & Communications Electronics (gfu)

and Messe Berlin

- Participants: Around 300 journalists and event staff from 54 countries (including 20 Korean journalists from 19 news outlets)
- Invitation: Media outlets focusing on consumer electronics and IT were invited, and among them, journalists available for on-site coverage registered for the event.

After considering the various aspects of the event, such as its objective and contents, participants, whether it is a public event, and the event procedure, this event may be determined to constitute an official event.

2. Return to Gyeongju Campaign

○ Event Overview

- Title: Return to Gyeongju Campaign
- Objective: To promote the safety of traveling in Gyeongju, which was designated as a special disaster zone due to earthquake damage
- Contents: Briefing of the Provincial Government on earthquake damage in Gyeongju and measures to promote local tourism, industry-led efforts to facilitate tourism, on-site coverage of popular tourist attractions and tourists
- Host: Provincial Government of Gyeongsangbuk-do
- Participants: The Korea Travel Writers Association was commissioned to publicly invite media outlets.

After considering the various aspects of the event, such as its objective and contents, participants, and whether it is a public event, this event may be determined to constitute an official event.

3. The 200th Busan Economic Forum in Commemoration of its 20th Anniversary

○ Event Overview

- Title: The 200th Busan Economic Forum in Commemoration of its 20th Anniversary
- Objective: To update key personnels—such as local entrepreneurs and heads of institutions—on the latest trends and business information; Since its

establishment in 1996, the forum has offered a free monthly hotel breakfast lecture.

- Contents: Banquet lecture
- Venue: Hotel
- Host: Busan Chamber of Commerce & Industry (BCCI)
- Participants: About 300 guests consisting of local entrepreneurs, heads of institutions, employees of BCCI and KB Kookmin Bank, and forum members
- Procedure: This event was allocated in the 2016 budget, and official letters of invitation were sent out to participants.

After considering the various aspects of the event, such as its objective and contents, participants, and whether it is a public event, this event may be determined to constitute an official event.

4. SAS Global Forum 2017

○ Event Overview

- Title: SAS Global Forum 2017
- Venue: Orlando, Florida, US
- Host: SAS, a global IT service provider
- Participants: Journalists from around the world, business leaders, leading high-tech companies, data analysis experts, media figures (Korean correspondents in the US who attended the event upon invitation)

After considering the various aspects of the event, such as its objective and contents, participants, and whether it is a public event, this event may be determined to constitute an official event.

5. Groundbreaking Ceremony to Celebrate New LNG Terminal and Pipelines for the Supply of Natural Gas throughout Jeju Island

○ Event Overview

- Title: Groundbreaking Ceremony
- Objective: Groundbreaking ceremony to celebrate new LNG terminal and pipelines for the supply of natural gas throughout Jeju Island

- Host: Korea Gas Corporation

- Participants: About 300 guests consisting of district representatives, heads of local governments, and local residents

After considering the various aspects of the event, such as its objective and contents, participants, whether it is a public event, and the event procedure, this event may be determined to constitute an official event.

| Reference 2: FAQs Regarding Official Events

Q1. If an event consists primarily of entertainment programs, including tours, meals, or golf, does it constitute an official event related to duties?

An official event must be directly relevant to the affairs and business of its organizer, and its programs must align with the purpose of the event; therefore, any event including programs consisting primarily of entertainment—including tours, meals or golf—rather than sporting activities for promoting friendship, should not be considered to constitute an official event related to duties.

Q2. If money or goods, such as transportation, accommodation, or food and beverages, are provided by a third party, not an organizer of an official event, to all participants thereof, does it constitute an exception?

Money or goods provided uniformly and within a normally accepted range by an organizer of an official event related to the duties of public officials to all participants thereof, in the form of transportation, accommodation, food and beverages, should not constitute money or goods of which the receipt is prohibited; therefore, any money or goods provided by a third party, not an organizer of an official event, should not be permitted unless there is any other exception as set forth in Article 8.3 of the Improper Solicitation and Graft Act.

Q3. What amounts are considered to be within a normally accepted range?

Value considered within a normally accepted range is not expressly stipulated, and instead refers to amounts of money or goods deemed to have been

previously provided for an identical or similar type of event. Whether money or goods provided in a normally accepted range are proper in terms of social norms should be decided case by case by considering a number of aspects, including the amount provided in identical or similar events, the venue, the scope of participants and their statuses, internal standards and cost-bearing capacity, and whether the event is carried out through a normal expense procedure.

Q4. Does the term “uniform provision” only mean providing money or goods to all participants?

The term “uniform provision” does not necessarily mean that every participant is provided an absolutely identical amount of money or goods but rather that participants are given differential amounts depending on their roles in the event. For example, providing a participant of an official event with differential accommodations, including transportation or lodging, depending on the distance he/she travels is reasonable and therefore constitutes uniform provision.

Q5. Does providing a participant of an official event with money amounting to the value of transportation or lodging constitute an exception?

The law classifies accommodations, including transportation or lodging, as money or goods the receipt of which is prohibited. So providing money amounting to the value concerned should not constitute an exception. If evidence of payment, including a receipt, is submitted, however, the relevant amount of money can be reimbursed in accordance with established terms and conditions.

Q6. What recourse should be taken if it is unable to be decided whether an event qualifies as an official event related to the duties; whether money or goods have been provided within a normally accepted range; or whether money or goods have been provided uniformly?

In such cases, an anti-solicitation officer designated by the head of a public institution in accordance with Article 20 of the Act should be consulted regarding the money or goods in question.