

Korea Motor Vehicle Safety Standards Enactment/Revision Procedure for Automobile Management Act and Self Certification System

1. Overview

Korean 'Automobile Management Act' specifies the new, change, transfer and attachment registration of vehicles, assignment of registration number and license plate, markings of vehicle identification number, safety standards and self certification, correction of manufacturing deficits, operation restriction and enforcement, vehicle inspection and automobile management business for the purpose of improving public welfare through the security of performance and safety of vehicles as well as efficient management of vehicles.

The automobile management act consists of 88 articles over 10 chapters and supplementary provisions including general rules, vehicle registration, safety standards and self certification of vehicles, examination and maintenance of vehicles, vehicle inspection, management of motorcycle, automobile management business, supplementary provision, penalty and special cases for violation of law. (refer to Fig 1)

The Korea Motor Vehicle Safety Standards (KMOVSS) consists of total four chapters, where chapter 1 is general rules, chapter 2 is safety standards for vehicles and motorcycles, chapter 3 is safety standards for manufactured vehicles and chapter 4 contains supplementary provisions.

Chapter 1 contains three articles including purpose, definition and security of structure & equipment safety, chapter 2 contains 94 articles including safety standards for vehicles and motorcycles, chapter 3 contains 37 articles about safety criteria for manufactured vehicles and chapter 4 contains 4 articles including the notifications on passenger capacity, maximum loading capacity, special rules on rule application and tolerance and test methods of specification. (refer to Fig 2)

And Korea has adopted self certification system since 2003 in relation to the follow-up service. Under the self certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify themselves whether the manufactured vehicles meet the safety standards internally and sell them. And government conducts self certification compliance test later and orders recall if there is an item that does not meet the safety standards.

2. Automobile Management Act

The 'Road Traffic Act' was modified and 'Automobile Management Act' was established as of Dec 31, 1986 for the purpose of improving public welfare through the regulations on the registration of vehicles, safety standards, self certification, correction of manufacturing deficits, examination, maintenance, inspection and automobile management business (sales, maintenance and scrapping business) as a law for securing the performance and safety and systematic maintenance of vehicles.

