

## ENFORCEMENT DECREE OF THE FRAMEWORK ACT ON GOVERNMENT PERFORMANCE EVALUATION

[Enforcement Date: March 30, 2018] [Presidential Decree No. 28728, March 30, 2018, Amendment of Other Acts]



Office for Government Policy Coordination (Office for Director General for Policy Tasks Management) 044-200-2476

### Article 1 Purpose

The purpose of this Enforcement Decree is to provide for matters delegated by the Framework Act on Government Performance Evaluation and matters necessary for enforcement thereof.

### Article 2 Scope of Central Administrative Agencies

“Organ under the President and organs under/assisting the Prime Minister as prescribed by Presidential Decree” provided in Subparagraph 2(a) of Article 2 of the Framework Act on Government Performance Evaluation (hereinafter referred to as the “Act”) mean any of the following entities: *<Amended on February 29, 2008, March 23, 2013, and July 19, 2016>*

1. Organ under the President: Korea Communications Commission; and
2. Organs under the Prime Minister: Office for Government Policy Coordination, Fair Trade Commission, Financial Services Commission, Anti-Corruption & Civil Rights Commission, and Nuclear Safety and Security Commission.

### Article 3 Agencies, Corporations or Organizations Categorized as Public Institutions

“Agencies, corporations, or organizations prescribed by Presidential Decree” provided in Subparagraph 7(g) of Article 2 of the Act mean the agencies, corporations or organizations designated by the heads of the competent central administrative agencies in consultation with the Government Performance Evaluation Committee (hereinafter referred to as “GPEC”) provided in Article 9 of the Act, among the agencies, corporations or organizations set forth in any subparagraph of Article 4(1) of the Act on the Management of Public Institutions (excluding public enterprises and quasi-governmental institutions provided in Subparagraph 7(a) of Article 2 of the Act).

*[Wholly amended on July 19, 2016]*

### Article 4 Scope of Integrated Evaluation

The scope of integrated evaluation conducted according to the latter part of Article 3(2) of the Act shall be as follows: *<Amended on July 3, 2008, August 21, 2009, February 3, 2016, July 19, 2016, and March 30, 2018.>*

1. Self-performance evaluation of research and development programs under Article 8 of the Act on the Performance Evaluation and Management of National Research and Development Projects, Etc.;
2. Evaluation of the outcomes of an education and human resources development implementation plan under Article 8 of the Framework Act on the Development of Human Resources;
3. Evaluation of education and training at central administrative agencies under Article 15 of the Act on the Capacity Development of Public Officials;
4. *Deleted <May 4, 2010>*
5. Analysis and review of progress in major programs described in a basic plan and an implementation plan under Articles 6(6) and 7(4) of the Framework Act on National Informatization;
6. Evaluation of knowledge information resources management under Article 25(2)5 of the Framework Act on National Informatization;
7. Evaluation of the status of regulatory reform under Article 34 of the Framework Act on Administrative Regulations;
8. Evaluation of the status of operation of the information disclosure system under Article 24 of the Official Information Disclosure Act;
9. Investigation and evaluation of the status of open position operation under Article 27 of the Regulations on

Open Position and Job Posting Operation, Etc.;

10. Analysis and evaluation of the operation of government administrative organizations under Article 32 of the General Rules on Organization of Administrative Agencies and Prescribed Number of Their Employees;
- 10-2. Autonomous evaluation of budgetary programs under Article 8(6) of the National Finance Act and Article 3 of the Enforcement Decree thereof; and
11. Other evaluations determined by the GPEC in consultation with the lead evaluation agency based on its acknowledgment of a need for integrated evaluation.

#### **Article 5 Matters Related to Development of Evaluation under Government Performance Evaluation Master Plan**

“Other important matters relating to development of evaluation as prescribed by Presidential Decree” provided in Article 8(2)8 of the Act means any of the following:

1. Matters relating to the methods of annual evaluation integration or alignment for efficient government performance evaluation; and
2. Matters relating to the methods of linking government performance evaluation results with the organization, budget, personnel management, compensation, and other relevant schemes.

