

ENFORCEMENT DECREE OF THE AVIATION AND RAILWAY ACCIDENT INVESTIGATION ACT

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Aviation and Railway Accident Investigation Act and those necessary for enforcing said Act. <Amended on Feb. 22, 2013>

Article 2 (Composition of Committees)

(1) The Aviation and Railway Accident Investigation Board (hereinafter referred to as the "Board") under Article 4 of the Aviation and Railway Accident Investigation Act (hereinafter referred to as the "Act") shall have the following committees within the Board:

1. Aviation Committee;
2. Railway Committee.

(2) The Aviation Committee referred to in paragraph (1) 1 shall deliberate and decide on the following matters regarding aviation accidents, etc.:

1. Matters regarding preparation, etc. of accident investigation reports under Article 25 (1) of the Act;
2. Matters regarding safety recommendations, etc. under Article 26 (1) of the Act;
3. Other matters regarding aviation accidents, etc. delegated by the Board for deliberation.

(3) The Railway Committee under paragraph (1) 2 shall deliberate and decide on the following matters pertaining to railway accidents: <Amended on Feb. 22, 2013>

1. Matters regarding preparation, etc. of accident investigation reports under Article 25 (1) of the Act;
2. Matters regarding safety recommendations, etc. under Article 26 (1) of the Act;

3. Other matters regarding railway accidents delegated by the Board for deliberation.

(4) A committee under the subparagraphs of paragraph (1) (hereinafter referred to as "committee") shall be comprised of up to seven members, including the chairperson of the committee (hereinafter referred to as "chairperson of the committee") and one standing member of the committee (hereinafter referred to as "standing member of the committee"). *<Amended on Feb. 22, 2013>*

(5) The chairperson of the Board (hereinafter referred to as the "Chairperson") and the standing member of the Board shall concurrently take the office of the chairperson and the standing member of each committee, respectively, and the members of each committee shall be designated by the Chairperson from among the members of the Board. *<Amended on Feb. 22, 2013>*

(6) The chairperson of the committee shall represent the committee, and exercise general supervision over its affairs.

Article 3 (Meetings of Committees)

(1) The chairperson of a committee shall convene and preside over meetings of the committee.

(2) Meetings of a committee shall adopt resolutions by the concurring vote of a majority of all incumbent members.

(3) Except as provided in this Decree, matters necessary for the operation, etc. of committees shall be determined by the Chairperson.

Article 4 (Commissioning of Advisors)

(1) The Chairperson may commission persons with extensive knowledge of and experience in the relevant field as advisors under Article 14 of the Act. *<Amended on Feb. 22, 2013>*

(2) The Chairperson may request the advisors to state their opinions on an accident investigation or to submit their opinions in writing.

(3) Advisors shall hold office for a term of five years and may be appointed consecutively for further terms.

Article 5 (Composition of the Aviation and Railway Accident Investigation Team)

(1) The investigator-in-charge of the Aviation and Railway Accident Investigation Team under Article 20 (1) of the Act (hereinafter referred to as "investigation team") shall be appointed by the Chairperson from among accident investigators under Article 16 (2) of the Act or employees who conduct affairs related to accident investigation.

(2) The investigator-in-charge shall exercise general supervision over the affairs concerning the investigation team, and direct and supervise the members of the investigation team.

(3) Where an aviation accident, etc. is related to the operation of military aircraft or military aviation duties (limited to the operation of aircraft, which is done onboard [excluding practice flights of aircraft], air route traffic control and operation control) or where an aviation accident, etc. occurs in a military air base, and if an investigation team is established to investigate such accident, the Board shall ensure that persons recommended by the Minister of National Defense from among experts in the field related to the accident participate in the investigation team.
<Amended on Feb. 22, 2013>

(4) Except as provided in this Decree, matters necessary for the composition and operation of an investigation team shall be determined by the Chairperson.

Article 6 (Hearing of Opinions)

(1) Where the Board intends to hear opinions of the relevant persons under Article 24 (1) of the Act, it shall determine the date and place and send written notice thereof at least seven days before hearing their opinions.

(2) Where a relevant person in receipt of notice under paragraph (1) is unable to attend a meeting of the Board due to any unavoidable cause, he or she may submit his or her written opinion in advance (including electronic documents).

(3) When a relevant person in receipt of notice under paragraph (1) neither appears before the Board nor submits his or her opinion in writing without good cause, he or she shall be deemed to have waived the opportunity to state his or her opinion.

Article 7 (Publication of Accident Investigation Reports)

The Board shall publicize accident investigation reports under Article 25 (2) of the Act in a way that can be easily accessible by the public such as announcing to the press, posting on the

website of the Board, or publishing printed materials.