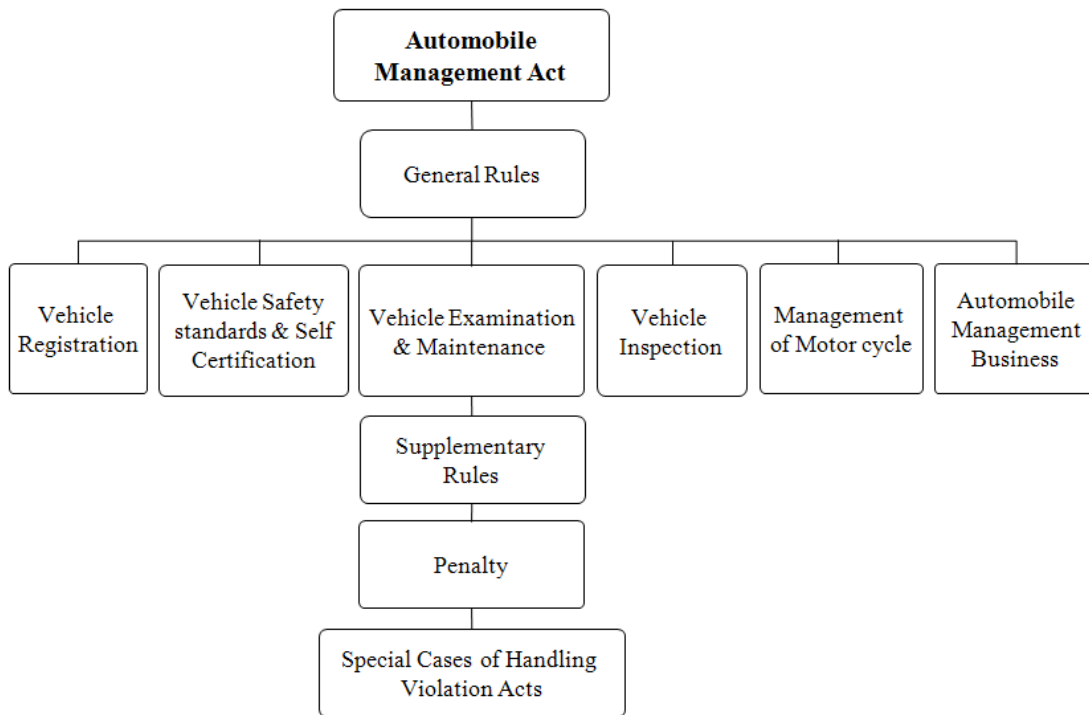


Fig 1 Configuration of Automobile Management Acts

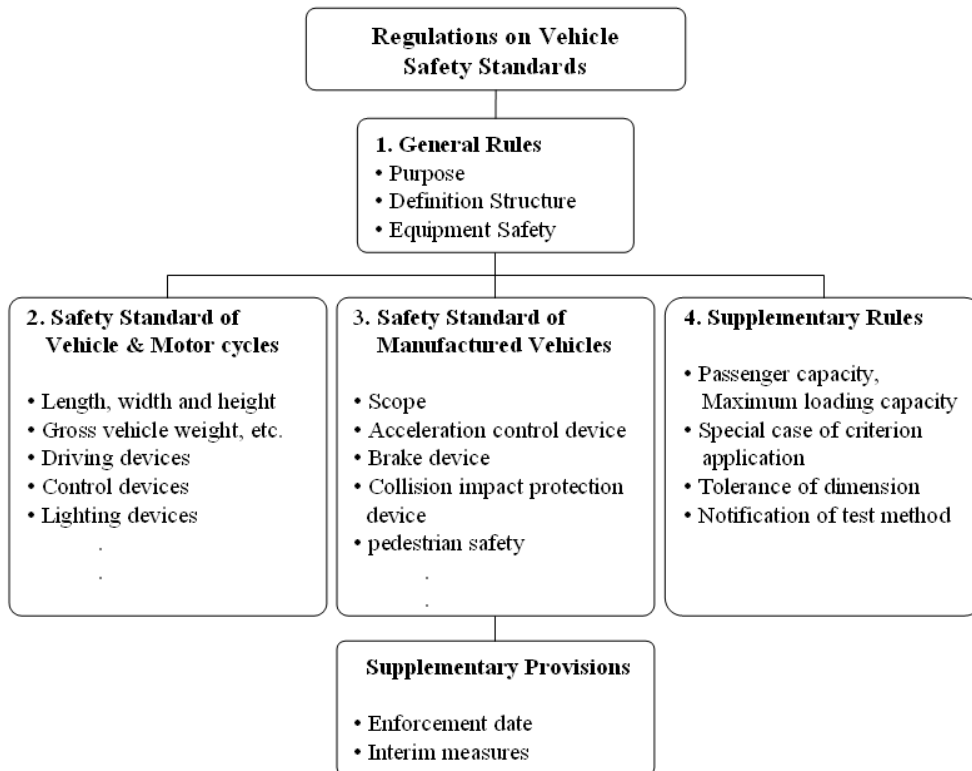


Fig 2 Configuration of Korea Motor Vehicle Safety Standards

Korea has operated the automatic management system as shown in the Fig. 3 and Automobile Management Act is configured as followings for this purpose.

There are several lower level regulations under the Automobile Management Act including ‘Enforcement Decree of the Automobile Management Act’ as Presidential decree, ‘Automobile Management Enforcement Regulations’ and ‘Rules on Vehicles Safety Standards’ as Enforcement Ordinance of the Ministry of Land, Transportation and Maritime(MLTM) Affairs, and ‘Regulations for Execution of Automobile Safety Standards’, ‘Automobile Self Certification Procedure’ and ‘Automobile Safety Evaluation Procedure’ as notifications of the MLTM Affairs.

