

2023

BUSINESS in Korea



Business in Korea 2023

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CORPORATE
BUSINESS

KEY CHANGES IN THE 2023 FOREIGN INVESTMENT GUIDE



Taxation

Reduction of corporate tax rate [p.138](#)

Corporate tax rate is reduced by 1%p for each tax base bracket

Before		After	
Tax base	Tax rate	Tax base	Tax rate
Not over KRW 200 mil.	10%	Not over KRW 200 mil.	9%
Over KRW 200 mil. – Not over KRW 20 bil.	20%	Over KRW 200 mil. – Not over KRW 20 bil.	19%
Over KRW 20 bil. – Not over KRW 300 bil.	22%	Over KRW 20 bil. – Not over KRW 300 bil.	21%
Over KRW 300 bil.	25%	Over KRW 300 bil.	24%

Strengthened tax support for foreign employees [p.097](#)

① (Application of flat tax rate for foreign employees*)

The period of application of special taxation is extended from five years to 20 years starting from the date of first providing service in Korea.

*Under the special taxation, foreign employees can choose to have the flat tax rate (19%, non-taxation not applicable) applied instead of the global income tax rate (6-45%).

② (Reduction/exemption of income tax for foreign engineers*)

The period of application of reduction/exemption of income tax (50%) is extended from five years to 10 years in order to promote technology development by foreign experts.

*Income tax is reduced by 50% for five years for foreign engineers providing engineering technology, etc.

Establishment of tax credit for integrated employment [p.100](#)

To promote corporate employment, tax credits including tax credit for employment increase, tax credit for social security premium, tax credit for career-interrupted women are merged into 'tax credit for integrated employment'.

Before	→	After
--------	---	-------

① Tax credit for employment increase (all companies)

: No. of increased employees x per capita tax credit amount

Classification	Tax credit amount (KRW 10,000)			
	SMEs (3 yrs)		Middle-standing companies (3 yrs)	Large companies (2 yrs)
	Seoul metropolitan area	Local areas		
Full-time employee	700	770	450	-
Regular youth employees, disabled persons, persons aged 60 or older, etc.	1,100	1,200	800	400

② Tax credit for social insurance premium (SMEs)

③ Tax credit for career-interrupted women (SMEs, middle-standing companies)

*Age of youth employees: 15 to 29

④ Tax credit for employees who were transitioned to regular employee status

: Number of employees who were transitioned to regular employee status (1 year) × Tax credit amount (KRW 10 mil. for SMEs, KRW 7 mil. for middle-standing companies)

⑤ Tax credit for employees returning from childcare leave (SMEs, middle-standing companies)

: Wages for persons returning from childcare leave (1 year) × Tax credit rate (30% for SMEs, 15% for middle-standing companies)

Introduction of tax credit for integrated employment

Basic deduction

: No. of increased employees x per capita tax credit amount

Classification	Tax credit amount (KRW 10,000)			
	SMEs (3 yrs)		Middle-standing companies (3 yrs)	Large companies (2 yrs)
	Seoul metropolitan area	Local areas		
Full-time employee	850	950	450	-
Regular youth employees, disabled persons, persons aged 60 or older, career-interrupted women, etc.	1,450	1,550	800	400

*Age of youth employees: 15 to [34](#)

Additional deduction : Number of persons X Per capita tax credit (1 year)

Classification	Tax credit amount (KRW 10,000)	
	SMEs	Middle-standing
Employees transferred to regular employee status, employees returning from childcare leave	1,300	900

Industrial Sites

Establishment of high-tech investment zone

To effectively cope with the change in the global supply change amid the COVID-19 crisis and to further promote investment in high technology, a high-tech investment zone scheme was established.

High-tech investment

Investment in businesses involving high technology and high-tech products under the Industrial Development Act and new growth technologies and source technologies under the Restriction of Special Taxation Act

Designation

Existing planned sites (industrial complexes, FIZs, FEZs)



Area favored as destination of large-scale high-tech investment



* **Designation process:** (Application) Head of the central administrative agency or governor of city or province → (Screening) High-tech investment zone committee → (Designation & public announcement) Minister of Trade, Industry and Energy

Example: | Requirements for designation as a high-tech investment zone

◆ Complex-type

Designation Designated on part of existing planned sites such as industrial complexes and free economic zones

Requirement for tenancy Companies investing in high technology satisfying certain investment conditions; shall be available for immediate move-in; area of 50,000 m² or more; investment demand covering 60% or more of the area for move-in

◆ Individual-type

Designation Designated on the area that the company making large investment in high technology wishes to invest in


Requirement for tenancy The investment amount and number of new employment by business type should be satisfied

Incentives

For the tenant companies and research institutions, etc. in the high-tech investment area, regulations providing legal ground for providing various support and exceptions for application of restrictions* for investment in high technology were newly established.

*Provision of subsidies, tax subsidies, reduction/exemption of fees and rent, special exceptions on land use, application for improvement of regulations

Foreign Investment Zones

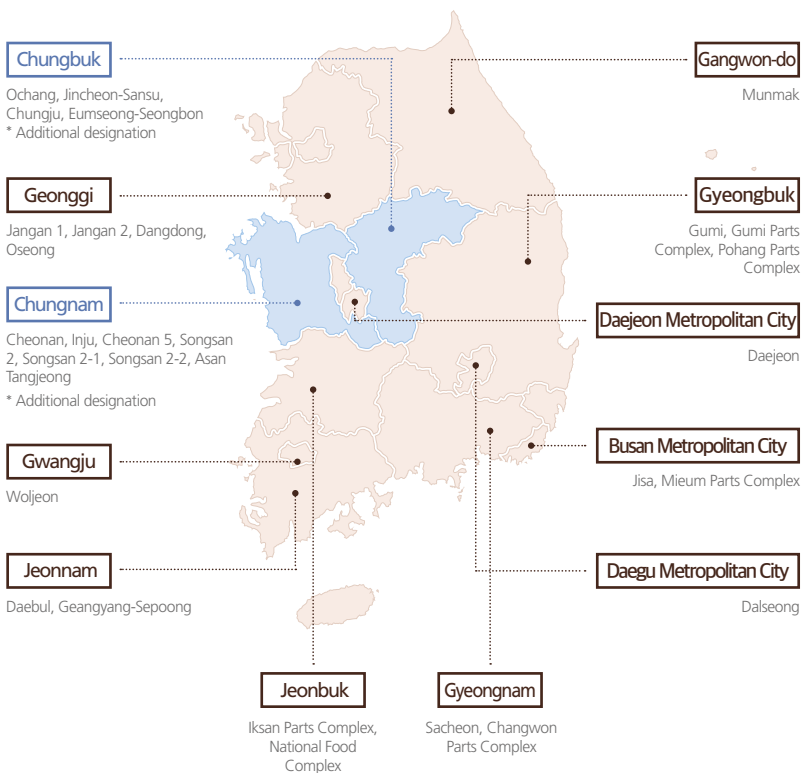
Eumseong-Seongbon (Jul. 8, 2021) and Asan-Tangjeong (Sep. 10, 2021) were additionally designated as complex-type foreign investment zones p.065 

Before

Cheonan, Daebul, Sacheon, Gumi, Ochang, Jangan 1, 2, Inju, Dangdong, Jisa, Dalseong, Gumi Parts, Oseong, Pohang, Mieum Cheonan-5, Wolejon, Munmak, Jincheon-Sansu, Songsan 2, National Food Cluster, Chungju, Songsan 2-1. Gwangyang-Sepung, Songsan 2-2. Daejeon (28 in total)

After

Cheonan, Daebul, Sacheon, Gumi, Ochang, Jangan 1, 2, Inju, Dangdong, Jisa, Dalseong, Gumi Parts, Oseong, Pohang, Mieum Cheonan-5, Wolejon, Munmak, Jincheon-Sansu, Songsan 2, National Food Cluster, Chungju, Songsan 2-1. Gwangyang-Sepung, Songsan 2-2. Daejeon, **Eumseong Seongbon, Asan Tangjeong** (30 in total)



* As of end-December, 2021

Visa

Reason for change (Enforced date: Jul. 26, 2021) p.072 🇰🇷

To diversify the system of issuing a technology start-up (D-8-4) visa to attract more foreign talents starting a business overseas and promoting the employment of Koreans by supporting incorporation

Before

A foreigner participating in the K-Startup Grand Challenge project and recommended by the Minister of SMEs and Start-ups is granted change to technology start-up (D-8-4) visa without applying the score system.

After

Addition of eligibility for exemption from the score system

**K-STARTUP
GRAND
CHALLENGE**



① A foreigner participating in the K-Startup Grand Challenge project and recommended by the Minister of SMEs and Start-ups is granted change to technology start-up (D-8-4) visa without applying the score system.

Beneficiary of government start-up support project within past 2 yrs



② A beneficiary* of a government start-up support project within the past 2 years who received a recommendation of the Minister of SMEs and Start-ups is granted change to technology start-up (D-8-4) visa without applying the score system.

