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GCEF Global Competitiveness  
Empowerment Forum  
(사)글로벌경쟁력강화포럼

# 주한미국대사관과 함께하는 규제 준수 강화를 위한 페어플레이어클럽 세미나

2017년 10월 12일 (목)  
주한미국대사관 아메리칸센터 코리아







## 주한미국대사관과 함께하는 규제 준수 강화를 위한 페어플레이어클럽 세미나

- 일시: 2017년 10월 12일 (목) 오후 2시-5시
- 장소: 주한미국대사관 아메리칸센터 코리아
- 주최: 주한미국대사관, 유엔글로벌콤팩트 한국협회
- 후원: 산업통상자원부, 외교부, 국민권익위원회,  
지멘스 청렴성 이니셔티브 (Siemens Integrity Initiative)
- 주관: (사)글로벌경쟁력강화포럼 (GCEF)

시 간		프로그램
13:30-14:00	30'	등록
14:00-14:10	10'	<b>개회사</b> - 크리스토퍼 델 코르소 (Mr. Christopher Del Corso), 주한미국대사관 차석 대행 - 박석범, 유엔글로벌콤팩트 한국협회 사무총장
14:10-14:40	30'	<b>강연: 규제 정책 모범사례</b> - 아론 자보 (Mr. Aaron Szabo), 백악관 규제정보관리실 (Office of Information and Regulatory Affairs: OIRA), 국제규제협력 선임 자문위원
14:40-15:10	30'	<b>강연: 한국의 규제 개혁 노력 - 성과와 과제</b> - 이민호, 한국행정연구원, 규제연구센터 센터장/선임연구위원/행정학 박사
15:10-15:20	10'	커피 브레이크
15:20-16:20	60'	<b>사례발표: 준법윤리경영을 통한 규제 준수</b> - 조기병, 메트라이프생명, 전무/준법감시인 - 박선정, 한국마이크로소프트, 대표변호사 - 김대영, BNP파리바, 본부장/준법감시인
16:20-16:50	30'	<b>패널 토론과 Q&amp;A</b> - 모든 연사/발표자 (좌장: 엘레나 어거스틴, 주한미국대사관 경제과, 경제담당관)
16:50-17:00	10'	<b>페어플레이어클럽 반부패 서약 및 컴플라이언스 패키지 소개</b> - 안젤라 강주현, (사)글로벌경쟁력강화포럼 (GCEF), 상임대표 - 이은경, 유엔글로벌콤팩트 한국협회, 팀장/책임연구원
17:00-		해피 아워 네트워킹

## The Fair Player Club Seminar for Better Regulatory Compliance with US Embassy Seoul

- Date: 2 pm-5 pm, Thursday, October 12, 2017
- Venue: American Center Korea, Seoul, Republic of Korea
- Co-Host: US Embassy Seoul, Global Compact Network Korea
- Sponsor: Ministry of Trade, Industry and Energy (MOTIE), Ministry of Foreign Affairs (MOFA), Anti-Corruption and Civil Rights Commission (ACRC) and Siemens Integrity Initiative
- Organizer: Global Competitiveness Empowerment Forum (GCEF)

Time		Program
13:30-14:00	30'	<b>Registration</b>
14:00-14:10	10'	<b>Welcoming Address</b> - Mr. Christopher Del Corso, Acting Deputy Chief of Mission, US Embassy Seoul - Mr. Suk Bum Park, Secretary-General, Global Compact Network Korea
14:10-14:40	30'	<b>Presentation: Best Practices of Regulatory Policies</b> - Mr. Aaron Szabo, Senior Advisor for International Regulatory Cooperation, Office of Information and Regulatory Affairs (OIRA), Executive Office of the President, US
14:40-15:10	30'	<b>Presentation: Korean Regulatory Reform Effort - Achievements and Challenges</b> - Mr. Min Ho Lee, Director, Senior Research Fellow, Regulatory Research Center, the Korea Institute of Public Administration
15:10-15:20	10'	<b>Coffee Break</b>
15:20-16:20	60'	<b>Case Studies: Better Compliance and Business Ethics</b> - Mr. Ki Byung Cho, Compliance Officer, Metlife Insurance Company - Ms. Sunny J. Park, Chief Counsel/Director of Corporate, External & Legal Affairs, Microsoft Korea - Mr. Dae Young Kim, Executive Director/Compliance Officer, BNP Paribas Korea
16:20-16:50	30'	<b>Panel Discussion and Q&amp;A</b> - All speakers and presenters (Moderator: Ms. Elena Augustine, Economic Officer, Economic Section, US Embassy Seoul)
16:50-17:00	10'	<b>Introduction of Fair Player Club, Fair Play Pledge and Fair Play Compliance Packages</b> - Ms. Angela Joo-Hyun Kang, Founder and Executive President, GCEF - Ms. Eun kyung Lee, Team Leader, Global Compact Network Korea
17:00-		<b>Networking Happy Hour</b>



[www.fairplayerclub.kr](http://www.fairplayerclub.kr)

반부패 증진을 위한 준법윤리경영 민관협력포럼

# 강연: 규제 정책 모범사례 (Best Practices of Regulatory Policies)

아론 자보, 백악관 규제정보관리실  
국제규제협력 선임 자문위원

Mr. Aaron Szabo, Senior Advisor

for International Regulatory Cooperation, OIRA



**아론 자보 (Mr. Aaron Szabo)**

**백악관**

**규제정보관리실(Office of Information and Regulatory Affairs: OIRA)**

**국제규제협력 선임 자문위원**

아론 자보 위원은 행정명령에 따라 국제규제협력과 관련된 사안에 관한 규제정보관리실 (Office of Information and Regulatory Affairs: OIRA)을 대표하는 책임을 담당한다. 아론 자보 위원은 규제 정책 비교 전문가로, 다양한 국가와의 양자 회담에 정기적으로 참여하고 있다. 그는 또한 규제 협력 강화, 불필요한 규제 장벽 제거, 미국과 멕시코 경제의 경제적 경쟁력 강화, 양국 시민의 복지 증진에 중점을 둔 멕시코와의 고위급 규제협력위원회(High-Level Regulatory Cooperation Council: HLRCC) 업무를 조정하고 있다. 아론 자보 위원은 규제 투명성, 좋은 규제 설계 및 검토를 위한 분석 도구, 제안된 규제의 국제적 영향을 고려해야 할 필요성에 대한 주제에 대해 전문 연사로 활동하고 있다.

아론 자보 위원은 미국 내에서 환경과 에너지 부문 규제에 대한 경험이 풍부하며, 청정대기법(The Clean Air Act)과 관련된 미국 환경보호국 규제 전문가이다. 기후변화와 대기질과 관련된 폭 넓은 규제 경험을 바탕으로 규제정보관리실 (OIRA)의 국제 기후변화 문제에 대한 활동을 주도하고 있다.

규제정보관리실(OIRA)에서 근무하기 전에는 미국원자력규제위원회(US Nuclear Regulatory Commission: NRC)에서 6 년 동안 규제분석팀을 포함하여 다양한 부서에서 근무했다. 이곳에서 아론 자보 위원은 프로젝트 관리를 담당했고 후쿠시마 사고 이후 안전규정을 포함하여 원자력 발전소에 영향을 미치는 다양한 법률 제정 활동에 대한 규제 영향 분석을 개발하였다.

아론 자보 위원은 조지워싱턴대학교 로스쿨에서 법학 학위를 받았으며 메릴랜드 대학교에서 경제학과 정부정치학 학사 학위를 받았다.

규제정보관리실(Office of Information and Regulatory Affairs: OIRA)은 행정부 규제의 검토, 정부 정보 수집의 승인, 정부 통계 관행의 수립 및 연방 개인정보보호정책의 조정을 수행하는 미국 정부의 중앙 기관이다. 또한, 다양한 법정 및 행정 명령 당국에 의해 제안된 최종 규제 초안을 검토하고, 행정명령 13610 에 따라 규제의 소급 검토를 조정하고, 문서감축법(The Paperwork Reduction Act)에 의거하여 정부의 정보 수집을 검토 및 승인하고, 정보 정책, 개인정보보호 및 통계 정책 분야에서 정부 차원의 정책 시행을 감독한다. 그 외에도 OIRA 는 각 정부기관의 동료 평가 관행을 포함하여 정보 품질법(The Information Quality Act)의 기관 실행을 조정하고 중소기업 규제강화 및 공정성 법 (The Small Business Regulatory Enforcement and Fairness Act: SBREFA)시행에 참여하고 있다. 또한, 핵심 무역 파트너들과의 규제 협력을 개선하기 위해 행정명령 13609 에 의거한 행정부의 노력을 조정한다.



**Mr. Aaron Szabo**  
**Executive Office of the President**  
**Office of Information and Regulatory Affairs**  
**Senior Advisor for International Regulatory Cooperation**

Aaron Szabo is responsible for representing the Office of Information and Regulatory Affairs (OIRA) on matters involving international regulatory cooperation, consistent with Executive Orders. Mr. Szabo participates regularly in bilateral meetings with a variety of countries as an expert on comparative regulatory policy. He also coordinates the High-Level Regulatory Cooperation Council (HLRCC) with Mexico, which focuses on enhancing regulatory cooperation, eliminating unnecessary regulatory barriers, enhancing the economic competitiveness of the U.S. and Mexican economies, and improving the well-being of citizens in both countries. Mr. Szabo speaks regularly on regulatory transparency, analytic tools for good regulatory design and review, and the need to consider the international impact of proposed regulations.

Domestically, Mr. Szabo has regulatory experience in the environment and energy sectors and has specialized in U.S. Environmental Protection Agency regulations related to the Clean Air Act. He has significant regulatory experience related to climate change and air quality and is the lead for OIRA on international climate change issues.

Prior to working at OIRA, Mr. Szabo worked at the U.S. Nuclear Regulatory Commission (NRC) for over 6 years in various positions including as part of the regulatory analysis team. Within that role, Mr. Szabo served as a project management and developed regulatory impact analyses for various rulemaking activities affecting nuclear power plants, including post-Fukushima safety regulations.

Mr. Szabo has a law degree from the George Washington University Law School and a bachelor's degree in economics and government and politics from the University of Maryland.

***Office of Information and Regulatory Affairs.** OIRA is the United States Government's central authority for the review of Executive Branch regulations, approval of Government information collections, establishment of Government statistical practices, and coordination of federal privacy policy. In addition to reviewing drafts of proposed and final regulations under a variety of statutory and Executive Order authorities, OIRA also coordinates retrospective review of regulation under Executive Order 13610, reviews and approves Government collections of information from the public under the Paperwork Reduction Act, and oversees the implementation of government-wide policies in the areas of information policy, privacy, and statistical policy. OIRA also coordinates agency implementation of the Information Quality Act, including the peer review practices of agencies, and participates in implementation of the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Finally, OIRA coordinates the Administration's efforts under Executive Order 13609 to improve regulatory cooperation with our key trading partners.*



# Best Practices of Regulatory Policies

Aaron L. Szabo  
Senior Policy Advisor for International Regulatory Cooperation  
Office of Information and Regulatory Affairs  
U.S. Office of Management and Budget

October 2017

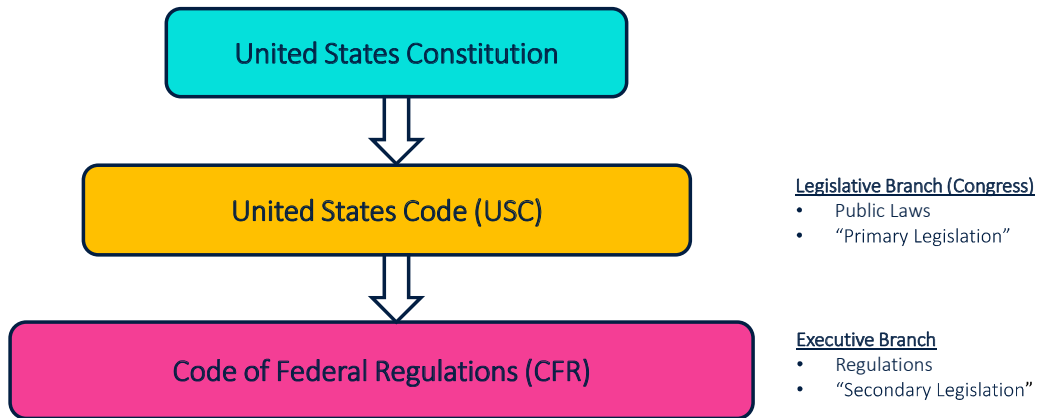
Any views expressed here are solely those of the presenter, and do not necessarily reflect the position of the Office of Management and Budget or the Executive Office of the President.

## Agenda

- Legal Framework for Rulemaking in the U.S.
- Executive Office of the President's Office of Information and Regulatory Affairs (OIRA)
- Executive Orders 12866 and 13771
- OIRA's Centralized Regulatory Review Process
- Regulatory Transparency and Participation



# Legal Framework in the United States



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# Regulations in the United States

## The Executive Branch can make law.

- Congress delegates authority to Executive Branch agencies to implement statutes through rulemaking.
- Some statutes are so broad that agencies can make new programs without new statutes.

## Many important public policy decisions are made during rulemaking.

- Regulatory enforcement and allocation of resources.
- Grants, loans, and loan guarantees.
- Rights and responsibilities of the 50 States and the public.



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# Legal Framework for the U.S. Rulemaking Process

## Administrative Procedure Act of 1946 (APA)

- The APA requires that agencies go through a notice and comment process open to all members of the affected public, both U.S. and foreign.
- Before agencies can issue a final regulation, they must first issue a proposed regulation for public comment. They must then respond to the public comments in the final regulation and make sure that the final regulation is a logical out-growth of the proposal and the administrative record, and is not arbitrary or capricious.
- The public record is used by the courts in settling any challenge to the regulations brought by the affected public.



## U.S. Rulemaking Process



## Office of Management and Budget (OMB)

OMB, within the Executive Office of the President (EOP), assists the President in the development and implementation of budget, program, management, and regulatory policies.

- Develops the President's annual budget submission to Congress.
- Assists the President in managing the Executive Branch, developing the Administration's position on legislation before Congress and executing the law.
- Provides high quality regulatory analysis.