Certification during manufacturing stages and management system during operation stages are governed by these regulations. Self certification system, a safety standards certification system, is applicable to newly manufactured vehicles for securing the safety, while scheduled inspection, computerized management and vehicle management system are in operation for the safety of existing vehicles.

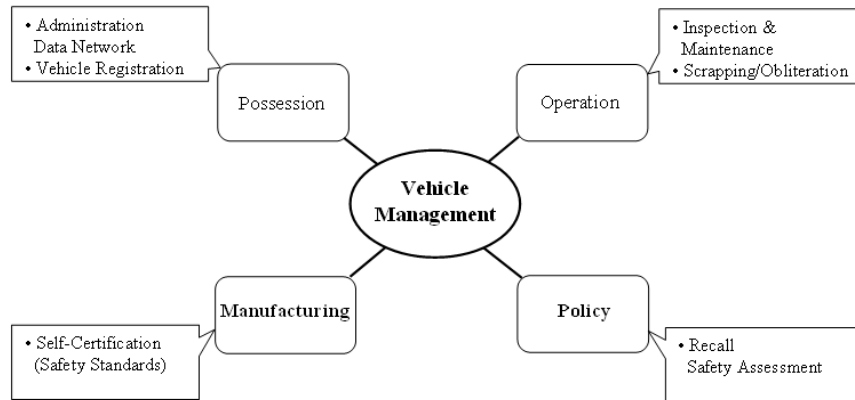


Fig 3 Vehicle Management System

3. Safety Standards Enactment and Revision Procedure

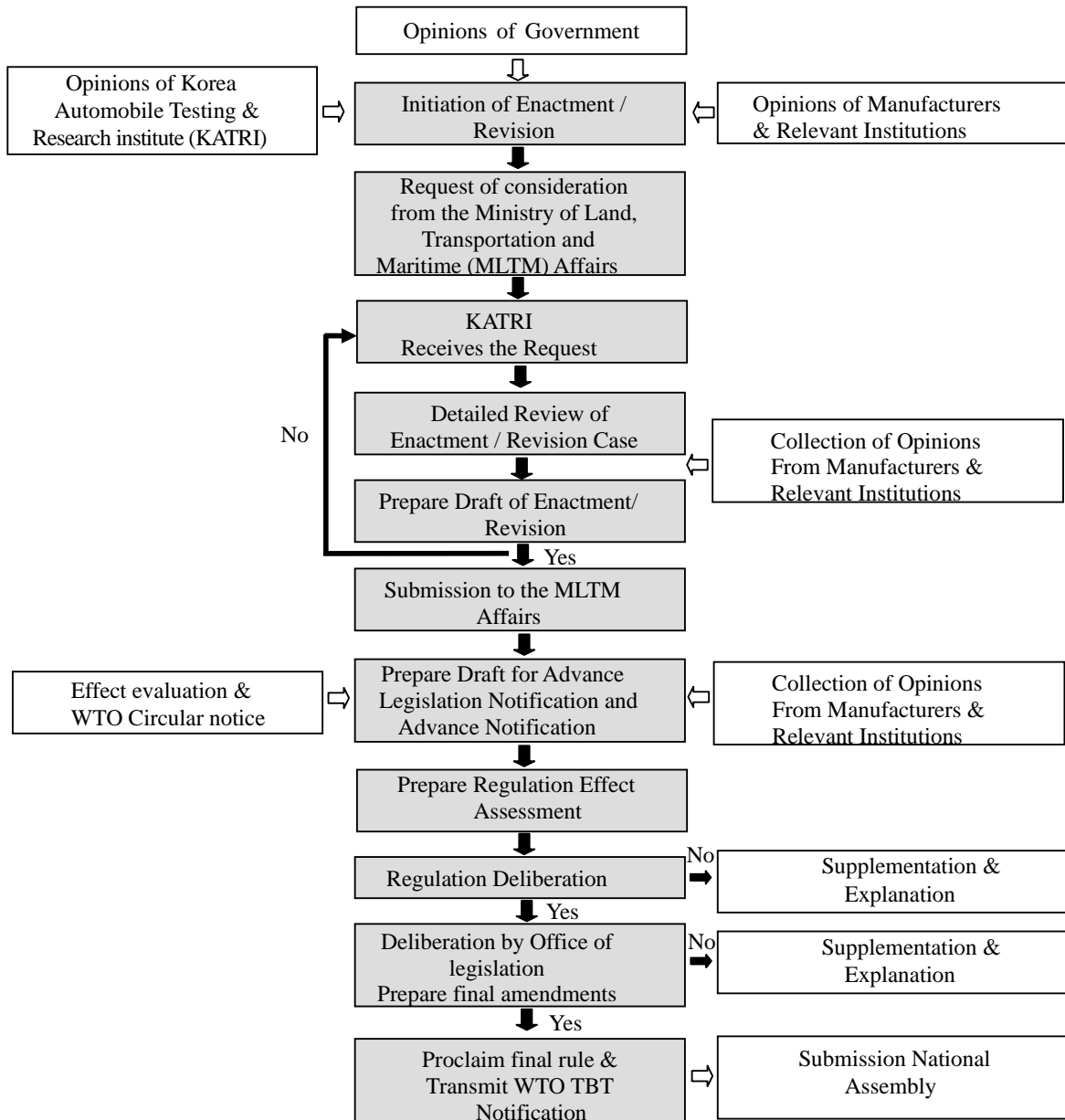
The procedure for enactment and/or revision of Korea Motor Vehicle Safety Standards (KMVSS) is as shown in the Table. 1 and the details are described in 3.1~3.10.