* The beneficiary should have received grants of KRW 30 million or more from the government

New

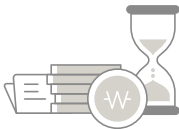
Preferential treatment of intellectual property rights holders from OECD countries who are subject to the score system

The expertise of property rights holders from OECD countries are recognized and they are exempted from OASIS-2 (advanced course on intellectual property rights) education (score of 20 points recognized)

Labor

Minimum wage raised p.164 🇰🇷

Before



KRW **9,160** per hour,
KRW **1,914,440** per month

* Based on 209 hours / applied in 2022

After



KRW **9,620** per hour,
KRW **2,010,580** per month

* Based on 209 hours / applied in 2023

Management Support

Eased conditions for business incubation [p.127](#) 

Before

A potential foreign investor who can create jobs and added value and contribute to national economy or a foreign-invested company which notified foreign investment of USD 300,000 or more can move in after they are deemed qualified.

*Phone counseling : 02-3497-1003



Potential foreign investor
or
foreign-invested company that notified
investment
of USD **300,000** or more

After

A foreign investor who is planning to notify investment pursuant to the procedures prescribed by the Foreign Investment Promotion Act and existing foreign-invested companies whose investment amount on arrival basis within one year of move-in is KRW 100 million (apprx. USD 100,000) or more can move in after going through a review.

* Phone counseling : 02-3497-1000



Foreign investor planning to notify
investment
or
a foreign-invested company whose
investment amount on arrival basis within
one year of move-in is
KRW **100 million** or more

Real Estate

Deadline for notifying acquisition of real estate [p.205](#) 

As an identical standard for the period for reporting acquisition of real estate is now applied to both Koreans and foreigners, the deadline for notifying acquisition of real estate to the si/gun/gu office of the place where the real estate is located was unified to **30 days of the date of contract signing.**

Before



Within **60** days
of the date the contract is signed

After

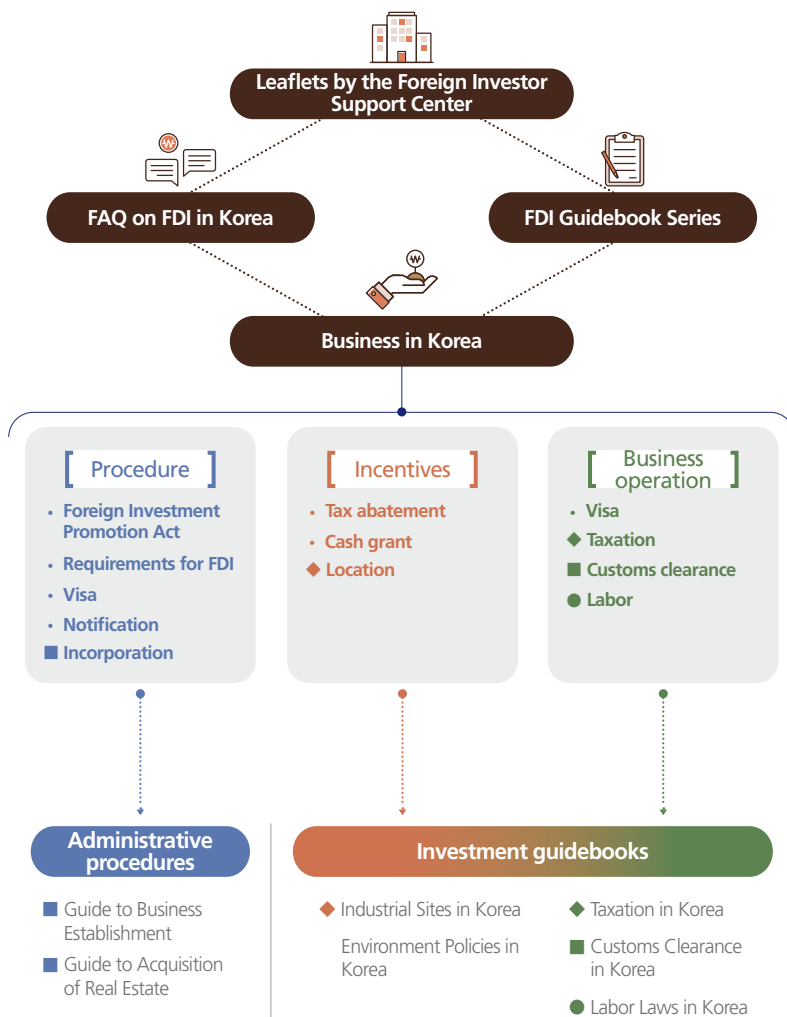


Within **30** days
of the date the contract is signed



KOTRA's FDI-Related Publications

Information needed in the investment execution stage after deciding investment



Registration of foreign-invested company, investment notification, business registration, acquisition of real estate and inflow/outflow of funds for real estate sales

Government policies and related policies and regulations that should be considered for execution of investment, Korean laws on labor, environment, tax, and customs clearance (prepared by officials dispatched from the central and municipal government offices)

Publications on Korea's investment environment for the investment attraction stage

Promotional brochures for investment environment in Korea

Information on Korea's favorable investment environment and promising industries
Published by the Investment Promotion Team

IR by industry

Published by the Investment Promotion Team
Information on Korea's promising industries, global competitiveness, industrial policies, investment sites, etc.

- | | | | | | |
|--------------------------|-----------------------|------------------------|---------------------|---------------------|--|
| ① IT, ICT | | | | | |
| ② New & renewable energy | ④ Semiconductor | ⑧ Aerospace | ⑪ Financial service | ⑭ Logistics | |
| ③ Pharmaceuticals, bio | ⑤ Display | ⑨ Machinery | ⑫ Cultural content | ⑮ Textiles, fashion | |
| | ⑥ Auto parts | ⑩ Shipbuilding, marine | ⑬ Distribution | ⑯ Beauty | |
| | ⑦ Precision chemicals | | | ⑰ Food | |

Guide to the cash grant system

Leaflets, PPT on the cash grant system and guidelines
Published by the Investment Strategy Team (Cash grant center)

Success stories of foreign-invested businesses

In-depth interview and success stories of foreign-invested businesses (future-oriented, innovative, and high value-added)
Published by the Investment Promotion Team

IK promotional brochure

Introduction to Invest Korea and government efforts to attract FDI (support for developing investment projects, FDI attraction services, etc.)
Published by the Investment Promotion Team

Invest Korea Magazine

Korean economy, trade issues, industry trends, foreign-invested company interview, investment site information, FAQ for investors, etc.
Published by the Investment Promotion Team

**BUSINESS IN
KOREA
2023**





01

CORPORATE
BUSINESS

Procedure

- Foreign Investment Promotion Policy
- Types of Foreign Direct Investment
- Procedure by Type of Investment
- Incorporation
- Industrial Sites
- Visa

A photograph showing a group of business professionals in a meeting. They are gathered around a table with various documents, charts, and a laptop. One person is pointing at a document while another uses a pen. The scene is brightly lit, suggesting a professional office environment.

CORPORATE
BUSINESS

Procedure

PART 1

Foreign Investment Promotion Policy

- Liberalization of FDI
- Foreign Investor Protection
- FDI Incentives

Except as prescribed by other Acts, foreign investors are guaranteed a legitimate right to manage their business operations in Korea freely. To this end, the Korean government has prepared a system to protect foreign investors. Korea's foreign investment policy is in accordance with global standards based on the recommendations and agreements of international organizations such as the OECD, UNCTAD, and WTO. It provides various incentives to foreign investors that create high-quality jobs or encourage domestic economic growth. As such, the Korean government constantly strives to create a business-friendly investment.

Liberalization of FDI

Rate of Liberalization of FDI

99.7%

The Republic of Korea is a country which welcomes foreign direct investment and has a foreign investment promotion policy focusing on investor support. Foreign investors and foreign-invested companies can conduct business in Korea without restraint, except as otherwise prescribed by law.

Restricted Business Categories

Out of a total of 1,196 business categories listed under the Korean Standard Industrial Classification (KSIC), FDI in Korea is permitted in 1,135 categories. Foreign investment is prohibited in 61 business categories including legislation, public administration, diplomacy, and national defense. Among the permitted business categories, restrictions on shareholding ratio, etc. apply in 29 categories and there are three prohibited business categories - nuclear power generation, radio broadcasting, and terrestrial tv broadcasting.

※ [Businesses Prohibited from Foreign Investment \(Appendix 1_p.216\)](#)

[Businesses Restricted from Foreign Investment and Criteria for Permission \(Appendix 2_p.218\)](#)

※ Related law: Regulations on Foreign Investment (Public Notice no. 2021-106 of the Ministry of Trade, Industry and Energy)

Foreign Investor Protection

01. Guarantee of Remittance to Foreign Countries

Remittance of proceeds accruing from the stocks, etc., acquired by a foreign investor, proceeds from the sale of stocks, and the principal, interest, and service charges paid under a loan contract shall be guaranteed in accordance with the details of the report or permission of the foreign investment at the time of remittance.

02. National Treatment

Except as otherwise prescribed by law, foreign investors and foreign-invested companies shall be treated in the same manner as nationals of the Republic of Korea and Korean corporations in respect to their business operations.