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## Interagency Coordination of Rulemaking: Office of Information and Regulatory Affairs (OIRA)

Role of the Office of Information and Regulatory Affairs:

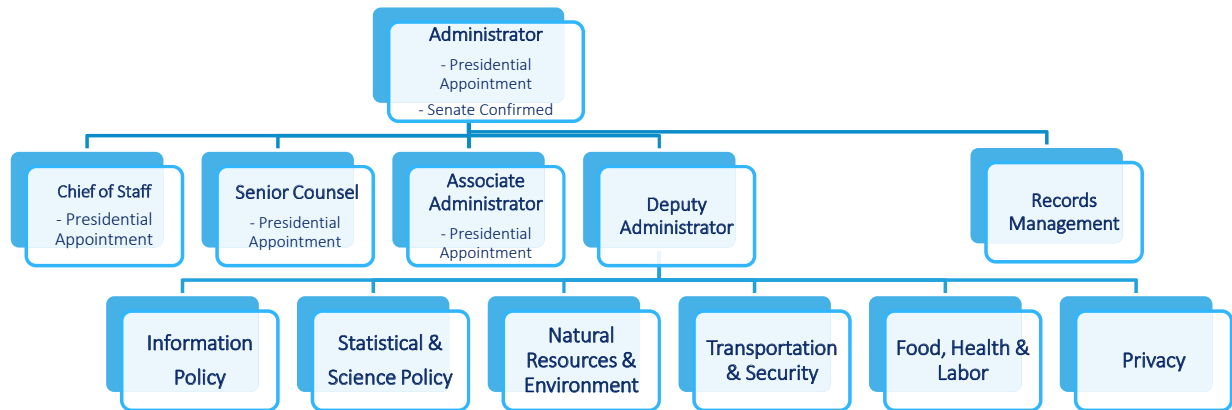
- OIRA was established by the Paperwork Reduction Act of 1980, partially in response to the explosion in regulation that occurred in the 1970s and earlier in the U.S.
- As part of the Office of Management and Budget, OIRA is a central body, within the Executive Office of the President, that has special standing with the agencies.
- OIRA is the lead division of OMB for regulatory oversight and interagency review of "significant" regulations.
- OIRA also develops and oversees government-wide policies in the areas of information collection, information policy, privacy, and statistical and science policy.



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# Office of Information and Regulatory Affairs (OIRA)



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## Interagency Coordination of Rulemaking: Presidential Oversight

### 1970s

- **President Ford:** Required, for the first time, regulatory impact analysis (RIA) requirement for major regulations (over \$100 million in impact).
- **President Carter:** Established the Regulatory Analysis Review Group.

### 1980s

- **President Reagan:** Solidified regulatory oversight authority within the White House, issuing Executive Order 12291, which required OMB review and approval of rules.
- **President George H.W. Bush:** Continued the Reagan Executive Order.

### 1990s

- **President Clinton:** Issued Executive Order 12866, which focused OMB oversight on “significant” rules and increased the disclosure of contacts with outside parties.

### 2000s

- **President George W. Bush:** Maintained the Clinton Executive Order that requires the agencies to do RIAs and send significant regulations to OMB for review.
- **President Obama:** Issued Executive Order 13563, which affirms EO 12866 and outlines his regulatory strategy to support continued economic growth and job creation.

- **President Trump:** Issued Executive Order 13371 which outlines a regulatory budget and a requirement for identifying deregulatory rules before issuing regulatory rules, as allowed by law.

- **President Trump:** Issued Executive Order 13777 which establishes Regulatory Reform Officers and Task Forces at each agency to oversee implementation of regulatory reform initiatives.



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## Executive Order 12866: “Regulatory Planning and Review”

Issued by President Clinton in October 1993.

- Governs OIRA’s centralized, interagency review of draft regulations.

Establishes principles of regulation.

- Regulation must be consistent with law.
- Regulations must identify nature and significance of problem.
- Alternatives to address the problem must be identified and assessed.
- The costs and benefits of each alternative must be assessed (regulatory impact analysis).
- The alternative selected should maximize net benefits to society.

These principles guide OIRA’s review of regulations.



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## What regulations must OIRA review?

### “Significant” Rules (Proposed and Final Rules)

- Create a serious inconsistency or otherwise interfere with another agency’s actions.
- Materially alter the budgetary impact of Federal programs.
- Raise novel legal or policy issues.
- OIRA reviews 500-700 proposed and final regulations per year—those we determine to be significant—out of about 6,500 that are published in the *Federal Register* (national gazette).

### “Economically Significant” Rules (Proposed and Final Rules)

- Subset of “significant” rules.
- Annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.
- About 70-100 of the regulations reviewed are “economically significant.”



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## EO 12866: Important Requirements and Scope

EO 12866 has deadlines for OIRA review (usually 90 days).

EO 12866 requires economic analysis.

- Economically significant regulations require more analysis than smaller rules.
- OIRA examines the Regulatory Impact Analysis (RIA) and the regulation and makes suggestions to improve both the RIA and the rule's cost-effectiveness, ensure adherence to the Executive Order's principles, and consistency with the President's priorities.

Independent Regulatory Agencies are not covered.

- For example, Consumer Product Safety Commission, Federal Communications Commission, and the financial regulators.



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## Executive Order 13771: “Reducing Regulation and Controlling Regulatory Costs”

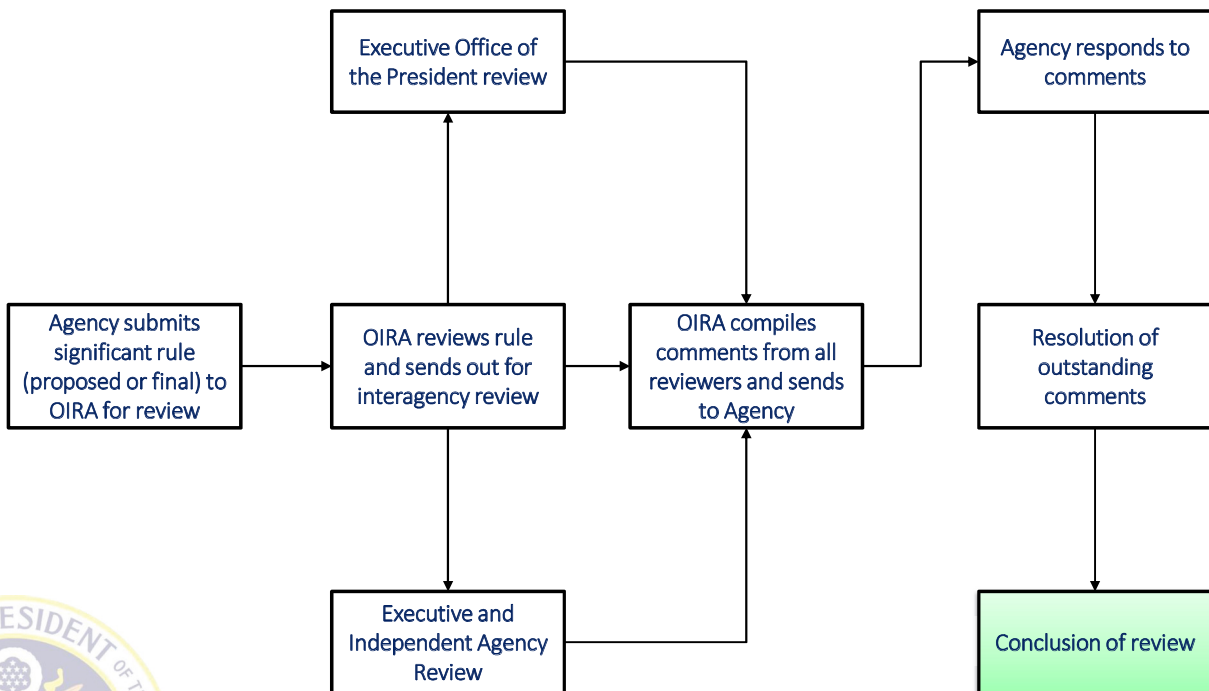
Issued by President Trump in January 2017.

- Whenever an agency proposes for notice and comment or issues a new regulation, it shall identify at least two existing regulations to be repealed, unless prohibited by law.
- any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.
- Establishes annual regulatory costs for agencies and a role for the Office of Management and Budget (OMB) to set and maintain a regulatory budget.
- Requires approval by the Director of OMB if a regulation is not within the Unified Regulatory Agenda.



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# OIRA Centralized Regulatory Review Process



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## OIRA Centralized Regulatory Review Process (Cont'd)

### Executive Office of the President

- Office of Management and Budget
- Council of Environmental Quality
- United States Trade Representative
- Council of Economic Advisors
- National Security Council
- Office of Science and Technology Policy
- National Economic Council
- Domestic Policy Council
- White House Counsel
- Office of the Vice President
- Office of the National Drug Control Policy
- Office of Public Engagement and Intergovernmental Affairs
- Office of the First Lady
- Office of Digital Strategy
- Other as necessary

### Executive and Independent Agencies

- Department of Transportation
- Department of Labor
- Department of Interior
- Environmental Protection Agency
- Department of Energy
- Department of Health and Human Services
- Department of Justice
- Department of Homeland Security
- Department of Treasury
- Department of Commerce
- Department of State
- Department of Housing and Urban Development
- Department of Agriculture
- Federal Energy Regulatory Commission
- Nuclear Regulatory Commission
- Securities and Exchange Commission
- Federal Reserve Board
- Other as necessary

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## Possible Actions at the End of OIRA Review

Allow the agency to issue the rule.

- A rule is usually sent directly to the *Federal Register* at the conclusion of review.

Agency withdrawal of the rule.

- If we are unable to resolve issues during the review process, or the agency needs more time to make changes, the agency can withdraw the rule.

“Return Letter”

- OIRA may return a regulation for agency reconsideration to address OIRA concerns.
- Very public and very rare.



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## Regulatory Transparency and Participation

Disclosure of Information Under Executive Order 12866:

- The public can consult OMB’s online “Regulatory Review Dashboard” to learn each day which rules are under formal review at OMB.
- Meetings with outside parties – OIRA and the issuing agency will meet with external stakeholders regarding rules under review. OMB’s website notes which outside groups have met with OIRA, including the participants, and docket written materials provided to OIRA during the meeting.
- All written information given to us while a rule is under review is sent to the agency, placed in OIRA’s docket, and posted online.
- Return letters sent to the agencies outlining our concerns with rules we send back are posted on our website.



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## References

- Administrative Procedure Act of 1946: <http://www.archives.gov/federal-register/laws/administrative-procedure/>
- Executive Order 12866: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>
- Executive Order 13771: <https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf>





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반부패 증진을 위한 준법윤리경영 민관협력포럼

# 강연: 한국의 규제 개혁 노력 - 성과와 과제 (Korean Regulatory Reform Effort - Achievements and Challenges)

이민호, 한국행정연구원 규제연구센터 센터장  
선임연구위원/행정학 박사

Mr. Min Ho Lee, Director/Senior Research Fellow,  
Regulatory Research Center, KIPA



# **Korean Regulatory Reform Effort : Achievements and Challenges**

**Minho Lee**  
(Head of Regulatory Research Center, KIPA)



## **Contents**

### **1. Background**

### **2. Efforts and Achievements in a while**

1) Regulatory Reforms by Earlier Governments

2) Principal Tools for Korean Regulatory Reform

### **3. New Challenges and Response**

# 1. Background

## 1. Background

What image comes to your mind  
when you think of **Regulation**?

(By google images search)

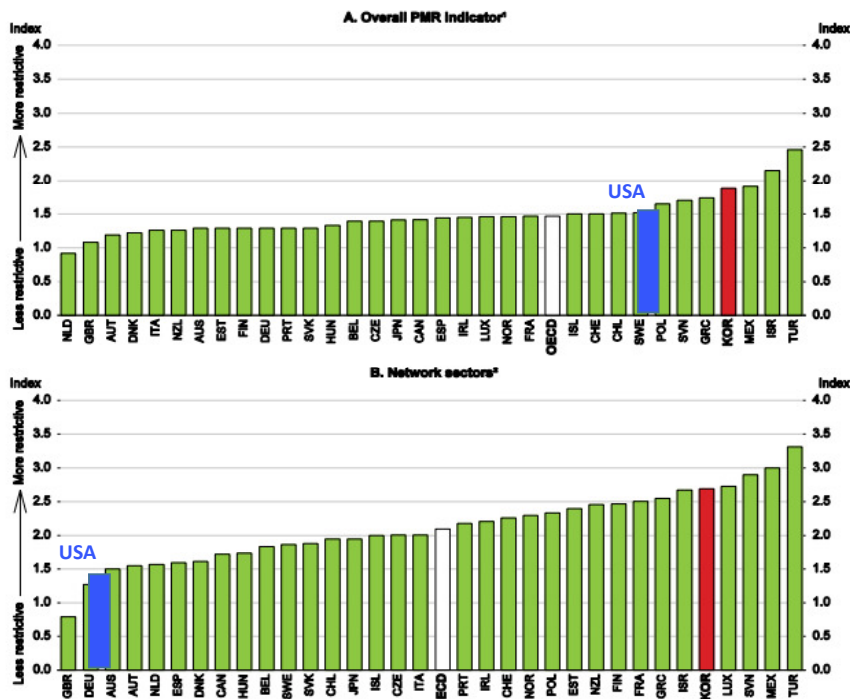




# 1. Background

Product Market Regulation Indicator by OECD(2013)

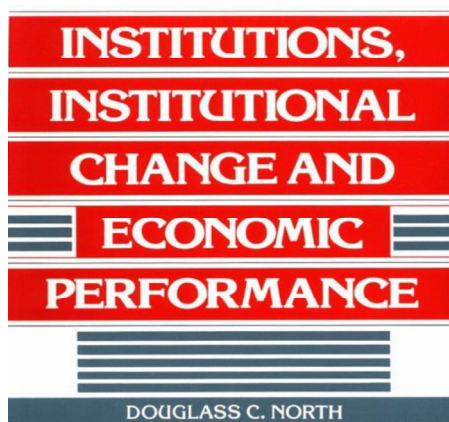
: Getting Better(2.56→1.95→1.94→1.88), but still the 4<sup>th</sup> restrictive country



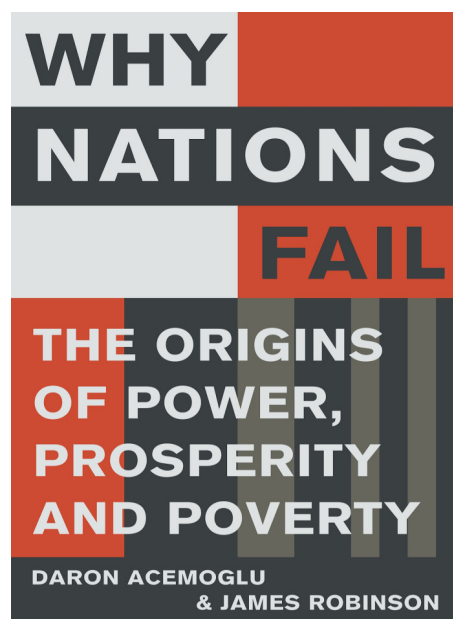
# 1. Background

## “The Era of Institutional Competition”

in D.C. North(1990) and D.Acemoglu(2012)



Political Economy  
of Institutions and Decisions



# 1. Background

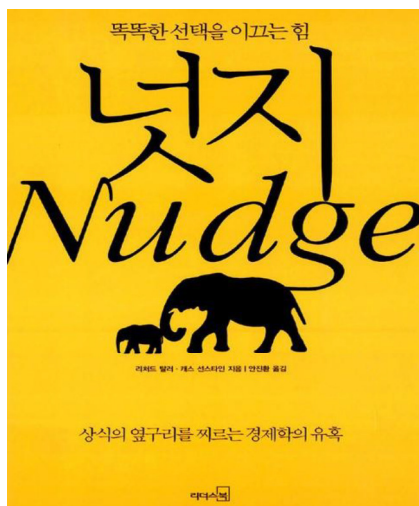
Korea as a Representing Example showing **Critical Difference of Economic Performance** between **Different levels of Institution** under the same given conditions



# 1. Background

“**Nudge**” by Richard Thaler and Cass Sunstein (2009)

- Fake Fly on Urinal in Amsterdam’s Schiphol Airport
- Libertarian Paternalism : Freedom of individual’s choice + Affecting behavior toward better directions for all
- Behavioral Insight Team(BIT) in U.K.