3.1 Consideration of enactment and/or revision

Items of enactment and/or revision of safety standards are received through various channels and main sources are as followings. In case of improvement of the regulations, items are evaluated and actions are taken.

- Government policies on system improvement : social issues, improvement, etc.
- Opinions from the Korea Automobile Testing & Research Institute(KATRI) : Safety standards improvement plan, other supplemental measures in the operation of safety standards.

Table 1 Enactment & Revision Procedure



- Request of system improvement from manufacturers and end users :
Mitigation of standards, applications of new technologies, etc.
- Accommodation of changes in environment including technology development
- Improvement requests by international agreements or trade negotiation
- Other improvement needed in the operation of regulations

3.2 Proposal of government

When there is a case of enactment and/or revision of vehicle safety standards including Automobile Management Act, the MLTM Affairs provides a proposal to KATRI.

MLTM Affairs handles the case internally for policy decision or other matters that

do not require technical consideration.

3.3 Receives and processes the request

KATRI receives and processes the work order from the MLTM Affairs, and makes assessment for submission due date and evaluation strategy through the discussion on the background and the importance of the case with the MLTM Affairs in advance.

The strategy will be determined through the meeting of the committee if the case is critical or overall consideration by KATRI is required.

3.4 Detailed consideration (Investigation/Research)

After assigning the execution department and contact person, a technical evaluation will be conducted, and the evaluation should include the following items at least. Opinions from manufacturers and relevant institutions should be collected and reflected through the discussion with them, if necessary.

- Current status of the system and operation conditions for the case
- Issues
- Examples of other countries
- Provide improvement plan
- Include reference

3.5 Preparation and consideration of draft standard enactment/revision

Prepare the draft standard enactment/revision draft with sufficient considerations for the stance of government, end users and manufacturers. Secure sufficient explanation reference and data along with the comparison table between old and new articles for the enactment and/or revised statement when submitting the draft to the MLTM Affairs.

3.6 Preparation and execution of advance legislation notification

When the final advance legislation notification details are determined through the discussion with the MLTM Affairs, opinions on the advance legislation notification should be collected, evaluation result and explanation materials should be prepared for the collected opinions, and the decision should be made about whether to reflect the advance legislation notification through the discussion with the MLTM Affairs, and the documents should be prepared in accordance with the form of advance legislation notification and submitted to the MLTM Affairs.