03. Exceptions to the Safeguard Clause on Foreign Exchange Transactions

For foreign exchange and overseas transactions of foreign exchange, the Foreign Exchange Transaction Act is applied unless otherwise prescribed by the Foreign Investment Promotion Act. Foreign exchange transactions may be temporarily suspended or restricted under the Foreign Exchange Transaction Act if such measures are deemed inevitable due to natural calamities, war, armed conflict, grave and sudden changes in domestic and foreign economic conditions, or other situations equivalent thereto. However, such measures shall not apply to foreign investment.

※ Related law: Article 6 (4) of the Foreign Exchange Transactions Act

04. Equal Application of Tax Abatement Regulations, etc.

Unless otherwise prescribed by the laws of the Republic of Korea, the provisions concerning the abatement of taxes applied to nationals of the Republic of Korea or Korean corporations shall also apply to foreign investors and foreign-invested corporations.

※ Related law: Article 3 and 30 (1) of the Foreign Investment Promotion Act

FDI Incentives

※ Refer to [Part 2. Incentives](#) for more detailed information (p.084) 

01. The Roles of FDI

Foreign direct investment offers various internal and external economic benefits, including securing stable foreign capital in the long term, creating jobs, transferring advanced technology and management techniques, and joining the global value chain, all of which contribute to potential economic growth.

Korea seeks to upgrade its industrial structure by attracting FDI in new growth engines and high-tech industries, while focusing national policy on boosting technology transfer by promoting Korea as a global hub for foreign-invested companies through the establishment of regional headquarters and R&D centers, and by expanding the domestic production infrastructure for core material and components in key industries.

02. FDI Incentives


The Korean government provides various incentives to foreign investment accompanying high value-added business and job creation effects. These incentives serve as a catalyst for foreign direct investment.

DETAIL

Korea's Incentive Policies for FDI Attraction

The criteria for granting incentives were revised to give priority on job creation effects and employment. The government will enhance support to foreign-invested companies which make Korea their regional hub by investing in R&D centers or establishing local headquarters. For customized support, the government will expand the eligibility for cash grants to high-tech industries and considerably increase relevant budgets.

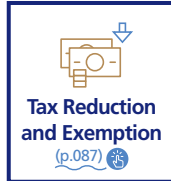
[Ministry of Trade, Industry and Energy, Jan. 22, 2019]

With the amendment of the law, where a foreign-invested company reinvests its unappropriated retained earnings in the construction of new or additional factory, the amount proportional to the foreign investment ratio shall be recognized as foreign investment. (p.022) 

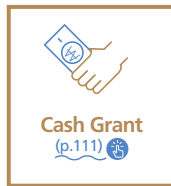
[Ministry of Trade, Industry and Energy, Aug. 5, 2020]

※ Visa screening guidelines, etc. may change where related laws are amended.

03. Summary of FDI Incentives



Foreign-invested companies operating in new growth engine industries with technology essential for upgrading the domestic industrial structure and strengthening international competitiveness, or those located in a foreign investment zone, are granted reduction/exemption of customs duties and local tax. In addition, income tax is reduced or exempted for foreign engineers and employees prescribed by the relevant law.



Foreign-invested companies which operate in new growth engine industries prescribed by law or material and components industries, create jobs, or make an investment in an R&D facility in a new growth engine industry are eligible to receive a cash grant for purposes prescribed by the relevant law.



In order to attract quality foreign investment, the government has designated foreign investment zones (FIZ), free trade zones (FTZ), and free economic zones (FEZ), which offer reduced rent, tax reduction/exemption, and location support, among other incentives.



Foreign-invested companies can receive employment and training subsidies depending on their contribution to the national economy in regard to job creation, technology transfer, and factory location. In regard to foreign investments that meet certain requirements, lease and sale of state and public property is permitted, and rent reduction or exemption is also granted.



CORPORATE
BUSINESS

Procedure

PART 2

Types of Foreign Direct Investment

- Forms of Foreign Direct Investment

Foreign Direct Investment (FDI) refers to where a foreigner's investment is at least KRW 100 million and the foreign invested ratio is a minimum of 10% of the total investment amount. Foreign investors and foreign-invested companies may conduct business in Korea without restraint except as otherwise prescribed by other Acts of the Republic of Korea. The types of FDI are as follows: acquisition of stocks or shares of a Korean company, an overseas parent company's provision of long-term loans with a maturity of at least five years to a foreign-invested company, and a foreigner's contribution to a non-profit organization.

In addition, a foreign-invested company's utilization of its unappropriated retained earnings for building a new factory or expanding an existing one shall also be recognized as foreign direct investment. The objects of investment to acquire stocks or shares include the following: foreign currency, capital goods, proceeds from acquired property, and industrial property rights.

Forms of Foreign Direct Investment

01. Acquisition of Equity Shares

Acquisition by a foreigner of shares or equity shares of a corporation or a business **to establish continuous economic relations with a Korean corporation/ business**



Investment of KRW 100 million or more

Amount to be invested per person when two or more persons plan to invest



Ownership of 10% or more of voting shares

Both new or existing shares may be acquired

IN DETAIL

Exceptions to the requirements for equity share acquisition

Even when a foreigner invests KRW 100 million or more but acquires less than 10% of the equity shares of a domestic company, it shall be treated as foreign direct investment if the foreigner assigns or appoints an executive to the domestic company.

02. Long-term Loans

A loan with maturity of at least five years from a foreign-invested company's overseas parent company or a company having a capital investment relationship with the company to the foreign-invested company

• **Long-term loans may be provided only when equity investment has been made, and the average loan period of at least five years must be satisfied.**

※ Calculation of loan period: The sum of 'the partial repayment or early repayment amount multiplied by the percentage of the repayment in relation to the total loan amount'

IN DETAIL

Capital Investment Relations

• Corporate Investor

[Where an investor is a corporation (overseas parent company)]

- ① A company that holds at least 50% of the total number of stocks issued by, or of the total equity investment of, its overseas parent company (OPC)
- ② A company whose OPC owns at least 50% of the total number of issued stocks or total equity investment of a foreign-invested company and falls under any one of the following:
 - A company that holds at least 10% of the total number of issued stocks or the total equity investment of its OPC

• An entity of which 50% or more of its total issued stocks or total equity investment is owned by its overseas parent company or a company of which 50% or more of its total issued stocks or total equity investment is owned by its OPC.

• Individual Investor

[Where an investor is a foreign individual]

A company of which at least 50% of the total issued stocks or total equity investment is held by an individual foreign investor who owns at least 50% of the foreign-invested company's total issued stocks or total equity investment

03. Contribution to a Non-profit Organization (NPO), etc.

A contribution to an NPO or a company is recognized as FDI where the foreign contribution amount is at least KRW 50 million and accounts for 10% or more of the total amount and where all of the following conditions are met.

※ Related laws: Article 2 (1) 4 of the Foreign Investment Promotion Act, Articles 2 (2) and (4) through (8) of the Enforcement Decree of the Act

- ① The NPO or company has independent research facilities in the fields of science and technology, and meets any one of the following conditions:
 - There are at least five regular workers with a bachelor's degree in a science or technology field and at least three years' experience in research, or with a master's degree or higher in a field of science and technology
 - The NPO conducts R&D activities in the fields of natural science and engineering as classified under the Korean Standard Industrial Classification (KSIC)
- ② Other contributions to an NPO by a foreigner that meet one of the following conditions, and which are recognized as foreign direct investment by the Foreign Investment Committee:
 - An NPO established for the purpose of promotion, etc. of science, art, medical services, or education, and which continues to conduct its business with a view to developing professionals in the relevant fields and to expanding international exchanges
 - An NPO that is a regional office of an international organization that engages in international cooperation business between civilians or governments

04. New Reinvestment of Unappropriated Retained Earnings

Investment of a foreign-invested company's unappropriated retained earnings for certain purposes such as construction or expansion of a factory. (in this case, the foreign-invested company shall be considered a foreigner and the foreign investment amount shall be calculated by multiplying the amount spent and the foreign investment ratio.)

◆ Foreign direct investment by using unappropriated retained earnings (enforced on August 5, 2020) ◆

- ① A foreign invested company applies (uses) its unappropriated retained earnings to the construction of a new factory or expansion of its factory or to any of the purposes stipulated in Presidential Decree
 - In such case, the foreign-invested business is considered to be a foreigner, and the foreign-invested amount shall be the amount obtained by multiplying the amount applied/used for such purpose by the ratio of equity investment by the foreigner(s).
- ② Applications:
 - **Construction or expansion of place of business or research facility (manufacturing business):** When a foreign investor purchases land or building to put up a production/research facility, pays rent or building construction expenses, provides funds for installing infrastructure facilities including power and communication facilities for building a new production/research facility, or intends to purchase capital goods or research equipment and materials
 - **Construction or expansion of place of business or research facility (non-manufacturing business):** When a foreign investor purchases land or building to put up a production/research facility, pays rent or building construction expenses, provides funds for installing infrastructure facilities including power and communication facilities for building a new place of business or research facility, or intends to purchase capital goods or research equipment needed to operate the business.