## 2. Efforts and Achievements in a while

### 1) Regulatory Reforms by earlier governments

### 2) Principal Tools for Korean Regulatory Reform

### 1) Regulatory Reforms by earlier governments

#### ① Kim Dae-jung Government(1998-2003)

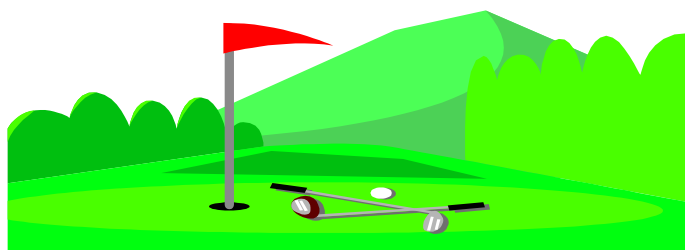
- Severe pressure for the “**Small government**” in the times of financial crisis 1997
- **Infrastructure for Continuous Reforming government regulations : Regulatory Reform Committee(RRC) based on the Framework Act on Administrative Regulation(1998)**
- About 50% of existing government regulations were removed within first 2-years
- **Quantitative Reform** by guillotine approach



## 1) Regulatory Reforms by earlier governments

### ② Roh Moo-hyun Government(2003-2008)

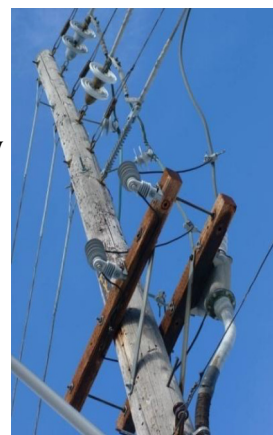
- Regulatory reform as a secondary agenda compared with Balanced regional development
- Strengthening government initiatives for social development after overcoming the crisis
- **Qualitative regulatory reform** with Regulatory Quality Control
- **Mass Regulations(Complicated Regulations) Reform** : Developing the Regulatory Map for the Factory Establishment, Removal of overlapping regulations
- Public-Private Joint Committee for Administrative Deregulation(Aug. 2004) : focusing on Selective and Strategic reform agendas



## 1) Regulatory Reforms by earlier governments

### ③ Lee Myung-bak Government(2008-2013)

- Regulatory reform drive for stimulating economy and overcoming financial crisis 2007
- **Zero-based Regulatory Reform : Return to the Quantitative Approach**
- **Presidential Council on National Competitiveness** + Public-Private Joint Committee for Administrative Deregulation : reforming existing regulations with more initiatives from private sector
- **Introducing Negative Regulations as a presidential pledge**
- Expanding Sunset regulation and Introducing Regulation Holiday
- Regulatory Impact Analysis on SMEs
- **“Pull out the Regulatory Pole” : Business-friendly Reform**



## 1) Regulatory Reforms by earlier governments

### ④ Park Geun-hye Government(2013-2017)

- **Drive for Investment Expansion and Jobs Creation**
- “Splinter under fingernail”→ “Our Enemy and Cancerous Tumors”
- **Committee on Trade and Investment** : Deregulation agendas on Environment and Service Industry
- Public-Private Joint Committee for Regulatory Advancement : On-site Complaints on unreasonable government regulations (Food-truck regulation, Nail-shop regulation..)
- Unlimited roundtable discussion over 7 hours at the Government Deregulation Meeting
- **Two Track of Regulatory Reform:**
  - ① Deregulations for Creative Economy and Investment Expansion
  - ② Regulations for Economic Democratization, Safety, Consumer Protection and Environment
- Cost-in, Cost-out System : Benchmarking the one-in, one-out system of U.K. Introducing in July 2014 → Overall application after July 2016



## 2. Efforts and Achievements in a while

1) Regulatory Reforms by earlier governments

**2) Principal Tools for Korean Regulatory Reform**



## 2) Principal Tools for Korean Regulatory Reform

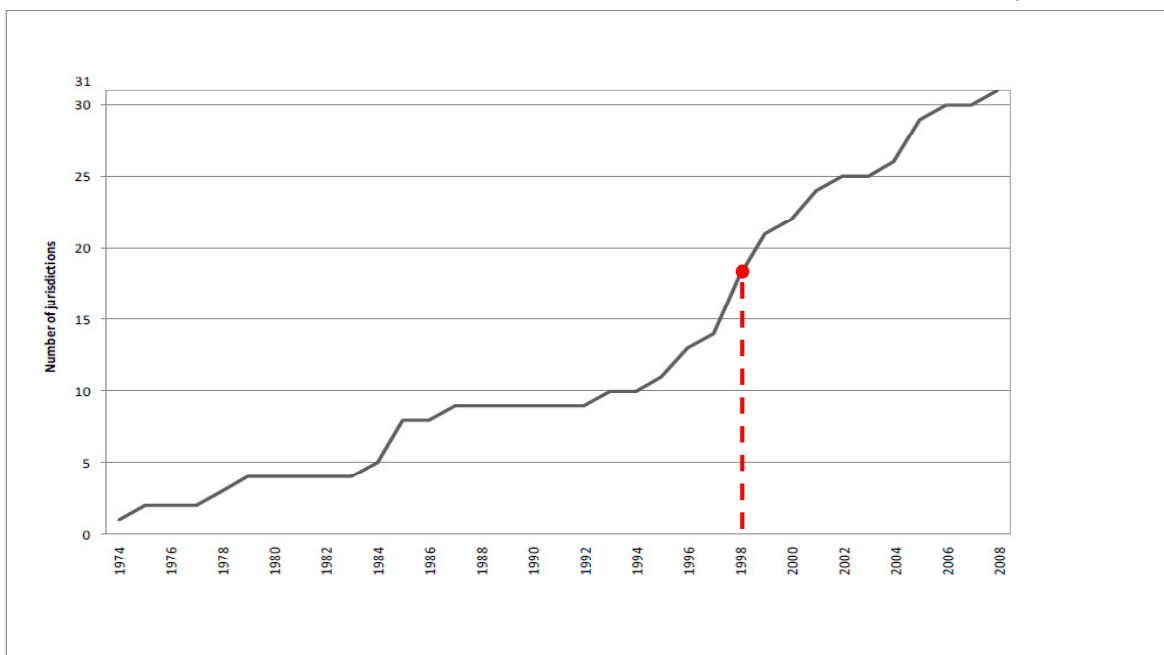
### ① Regulatory Impact Analysis & Review

- **Regulatory Impact Analysis(RIA)** is a decision tool for examining the validity of a certain regulation by analyzing the expected potential diverse impacts with an objective and scientific method (Framework Act on Administrative Regulation §2.1.⑤)
- **Making a Better regulation = More regulatory benefit with less regulatory cost**
- 20 years after introducing the RIA in August 1998
- Mandatory requirement for conducting the RIA before **establishing a new regulation or strengthening an existing regulation**
- Expected Effectiveness, Alternatives to Regulation, Regulatory Cost and Benefit, Impacts on SMEs and Market Competition and Practicability
- **Regulatory Review by Regulatory Reform Committee** and based on the RIA report

## 2) Principal Tools for Korean Regulatory Reform

### Relatively Earlier Adoption of RIA process !

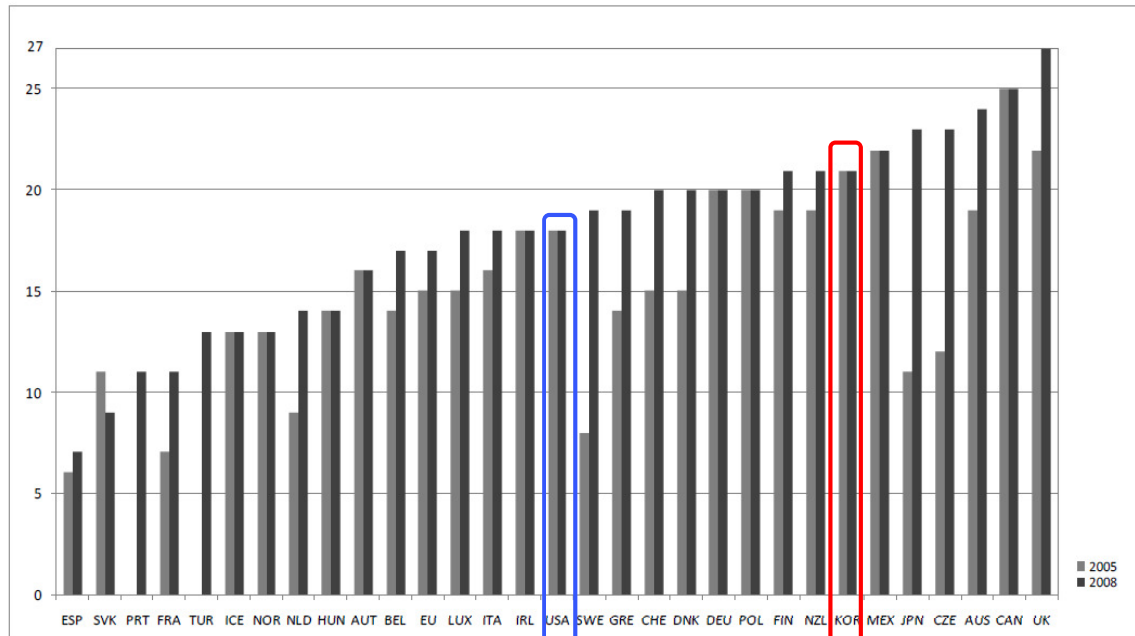
Trend in RIA adoption by central governments across OECD countries (1974-2008)



## 2) Principal Tools for Korean Regulatory Reform

### Mandatory and Overall Adoption of RIA process !

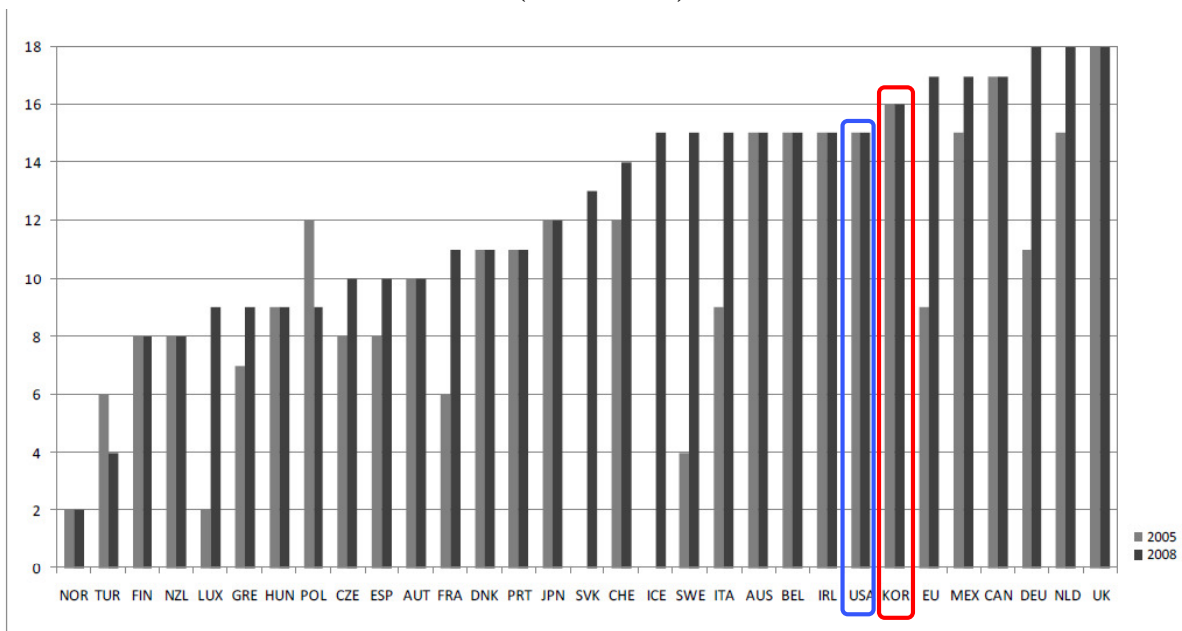
Requirements for RIA process used by central governments across OECD countries (2005-2008)



## 2) Principal Tools for Korean Regulatory Reform

### Positive Evaluation on the Regulation Reform Management!!!

Institutional capacity for managing regulatory reform across OECD countries (2005-2008)



## 2) Principal Tools for Korean Regulatory Reform

- In 2016, only **22.8% of major regulations** can pass the regulatory review without any harm
- Reducing the number and the ratio of Major Regulations reviewed

Year	Number of legislations	Total number of regulations reviewed	Minor regulations (agreed)	Major regulations				Agreed
				Subtotal	Opinion of withdrawal	Opinion of revision	Agreed	
2016	689	1,491	1,434	57	4	40	13	1,447
2015	541	1,022	926	96	4	48	44	970
2014	508	1,148	1,008	138	8	76	54	1,062
2013	563	1,200	1,037	163	6	95	62	1,099
2012	647	1,598	1,368	230	27	84	119	1,487
2011	523	1,248	997	251	22	105	124	1,121

## 2) Principal Tools for Korean Regulatory Reform

### ② Negative Regulations

- **Allowed in principle, Prohibited exceptionally : less intervention, more freedom to choose**
- The Principle of Subsidiarity : ex-ante regulation with government initiatives → ex-post regulation with private sector initiatives
- Introducing the idea of negative regulations as one of the presidential pledge of Lee Myung-bak government in 2008
- **Rapidly increasing interests on the Negative Regulations with the 4<sup>th</sup> Industrial Revolution**
- Regulatory Sandbox : Set of rules that allows innovators to test their products/business models in live environment without following some or all legal requirements



## 2) Principal Tools for Korean Regulatory Reform

- 2016. 3. 18. Establishing **the Committee of New Industries Investment**
- Director of the Department of Regulatory Reform of Prime Ministers Office working as an assistant administrator
- Workflow : Committee of New Industries Investment → Regulatory Steering Council (vice-ministers level) → Regulatory Reform Council (ministers level)
- **Negative regulation on the Business model using Drones**
- **Allowing the driving test of autonomous vehicles on overall road except safety zones**



## 2) Principal Tools for Korean Regulatory Reform

- Collecting 271 regulatory reform agendas in 2016  
→ 255(94.1%) agendas accepted