Article 8 (Scope of Information Whose Disclosure May Be Prohibited)

The scope of the information that may not be disclosed pursuant to Article 28 (2) of the Act shall be as follows: Provided, That where the relevant information is related to the analysis of an accident, the details thereof may be included in the accident investigation report referred to in Article 25 (1) of the Act: *<Amended on Feb. 22, 2013>*

1. A statement received from relevant persons in the course of investigating the accident;
2. Records of communications among persons related to the operation of the aircraft or train;
3. Medical or privacy information on persons related to the aviation accident, etc. or railway accident;
4. Voice recording from the cockpit and train engine room, and transcripts of such records;
5. Video recording from the cockpit and transcripts of such records;
6. Records of air traffic control rooms and transcripts of such records;
7. Opinions presented in the course of analyzing information from flight recorders, train operation recorders, etc.;

Article 9 (Criteria for Imposition of Administrative Fines)

Criteria for the imposition of administrative fines referred to in Article 38 (1) through (3) of the Act shall be as specified in the attached Table. *<Amended on Nov. 16, 2021>*

[This Article Wholly Amended on Apr. 4, 2011]

ADDENDA <Presidential Decree No. 19531, Jun. 15, 2006>

- (1) (Enforcement Decree) This Decree shall enter into force on July 9, 2006.
- (2) Omitted.

ADDENDA <Presidential Decree No. 20722, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That, among the Presidential Decrees amended pursuant to Article 6 of the Addenda, amendments of the Presidential Decrees which were promulgated before this Decree enters into force, but the dates on which they are to enter into force have yet to arrive, shall enter into force on the respective dates on which the relevant Presidential Decrees enter into force.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 22829, Apr. 4, 2011>

Article 1 (Enforcement Date)

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

Articles 2 (Applicability to Calculation of Floor Area Ratio pursuant to Amended Enforcement Decree of the Building Act)

The amended provisions of Article 119 (1) 4 (d) of the Enforcement Decree of the Building Act, shall begin to apply to building permits issued after this Decree enters into force.

Article 3 (Applicable Cases concerning Authorization for Modification pursuant to Amended Enforcement Decree of the Act on the Improvement of Urban Areas and Residential Environments)

The amended provisions of subparagraph 3 of Article 27 of the Enforcement Decree of the Act on the Improvement of Urban Areas and Residential Environments, shall begin to apply to modifications of the terms and conditions of authorization to establish an association, after this Decree enters into force.

Article 4 (Transitional Measures concerning Penalty Surcharges or Administrative Fines)

(1) The previous provisions shall apply to the criteria for the imposition of penalty surcharges or administrative fines for violations committed before this Decree enters into force.

(2) The number of dispositions to impose penalty surcharges or administrative fines for violations committed before this Decree enters into force shall not be counted towards the number of

violations under the amended provisions of this Decree.

ADDENDA <Presidential Decree No. 24395, Feb. 22, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Scope of Information That May Not Be Disclosed)

The amended provisions of subparagraphs 4 through 7 of Article 8 shall begin to apply to aviation accidents, etc. and railway accidents that occur after this Decree enters into force.

ADDENDA <Presidential Decree No. 32125, Nov. 16, 2021>

This Decree shall enter into force on November 19, 2021.

[Table] <Amended on Nov. 19, 2021>

Criteria for Imposition of Administrative Fines (pursuant to Article 9)

1. General Criteria

- (a) Where a violation meets at least two criteria for imposing administrative fines, whichever the amount of an administrative fine is higher shall be imposed;
- (b) Criteria for the imposition of aggravated fines per number of violations shall apply where a person has been subject to administrative fines for identical violations over the past five years. In such cases, the computation of the period shall be based on the date an administrative fine is imposed and the date an identical violation is found to have occurred after the imposition of the administrative fine;
- (c) In imposing aggravated administrative fines under item (b), the number of violations applicable shall be one plus the number of prior identical violations (where administrative fines have been imposed on two or more occasions over the period referred to in item (b), whichever the number of violations is higher).

2. Individual criteria

(Unit: KRW 10 thousands)

Violation	Underlying provisions	Amount of administrative fines		
		1 st	2 nd	3 rd or

		violati on	violati on	more of violations
(a) Any person who avoids or delays submission of data relevant to aviation and railway accidents, etc., without good cause, in violation of Article 19 (1) 1 or 2	Article 38 (2) 1 of the Act	250	375	500
(b) Any person who avoids inspection on related articles relevant to aviation and railway accidents, etc. without good cause, in violation of Article 19 (1) 3	Article 38 (3) 1 of the Act	150	225	300
(c) Any person who refuses to attend or makes a false statement in reply to questions, without good cause, in violation of Article 19 (1) 4	Article 38 (2) 2 of the Act	250	375	500
(d) A person who avoids or delays submission and custody of related articles, in violation of Article 19 (1) 5	Article 38 (3) 2 of the Act	150	225	300
(e) Any person who fails to comply with access control, in violation of Article 19 (1) 6	Article 38 (3) 3 of the Act	150	225	300

<p>(f) Any person who gives disadvantageous treatment to a person who makes a statement, testifies, submits data, or who provides a reply to the Board in accordance with this Act, including discharge, transfer, disciplinary measures, or unfair treatment, or any other disadvantages related to status or treatment, in violation of Article 32</p>	<p>Article 38 (2) of the Act</p>	<p>500</p>	<p>750</p>	<p>1,000</p>
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