INFORMATION

Key
Terms

Foreigner(s)



- **Individual(s)** with foreign nationality
- **Corporation (foreign corporation)** founded under the statute of a foreign country
- **International economic cooperation organizations** prescribed by Presidential Decree (Examples: IBRD, ADB, IFC)
- A person **prescribed by Presidential Decree** from among those residing in a foreign country permanently

Note: Permanent resident(s) in a foreign country must always invest foreign currency funds originating overseas without fail (cash, real property, and other assets existing or originating in Korea are not recognized as objects of investment)

Foreign
investor(s)

A **foreigner** holding equity shares or who has invested in a domestic business as per the Foreign Investment Promotion Act

Foreign-
invested
business or
company

A **company or NPO** in which a foreign investor invested or contributed

Objects
of
investment

Any object (means of investment) in which a foreign investor invests in order to possess stocks, etc., as set forth in the Foreign Investment Promotion Act

- ① **A means of international payment (foreign currency) or a means of domestic payment (national currency)** incurred by international payment * *Foreign currency inflow principle*
- ② **Capital goods** (*Customs clearance and certification of completion of investment in kind are required after applying for review/verification of statement of capital goods introduced)
- ③ **Proceeds** (dividends, profit distributed) from the stocks, etc. acquired by a foreign investor
* *Reinvestment in Korean won currency is allowed*
- ④ **Industrial property rights, intellectual property rights**, other technologies corresponding thereto, and rights pertaining to the use of such rights or technologies * *Appraisal agency*
- ⑤ **Residual property to be distributed to a foreigner upon liquidation** of a foreign-invested company or domestic branch/liaison office of a foreign corporation
- ⑥ **Any repaid amount of foreign loans or borrowings** as per the Foreign Investment Promotion Act
• *Investment in kind by loan claims - Offset-based investment is allowed based on the amendment to the Commercial Act in 2012*
- ⑦ **Equity shares or stocks** prescribed by Presidential Decree
 - *Stocks of foreign corporations listed or registered on foreign stock markets*
 - *Stocks held by a foreigner pursuant to a local statute or the Foreign Exchange Transactions Act*
- ⑧ **Real estate** in Korea (real estate acquired through a certified transaction)
- ⑨ **Proceeds from the disposal of equity shares of a domestic company or real properties** held by a foreigner * *Reinvestment in Korean won currency is accepted*

Frequently
Asked
**Question
&
Answer**

Q 01 Will a foreign-invested company be able to retain its status and qualification even if it transfers some of its stocks or shares, or if it reduces its capital and thus fails to meet the foreign investment requirements after registering as a foreign-invested company?

Even if a company that registered as a foreign-invested company no longer satisfies the FDI conditions due to transfer of shares or capital reduction, its investment shall still be recognized as FDI.

[Article 2 \(2\) of the Enforcement Decree of the Foreign Investment Promotion Act](#)

※ In this case, the company is only allowed to have passive and limited rights despite maintenance of qualification as a foreign-invested company. Therefore, the company must be aware of reduced or eliminated support including but not limited to extension of stay period for its executives and staff.

Q 02 When two foreigners invest together and the total amount of their investment is at least KRW 100 million, can it be recognized as FDI?

Where two or more foreigners make a joint investment, the amount invested must be at least KRW 100 million per person.

[Article 2 \(3\) of the Enforcement Decree of the Foreign Investment Promotion Act](#)

Q 03 How can the period of long-term loans be calculated when a grace period or repayment in installments applies?

The loan period shall be calculated by considering the grace period and the period of the loan to be repaid in installments or prepayments, while the repayment period shall be calculated by multiplying the proportion of the loan to the total amount equal to the period of each installment or prepayment.
⇒ Concept of weighted average term to maturity

Example) What is the repayment period if a foreign-invested company borrows USD 10 million from its parent company for eight years and pays back the loan at a rate equal to USD 2 million per year for five years starting from four years after? The weighted average repayment period of six years is met.

* $6 \text{ years} = (8 \text{ years} \times 2/10) + (7 \text{ years} \times 2/10) + (6 \text{ years} \times 2/10) + (5 \text{ years} \times 2/10) + (4 \text{ years} \times 2/10)$

[Article 2 \(2\) of the Enforcement Rules of the Foreign Investment Promotion Act](#)

Frequently
Asked
Question
&
Answer

Q 04 Are non-voting preferred stocks included in the ratio of foreign investment?

Investment in non-voting preferred stocks is not recognized as FDI which requires notification since foreign investors must acquire at least 10% of stocks with voting rights when notifying their investment for the first time. However, when the same investor acquires preferred stocks after completing the FDI notification process, it is recognized as an increase in the total investment amount and thus, the total investment amount and its ratio increases.

Q 05 Is it considered foreign direct investment when a foreign-invested company invests in another domestic company?

It is recognized as a foreign direct investment only if the foreign investor directly invests. Foreign-invested companies are classified as domestic corporations, and thus investments in other domestic corporations by foreign-invested companies cannot be considered foreign direct investment.

Q 06 Investment associations such as the Small and Medium Enterprise Establishment Investment Association do not have a corporate personality and are therefore organizations, not corporations. However, in many cases foreign investors invest in 10% or more of such associations' shares. Do such cases constitute FDI as prescribed by the Foreign Investment Promotion Act?

Where a foreigner invests in an entity that is not a Korean corporation or a corporation managed by a national of the Republic of Korea, the investment is not recognized as FDI as stipulated by the Foreign Investment Promotion Act. However, a foreign investment in certain investment associations* that is prescribed as a special case according to a relevant special law** is recognized as FDI according to Article 2 (1) 4 of the Foreign Investment Promotion Act.

* Small and Medium Enterprise Establishment Investment Association, Korea Venture Fund, Specialized Parts and Materials Investment Association, Agricultural and Food Investment Association, etc.

** Article 64 of the Act on Special Measures for the Promotion of Venture Business, Article 53 of the Act on Special Measures for the Promotion of Specialized Enterprises, etc., for Materials and Components, Article 24 of the Act on Formation and Operation of Agricultural, Fisheries and Food Investment Funds, etc.

* Source: e-People FAQ

**Frequently
Asked
Question
&
Answer****Q 07 Should foreign investors notify a merger if they take over a domestic company?**

In the event of a merger, the entity must notify the merger under Article 11 of the Monopoly Regulation and Fair Trade Act, as is the case of a domestic company.

① Size of applicable companies

- Notifying company (foreign investor): KRW 300 billion or more in total assets or sales
- Partner company (domestic company): KRW 30 billion or more in total assets or sales

② Mergers requiring notification

- Where a company holds at least 20% (or at least 15% in the case of a listed corporation) of the total number of shares (excluding non-voting shares) issued by another company
- Where an individual who holds at least 20% (15% in the case of listed companies) of the shares issued by another company becomes the largest shareholder by acquiring additional shares of that company
- Where an executive officer of a large company concurrently holds an executive officer position in another company
- In the case of a corporate merger
- Where a company takes over the business
- Where the company participates in the establishment of a new company and becomes the largest shareholder thereof

※ Notification following the merger is permitted when a foreign investor's total assets or sales is KRW 300 billion or more although a large company with total assets or sales of KRW 2 trillion or more is required to notify the merger prior to it taking place (prohibition of action). However, even in cases requiring pre-merger notification, FDI notification can be made through a delegated agency such as a foreign exchange bank (not a violation of prohibition of action).

Frequently
Asked
Question
&
Answer

Q **08** Do capital goods only include facilities such as machinery and vehicles?

Capital goods include industrial facilities, materials for test operation, and technical services which are not for sale and create added industrial value. Materials (excluding those for test operation) and raw materials are not included.

- Machinery, apparatus, facilities, equipment, parts, and accessories as industrial facilities (including vessels, motor vehicles, aircraft, etc.), livestock, breeds or seeds, trees, fish and shellfish which are necessary for the development of agriculture, forestry, and fisheries, and raw materials
- Raw materials and reserve stocks deemed necessary for initial testing (including pilot projects) of facilities as recognized by the relevant Minister and fees for transportation and insurance required for the introduction thereof and other know-how or service necessary therefor

Article 2 (1) 9 of the Foreign Investment Promotion Act

Q **09** Where a foreigner establishes a corporation with wage & salary income earned in Korea, is it recognized as FDI?

Domestically sourced funds are not recognized as FDI.

A photograph of two men in business suits sitting at a wooden conference table. One man is pointing with his right hand while the other looks at a tablet. Papers and pens are scattered on the table.