Sub-committee	total	Decision of reforming	Decision of maintaining	Undecided
Unmanned Mobile (autonomous vehicle)	30	28	2	
ICT Convergence (IOT, cloud, big data)	74	72	2	
Bio-Health (new medicine, advanced medical care)	85	81	3	1
Energy/New Materials (renewable energy)	33	31	2	
New Service Industries (O2O, fintech)	49	43	5	1
<b>total</b>	<b>271</b>	<b>255</b>	<b>14</b>	<b>2</b>

## 2) Principal Tools for Korean Regulatory Reform

### ③ Cost-in, Cost-out System



- Increasing concerns about **regulatory burden on business**
  - In U.K., one-in, one-out system(2010) was developed into one-in, two-out system(2013)
  - In U.S., President Trump signed the executive order for one-in, two-out in 30 Jan. 2017
  - In Korea, **cost-in, cost-out system tested in July 2014**
- planned to expand in 2015 but failed due to delayed revision of the statute
- **expanded overall in July 2016** (2-years pilot test) based on Prime Minister's order
- **Controlling the level of regulatory stock** by **controlling the level of regulatory flow**
  - Balancing the removal of existing regulations' burden with the input of new regulations' burden
  - Spontaneous and sustainable management of regulatory reform
  - **Calculation of annualized net costs on business** → **Validation by RRC with Regulatory Research Center(KIPA & KDI)** → **Regulatory costs banking**

## 2) Principal Tools for Korean Regulatory Reform

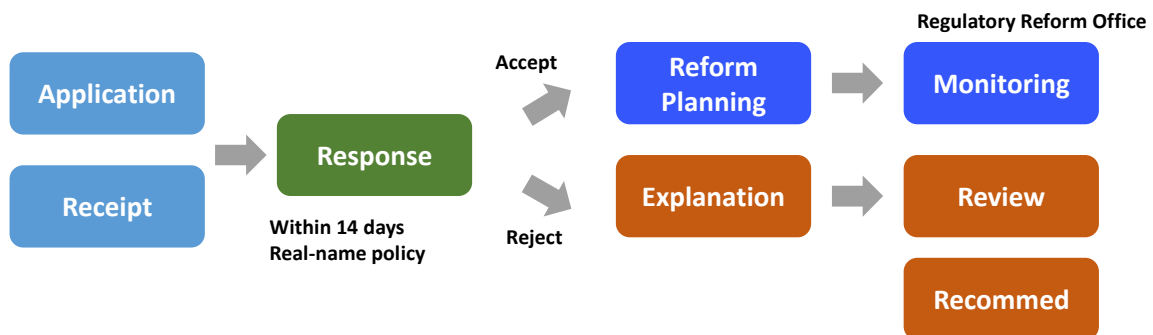
Regulatory Cost Banking during 2016.7.19-2017.1.18 (first period of 6 months)

Ranking	Departments	Cost-in		Cost-out		Net Cost (million won)
		Number	Amount (million won)	Number	Amount (million won)	
<b>Total</b>		<b>45</b>	<b>17,054</b>	<b>34</b>	<b>-575,720</b>	<b>-558,666</b>
1	Agriculture & Marine	0	0	2	-374,989	-374,989
2	Land & Transport	3	644	5	-147,668	-147,024
3	Forest	0	0	2	-14,189	-14,189
4	Gender equality & Family	0	0	1	-9,793	-9,793
5	Trade, Industry & Energy	3	1	3	-9,079	-9,078
6	Science & ICT	2	3,501	3	-6,973	-3,472
7	Small business	2	1,191	1	-4,432	-3,241
8	Intellectual property	0	0	4	-1,886	-1,886
9	Broadcast & Communication	0	0	3	-1,229	-1,229
10	Food & Drug safety	1	168	1	-866	-698
11	Environment	2	85	2	-344	-259
12	Fare trade	0	0	2	-138	-138
13	Strategy & Finance	1	0	3	-121	-121
14	Patriots & Veterans	2	4	0	0	4
15	Health & Welfare	13	3,426	1	-3,267	159
16	Education	1	68	0	0	68
17	Culture, Sports & Travel	2	823	0	0	823
18	Financial services	12	2,246	0	0	2,246
19	National safety	1	4,897	1	-746	4151

## 2) Principal Tools for Korean Regulatory Reform

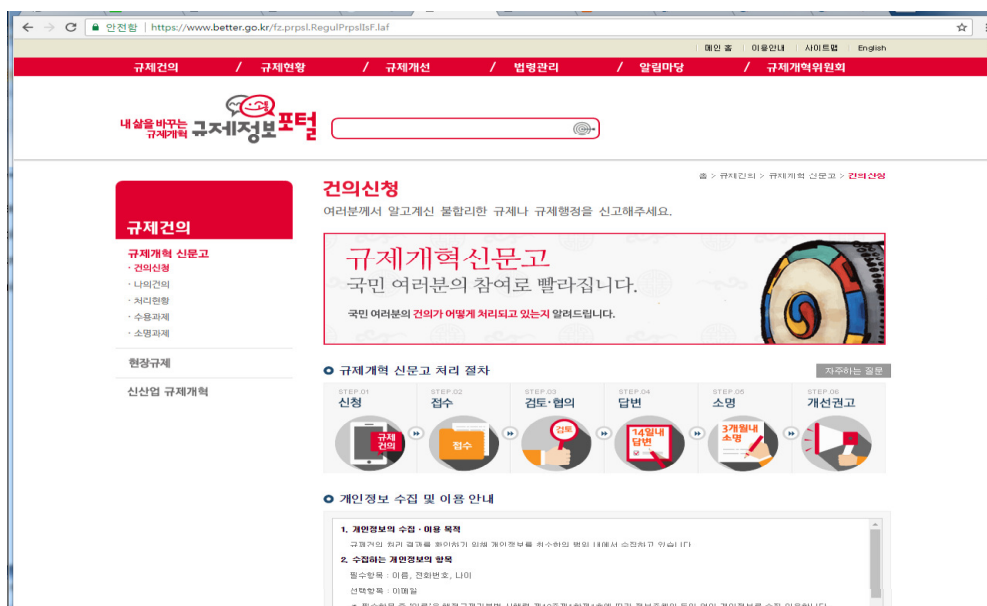
### ④ Regulatory Reform Voices(Sinmungo)

- Interactive Communication Channel for Regulatory Reform between Citizens and Government (<http://www.better.go.kr>)
- Benchmarking the Red Tape Challenge(RTC) in U.K.
- Duty of Explanation : Reversal of the burden of proof from petitioners to government officials
- Response → Explanation → Recommendation for Improvement



## 2) Principal Tools for Korean Regulatory Reform

- Performance by January 2017 since January 2014
  - complaints received : 41,493 cases
  - accepted agendas : 4,866 cases & explained agendas : 434 cases

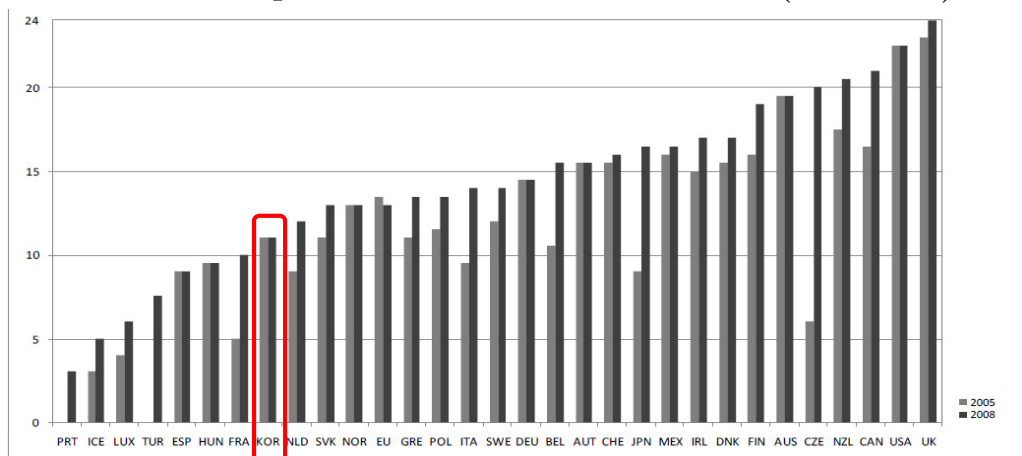


## 3. New Challenges and Response

### 3. New Challenges and Response

- Low level of the Extent of RIA process + High level of requirement  
=>>> **Formal and cursory analysis and review**

Extent of RIA process between OECE countries (2005-2008)

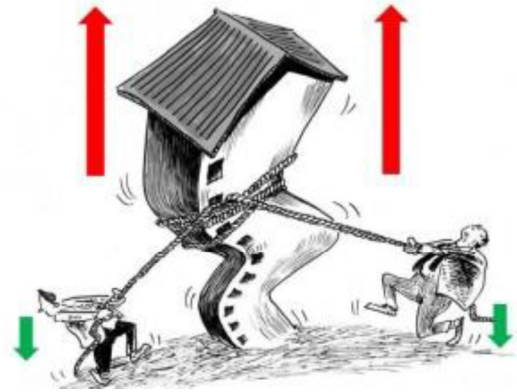


- OECD(2007), Reviews of Regulatory reform, “Korea was urged to ..... Increase the quality of its regulatory impact analysis programme, which was **well designed**, but with **weak implementation by ministries, with low quality as a result of lack of capacity**”

### 3. New Challenges and Response

#### ⑤ Moon Jae-in Government(2017- con.)

- Five-year Roadmap for Government Operation(2017.7)
- Economy of Growing Together – Strategy 3. **Public Economy for Working and Middle Classes** - 30. “Regulatory Redesign for Public Economy and Innovation”



① **Stabilizing the public welfare by resolving inconvenience** of the people’s living and **reducing the regulatory burden** of small businesses + **Protecting nation by innovating regulations** on people’s life, safety and environment

- Regulatory administration focusing on **advanced prevention**, Regulatory differentiation for reducing regulatory burden of small businesses
- Introducing **regulatory review system when deregulating on life, safety and environment**, Strengthening the analysis of **social costs and social benefits** when establishing new regulations

② **Promoting new technology and industries** through preemptive regulatory innovation

- Change over toward **negative regulations**, **Strategic regulatory reform** in new tech and industries

③ **Expanding the transparency of Regulatory Reform Committee**

- Diverse members including civil society organizations on **environment and consumer protection and women**, Reinforcing the code of ethics



***Thank you !***



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# 사례 발표 1

## 준법윤리경영을 통한 규제 준수 (Better Compliance and Business Ethics)

조기병, 메트라이프생명 전무/준법감시인

Mr. Ki Byung Cho, Compliance Officer,

Metlife Insurance Company





# Three Lines of Defense & Compliance Control

October 12, 2017

## Risk and Control

Confidential – for internal use only

### What is a Risk?

The possibility of suffering harm or loss



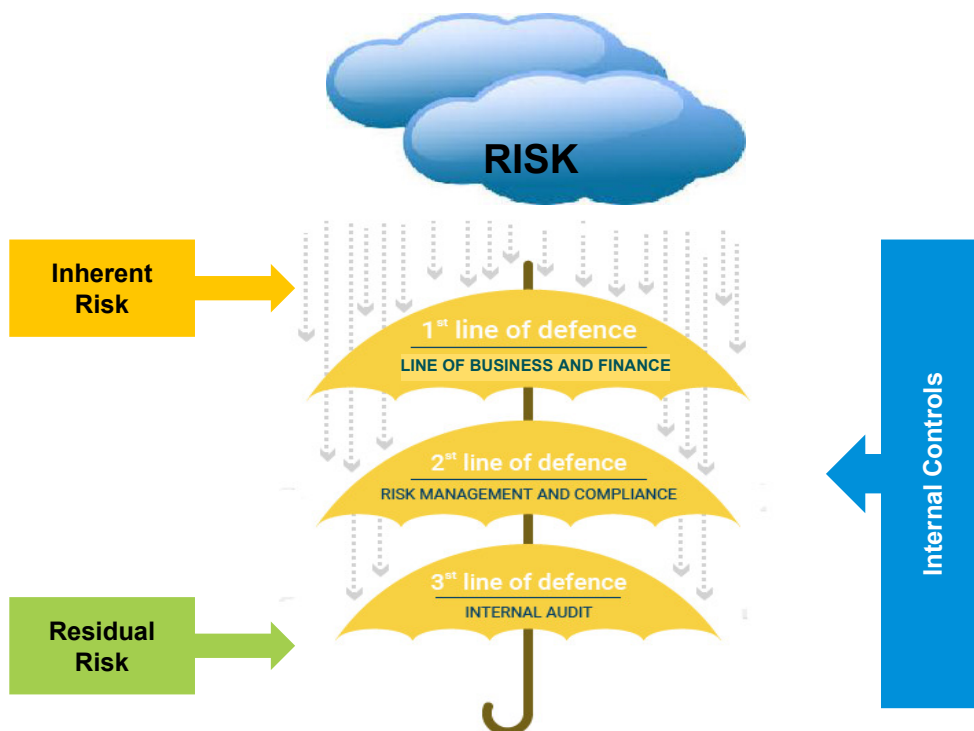
# Risk and Control

## What is a Control?

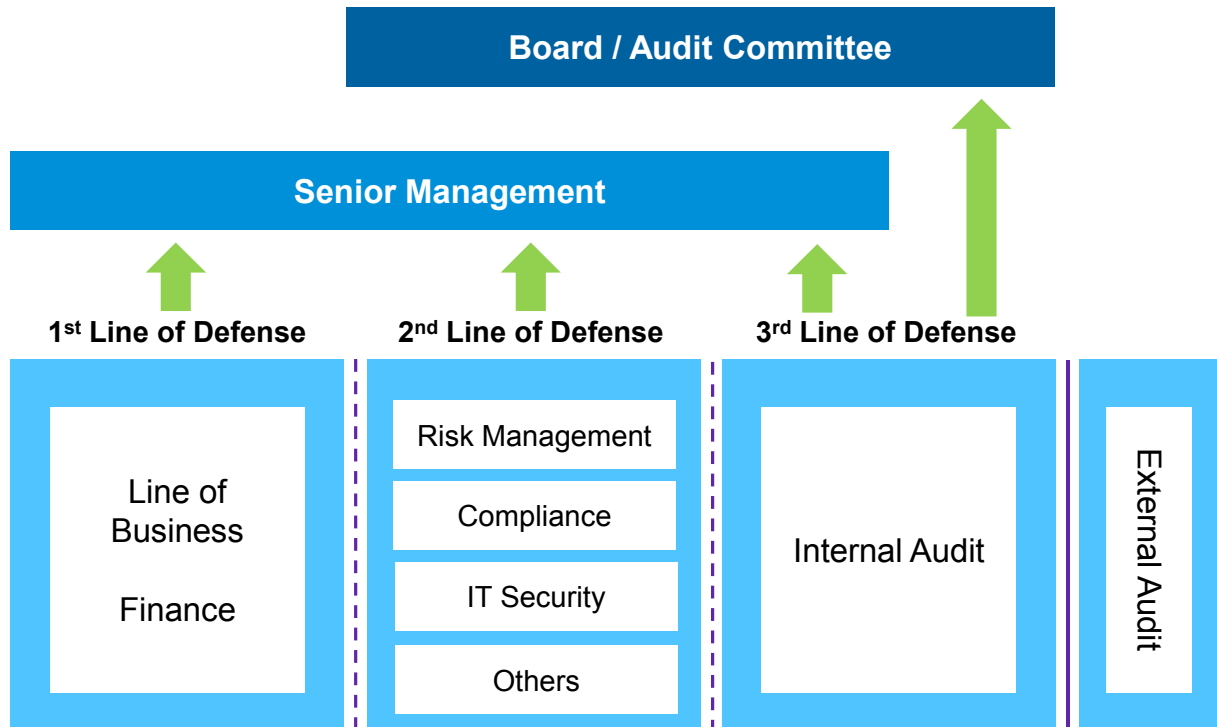
An activity that controls risks to the organization