3.7 Preparation of documents of the assessment of the effects of the draft

Assessment of the effects of the draft should be conducted for the items with reinforced safety standard by the establishment/revision and it should be prepared in accordance with the form of effects assessment results and submitted to the MLTM Affairs. This assessment should be conducted at almost same point as the advance legislation notification.

Upon receiving the request of meeting attendance or supplementary data from the MLTM Affairs during this evaluation, they should be handled promptly and submitted.

3.8 Preparation and deliberation of draft for the office of legislation

When the assessment of draft effects is completed, the MLTM Affairs will be subject to the deliberation by the officers in the Office of Legislation for detailed and interpretative assessment about the revised statements for the final safety standards establishment/revision draft.

Deliberation of the office of legislation demands highly accurate and clear description as it is about the statements that will be included in the law eventually.

3.9 Proclamation of safety standards enactment/revision

When the final draft is ready through the deliberation of the Office of Legislation, it should be proclaimed within few days. KATRI directly notifies the information to the relevant contact people inside KATRI, circulate the information to all employees and establish the plan for future works.

3.10 TBT notification transmission

Since the established/revised safety standards will become part of the non-tariff barrier, TBT notification should be prepared and sent according to the agreement with WTO member countries.

4. Self certification compliance test

4.1 Definition

Korean government has adopted self certification system for securing the safety of vehicles. Under the self certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify whether the manufactured vehicles meet the safety criteria internally and sell them. And government conducts self certification compliance test later and orders recall if there is an item that does not meet the safety standards.

4.2 Execution procedure

Procedure of manufacturer self certification is as shown in the Fig 4.

4.2.1 Manufacturer registration

Personal details of the president of the manufacturer and the safety test facilities should be registered to the MLTM Affairs in order to enforce the responsibility of follow-up service including recall to the companies conducting self certification, and the decision to grant self certification will be made based on the contents of the registration submission material.

In case of imported vehicles, if the Korea representative of the foreign manufacturer is designated, the corresponding manufacturer is assumed to have the self certification capability.

4.2.2 Self certification marking

The evidence of certification should be displayed in the vehicle if the self certification is completed by the manufacturer.

4.2.3 Notification of specification

Upon the completion of the self certification by manufacturer, the specification of the vehicle to be on the market should be managed by the automotive management computer system so that it can be notified to KATRI. In the automotive management computer system, the original registration is used in order for proving the ownership of the vehicle, inspection, structural equipment change, tax imposition and checking criminal acts.

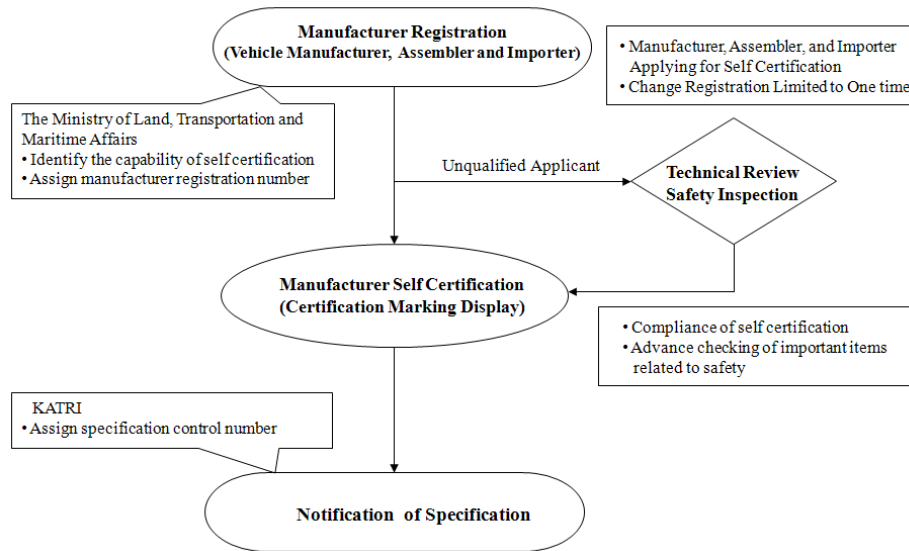


Fig 4 Procedure of Manufacturer Self Certification

5. Recall of manufacturing defect of vehicles

This is a system for correcting the defects free of charge when the vehicles sold by manufacturer has a defect that the manufacturer is accounted for, which does not meet the safety standards or affects the safe operation, and the government conducts the test to verify whether the vehicle complies with the automotive safety standards and whether safe operation is compromised due to defect.