CORPORATE
BUSINESS

Procedure

**PART
3**

Procedure by Type of Investment

- Incorporation
- Capital Increase
- Acquisition of Existing Stocks
- Long-Term Loan
- Reinvestment of Unappropriated Retained Earnings

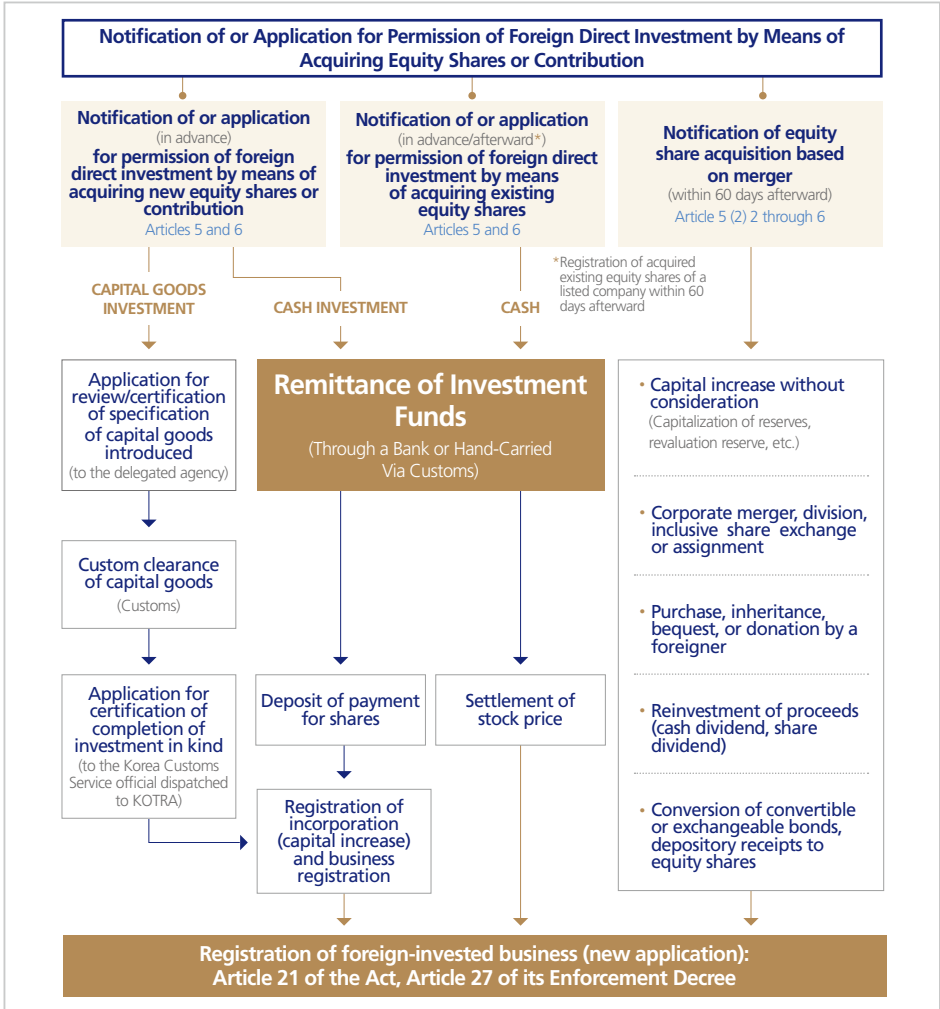


Video on How
to fill out an FDI
notification
form



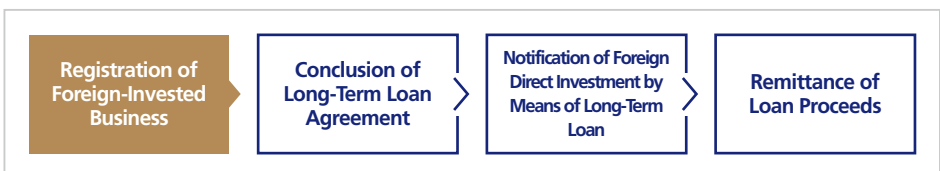
Foreign Direct Investment Procedures

Equity share acquisition (new or existing shares)



* The "Act" above refers to the Foreign Investment Promotion Act

Long-term loan



Incorporation

Incorporation Procedure



※ Related laws: Articles 5 and 21 of the Foreign Investment Promotion Act, Articles 6 and 27 of the Enforcement Decree of the Act, Articles 2 and 17 of the Enforcement Rules of the Act

01. Foreign Direct Investment Notification

A foreign investor is required to pre-notify the FDI to KOTRA (Foreign Investor Support Center at KOTRA headquarters or at KOTRA's overseas investment hub offices) or a foreign exchange bank.

★ DOCUMENTS

Foreign Direct Investment Notification

- 2 copies of the notification form
(Enforcement Rules of the Foreign Investment Promotion Act, Attached Form 1: notification of foreign investment by acquisition of stocks or contribution and application for its permission)
- Foreign investor's certificate of nationality
(Foreigners: passport; Foreign corporation or organization: business license, certificate of incorporation, or proof that the said corporation or organization is based in the said country)

[In case of non-cash investments]

- Documents certifying object of investment
(e.g. documents certifying the monetary value of industrial property rights)

*Where an agent files an application: Power of Attorney and the agent's identification (ID card)

※ **Contact:**
KOTRA's Investment Consulting Center (1600-7119)

IN DETAIL

Evaluation of Technology

In order to invest with technology, the foreign investor should submit documents certifying the monetary value of industrial property rights, etc. Technology evaluation agencies are as follows: Korea Institute for Advancement of Technology, Korea Technology Finance Corporation, Korea Evaluation Institute of Industrial Technology, Korea Environment Corporation, Korean Agency for Technology and Standards, Korea Institute of Science and Technology, Korea Institute of Science and Technology Information, and National IT Industry Promotion Agency.

※ Article 30 (4) of the Foreign Investment Promotion Act, Article 39 (2) of the Enforcement Decree of the Act, and Article 4 of the Enforcement Decree of the Act on Special Measures for the Promotion of Venture Business

02. Remittance of Investment Funds

A foreign investor may remit investment funds by wire transfer to a temporary account at a domestic bank from overseas or hand-carry the foreign currency through customs directly. In the latter case, the investor should declare the funds at the customs office and receive a 'certificate of declaration of foreign currency'.

In principle, the remitted investment funds should undergo the procedure for deposit of funds for payment for shares and then a certificate of deposit of payment for shares is submitted to the court. However, in case of companies valued less than KRW 1 billion, it is possible to submit a certificate of balance after opening an account in the name of an investor. In this case, the funds can be freely withdrawn for business purposes from the following day.



INFORMATION

Opening a Temporary Account

A foreign investor may open a temporary account after submitting documentary evidence of nationality (a certificate of existence of the foreign investor's nation or a passport) to the bank. However, the required documents could differ depending on the financial institution. In addition, the remittance should be done in foreign currency and the purpose of the remittance should be stated 'investment.'

03. Registration of Incorporation

The registry division in the court accepts the application for registration of incorporation and it takes two to three days for the registration. The required documents can be checked on the list of application forms and required documents from the Registry of Supreme Court Internet Register Office.

※ See PART 4. Incorporation ▶ Incorporation procedure ▶ [03. Registration of Incorporation \(p.049\)](#) 

04. Authorization and Permission

Where deemed necessary for business, a foreign investor must acquire authorization or permission from the competent authorities: District Office, Health Center, Ministry of Food and Drug Safety, etc. The processing period may vary depending on the sort of authorization and permission for the type of business.

※ See PART 4. Incorporation ▶ Incorporation procedure ▶ [04. Authorization and Permission \(p.049\)](#) 

05. Notification of Incorporation and Business Registration

Every tax office accepts notification of incorporation and business registration regardless of the jurisdiction. They should be done within 20 days of the business commencement date.

- ※ Application for business registration can be submitted to the KOTRA Foreign Investor Support Center (approval: tax office)
- ※ See PART 4. Incorporation ▶ Incorporation procedure ▶ [05. Notification of Incorporation and Business Registration \(p.049\)](#) 

06. Opening of Corporate Bank Account

A foreign investor shall open a corporate bank account at a foreign exchange bank immediately. However, choosing a bank requires careful consideration since opening additional accounts at another bank is restricted for 20 business days.

- ※ See PART 4. Incorporation ▶ Incorporation procedure ▶ [06. Opening a Corporate Bank Account \(p.050\)](#) 

07. Registration of Foreign-invested Company

After the registration of incorporation, foreign-invested company registration shall be undertaken at KOTRA or at a foreign exchange bank where the notification was first made as the last step of FDI incorporation. The registration should be completed within 60 days following the payment of the object of investment.

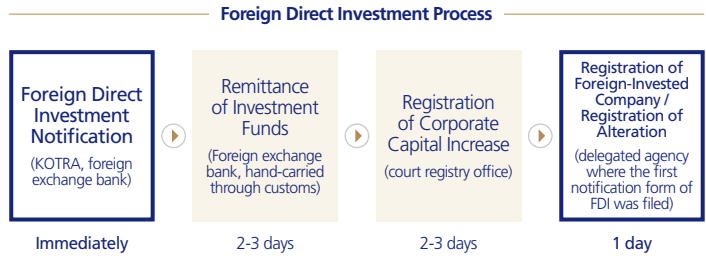
★ DOCUMENTS

Registration of Foreign-invested Company

- **Application form**
(Attached Form 17 of the Enforcement Rules of the Foreign Investment Promotion Act: Application form for foreign-invested company registration)
- **Incorporation registration certificate / Foreign currency purchase certificate / Shareholder's list / Copy of business license**

* Where an agent files an application: Power of attorney and the agent's identification

Capital Increase



01. Foreign Direct Investment Notification

A foreign investor is required to make pre-notification of the foreign direct investment to KOTRA (Foreign Investor Support Center at KOTRA headquarters or at KOTRA's overseas investment hub office) or a foreign exchange bank.