# Three Lines of Defense Model



# Three Lines of Defense Model



# Three Lines of Defense Model

## Roles and Responsibilities

<p><b>1<sup>st</sup> Line of Defence</b></p>	<ul style="list-style-type: none"> <li>Own and manage processes and risks</li> <li>Implement corrective actions</li> <li>Maintain effective internal controls</li> </ul>
<p><b>2<sup>nd</sup> Line of Defence</b></p>	<ul style="list-style-type: none"> <li>Avoid business executions</li> <li>Oversee risks and monitor internal controls</li> <li>Provide guidance and training</li> </ul>
<p><b>3<sup>rd</sup> Line of Defence</b></p>	<ul style="list-style-type: none"> <li>Execute risk-based audit program</li> <li>Provide independent assurance</li> <li>Report to the governing body</li> </ul>

# Three Lines in Harmony

- Clear understanding of respective roles and responsibilities
- Communication, collaboration, and reliance



# Compliance Control

Ensure establishing and maintaining appropriate internal controls of the company

## Distribution Channels Review

- Career Agency
- General Agency
- MetLife financial Service

# Compliance Control

Anti-Money Laundering

Anti-Corruption

- FCPA
- 김영란법 (“Anti-Graft Law”)

CRMP (Compliance Risk Management Program)

- GRC

# Compliance Control

금융회사의 지배구조에 관한 법률 (Law of Corporate Governance of Financial Company)

- 준법감시인 (Compliance Officer)
- 위험관리책임자 (Risk Officer)
- 내부통제위원회 (Internal Control Committee)

Various Regulatory Requirements on Internal Control

# Compliance Campaign

## Be a Voice Campaign

- Improve compliance culture



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반부패 증진을 위한 준법윤리경영 민관협력포럼

# 사례 발표 2

## 준법윤리경영을 통한 규제 준수 (Better Compliance and Business Ethics)

**박선정, 한국마이크로소프트 대표변호사**

**Ms. Sunny J. Park, Chief Counsel/Director of Corporate**

**External & Legal Affairs, Microsoft Korea**





[프로파일]

**박선정 한국마이크로소프트 대표변호사**



한국마이크로소프트 박선정 대표변호사는 정책·협력·법무실 업무를 총괄하며 마이크로소프트 본사의 글로벌 캠페인 ‘디지털 전환(Digital Transformation)’을 한국 시장에 구현할 수 있도록 다양한 정책을 기획·관리하고 있다.

마이크로소프트 한국법인의 제반 법률 업무를 비롯하여 IT 정책, 규정 준수를 책임지고 있는 리더이며 대외협력, 사회공헌 활동의 총책임자이다.

사이버보안, 프라이버시, 디지털 저작권 보호, 반독점, 전자 상거래와 규제, 클라우드 컴퓨팅, 인터넷 거버넌스 등 현대 IT 사회의 글로벌 이슈들을 정부 및 민간과 협력하고 조율하는 역할을 수행해 왔다.

소프트웨어 저작권 보유자들을 대표하는 국제적 협회 ‘Business Software Alliance(BSA)’와 AMCHAM IT위원회의 공동 의장으로 재직 중이다. 인하우스카운슬포럼(IHCF) IT위원회의 자문 역할도 맡고 있다.

마이크로소프트의 ‘Global Diversity & Inclusion’을 지원하는 여성 리더로서 한국 여성의 사회진출과 리더십 문제에 집중해 왔다. 특히 디지털 혁신을 통해 기혼 직장 여성들의 업무 효율을 높이는 방법에 큰 관심을 갖고 있다.

김앤장 법률사무소, 법무법인 지평과 서정을 거쳐 실제 IT 산업의 현장(로커스 테크놀러지스 Mobile Internet 본부장)에서의 경험을 쌓았다. 과거 한국 동향을 다룬 ‘아리랑 TV’의 주간 프로그램 ‘In Focus’에서 진행자로도 활동했다.

Syracuse대학에서 Retailing and Marketing을 전공하고, 동 대학원에서 Marketing and International Business 석사 학위를 취득했다. 법률 분야에 입문하기 전에는 미국 Baxter Healthcare 와 Bloomingdales 사에서 근무했다.

## **Sunny J. Park**

Chief Counsel/Director of Corporate, External & Legal Affairs

Microsoft Korea

[sunjpark@microsoft.com](mailto:sunjpark@microsoft.com)

Sunny Park currently heads the Corporate, External & Legal Affairs (CELA) Department at Microsoft Korea, dealing with a wide variety of cutting-edge issues such as cyber security, privacy, digital copyright protection, anti-trust, trade, e-commerce, telecommunication regulations, cloud computing and internet governance. She is also responsible for Microsoft Korea's IT policy, regulatory compliance, government relations, academic relations, NGO engagement and philanthropic activities. She is passionate about women's issues and female leadership and serves as the chair of Microsoft's' CELA Global Diversity & Inclusion initiative. She serves as the Korea Chair of Business Software Alliance (BSA), an international association representing software copyright holders, and as one of the co-chairs on AMCHAM's IT Committee. She also serves on the board of In-House Counsel Forum and co-chairs their IT Committee.

She previously practiced law at firms such as Kim & Chang, Jipyong & Jisung, and Sojong Partners, in the corporate department with focus on IT/telecommunication and M&A, and has hands-on business experience in the IT industry having served as the Managing Director of Mobile Internet business unit at Locus Technologies with offices in Korea and China. Outside the office, she served as one of the expert moderators on a weekly TV program "In Focus" at Arirang TV, at that time, one of the only English language TV station, covering leading current events in Korea.

Sunny Park has a JD, an MBA in Marketing and International Business, and a BS in Retailing and Marketing all from Syracuse University. Prior to practicing law, she worked for Baxter Healthcare and Bloomingdales in the US.



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# 사례 발표 3

## 준법윤리경영을 통한 규제 준수 (Better Compliance and Business Ethics)

김대영, BNP 파리바 본부장/준법감시인

Mr. Dae Young Kim, Executive Director/Compliance Officer,

BNP Paribas Korea



# ONGOING PROCESS FOR BETTER COMPLIANCE - BNP PARIBAS' EXPERIENCE

BNP PARIBAS SEOUL BRANCH  
Oct 12, 2017



**BNP PARIBAS**

The bank for a changing world.

## Table of contents

---

- I. How has Compliance evolved ?
- II. What is the notion of Compliance ?
- III. Compliance Transformation : BNP Paribas
- IV. Conduct : BNP Paribas
- V. Future Vision



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## How has Compliance evolved ?

### External Push → Settling Down

#### • External Push :

- In the wake of IMF Crisis, Compliance Officer system has been mandatorily introduced for Fis in Korea.
- Compliance Officer has been in charge of internal control as per relevant rules and regulations.
- R&R of Compliance Officer had not been clear enough vis a vis other following control functions such as Internal Audit, Risk, Operational Control and Legal.

#### • Settling Down :

- Over time, Compliance Officer's presence has been more and more felt within each FI due to various factors :
  - Price of mishap in internal control has sharply increased, financially and careerwise associated with financial incidents and crisis.
  - AML / Financial Sanction risk has also drawn attention from Fis on Compliance
- Misleading contrast b/w Profit vs Cost center has become substantially remedied.



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3

## What is the notion of Compliance ?

### ■ In the beginning, Compliance has been construed as follows :

- ✓ Monitoring, Controlling, Business adversary
- ✓ Korean word for Compliance Officer epitomizes this notion

### ■ Compliance is being more understood as the following :

- ✓ Check and Balance
- ✓ Gatekeeper

### ■ Not to be forgotten : Playing Devil's Advocate Role

### ■ Broadening of Compliance concept :

- ✓ Conduct
- ✓ Financial Crime and Compliance



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## Compliance Transformation : BNP Paribas (1/2)

### ■ Compliance Transformation launched in 2014

- ✓ Four Guiding Principles :
  - Independence, integration and decentralization
  - Dialog and partnership with Businesses
  - Accountability : “Compliance is everyone’s duty”
  - Best-in-class Compliance culture

### ■ 5 Compliance Domains :

- ✓ Know Your Client
- ✓ Financial Security
- ✓ Market Integrity
- ✓ Professional Ethics
- ✓ Protection of Clients’ Interests

### ■ Tone at the Top :

- ✓ Management Initiative : Head of Territory Charter, Compliance Appraisal
- ✓ Zero Tolerance : One Strike Out



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## Compliance Transformation : BNP Paribas (2/2)

### ■ Reinforcement of Compliance and Control Function

- ❖ **Increased Staffing :**
  - ✓ Compliance Function :  
>3,600 people as at Jun 30, 2017, +126% vs Dec 31, 2013
  - ✓ General Inspection :  
>1,230 people as at Jun 30, 2017, +28% vs Dec 31, 2013
- ❖ **Implementation of New Code of Conduct :**
  - ✓ Compulsory Training Program
- ❖ **Strengthening of Surveillance :**
  - ✓ Trade and Communication
- ❖ **Control of Control :**
  - ✓ Level 1 Control : Within Businesses
  - ✓ Regional Compliance vs Country Compliance
  - ✓ Inspection vs Compliance



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## Conduct : BNP Paribas

### ■ Conduct is beyond Compliance :

- ❖ **Conduct Dilemma Session : Business Initiative**
  - ✓ Expert lecture, Panel Session, Conduct for Managers Training
- ❖ **Movie Watching :**
  - ✓ All employees have watched a movie of Big Short together
- ❖ **Head of Conduct Position :**
  - ✓ Appointment of Dedicated Officers for Conduct
- ❖ **Conduct Week Campaign:**
  - ✓ To enhance awareness of all staff, Conduct Week has been set during which conduct related events are held

**CONDUCT ALWAYS MATTERS**  
IT'S A JOURNEY, NOT A DESTINATION



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## Future Vision



- ❖ **Compliance Culture**
  - ❖ **Voluntary and Bottom-up**
  - ❖ **Trust and Respect**
  - ❖ **Reputational Risk Management**
- **Sustainable Growth of Firm**



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# Thank you !!



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[www.fairplayerclub.kr](http://www.fairplayerclub.kr)

반부패 증진을 위한 준법윤리경영 민관협력포럼

# 패널 토론과 Q&A

## (Panel Discussion and Q&A)

**좌장: 엘레나 어거스틴, 주한미국대사관  
경제과, 경제담당관**

**Moderator: Ms. Elena Augustine,  
Economic Officer, Economic Section, US Embassy Seoul**





[www.fairplayerclub.kr](http://www.fairplayerclub.kr)

반부패 증진을 위한 준법윤리경영 민관협력포럼

# 페어플레이어클럽 소개 및 반부패 서약 안내 (Introduction of Fair Player Club and Fair Play Pledge)

안젤라 강주현, (사)글로벌경쟁력강화포럼 상임대표

Ms. Angela Joo-Hyun Kang,

Founder and Executive President, GCEF





# Fair Player Club 소개 & 반부패 서약 안내

(사)글로벌경쟁력강화포럼 안젤라 강주현 상임대표

2017년 10월



## 페어플레이어클럽 (Fair Player Club)\_개요



### 페어플레이어클럽 (Fair Player Club)

스포츠에서 가장 중요한 것은, 규정을 준수하고 정정당당하게 경기하는 페어플레이 (Fair Play) 정신입니다. 페어플레이어클럽 (Fair Player Club)은 페어플레이 (Fair Play) 정신에서 따온 이름으로, 대한민국에서 사업하는 모든 기업들이 준법·윤리경영을 통해 시장경쟁에서 페어플레이 (Fair Play) 정신을 실행할 수 있도록 하는 반부패 증진을 위한 준법윤리경영 민간협력포럼입니다. 페어플레이어클럽 (Fair Player Club)은 한국의 기업환경을 더욱 투명하고 공정하게 만들기 위해서 노력하고 있습니다.

**목표 1  
협력 구축**

반부패 증진 노력의 시너지 효과를 위해서, 기업, 기업 협회, 정부, 정부 관련 기관, 반부패 전문가들과 공동노력 (Collective Action)을 위한 민간협력포럼 구성

**목표 2  
역량 구축**

깨끗하고 공정한 비즈니스 관행을 위한 인식 증진과 역량 강화를 위해 산업별, 지역별, 국가별 반부패 정책 등과 관련된 윤리강령, 가이드라인 및 기업 사례 공유 및 교육

**목표 3  
합의 구축**

준법·윤리경영에 기반한 공정한 시장 경쟁을 위해 다양한 산업과 지역별 국내 기업 및 외국인 투자기업들과 Fair Play 반부패 서약을 통한 공동노력

## 페어플레이어클럽 (Fair Player Club)\_실행 기관 소개

공동노력 (Collective Action)	윤리적 약속
장기 이니셔티브	원칙 기반 이니셔티브 (Initiative)로서의 페어플레이어클럽 (Fair Player Club) 일상 비즈니스 관행에서 기업들이 공동으로 반부패 원칙을 지키기로 약속

주최: 유엔글로벌콤팩트  
한국협회

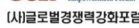
<http://www.unglobalcompact.kr>



UN Global Compact는 미국 뉴욕 UN에 본부를 두고, 인권, 노동, 환경, 반부패의 10대 원칙을 통해 기업의 사회적 책임을 강조하고 있으며, 기업의 사회적 책임을 주도할 미래 리더 교육의 중요성, 10대 원칙을 기반으로 하는 기관 투자, 자본시장에 있어 환경, 사회, 거버넌스의 중요성 등을 강조하고 있습니다. 전 세계적으로 만 3천여 개의 회원이 있으며, 그 중 8천여 개 회원은 기업 회원입니다. 유엔글로벌콤팩트 한국협회는 2007년 설립되어 UN Global Compact 10대 원칙 확산을 위한 다양한 활동을 하고 있으며, 2017년 현재 240여개의 기업 및 단체가 가입되어 있습니다.