A series of tests are conducted by KATRI and the procedure is as shown in the Fig 5.

5.1 Summary of Investigation Procedure

5.1.1 Investigation Institute

Performance test agent (Korea Automobile Testing & Research Institute, Korea Transportation Safety Authority)

- Whether false or other illegal methods are involved in self certification
- Whether there was a violation of self certification procedure such as the violation of automobile safety standards
- Whether there was a violation in the execution of recall order
- Whether vehicle manufactured in different way from the details of self certification was sold

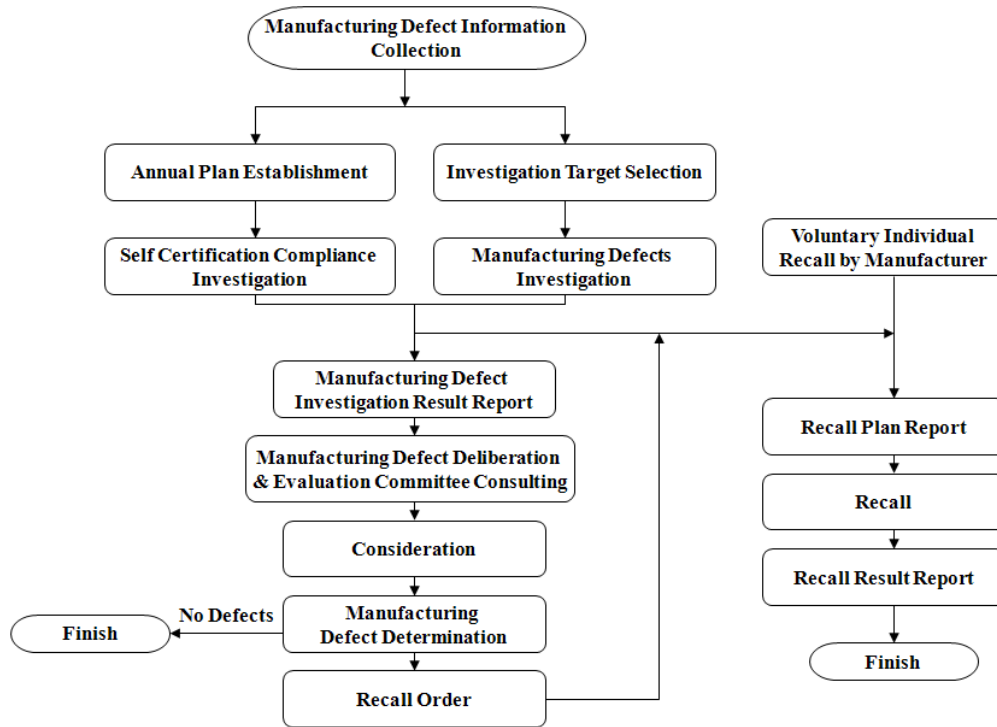


Fig 5 Recall Procedure

5.1.2 Investigation method

The MLTM Affairs establishes an annual plan including the target vehicle types and test items and orders investigation to the performance test agent.

Performance test agent (KATRI) establishes the investigation plan, reports it to the MLTM Affairs, conducts the investigation and reports the results to the MLTM Affairs.

When the manufacturer voluntarily accepts the defects during the self certification compliance test and reports the recall plan, the MLTM Affairs evaluates the compliance and finishes the investigation.

When the result of the investigation shows incompliance to the safety standards, penalty will be imposed and recall will be ordered.