02. Remittance of Investment Funds

Proceed in the same way as the incorporation procedure.

03. Registration of Capital Increase

The registry division of the court accepts the application for the registration of capital increase, the completion of which takes two to three days. Required documents can be checked on the list of application forms and required shall be undertaken at KOTRA or at a foreign exchange bank where the documents from the Online Registry of the Supreme Court.

04. Registration of a Foreign-invested Company or Change in Notified Matters

Registration of a foreign-invested company or change in the notified matters shall be undertaken where the notification was first made (KOTRA headquarters or a foreign exchange bank) as the last step of the FDI registration process.

★ DOCUMENTS

Foreign Direct Investment Notification for Capital Increase

- **2 copies of the notification form** (Attached Form 1 of the Enforcement Rules of the Foreign Investment Promotion Act: Notification of foreign investment by acquisition of stocks or contribution and application for its permission)
- **Foreign investor's certificate of nationality** (Foreign individuals: passport; Foreign corporation or organization: business license, certificate of incorporation, or proof that the said corporation or organization is based in the said country)

[In case of non-cash investments]

- **Documents certifying object of investment** (e.g., documents certifying the monetary value of industrial property rights)

*Where an agent files an application : Power of attorney and the agent's identification (ID card)

※ **Contact: KOTRA Investment Consulting Center (1600-7119)**

Registration of Capital Increase (Registration of Change of Corporation)

Online Registry of the Supreme Court www.iros.go.kr ▶ Library ▶ Registration application form ▶ Corporate registration ▶ Search (Registration of Incorporation)

※ **Contact: Corporate registration handling department of the Registry of Supreme Court (1544-0773-2→3)**

Acquisition of Existing Stocks

Foreign Direct Investment Flowchart



01. Conclusion of Contract

Conclusion of contract for transfer of stocks between a foreign investor and existing shareholders.

02. Foreign Direct Investment Notification

A foreign investor is required to pre-notify FDI to the Foreign Investor Support Center at KOTRA headquarters or at a foreign exchange bank.

03. Remittance of Investment Funds

Payment of investment funds through a domestic bank.

04. Registration of Foreign-invested Company or Registration of Change

Registration of a foreign-invested company or registration of change shall be undertaken where the notification was first made (KOTRA headquarters or foreign exchange bank) as the final step in the FDI registration process.

※ Registration of capital increase is required for the acquisition of new shares by capital increase of an established domestic corporation, but not required for the acquisition of existing shares.

★ DOCUMENTS

Notification of FDI through Acquisition of Existing Stocks

- 2 copies of the notification form (Attached Form 1 of the Enforcement Rules of the Foreign Investment Promotion Act: Notification of foreign investment by acquisition of stocks or contribution and application for its permission)
- Foreign investor's certificate of nationality (Foreign individuals: passport; foreign corporation or organization: business license, certificate of incorporation, or proof that the said corporation or organization is based in the said country)

*Where an agent files an application: Power of attorney and the agent's identification

[In case of non-cash investments]

- Documents certifying object of investment (e.g., documents certifying the stocks of a corporation listed in overseas securities markets)

※ Contact: KOTRA Investment Consulting Center (1600-7119)

Registration of Foreign-invested Company or Change in Notified Matters

- Application form (Attached Form 17 of the Enforcement Rules of the Foreign Investment Promotion Act: Application form for foreign-invested company registration)
- Incorporation registration certificate
- Foreign currency purchase certificate
- Shareholder's list
- Copy of business registration

*Where an agent files a registration: Power of attorney and the agent's identification

*For registration of change: The original copy of certificate of foreign-invested company registration should be returned.

※ Contact: KOTRA Investment Consulting Center (1600-7119)

Long-Term Loan

Foreign Direct Investment Flowchart



INFORMATION

Long-term loans may be provided only when equity investment has been made by the foreign investor.

01. Conclusion of Contract

A long-term loan contract is signed between the loan provider (foreign investor or foreign company with investment relations with the investor) and the foreign-invested company.

02. Foreign Direct Investment Notification

A foreign investor is required to pre-notify FDI to the Foreign Investor Support Center at KOTRA headquarters or a foreign exchange bank.

03. Remittance of Loan

The foreign investor (loan provider) remits the loan to the corporate account of the foreign-invested company.

04. Deposit

The loan is deposited into the corporate account of the foreign-invested company by the loan provider in accordance with the foreign investment notification.

★ DOCUMENTS

Notification of FDI Through Long-term Loans

- 2 copies of the notification form
(Attached Form 2 of the Enforcement Rules of the Foreign Investment Promotion Act: Notification of foreign investment in the form of a long-term loan)
- Foreign investor (loan provider)'s certificate of nationality
- Document certifying investment relations with an overseas parent company or a parent company
- Copy of the loan contract

* Where an agent files an application: Power of attorney and the agent's identification

※ Contact: KOTRA Investment Consulting Center (1600-7119)

Reinvestment of Unappropriated Retained Earnings

Foreign Direct Investment Process



01. Preparation of Investment Plan

The foreign-invested business (notifier) should prepare a written plan for investment using unappropriated retained earnings.

※ The notification form prepared based on the investment plan is examined by KOTRA in advance.

02. Notification of Foreign Direct Investment

A notification of foreign direct investment should be made to the KOTRA Investment Consulting Center in advance^{SP}.

※ Amount recognized as unappropriated retained earnings = Amount of unappropriated retained earnings to be invested X Foreign investment ratio

03. Execution of Investment

The investment is carried out by the foreign-invested company as planned.

★ DOCUMENTS

When notifying foreign investment through reinvestment of unappropriated retained earnings

- 2 copies of the notification form
(Attached Form 2-2 of the Enforcement Rules of the Foreign Investment Promotion Act: Notification of foreign investment through reinvestment of unappropriated retained earnings and notification of change)
- Plan for investment using unappropriated retained earnings
- Audit report of financial statements (external audit report)
- Statement of appropriation of retained earnings for the most recent settlement period
- Foreign invested-company registration certificate

※ For further information: KOTRA Investment Consulting Center (1600-7119)



INFORMATION

Pre- and Post-notification

Category	Notification	Note
Pre-notification	<ul style="list-style-type: none"> Notification of foreign investment by acquisition of stocks or contribution and application for approval Notification of change of foreign investment by acquisition of stocks or contribution and application for approval 	Acquisition of new/existing stocks or contribution (In case of investing in a defense industry company, a request for authorization to the Ministry of Trade, Industry and Energy should be filed)
	Notification of investment in the form of a long-term loan and notification of information change	-
	Notification of investment by using unappropriated retained earnings and notification of information change	Foreign-invested companies notify to KOTRA Foreign Investor Support Center
Post-notification	Notification of foreign investment by acquisition of stocks or contribution and application for approval	Acquisition of existing stocks issued by a listed corporation can be notified within 60 days of the date of the acquisition
	Notification of foreign investment by acquisition of stocks or contribution and application for approval	Within 60 days of the date of the acquisition
	<ul style="list-style-type: none"> Acquisition of stocks issued by a listed corporation Acquisition by capital increase without consideration such as capitalization of reserves, revaluation reserves, etc. of a foreign-invested company 	
	<ul style="list-style-type: none"> Acquisition by corporate merger/split, all-inclusive stock exchange/transfer Investment of proceeds (dividend) from acquired stocks 	
<ul style="list-style-type: none"> Acquisition by foreigner's purchase, inheritance, testation, donation Acquisition by stock conversion, exchange and buyout of Convertible Bond (CB), Exchangeable Bond (EB) and Depository Receipts (DR) 		

→ Depending on what is notified, FDI notification is classified into pre-notification (prior to stock acquisition) and post-notification (notification after stock acquisition).

Steps to be Taken when Changes Occur during Business Operation

When a change occurs during business operation, notification of change and registration should be filed on the following matters.

Change	Incorporation registration certificate	Business registration certificate	Certificate of foreign-invested company registration
Company Name	○	○	○
Address	○	○	○
Capital/Investment Amount	○	-	○
Investment ratio	○	-	○
Purpose of Business	○	○	○
Executive	○	○ (Only when a representative is changed)	
Address of CEO	○	-	

→ Registration of alteration must be made within 14 days from the date of occurrence of the cause for alteration of an incorporation registration certificate. If not, a fine will be imposed.

Frequently
Asked
**Question
&
Answer**

Q 01 I am aware that 0.4% of the paid-in capital should be paid as registration license tax for foreign-invested company establishment, and that the payable tax amount triples to 1.2% when the head office is located in a Seoul Metropolitan overconcentration control area. Is there any way to avoid heavy taxation?

According to Article 28 (2) of the Local Tax Act, a company whose type of business makes it unavoidable to establish facilities in a large city may pay 0.4% of the paid-in capital as registration license tax. The applicable business types are specified in Article 26 (1) of the Enforcement Decree of the Local Tax Act.

Q 02 In the case of FDI, does the foreign investor have to register with the Financial Supervisory Service?