주관: 사단법인  
글로벌경쟁력강화포럼

<http://www.g-cef.org>



(사)글로벌경쟁력강화포럼

사단법인 글로벌경쟁력강화포럼은 기업사회공헌, 기업사회혁신, 기업사회책임 분야 정책 연구 및 서비스 기관으로서, 2008년 11월 20일 설립 후, 2011년 2월 28일 산업통상자원부 허가 비영리 법인으로 사단법인화 하였습니다. 연구, 교육, 세미나, 정책 분석 및 제안, 공동노력 (Collective Action)과 다자간 협력 제휴를 전문으로 하고 있으며, 공기업, 민간기업, 사회적기업 등의 CSR과 CSV, 지속가능성, 청렴성 증진을 통해 기업의 글로벌 경쟁력을 강화하기 위해 노력하고 있습니다.

## 페어플레이어클럽 (Fair Player Club)\_후원 기관 소개

후원: 산업통상자원부

[www.motie.go.kr](http://www.motie.go.kr)



산업통상자원부는 실물경제 주무부처로서 우리 경제의 지속적인 성장동력 확충과 일자리 창출, 부문간 균형 있는 성장이 선순환 되는 창조경제의 패러다임 구축을 위해 노력하고 있습니다. 산업통상자원부가 역점을 두고 있는 정책은 산업융합 확산, 원칙이 바른 시장경제질서 확립을 통한 협력적 산업생태계 조성, 지역균형발전, 국익과 경제적 실리에 충실한 통상 추진, 국민이 공감하고 안심하는 에너지 수급체계 구축, 국민의 눈높이에 맞춘 대화와 소통입니다.

후원: 외교부

[www.mofa.go.kr](http://www.mofa.go.kr)



외교부는 1948년 7월 17일에 처음 설립되었고, 1948년 8월 15일 대한민국 정부 수립 후 국교를 수립하고 재외공관 설치를 시작했습니다. 외교정책의 수립·시행, 다자·양자 경제외교 및 국제경제협력외교, 대외경제 관련 외교정책의 수립·시행 및 총괄·조정, 국제관계업무에 관한 조정, 조약 및 그 밖의 국제협정, 문화협력, 대외홍보, 재외동포 정책의 수립, 재외국민 보호·지원, 국제정세의 조사·분석 및 이면에 관한 사무를 관장하고 있습니다.

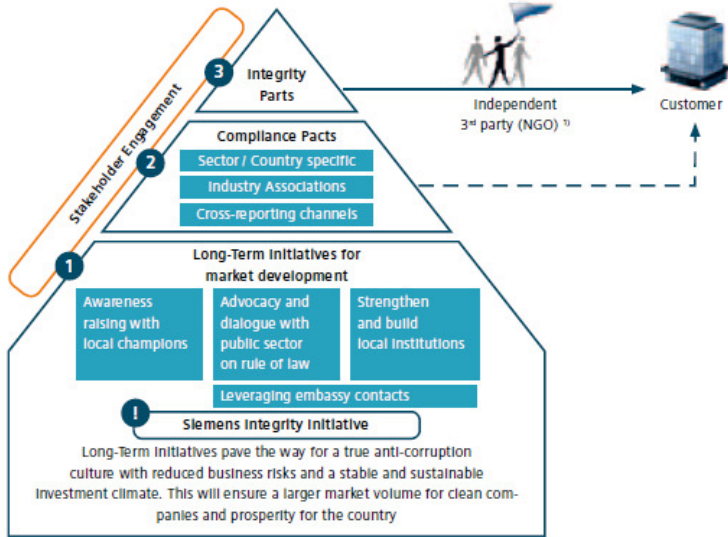
후원: 국민권익위원회

[www.acrc.go.kr](http://www.acrc.go.kr)



국민권익위원회는 부패방지 및 국민의 권리보호 및 구제를 위하여 과거 국민고충처리위원회와 국가청렴위원회, 국무총리 행정심판위원회 등의 기능을 합쳐 2008년 2월 29일 새롭게 탄생한 기관으로서, 국민고충처리위원회의 국민 권리구제업무와 국가청렴위원회의 국가청렴도 향상을 위한 활동, 행정심판위원회의 행정과 관련한 쟁송업무 등 국민의 권리보호 관련 업무들을 한 기관에서 처리하기 위하여 통합을 단행하였습니다. 국민권익위원회는 고충민원의 처리와 이와 관련된 불합리한 행정제도 개선, 공직사회 부패 예방·부패행위 규제를 통한 청렴한 공직 및 사회풍토 확립 그리고 행정정수를 통하여 행정정의의 위협·부당한 처분으로부터 국민의 권리를 보호 등의 기능을 수행합니다.





### 지멘스 청렴성 이니셔티브 (Siemens Integrity Initiative)

<http://www.siemens.com/integrity-initiative>

- 독일 지멘스 본사가 전 세계 반부패를 증진하고 공정한 시장경쟁 환경을 조성하기 위해 노력하는 미화 100백만 달러 규모 글로벌 반부패 증진 프로젝트
- 2009년 세계은행, 2013년 유럽투자은행과 합의로 전 세계 20여 개 나라에서 OECD, UNODC, UNDP, UN Global Compact 등과 같은 국제기관과 CII, VCCI, COCIR, POLMED 등과 같은 산업협회, Transparency International 등의 비영리 및 학계 기관들과 총 55개의 공동노력(Collective Action)과 교육 훈련(Education & Training) 사업 진행

출처: Siemens Integrity Initiative Annual Report 2011. p15. & UN Global Compact. (2015) A Practical Guide for Collective Action against Corruption. New York. p.25 & p35-39.

#### 페어플레이어클럽 출범식 및 제1회 민관협력포럼 개최

- 일 시: 2015년 5월 19일
- 장 소: 여의도 콘래드호텔 스튜디오 4
- 참석자: 산업통상자원부 이관섭 제1차관, 국민권익위원회 박진영 부위원장, 지멘스 Sabine Zindera 부사장, UNGC Georg Kell 사무총장, 지멘스(주) 김종갑 회장, 유엔글로벌콤팩트 한국협회 임홍재 사무총장, 한국자동차산업협회 김용근 회장, 한국기계산업진흥회 박영탁 상근부회장, 한국전자정보통신산업진흥회 남인석 상근부회장, 해외건설협회 백영선 부회장, 한국철도협회 고창남 상임부회장 직무대행, 및 정부 관련 부처 및 산업협회 실무자



### ■ 페어플레이어클럽 산업별 준법·윤리경영 세미나

- 철도산업 (2015.06.11, 부산 BEXCO)
- 기계산업 (2015.10.30, 일산 KINTEX)
- 전자정보통신산업 (2015.11.05, 서울 GS비즈니스센터)
- 자동차산업 (2015.12.08, 서울 팔래스호텔)
- 해외건설산업 (2015.12.11, 서울 페럼타워)
- 의료기기산업 (2015.02.15, 서울 의료기기산업협회)
- 한국사내변호사회 (2016.10.11, 서울 대한상공회의소)



### ■ 페어플레이어클럽 지역별 준법·윤리경영 세미나

- 서울광역시 (2016.07.14, 서울 프레스센터)
- 부산광역시와 부산상의 (2016.09.20, 부산상의)
- 광주광역시와 광주상의 (2016.09.22, 광주상의)
- 대구광역시와 대구상의 (2016.11.11, 대구 엑스코)
- 울산광역시와 울산상의 (2016.11.28, 울산상의)
- 대전광역시와 대전상의 (2016.11.30, 대전상의)
- 인천광역시와 인천상의 (2016.12.2, 인천상의)



## 페어플레이어클럽 (Fair Player Club)\_3차년도 활동

### 1차년도 (2015) 산업

반부패가 포함된 사회책임경영 기준 ISO26000을 산업정책 차원에서 다루는 산업통상자원부 및 기계, 의료기기, 자동차, 전자정보통신, 철도, 해외건설 등의 산업협회 및 한국사내변호사회의의 민관협력 증진을 통해 회원사들의 준법·윤리 경영 인식을 제고하고 역량을 강화하였습니다.



### 2차년도 (2016) 지역

서울특별시 및 6대 광역자치단체와 지역상공회의소의 민관협력 증진을 통해서, 전국 주요 도시에 위치한 기업 대상으로 반부패와 준법·윤리경영에 대한 중요성을 전파하기 위해 노력하였습니다.

#### 서울특별시



### 3차년도 (2017) 국가

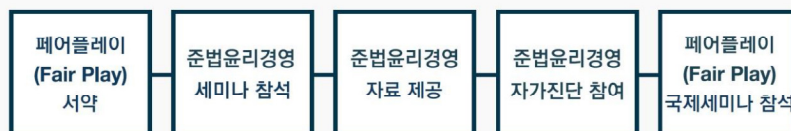
주요 7개국의 대사관 및 외국 상공회의소와의 민관협력을 통해 다국적 기업들 간의 공동노력을 증진하여, 한국 기업환경에서의 반부패 글로벌 스탠다드 수준을 높이고 주요 해외 진출국에서 한국 기업의 준법·윤리경영 경쟁력을 강화하기 위해 노력하고 있습니다.



## 페어플레이어클럽 가입 및 페어플레이 반부패 서약\_개요 및 기대 효과

#### ※ FPC 참여 기업 혜택 및 기대효과

- 반부패 관련 국제 기준(UN 반부패협약, OECD 뇌물방지협약, UK 뇌물수수법 등) 소개 및 국내 '부정청탁 및 금품 등 수수의 금지에 관한 법률' 시행 대비 기업의 리스크 관리, 역량 강화 지원
- 산업통상자원부, 행정자치부, 국민권익위원회 등 민관협력을 통한 준법·윤리경영분야 교류 확대
- 페어플레이 반부패 서약 선포식/세미나 참석 후 수료증 제공, 해당 기업의 준법·윤리경영 노력에 대한 국내외 홍보
- 준법·윤리경영 자가진단 툴 및 관련 자료 제공



Non-binding 하며 Cost-free인 페어플레이 (Fair Play) 반부패 서약은 준법윤리경영에 대한 노력을 대내외에 공시할 수 있는 효과적인 방법



■ 페어플레이 (Fair Play) 반부패 서약 기업 - 현재 125개 기업 및 기관 참여 (2017년 10월 기준)

1. 기업의 최고경영진은 청렴한 기업문화를 조성하도록 장려한다.
2. 기업의 사업운영에 관련된 반부패 리스크 관리에 노력한다.
3. 기업 임직원들의 준법윤리경영 역량강화를 위해서 노력한다.
4. 기업의 사업운영에 관련된 모든 이해관계자들과 협력하여 투명하고 공정한 사업활동을 수행하도록 노력한다.
5. 기업, 정부기관, 시민사회 등과의 공동노력 (Collective Action)에 참여하여 공정하고 깨끗한 비즈니스 환경을 만들도록 노력한다.



■ 페어플레이 (Fair Play) 반부패 서약 선포식 - 1차년도

- 일 시: 2016년 2월 18일
- 장 소: 소공동 롯데호텔 3층 사파이어볼룸
- 참석자: 산업통상자원부 이관섭 제1차관, 국무조정실 오 군 제1차장, 금융위원회 고승범 상임위원, 국민권익위원회 최학균 상임위원, 김종갑 지멘스(주) 회장, 국제상공회의소 (ICC) 기업책임과 반부패 위원회 프랑소와 빈케 부위원장, 유엔글로벌콤팩트 한국협회 임홍재 사무총장, 한국자동차산업협회 김용근 회장, 한국기계산업진흥회 박영탁 상근부회장, 한국전자정보통신산업진흥회 남인석 상근부회장, 한국의료기기산업협회 황 휘 회장, 한국철도협회 김형호 실장, 외 56개 Fair Play 반부패 서약 기업 대표자 및 실무자



### ■ 페어플레이 (Fair Play) 반부패 서약 선포식 - 2차년도

- 일 시: 2017년 2월 24일
- 장 소: 소공동 롯데호텔 3층 사파이어볼룸
- 참석자: 국무조정실 제1차장/정부합동부패척결추진단 오균 단장,  
서울특별시 박원순 시장, 지멘스(株) 김종갑 회장,  
유엔글로벌콤팩트 한국협회 이동건 회장,  
국제상공회의소 (ICC) 기업책임&반부패위원회  
요한 르 프하페 부위원장,  
국제투명성기구 (TI) 본부 입테카르 자만 이사,  
박경호 국민권익위원회 부위원장,  
울산광역시 오규택 부시장,  
대전광역시 고종승 감사관,  
인천광역시 정관희 감사관,  
및 125개 반부패 서약 기업 대표 등

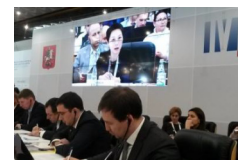


### ■ 국내외 페어플레이어클럽 홍보 활동

- 국내 주요 언론에 FPC 활동 소개
- 제13차 UNGC 로컬 네트워크 연례 포럼 및 제16차 반부패 전문가 실무그룹 회의 (2015.06.23-25, 뉴욕 유엔본부)
- 해외 진출 기업 CSR 포럼 (인도네시아/미얀마/캄보디아/인도)

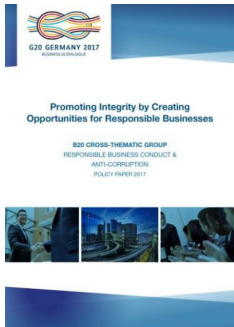


- 2016년 10월 20-21일 스위스 바젤 공동노력 (Collective Action) 국제 컨퍼런스
- 2016년 12월 8-9일 러시아 모스크바 정부 주최 제4회 반부패 국제 컨퍼런스
- 2017년 1월 26일 독일 베를린 제6차 G20-B20-C20 고위급 반부패 컨퍼런스
- 2017년 1월 27일 독일 베를린 B20 책임있는 기업관행과 반부패 컨퍼런스



### ■ 국내외 페어플레이어클럽 홍보 활동

- 2017 독일 B20 책임기업관행 & 반부패 TF 그룹 G20 대상 정책제안서의 공동노력 (Collective Action) 모범사례 중 하나로 소개됨
- 2017 독일 B20 책임기업관행 & 반부패 TF 그룹은 G20 국가에서 112명의 TF 멤버들이 참여하는 정책 제안 그룹
- 독일 지멘스 최고준법경영책임자이자 OECD 기업자문위원회 BIAC 반부패 그룹 회장인 클라우스 무스마이어 박사가 회장
- (사)글로벌경쟁력강화포럼 안젤라 강주현 설립자 겸 상임대표도 TF 멤버 중의 한 명이었음



#### Exhibit 27 | Fair Player Club, Republic of Korea

The Fair Player Club is an anti-corruption initiative that aims to promote fair market conditions in Korea by creating a public- and private-sector platform for an anti-corruption ecosystem. The Fair Player Club pursues a spirit of fair-play in business conduct, requiring that all market players comply with the law. It promotes collaboration between central and metropolitan governments, foreign embassies, industry associations and chambers of commerce, awareness training and consensus building to promote anti-corruption through a Fair Play Pledge, aiming to obtain support from over 200 companies.