#### **Article 6 Operation, Etc. of GPEC**

- (1) Each chairperson of the GPEC under Article 10(2) of the Act (hereinafter referred to as “chairperson”) shall respectively represent the GPEC and oversee its affairs.
- (2) If both chairpersons are incapable of performing their duties for any unavoidable reason, a member of the GPEC nominated by the Prime Minister shall serve as the acting chairperson.
- (3) A chairperson shall convene and chair a meeting of the GPEC.
- (4) If a chairperson intends to convene a meeting of the GPEC, he or she shall determine the time, venue and agenda of such meeting and give at least seven (7) days’ prior notice to each member thereof, except in a matter of urgency.
- (5) When necessary for efficient evaluation, the GPEC may request the heads of the central administrative agencies concerned to render support therefor including human resources. *<Newly inserted on July 3, 2008>*
- (6) Matters necessary for operation, etc. of the GPEC, other than those set forth in the foregoing Paragraphs (1) through (5), shall be determined by its joint chairpersons following decision-making by the GPEC. *<Newly inserted on July 3, 2008>*

**Article 7 Deleted** *<July 3, 2008>*

#### **Article 8 Evaluation Supervising Agencies**

“Central administrative agencies supervising different evaluation categories as prescribed by Presidential Decree” provided in Article 11(1) of the Act mean the following central administrative agencies by category: *<Amended on February 29, 2008, July 3, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*

1. Major policies: Office for Government Policy Coordination
2. Budgetary programs: Ministry of Economy and Finance
3. Organization and informatization: Ministry of the Interior and Safety
4. Personnel management: Ministry of Personnel Management
5. Deleted *<July 3, 2008>*

#### **Article 9 Support for Entrusted Management/Operation of Electronic-Integrated Public Service Evaluation System**

In the event the Prime Minister entrusts management and/or operation of the electronic-Integrated Public Service Evaluation System (e-IPSES) according to Article 13(3) of the Act, he or she may render necessary support to the extent permitted by available budget funds.

#### **Article 10 Internal Evaluation of Central Administrative Agencies**

- (1) The head of the central administrative agency concerned that conducts internal evaluation according to Article 14(1) of the Act shall independently select the policies, projects, duties, and the like subject to such internal evaluation (hereinafter referred to as “policies, etc.”) on the basis of a government performance evaluation implementation plan provided in Article 8(3) of the Act; provided that such policies, etc. shall

include each of the following:

1. Basic and essential policies, etc. necessary to attain the missions of the agency;
  2. Policies, etc. necessary to accomplish the performance goals for the corresponding year; and
  3. Policies, etc. necessary to link internal evaluation results with the organization, budget, personnel management, compensation, and other relevant schemes.
- (2) If any policy, etc. falls under multiple categories, the head of a central administrative agency may evaluate such policy, etc. based on classification thereof as a single category in order to prevent overlapping evaluations.

#### **Article 11 Composition and Operation of Internal Evaluation Committee**

- (1) An internal evaluation committee installed at a central administrative agency according to Article 14(2) of the Act (hereinafter referred to as "internal evaluation committee") shall consist of at least ten (10) to no more than thirty (30) members including one (1) chairperson.
- (2) The chairperson of an internal evaluation committee shall be nominated by the head of the central administrative agency concerned from among its civilian members as provided in Paragraph (3) below.
- (3) Members of an internal evaluation committee shall be appointed or nominated by the head of the central administrative agency concerned from among persons having extensive expertise and experience in evaluation or pertinent duties or related government officials.
- (4) Members of an internal evaluation committee (excluding those who are government officials) shall have a term of office of two (2) years. *<Amended on July 19, 2016>*
- (5) If any member of an internal evaluation committee appointed under the foregoing Paragraph (3) falls under any of the following, the head of a central administrative agency may dismiss such member: *<Newly inserted on July 19, 2016>*
  1. He/she is incapable of performing duties due to any mental or physical disability;
  2. He/she commits irregularities in connection with his/her duties;
  3. He/she neglects duties, commits indecent acts, or is otherwise deemed to be unqualified for membership; or
  4. He/she voluntarily opines that he/she finds it difficult to perform his/her duties.
- (6) Necessary matters regarding composition and operation of an internal evaluation committee, other than those set forth in the foregoing Paragraphs (1) through (5), shall be determined by the head of the central administrative agency concerned. *<Newly inserted on July 19, 2016>*