An application containing the foreign investor registration including personal information should be filed to the Governor of Financial Supervisory Service in advance in a manner prescribed by the Governor of Financial Supervisory Service when the investor intends to acquire or dispose of existing stocks or stocks to be listed for the first time. Foreign investor registration is not required where an investor seeks to acquire or dispose of stocks related to FDI, except in cases where stocks are acquired in a stock market.

Q 03 My company has a foreign-invested company registration certificate issued by KOTRA. For the sake of convenience, is it possible to register a change in the foreign-invested company registration at a bank and not at KOTRA?

It is possible to change the foreign-invested company management institution, which is referred to as a change in the delegated agency. A foreign-invested company that intends to change its delegated authority should prepare an application for change* of delegated authority and apply to the original delegated authority. To file an application, use attached Form 2 of the rules on handling of foreign investment matters (application for change of delegated agency).

* Download

www.investkorea.org 

▶ Resources ▶ Library ▶

Forms

Frequently
Asked
Question
&
Answer

Q 04 What measures should be taken if there are changes in the notified matters or if the investment plan is canceled?

Where there are changes in the foreign investment plan, a report of change of FDI notification (including cancellation of notification) can be filed.

Q 05 When a foreigner acquires stocks issued by a domestic company and the value of the stocks is less than KRW 100 million, must the investment be notified?

Where the investment amount falls short of KRW 100 million and therefore FDI cannot be notified according to the Foreign Investment Promotion Act, a non-resident's securities acquisition report should be made under the Foreign Exchange Transactions Act (Article 7-32 of the Foreign Exchange Transactions Regulations).

Q 06 A foreign-invested company should pay registration license tax, etc. before registering incorporation. However, the funds deposited in a bank for incorporation purpose cannot be withdrawn before incorporation registration. What can I do?

There is a system in place which allows the company to receive additional funds for incorporation from the parent company and then pay it back. According to Subparagraph 6 of Article 4-3 of Foreign Exchange Transactions Regulations, expenses by non-residents for the establishment of a foreign-invested company under the Foreign Investment Promotion Act are refundable.

Q 07 Is it possible to convert long-term loans to stocks or equity by a foreign investor who notified a long-term loan FDI and holds the bond?

Previously, due to the Commercial Act stating that "Shareholders are not able to counter the company by offsetting payment", it was only possible to prepare loans and make stock payments through repayment procedures, or to convert the loans to investment through investment-in-kind after obtaining the approval of the court. However, as Article 334 of the Commercial Act banning the countervailing of shareholders was deleted, it is now possible to convert long-term loans directly to equity capital without court approval.

* List of KOTRA's
overseas
investment hub
offices

www.investkorea.org

Resources ▶

Contact Us ▶

Investment hub
offices

Q Is it possible to make an FDI notification online?

08

Online notification is currently not available, but KOTRA's overseas investment hub offices provide FDI notification service for the convenience of investors. A list* of KOTRA's overseas investment hubs is provided on the Invest KOREA website.

Q When choosing the name of a foreign-invested company, should company names already registered in Korea be avoided?

Article 29 of the Commercial Registration Act regulates that a company name which is identical to a company name registered by another company for the same type of business cannot be registered in the same Special Metropolitan City, Metropolitan City, Special Self-governing City, City (including an administrative city) or county (excluding a county within a metropolitan city).

Q Does the office lease contract need to be attached when registering the incorporation of a foreign-invested company?

Although the contract does not need to be attached, a confirmed address is needed. The contract should, however, be submitted when filing a business registration after the registration of incorporation is completed.



CORPORATE
BUSINESS

Procedure

PART 4

Incorporation

- Types of Corporations
- Forms of Corporations
- Incorporation Procedure



Video on how
to establish a
corporation







Video on how
foreigners can
start business
in Korea



Foreigners can do business in Korea by acquiring new or existing stocks (including incorporation) pursuant to the Foreign Investment Promotion Act or by establishing a local branch or a liaison office as prescribed in the Foreign Exchange Transaction Act. A foreign-invested company is a domestic corporation established under the Commercial Act and classified as a partnership company, a limited partnership company, a limited liability company, a limited company, or a stock company. The most common types of corporations established by foreign investors are a limited company and a stock company.

◆ How Foreigners Can Start Business in Korea

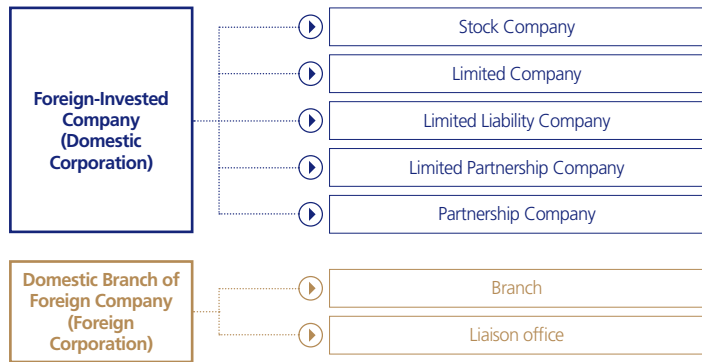
 Category	 Foreign-Invested Company	 Domestic Branch	 Liaison Office
Governing law	Foreign Investment Promotion Act	Foreign Exchange Transaction Act	Foreign Exchange Transaction Act
Type of corporation	Domestic	Foreign	Foreign
Recognized as FDI	Yes	No	No
Company name	No restrictions	Must be identical to that of headquarters	Must be identical to that of headquarters
Scope of business activities	No restrictions within the permitted scope	Restricted to same activities as headquarters, within the permitted scope	Not permitted to generate profit, and can only engage in liaison operations
Minimum investment amount	KRW 100 million*	No restrictions	No restrictions
Legal liability	Liability limited to domestic corporation	Liability extends to domestic corporation and headquarters	Liability extends to domestic corporation and headquarters
Independence	Independent from headquarters	Subordinated to headquarters	Subordinated to headquarters
Loans in Korea	Possible depending on credit rating of the domestic corporation	Almost impossible	Impossible
Establishment procedures	1. FDI notification 2. Remittance of investment funds 3. Registration of incorporation 4. Business registration 5. Registration of foreign-invested company	1. Notification of domestic branch establishment 2. Registration of incorporation 3. Business registration	1. Notification of domestic branch establishment 2. Registration of identification number
Accounting and taxation	Obligation of bookkeeping according to Korean Accepted Accounting Principle and external audit for certain conditions	Obligation of bookkeeping according to Korean Accepted Accounting Principle, but no obligation of external audit	No bookkeeping obligation
Corporate tax rate	Tax obligation ※ Taxation ▶ National Tax ▶ Corporate Tax (p.138) ※		None
Taxable income	Total income based on all profit made in Korea and overseas by the domestic corporation	Total profit based on domestic-source income of the domestic branch. Branch tax should be paid in some countries.	None
Tax benefits	Tax benefits for foreign-invested company and small and middle-sized business according to the Restriction of Special Taxation Act	None	None

* A foreigner may establish a corporation with an investment of less than KRW 100 million, although it will not be recognized as FDI and is subject to notification of stocks acquisition (Attached Form no. 7-6 of the Regulations on the Foreign Exchange Transaction) as prescribed by the Foreign Exchange Transaction Act.

Types of Corporations

Where a foreigner invests at least KRW 100 million with the goal of participating in business operations or acquires at least a 10% share of new/existing stocks with voting rights, it is recognized as a foreign-invested company under the Foreign Investment Promotion Act and established as a domestic corporation under the Commercial Act.

A domestic branch of a foreign corporation as defined under the Foreign Exchange Transaction Act can be classified as a branch or a liaison office depending on whether the entity engages in sales activities. A branch is a foreign corporation having the right to conduct sales activities, while a liaison office is a foreign corporation established for market research and marketing activities but not for sales.



Forms of Corporations

The Commercial Act recognizes five different forms of companies - partnership company, limited partnership company, limited liability company, limited company, and stock company. However, most foreign-invested companies in Korea fall into the categories of limited company and stock company. Therefore, this guide focuses on these two types of corporation.

01. Stock Company

Shareholders of a stock company only have limited liability of their investment amount. It is easier for a stock company to transfer stocks and it can issue bonds and list stocks. For these reasons, most domestic corporations fall under the category of a stock company.

02. Limited Company

A limited company is comprised of employees with limited liability of their investment amount only, and thus not responsible for any creditors. A limited company may have restrictions on the transfer of shares in its articles of association. A limited company is exempt from external audits and is thus established by foreign-invested companies which are reluctant to disclose certain information. However, a limited company is now subject to external audit due to an amendment of the Enforcement Decree of the Act on External Audit of Stock Companies applicable from the fiscal year that commences on or after November 1, 2018.