Source: The project forms part of the Siemens Integrity Initiative by the UN Global Compact Network Korea and Global Competitiveness Empowerment Forum. Siemens, *Global Compact Network Korea (GCNK) in cooperation with Global Competitiveness Empowerment Forum (GCEF)*, accessed February 21, 2017, <http://www.siemens.com/about/sustainability/en/core-topics/compliance/collective-action/integrity-initiative/status-second-funding-round/global-compact-network-korea-gcnk.htm>.

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### ■ 문의

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[www.g-cef.org](http://www.g-cef.org)



Fair Player Club 홈페이지

[www.fairplayerclub.kr](http://www.fairplayerclub.kr)



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# Introduction of Fair Player Club and Fair Play Pledge

Ms. Angela Joo-Hyun Kang, Founder and Executive President,  
Global Competitiveness Empowerment Forum (GCEF)

October 2017



## Fair Player Club\_Introduction



### Fair Player Club (FPC)

In sport games, all players should comply with rules and principles with 'Fair Play' spirit for fair and just competition. Likewise, in business, all market players should comply with the rule of law with 'Fair Play' spirit for fair and clean business by promoting anti-corruption, compliance, and business ethics.

Fair Player Club, the public-private sector platform to promote collective action for anti-corruption, aims to create fair and clean market conditions in Republic of Korea as a public-private platform for anti-corruption by mobilizing commitments of all market players.

**Objective 1**  
Collaboration Building

To develop a platform for collective action to promote anti-corruption among central and local governments, foreign embassies, companies, industry associations, local and foreign chambers of commerce.

**Objective 2**  
Capacity Building

To increase awareness and competence of companies for clean and fair business practices with codes of conduct, guidelines and cases.

**Objective 3**  
Consensus Building

To establish a fair play alliance among market players from various industries, regions, and countries through interaction and learning.



Collective Action	Ethical Promise
Long-term Initiative	<p><b>Fair Player Club as a principle-based initiative</b></p> <p>Companies are committed to work together to comply with anti-corruption principle in business practices</p>

Hosted by Global Compact Network Korea (GCNK)  
<http://www.unglobalcompact.kr>



The UN Global Compact, headquartered in New York, is a strategic policy initiative for companies that are committed to align their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption. Also, it adopts an established and globally recognized policy framework for the development, implementation, and disclosure of environmental, social, and governance policies and practices. It has about 13,000 members and 8,000 members are companies. UN Global Compact Network Korea (GCNK) was established in 2007 and is engaged in various activities for diffusion of ten principles in South Korea. In 2017, 240 companies and organizations in South Korea joined its efforts as members.

Organized by Global Competitiveness Empowerment Forum (GCEF)  
<http://www.g-cef.org>



Global Competitiveness Empowerment Forum (GCEF) is a non-for-profit organization to promote Corporate Social Responsibility (CSR), Creating Shared Value (CSV), sustainability, and business integrity of public, private and social enterprises. GCEF is specialized in research, education, seminar, policy analysis, multi-stakeholder dialog, and cross sector cooperation nurturing Collective Action. GCEF is established in November 20, 2008, and became registered under the Ministry of Trade, Industry & Energy (MOTIE) in February 28, 2011.

Endorsed by Ministry of Trade, Industry & Energy (MOTIE)  
[www.motie.go.kr](http://www.motie.go.kr)



MOTIE was established at the birth of Republic of Korea in 1948 as the Ministry of Trade and Industry (MTI) with the mission to coordinate the nation's industry related policies. Throughout its history, it has taken on expanded roles and responsibilities, helping to transform Republic of Korea into a dynamic and economic powerhouse. MOTIE is committed to providing a foundation for economic growth by combining its efforts to fulfill its wide range of responsibilities in the areas of commerce, investment, industry, and energy.

Endorsed by Ministry of Foreign Affairs (MOFA)  
[www.mofa.go.kr](http://www.mofa.go.kr)



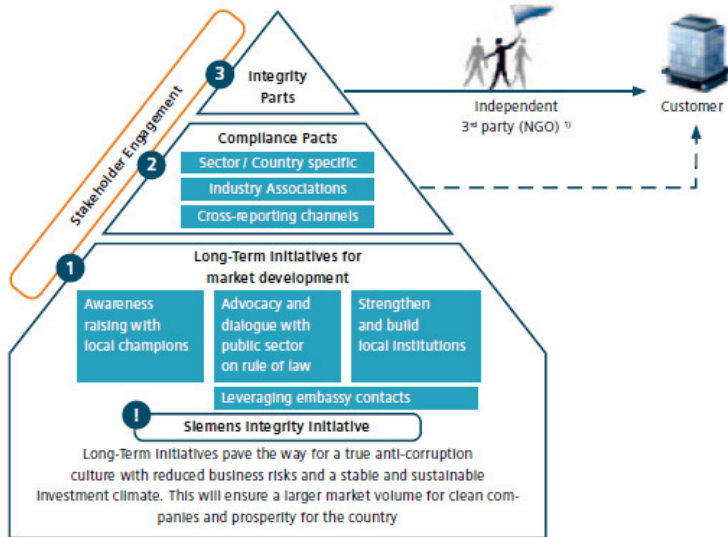
MOFA was established on July 17, 1948. Its diplomatic relations were forged and overseas missions were established after the Government of the Republic of Korea was founded on August 15, 1948. MOFA is in charge of establishment and enforcement of foreign policy, multilateral and bilateral economic diplomacy, and international economic cooperation diplomacy. It is also responsible for establishment, implementation, and coordination of foreign economic policy. MOFA coordinates international affairs, treaties along with other international agreements, cultural cooperation, and public relations, establishes policy related with overseas Koreans, provides protection and support for overseas Koreans, and implements investigation and analysis of international situation and immigration.

Endorsed by Anti-Corruption & Civil Rights Commission (ACRC)  
[www.acrc.go.kr](http://www.acrc.go.kr)



ACRC was established on February 29, 2008 through integration of the Ombudsman of Korea, the Korea Independent Commission against Corruption and the Administrative Appeals Commission. With consolidation of these three organizations, citizens can be provided with one-stop service for addressing public complaints, filing administrative appeals, and fighting corruption in a more convenient and speedier manner. ACRC is responsible for handling and addressing public complaints by improving related unreasonable systems, building a clean society by preventing and deterring corruption in the public sector, and protecting people's rights from illegal and unfair administrative practices through its administrative appeals system.





## Siemens Integrity Initiative

<http://www.siemens.com/integrity-initiative>

The Siemens Integrity Initiative, based on the settlement between Siemens AG and the World Bank in 2009 and the settlement between Siemens AG and the European Investment Bank (EIB) in 2013, supports the organizations and projects fighting corruption and fraud through Collective Action, education and training, with over US\$ 100 million around the world. Since 2009, the Siemens Integrity Initiative has supported 55 collective action and education & training projects with international organizations including OECD, UN Global Compact, UNODC, and UNDP, industry associations including CII, VCCI, COCIR, and POLMED, NGOs including Transparency International (TI), and academic institutions.

Source: Siemens Integrity Initiative Annual Report 2011. p15. & UN Global Compact. (2015) *A Practical Guide for Collective Action against Corruption*. New York. p.25 & p35-39.

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### ▪ The Fair Player Club Launching Ceremony & the 1st Joint Public-Private Industry Council Meeting

- Time: May 19, 2015
- Venue: Studio 4, Conrad Seoul in Seoul, Republic of Korea
- Participants:
  - LEE, Kwan-sup, Vice Minister, MOTIE
  - KWAK, Jin-young, Vice Chairperson, ACRC
  - Sabine ZINDERA, Head of Siemens Integrity Initiative & Vice President of Siemens AG
  - Georg KELL, Executive Director, UN Global Compact Headquarters
  - KIM, Jong-kap, Chairman & CEO, Siemens Ltd. Seoul
  - IM, Hong-jae, VP and Secretary-General, GCNK
  - KIM, Yong-geun, President & CEO, Korea Automobile Manufacturers Association
  - PARK, Young-tahk, Executive Vice Chairman, Korea Association of Machinery Industry
  - NAM, In-suk, CEO & President, Korea Electronics Association
  - PAEK, Young-sun, Vice Chairman, International Contractors Association of Korea
  - KO, Chang-nam (Charlie), Acting VP, Korea Railway Association



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### ▪ Fair Player Club Seminar for Compliance and Business Ethics of Industry

- Railway Industry: June 11, 2015, at Bexco (Busan Exhibition & Convention Center) in Busan
- Machinery Industry: October 30, 2015, at KINTEX (Korea International Exhibition Center) in Goyang
- Electronics Industry: November 5, 2015, at GS Tower in Seoul
- Automobile Industry: December 8, 2015, at the Palace Hotel in Seoul
- International Construction Industry: December 11, 2015, at Ferrum Tower in Seoul
- Korea Medical Devices Industry Association: February 15, 2016, at KMDIA in Seoul
- Korea In-house Counsel Association: October 11, 2016, at the Korea Chamber of Commerce & industry in Seoul



### ▪ Fair Player Club Seminar for Compliance and Business Ethics of Region

- Seoul Metropolitan Government: July 14, 2016, at Korea Press Center in Seoul
- Busan Metropolitan Government: September 20, 2016, at Busan CCI in Busan
- Gwangju Metropolitan Government: September 22, 2016, at Gwangju CCI in Gwangju
- Daegu Metropolitan City: November 11, 2016, at the Daegu EXCO in Daegu
- Ulsan Metropolitan City: November 28, 2016, at Ulsan CCI in Ulsan
- Daejeon Metropolitan City: November 30, 2016, at the Daejeon CCI in Daejeon
- Incheon Metropolitan City: December 2, 2016, at the Incheon CCI in Incheon



## Cycle 1 (2015) Industry

Fair Player Club raised public awareness for anti-corruption through public private partnership among MOTIE which oversees industries policies and ISO26000 including anti-corruption, industry associations including automobile, construction, electronics, machinery, medical device, and railway sectors as well as their corporate members.



## Cycle 2 (2016) Region

Fair Player Club raised public awareness for anti-corruption nationwide, through public private partnership among Seoul Metropolitan Government and other 6 metropolitan cities as well as local chambers of commerce & industry by reaching out the companies in major cities to promote compliance and business ethics.



## Cycle 3 (2017) Country

Fair Player Club endeavors to create an enabling environment for clean and fair business in South Korea, through public private partnership among foreign embassies, foreign chamber of commerce & industry, and companies from various country origins, in order to promote dialog, exchange and Collective Action for anti-corruption, compliance and business ethics.



## Benefits for Fair Player Club Companies:

- Invitation to Fair Player Club Seminars on compliance and business ethics
- Access to Fair Play Rule compliance package, Fair Play competence assessment tools
- Invitation to Fair Player Club Summit and Fair Play Pledge Ceremonies
- Promotion of companies' anti-corruption efforts in Republic of Korea and beyond



**Fair Play Pledge is a non-binding, cost-free, and effective way to disclose the efforts to comply with anti-corruption, compliance, and business ethics.**



Signatories for Fair Play Pledge - 125 private companies, and public institutions (As of Oct. 2017)

- To nurture a transparent corporate culture by the top management.
- To strive for corruption risk management in business operation.
- To enhance capacity of management and employees to combat corruption.
- To collaborate with all stakeholders for transparent and fair business competition.
- To create a clean and fair business environment by participating in Collective Action by engaging with government, market players, and civil society.



Fair Play Pledge Ceremony – Cycle 1

- Time: February 18, 2016
- Venue: Sapphire Ballroom, Lotte Hotel in Seoul, Republic of Korea
- Participants:
  - LEE, Kwan-sup, Vice Minister of MOTIE
  - OH, Kyun, 1st Vice Minister of Government Policy Coordination of Prime Minister’s Secretariat
  - KOH, Seung-beom, Financial Services Commission
  - CHOI Hak-gyun, Standing Commissioner of ACRC
  - KIM, Jong-kap, Chairman & CEO, Siemens Ltd. Seoul
  - François VINCHE, Vice-Chairman of the ICC Commission on Corporate Responsibility & Anti-Corruption
  - IM, Hong-jae, VP and Secretary-General, GCNK
  - KIM, Yong-geun, President & CEO, Korea Automobile Manufacturers Association
  - PARK, Young-tahk, Executive Vice Chairman, Korea Association of Machinery Industry
  - NAM, In-suk, CEO & President, Korea Electronics Association
  - HWANG, Hui, Chairman of the Korean Medical Device Industries Association
  - Representatives from the total 56 signatory companies and organizations



### ▪ Fair Play Pledge Ceremony – Cycle 2

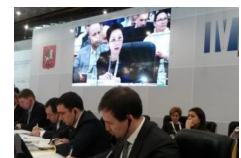
- Time: February 24, 2017
- Venue: Sapphire Ballroom, Lotte Hotel in Seoul, Republic of Korea
- Participants :
  - OH, Kyun, 1st Vice Minister of Government Policy  
Coordination of Prime Minister's Secretariat
  - PARK, Won-soon, Mayor of Seoul Metropolitan Government
  - KIM, Jong-kap, Chairman & CEO, Siemens Ltd. Seoul
  - LEE Dong-kurn, Chairman of GCNK
  - Iohann LE FRAPPER, Vice-Chairman of the ICC  
Commission on Corporate Responsibility & Anti-Corruption
  - Iftekhar ZAMAN, Board Member of Transparency International HQ
  - PARK, Gyeong-ho, Vice Chair of ACRC
  - OH Gyu-taek, Deputy mayor, Ulsan Metropolitan city
  - KOH, Jong-seung, Audit and Inspection Officer,  
Daejeon Metropolitan City
  - JUNG, Gwan-hee, Audit and Inspection Officer,  
Incheon Metropolitan City
  - Representatives from the total 125 signatory companies and organizations



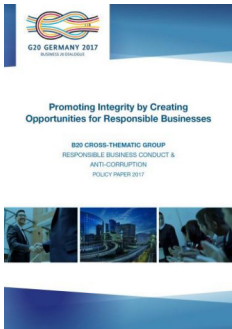
- The XIII Annual Local Network Forum (ALNF) and the 16<sup>th</sup> Meeting of the Working Group on the 10<sup>th</sup> Principle against Corruption (June 23-25, 2015, UN Headquarter, in New York)
- The CSR Forum for Korean Companies Operating Overseas (Indonesia, Myanmar, Cambodia, and India)



- Basel Collective Action Conference (October 20-21, 2016, in Switzerland)
- The IV International Conference on Government and Business against the Corruption in the Procurement and Trade Area, hosted by Government of Moscow in cooperation with Federal Anti-monopoly service of Russia (December 9, 2016, in Russia)
- The 6<sup>th</sup> High-Level Anti-Corruption Conference for G20 Government, Business, and Civil Society (January 26, 2017, in Berlin, Germany)
- The B20 Conference on Responsible Business Conduct and Anti-Corruption (January 27, 2017, in Berlin, Germany)



- Fair Player Club was introduced as one of the cases of collective action in the policy recommendation paper of the B20 Germany 2017 Responsible Business Conduct and Anti-Corruption Cross-Thematic Group, which was chaired by Dr. Klaus Moosmayer, Chief Compliance Officer of Siemens AG and Anti-Corruption Working Group Chair of Business at OECD (BIAC) and had 112 members including Angela Joo-Hyun Kang, Founder and Executive President of GCEF from all G20 countries.