#### **Article 12 Procedures, Etc. of Internal Evaluation**

- (1) The head of a central administrative agency shall conduct internal evaluation through measurement with quantitative evaluation indicators to the extent practicable.
- (2) The GPEC may determine and present evaluation methods, criteria, and indicators commonly applicable to all central administrative agencies if it is necessary to do so in order to ensure efficiency, fairness, and objectivity of internal evaluation.
- (3) The head of a central administrative agency may develop indicators that capture the specificities of its duties and use them for evaluation, in addition to the common evaluation methods, criteria, and indicators set forth in the foregoing Paragraph (2).
- (4) If there exist any other lead evaluation agency's evaluation results concerning the policies, etc. subject to its internal evaluation, the head of a central administrative agency may utilize such results in its internal evaluation.

#### **Article 13 Implementation of Re-Evaluation**

When necessary to conduct re-evaluation according to Article 17 of the Act, the Prime Minister may demand necessary materials or cause evaluation personnel to visit the site concerned to confirm and review evaluation materials.

#### **Article 14 Areas Subject to Specific Evaluation**

"Areas prescribed by Presidential Decree" provided in Article 20(1) of the Act mean any of the following:

1. Programs that must be commonly implemented by each central administrative agency and require ongoing management;
2. Major national projects that have great social impact and require especially close management;
3. Areas where the level of public satisfaction with agencies or execution of the policies, etc. is measured; and
4. Other areas deemed necessary for specific evaluation and thus designated based on the GPEC's deliberation and decision-making.

#### **Article 15 Procedures, Etc. of Specific Evaluation**

- (1) When necessary for efficient specific evaluation, the Prime Minister may cause civilian experts to carry out a research and/or survey.
- (2) In conducting specific evaluation, the Prime Minister may request cooperation or support from appropriate experts, research institutes, and groups.
- (3) In case the GPEC deliberates on a specific evaluation, it shall hear the opinions of the evaluated entities.

#### **Article 16 Major National Programs, Etc.**

"Other major national programs prescribed by Presidential Decree, and the like" provided in Article 21(1) of the Act mean any of the following programs:

1. Programs that require setting of national policy goals and direction; and
2. Programs that require close cooperation between central administrative agencies and local governments.

#### **Article 17 Implementation, Etc. of Joint Evaluation**

- (1) In case the Minister of the Interior and Safety intends to conduct a joint evaluation (hereinafter referred to as "joint evaluation") of state-delegated affairs, etc. under Article 21(1) of the Act, he or she shall formulate a joint evaluation implementation plan in consultation with the heads of the central administrative agencies concerned and based on deliberation by the local government joint evaluation committee (hereinafter referred to as "local government joint evaluation committee") under Article 21(4) of the Act. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
- (2) When the Minister of the Interior and Safety formulates a joint evaluation implementation plan in accordance with the foregoing Paragraph (1), he or she shall submit such plan to the GPEC three (3) months prior to execution of such evaluation. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
- (3) A joint evaluation implementation plan under the foregoing Paragraph (1) shall include each of the following:
  1. Matters relating to the purpose and necessity of joint evaluation;
  2. Matters relating to the objects and scope of joint evaluation;
  3. Matters relating to the time and methods of joint evaluation;
  4. Matters relating to selection of the objects of joint evaluation and setting of evaluation indicators;
  5. Matters relating to the methods to utilize joint evaluation results;
  6. Matters relating to composition and operation of a local government joint evaluation unit jointly managed with the central administrative agencies concerned; and
  7. Opinions, etc. of the central administrative agencies involved in joint evaluation.