### Exhibit 27 | Fair Player Club, Republic of Korea

The Fair Player Club is an anti-corruption initiative that aims to promote fair market conditions in Korea by creating a public- and private-sector platform for an anti-corruption ecosystem. The Fair Player Club pursues a spirit of fair-play in business conduct, requiring that all market players comply with the law. It promotes collaboration between central and metropolitan governments, foreign embassies, industry associations and chambers of commerce, awareness training and consensus building to promote anti-corruption through a Fair Play Pledge, aiming to obtain support from over 200 companies.

Source: The project forms part of the Siemens Integrity Initiative by the UN Global Compact Network Korea and Global Competitiveness Empowerment Forum. Siemens, *Global Compact Network Korea (GCNK) in cooperation with Global Competitiveness Empowerment Forum (GCEF)*, accessed February 21, 2017, <http://www.siemens.com/about/sustainability/en/core-topics/compliance/collective-action/integrity-initiative/status-second-funding-round/global-compact-network-korea-gcnk.htm>.

### ■ Inquiry

#### Global Compact Network Korea (GCNK)

Tel. +82-2-749-2149/2182 Fax. +82-2-749-2148 Email. [fpc@globalcompact.kr](mailto:fpc@globalcompact.kr)  
[www.unglobalcompact.kr/wp/?lang=en](http://www.unglobalcompact.kr/wp/?lang=en)



#### Global Competitiveness Empowerment Forum (GCEF)

Tel. +82-2-714-5964 Fax. +82-2-713-5115 Email. [infogcef@gmail.com](mailto:infogcef@gmail.com)  
[www.g-cef.org](http://www.g-cef.org)



#### Fair Player Club (FPC)

[www.fairplayerclub.org](http://www.fairplayerclub.org)





[www.fairplayerclub.kr](http://www.fairplayerclub.kr)

반부패 증진을 위한 준법윤리경영 민관협력포럼

# 페어플레이어클럽 컴플라이언스 패키지 소개 (Introduction of Fair Play Compliance Package)

이은경, 유엔글로벌콤팩트 한국협회 팀장/책임연구원

Ms. Eun kyung Lee, Team Leader, GCNK







페어플레이어클럽 참여 기업을 위한  
글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개

유엔글로벌콤팩트 한국협회 이은경 팀장 | 책임연구원

2017. 10. 12 (목)

글로벌 반부패 동향

## 글로벌 반부패 법 및 협약



## 뇌물방지 및 반부패 트렌드 2017



\* 출처: Anti-bribery and corruption: global enforcement and legislative developments 2017  
Freshfields Bruckhaus Deringer

<p><b>1</b> 반부패법 집행을 위한 공조 강화</p> <p>International coordination on anti-bribery enforcement grows stronger</p>	<p><b>2</b> 협력, 개선 및 합의를 위한 새로운 메커니즘 도입</p> <p>New mechanisms to encourage cooperation, remediation, and settlement</p>
<p><b>3</b> 컴플라이언스 기준의 통합</p> <p>Converging compliance standards</p>	<p><b>4</b> 새로운 법과 형사 책임의 가능성 증가</p> <p>New laws and more potential for criminal liability</p>

## 페어플레이어클럽 참여 기업을 위한 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개

### 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개

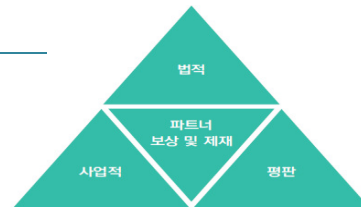


#### Fair Player Club 반부패 준법·윤리경영 지침서

- 발행기관: 유엔글로벌콤팩트 한국협회
- 내용: 대기업 또는 리스크가 높은 사업에 속한 기업이 국제 기준에 부합하는 컴플라이언스 시스템을 개발하고, 효과적으로 이행하기 위한 가이드라인과 체크리스트 및 사례 제시  
기업 규모 및 리스크에 따른 반부패 정책 구축 방안, 시나리오, 체크리스트 포함



#### ✓ 사업 파트너 리스크 관리



	제재 조치	인센티브
사업적 측면	- 거래 중단 - 사업기회 배제 - 불리한 계약 조건	- 사업 기회 증가 - 우호적 계약 조건
법적 측면	- 벌금 - 피해보상 - 형사처벌	- 제재 완화 가능
평판 측면	- 부패관련 사건 공표로 인한 평판 하락 (* 주로 시민사회 단체를 통해 공개됨)	- 반부패 우수 이행 기업으로 이미지 제고

## 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개



### Fair Player Club 중소기업을 위한 반부패 준법·윤리경영 지침서

- 발행기관: 유엔글로벌콤팩트 한국협회
- 내용: 컴플라이언스 역량이 부족한 중소기업을 대상으로 효과적인 반부패 프로그램을 개발 및 이행할 수 있는 6가지 단계 제시. 온라인 학습 툴 및 제3자 실사 설문지 공유



### ✓ 온라인 학습 툴 (E-learning Tool: The Fight against Corruption)



**제 1강. 달갑지 않은 선물 - 선물 및 접대 수락**

**개요**

- 뇌물에 해당하는 선물의 범위
- 여행 경비 제공이 뇌물에 해당하는지 여부

**내용**

- 직원들은 기업 로고가 새겨진 판촉물 외 선물을 받지 않아야 함
- 여행 및 숙박 경비를 항상 기업에서 부담해야 함
- 직원들은 선물, 접대 등의 수락에 대해 반드시 상관에게 보고해야 함

<http://thefightagainstcorruption.org>

## 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개



### Fair Player Club - Compliance Package (유럽편)

- 발행기관: 유엔글로벌콤팩트 한국협회
- 내용: 유럽의 반부패 동향과 EU 반부패 정책 및 유럽 주요국(영국, 독일, 프랑스, 스웨덴, 네덜란드)의 반부패 법과 제도 등 전반적인 정보와 주요 기업 사례 공유



## 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개



### A Guide for Anti-Corruption Risk Assessment (반부패 리스크 평가 안내서)

- 발행기관: 유엔글로벌콤팩트(UN Global Compact, UNGC)
- 내용: 반부패 리스크 평가를 위한 실용적인 단계별 가이드라인 제공. 반부패 리스크 평가의 6단계(절차 수립, 리스크 식별, 리스크 평가, 리스크 완화 조치, 잔여 리스크 산정, 행동계획 수립)에 대한 내용
- 번역: 유엔글로벌콤팩트 한국협회

#### ✓ 반부패 리스크 평가 프로세스



#### ✓ 열지도(Heat map) 작성 및 대응



## 글로벌 반부패 가이드라인 및 컴플라이언스 자료 소개



### RESIST (국제 거래에서 뇌물 강요와 청탁에 저항하기)

- 발행기관: 유엔글로벌콤팩트(UNGC), 세계경제포럼(WEF), 국제상공회의소(ICC), 국제투명성기구(TI)
- 내용: 실제 일어날 수 있는 시나리오를 바탕으로 직원들이 뇌물 요구에 수반되는 리스크를 인지하고, 고객, 협력사, 공무원의 불합리한 요구 시, 가장 효율적이고 윤리적인 방식으로 대응할 수 있는 지침 제공
- 번역: 유엔글로벌콤팩트 한국협회

1	입찰에 있어서 입찰조건(기술적 요소들 포함)이 한 명의 공급자에게 호의적으로 편향되어있거나 잠재적 경쟁자를 배제하도록 편향되어 있다.	13	변질성 물품들이 세관에 대기 상태로 되어있으며, 요금이 지불될 시에만 대기 상태가 해제된다.
2	중개인이 입찰사전 혹은 입찰단계에서 응찰 회사의 입찰 실패 비용 부담을 대가로 낙찰 보장을 제공한다.	14	세금사정권이 면세 허락 및 조세분쟁 해결에 있어서 "사제금"을 요구한다.
3	입찰이전 혹은 입찰단계에서 기밀 정보 제공대가로 뇌물을 요청한다.	15	노조 위원장이 자신의 노조 회원들이 배에서 짐을 내리기 전에 직원 복지 자금을 위한 요금 지불을 요구한다.
4	"사제금" 시나리오: 당신의 판매 대리인은 고객 혹은 중개인으로부터 비밀 보상을 제안 받는다.	16	고객이 당신의 본사 사무실에 방문하여 저명한 병원에서 진단 받을 수 있도록 마련할 것과 진단 비용을 지불해줄 것을 요구한다.
5	발주처 국가에서 높은 부패 위험을 보이는 특정 기업과의 협력을 강요할 수 있거나 강요한다.	17	공무원이 사적인 사용을 위해 무료 물품 샘플을 요구한다.
6	고객이 거의 성사된 거래에 대해 막판 "종결료"를 요구한다.	18	공무원 대표가 고위급 공무원들의 개인적인 이익과 관련된 활동에 후원할 것을 요구한다.
7	불공정한 조달 과정에 불만을 표하는 회사가 엄청난 벌금을 물 수 있는 허위 형사 소추로 위협받는다.	19	금융 서비스 중개인이 서비스 제공의 대가로 정해진 수수료 이상의 혜택을 요구한다.
8	지역 정부 기관이 장비에 대한 기술적 승인을 위한 비용을 요구한다.	20	공급자가 계약 담당자에게 뇌물을 제공함으로써 "불량" 제품 혹은 서비스를 간과해줄 것을 요청한다.
9	새로 고용된 직원들은 추가 요금을 지불하지 않을 시 근로 허가증을 받을 수 없다.	21	고객 대표가 사전에 계약 변경 조건으로 합의하지 않은 수수료를 요구한다.
10	지역 경찰관은 해외추방자인 노동자가 국가의 내부 국경을 넘는 조건으로 비용 지급을 요구한다.	22	"사업자"가 정당한 사유 없이 중단된 업무에 따른 대금 지급(Progress Payment)을 상환하는 조건으로 수수료를 요구한다.
11	국가 전기 회사의 직원이 전기 연결 시 돈을 요구한다.		
12	중요 장비가 세관에 정시간 대기 상태로 되어있으며, 별도의 요금이 지불될 시에만 대기 상태가 해제된다.		





**Managing Third Party Risk (제3자 리스크 관리)**

- 발행기관: 영국 투명성기구(Transparency International - UK / USA)
- 내용: 제3자 리스크 관리를 위한 뇌물 방지 체계 구축
- 번역: 유엔글로벌콤팩트 한국협회, 한국 투명성기구

Here are the current top ten FCPA enforcement actions of all time:



1. **Siemens** (Germany): \$800 million in 2008.
2. **Alstom** (France): \$772 million in 2014.
3. **KBR / Halliburton** (USA): \$579 million in 2009.
4. **BAE** (UK): \$400 million in 2010.
5. **Total SA** (France) \$398 million in 2013.
6. **VimpelCom** (Holland) \$397.6 million in 2016.
7. **Alcoa** (U.S.) \$384 million in 2014.
8. **Snamprogetti Netherlands B.V. / ENI S.p.A** (Holland/Italy): \$365 million in 2010.
9. **Technip SA** (France): \$338 million in 2010.
10. **JGC Corporation** (Japan) \$218.8 million in 2011.

*“해외부패방지법(Foreign Corrupt Practices Act)과 관련해 이루어졌던 10대 판결은 모두 기업의 뇌물과 관련이 있으며, 뇌물 공여는 컨설턴트, 대행업체, 합작기업 파트너 등 제3자를 통해 이루어졌습니다.”*

<http://www.fcpablog.com/blog/2016/2/19/heres-our-new-top-ten-list-with-vimpelcom-landing-sixth.html>



**ICC Anti-Corruption Third Party Due Diligence: A Guide for SMEs (제3자 반부패 실사)**

- 발행기관: 국제상공회의소(International Chamber of Commerce, ICC)
- 내용: 중소기업에 제3자 실사(Due Diligence)의 중요성을 설명하고, 실사 절차 안내 및 내부/제3자용 실사 설문지 제공
- 번역: 유엔글로벌콤팩트 한국협회가 발간한 <중소기업을 위한 반부패 준법·윤리경영 지침서> 부록에 실사 설문지 수록



**The 2010 UK Bribery Act Adequate Procedures (영국 뇌물수수법 적절한 절차에 관한 지침)**

- 발행기관: 국제투명성기구(Transparency International, TI)
- 내용: 뇌물방지 시스템 모범사례에 관한 명확하고 실용적인 조언을 제공함으로써 기업이 뇌물수수법 준수하도록 지원
- 체크리스트 번역: 유엔글로벌콤팩트 한국협회

III 제3자용 실사 설문지

기업 정보	1. 실명/기업명	
	2. 등록된 사업자 주소	
	3. 기업 활동	
	4. 기업이 위치한 도시, 국가, 우편번호, 전화번호, 이메일, 기업 홈페이지	
	5. 개별 직원 등 운송 계약 여부	
	6. 위권 기업명 또는 기타 상호명	
	7. 계열사(자회사 포함)	
	8. 기업 활동	
	9. 계약이 실행되는 국가	
	10. 발간 승인 국가/회사 위치	
	11. 본 회사와의 관계	
	12. 본 계약을 제안한 근거는 무엇인지 설명해 주시기 바랍니다. 또, 본사와 기업에 거래 관계가 있었는지 설명하십시오.	
	13. 위사는 본 계약에 어떻게 선정되었는지?	

V 체크리스트: 금행료(Facilitation Payment)

	기업이	유사	확실히	금지	비고
52	금행료를 금지하는 문서화된 정책이 있다.				
53	이 정책에는 금행료의 정의가 규정되어 있다.				
54	조사의 리스크 평가를 시행하여 금행료의 지급 대상과 방식을 결정한다.				
55	금행료 지불 정책을 이행하기 위해, 리스크 평가를 바탕으로 한 상세한 절차와 통제 장치가 있다.				
56	금행료 요구를 방지하기 위한 준비 직업을 완료했다.				
57	금행료 요구에 직면할 가능성이 높은 직원들을 대상으로 대응 방법에 대한 교육과 지침을 제공한다.				
58	대리인(과 기타 중간인)에게 금행료 지불에 관한 정책을 명확히 알린다.				
59	금행료 지불에 관한 정책의 이행을 모니터링한다.				
60	금행료 지급 내역을 회계 장부에 정확하게 기록하는 절차가 있다.				
61	고위관리자는 금행료 지불과 지급 내역, 뇌물 금지 정책의 이행 현황에 대한 정기 보고서를 검토한다.				

## MEMO

규제 준수 강화를 위한 페어플레이어클럽 세미나

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## MEMO

규제 준수 강화를 위한 페어플레이어클럽 세미나



Fair   
Player  
Club

[www.fairplayerclub.kr](http://www.fairplayerclub.kr)

반부패 증진을 위한 준법윤리경영 민관협력포럼