#### **Article 18 Composition and Operation of Local Government Joint Evaluation Committee**

- (1) The local government joint evaluation committee shall consist of no more than twenty (20) members including one (1) chairperson. Civilian experts with extensive knowledge and experience in evaluation shall account for at least two-thirds (2/3) of its members to ensure objectivity and fairness in evaluation.
- (2) The chairperson of the local government joint evaluation committee shall be nominated by the Minister of the Interior and Safety from among the civilian members set forth in Paragraph (3) below. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
- (3) Members of the local government joint evaluation committee shall be chosen from among any of the following: *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
  1. Persons nominated or appointed by the Minister of the Interior and Safety from among the government officials under his or her supervision or those with extensive expertise and experience in evaluation; and

2. Persons recommended by the head of a central administrative agency participating in joint evaluation from among the government officials under his or her supervision or those with extensive expertise and experience in evaluation and nominated or appointed by the Minister of the Interior and Safety.
- (4) Members of the local government joint evaluation committee (excluding those who are government officials) shall have a term of office of two (2) years.
- (5) If any member of the local government joint evaluation committee appointed under the foregoing Paragraph (3) falls under any of the following, the Minister of the Interior and Safety may dismiss such member: *<Newly inserted on July 19, 2016 and July 26, 2017>*
  1. He/she is incapable of performing duties due to any mental or physical disability;
  2. He/she commits irregularities in connection with his/her duties;
  3. He/she neglects duties, commits indecent acts, or is otherwise deemed to be unqualified for membership; or
  4. He/she voluntarily opines that he/she finds it difficult to perform his/her duties.
- (6) Other necessary matters regarding composition and operation of the local government joint evaluation committee shall be determined by the Minister of the Interior and Safety with deliberation by the local government joint evaluation committee. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, July 19, 2016, and July 26, 2017>*

#### **Article 19 Central Administrative Agencies' Evaluation of Public Institutions**

If the head of a central administrative agency, according to Article 22(3) of the Act, intends to evaluate public institutions over which it has competent jurisdiction, its internal evaluation committee shall first conduct deliberations.

#### **Article 20 Allowances, Etc.**

Allowances and funds for travel expenses and other necessary expenses may be paid to the chairpersons and members of committees, other stakeholders, experts, and government officials involved in evaluation to the extent permitted by available budget funds; provided that the foregoing shall not apply if any government official attends a committee meeting and the like in the course of his or her duties.

#### **Article 21 Delegation or Entrustment of Authority**

- (1) Pursuant to Article 33(1) of the Act, the Prime Minister shall delegate the authority necessary to conduct specific evaluation of innovation management as provided in Article 20 of the Act to the Minister of the Interior and Safety. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
- (2) Upon delegation of the authority for specific evaluation of innovation management according to the foregoing Paragraph (1), the Minister of the Interior and Safety shall determine the evaluation objects, methods, criteria, indicators, etc. concerning innovation management (hereinafter in this Article referred to as "evaluation indicators, etc.") and submit them to the GPEC. In such case, the Minister of the Interior and Safety shall maintain an equilibrium between the evaluation indicators, etc. for innovation management and the evaluation indicators, etc. for other specific evaluation categories. *<Amended on February 29, 2008, March 23, 2013, November 19, 2014, and July 26, 2017>*
- (3) If evaluation affairs are partly entrusted according to Article 33(2) of the Act, the Prime Minister, the head of a central administrative agency, and the head of a local government may render funding to cover a part of the costs incurred for operation and research of the corresponding specialized research institutes to the extent necessary for efficient implementation of such entrusted affairs.

#### **ADDENDA *<No. 28728, March 30, 2018>* (General Rules on Organization of Administrative Agencies and Prescribed Number of Their Employees)**

##### **Article 1 Enforcement Date**

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

##### **Article 2 Omitted**

##### **Article 3 Amendment of Other Acts**

- (1) The Enforcement Decree of the Framework Act on Government Performance Evaluation shall be partly amended as follows:

In Subparagraph 10 of Article 4, "Article 27-2" shall be changed to "Article 32."

(2) *Omitted*