Comparison of Stock Company and Limited Company

	Stock Company	Limited Company
Purpose	Suitable for a large company, easy to invite multiple shareholders	Suitable for small and medium-size business, comprised of small number of persons with mutual trust
Minimum Investment Amount	No restrictions (Exception: At least KRW 100 million for FDI)	Same as left
Equity Unit	At least KRW 100	Same as left
Capital Transfer	No restrictions	Approval at general meeting required
Issuance of Bonds	Possible	Impossible
Board of Directors	Yes	No
Number of Directors	At least 3 directors (at least 1 director when total capital is less than KRW 1 billion)	At least 1 director
Auditors	Required (Except when total capital is less than KRW 1 billion and a non-investment executive is listed)	Not required
Possibility of Listing	Yes	No

IN DETAIL

Companies Subject to External Audit

① Stock Company

- Stock-listed corporation (Stock market, KOSDAQ, KONEX) or companies to be listed
- For companies with at least KRW 50 billion in total assets or sales at the end of the last fiscal year
- Company that satisfies 2 or more of the following 4 requirements

Total assets of KRW 12 billion or more

Total debt of KRW 7 billion or more

Total sales of KRW 10 billion or more

100+ employees

② Limited Company

- For companies with at least KRW 50 billion in total assets or sales at the end of the preceding business year
- Company that satisfies 3 or more of the following 5 requirements

Total assets of KRW 12 billion or more

Total debt of KRW 7 billion or more

Total sales of KRW 10 billion or more

100+ employees

50+ members (investors)

A limited company is more likely to be exempted from external audit since more requirements need to be met.

※ Article 5 (2) of the Enforcement Decree of the Act on External Audit of Stock Companies (enforced Oct 13, 2020)

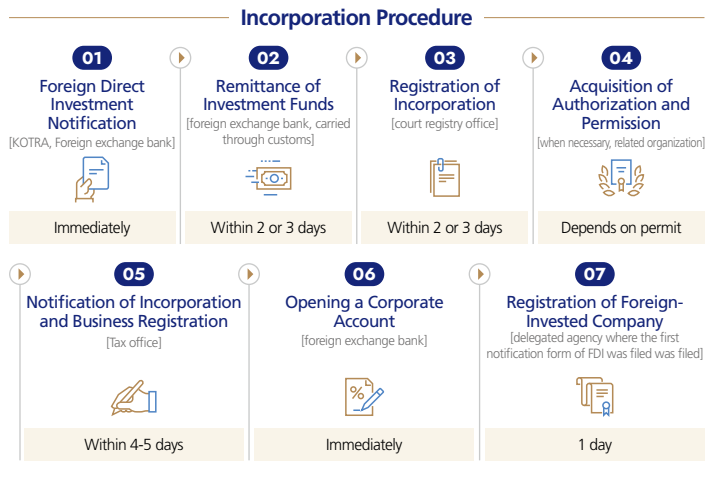
Frequently Asked Question & Answer

Q 01 What kind of visas can foreigners receive when they are dispatched to a domestic branch of a foreign-invested company or a foreign company?

A business investment (D-8) visa is issued to indispensable professional specialists who are dispatched from the overseas headquarters to be engaged in the management, business administration or production and technology of a foreign-invested company, as prescribed by the Foreign Investment Promotion Act. A dispatch (D-7) visa is issued to indispensable professional specialists who are dispatched to domestic branches or offices with at least a year of experience in foreign public institutions, organizations, or headquarters, branches, or offices.

Incorporation Procedure

The incorporation procedure of foreign-invested company pursuant to the Foreign Investment Promotion Act consists of the following: foreign direct investment notification, remittance of investment funds, registration of incorporation, acquisition of authorization and permission, notification of incorporation, business registration and registration of foreign-invested company. The procedures applied to foreigners are basically the same as those applied to Koreans with the exception of two additional steps of foreign direct investment notification and registration of foreign-invested company. It takes about two weeks for the completion of the incorporation procedure, and an application for residence visa can be filed after completing registration of a foreign-invested company.



※ Related laws: Articles 5 and 21 of the Foreign Investment Promotion Act, Articles 6 and 27 of the Enforcement Decree of the Act, Articles 2 and 17 of the Enforcement Rules of the Act.

Some of the required documents must be apostilled, and the signatory nations of the Apostille treaty are as follows. In the case of non-signatory nations, a notarization of the Korean consulate located in the country is required after obtaining general notarization.

★ DOCUMENTS

Foreign Investor

- **Certificate of nationality** (Foreigners: passport; Foreign corporation or organization: business license, certificate of incorporation or proof that the said corporation or organization is based in the said country) / **Copy of passport of foreign corporation's representative / shareholders' list of foreign corporation** (document certifying actual owner) / **Where an agent files an application : two (2) copies of power of attorney**

* Documents other than the passport should be apostilled or notarized by a consulate after receiving a general notarization

Executive (Foreigner)

- **Certificate of inauguration acceptance** (Apostilled or notarized by consulate after general notarization) / **Copy of passport**

Representative (Foreigner)

- **Certificate of inauguration acceptance, signature notarization, certificate of address** (Apostilled or notarized by Consulate after general notarization) / **Copy of passport**



INFORMATION

Signatory Nations to the Apostille Treaty

<p>Asia/ Oceania 21 nations</p>	<p>New Zealand, Niue, Marshall Islands, Mauritius, Mongolia, Vanuatu, Brunei Darussalam, Samoa, Australia, India, Japan, People's Republic of China (limited to Macau, Hong Kong), Cook Islands, Tajikistan, Tonga, Fiji, Palau, The Philippines, Republic of Korea, Singapore, Indonesia</p>
<p>Europe 52 nations</p>	<p>Greece, The Netherlands, Norway, Denmark, Germany, Latvia, Russian Federation, Romania, Luxembourg, Lithuania, Liechtenstein, Macedonia, Monaco, Montenegro, Republic of Moldova, Malta, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, San Marino, Serbia, Sweden, Switzerland, Spain, Slovakia, Slovenia, Armenia, Iceland, Ireland, Azerbaijan, Andorra, Albania, Estonia, United Kingdom of Great Britain and Northern Ireland, Austria, Uzbekistan, Ukraine, Italy, Georgia, Czech Republic, Kazakhstan, Kosovo, Croatia, Kyrgyzstan, Cyprus, Turkey, Portugal, Poland, France, Finland, Hungary</p>
<p>North America 1 nation</p>	<p>United States of America (including Guam, Maui, Saipan, Puerto Rico)</p>
<p>Central & South America 31 nations</p>	<p>Guyana, Guatemala, Grenada, Nicaragua, Dominican Republic, Dominica, Mexico, Barbados, Bahamas, Venezuela, Belize, Bolivia, Brazil, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Argentina, Antigua and Barbuda, Ecuador, El Salvador, Honduras, Uruguay, Chile, Jamaica, Costa Rica, Colombia, Trinidad and Tobago, Panama, Peru, Paraguay</p>
<p>Africa 12 nations</p>	<p>Namibia, South Africa, Liberia, Lesotho, Malawi, Botswana, Sao Tome and Principe, Seychelles, Eswatini, Cabo Verde, Burundi, Tunisia</p>
<p>Middle East 5 nations</p>	<p>Morocco, Bahrain, Oman, Israel, Saudi Arabia</p>
<p>Total</p>	<p>122 nations</p>

* Source: Ministry of Foreign Affairs' safe overseas travel portal www.0404.go.kr 

01. Foreign Direct Investment Notification

A foreign investor is required to pre-notify the FDI to KOTRA (Foreign Investor Support Center in KOTRA headquarters or at overseas investment hub offices) or a foreign exchange bank.

★ DOCUMENTS

Foreign Direct Investment Notification

- **2 copies of the notification form**
(Enforcement Rules of the Foreign Investment Promotion Act, Attached Form 1: Notification of foreign investment by acquisition of stocks or contribution and application for its permission)
- **Foreign investor's certificate of nationality**
(Foreigners: passport; Foreign corporation or organization: business license, certificate of incorporation, or proof that the said corporation or organization is based in the said country)

[In case of non-cash investments]

- **Documents certifying object of investment**
(e.g. documents certifying the monetary value of industrial property rights, etc.)
- * Where an agent files an application: Power of Attorney and the agent's identification (ID card)
- ※ **Contact: KOTRA Investment Consulting Center (1600-7119)**

IN DETAIL

Technology evaluation

In cases wherein a technology is invested in kind, documents proving the valuation of the technology such as industrial property rights. Technology evaluation agencies include the Korea Institute for Advancement of Technology (KIAT), Technology Guarantee Fund, Korea Evaluation Institute of Industrial Technology (KEIT), Korea Environment Corporation, National Institute of Technology and Standards, Korea Institute of Science and Technology (KIST), Korea Institute of Science and Technology Information (KISTI), and National IT Industry Promotion Agency (NIPA).

※ Article 30 (4) of the Foreign Investment Promotion Act and Article 39 (2) of its Enforcement Decree, Article 4 of the Enforcement Decree of the Act on Special Measures for the Promotion of Venture Businesses

02. Remittance of Investment Funds

The foreign investor may wire-transfer the investment funds to a temporary account of a local foreign exchange bank in Korea or hand-carry foreign currency. In the latter case, the foreign currency should be declared to the customs to obtain a foreign exchange declaration certificate.

As a rule, the remitted investment funds should be paid to acquire equity shares, etc. based on the given procedure, and the certificate of deposit of payment for shares should be submitted to the court. In case of a company with paid-in capital of less than KRW 1 billion, however, a bank account balance certificate may be submitted to the court after opening an account at a local bank under the name of the investor. The funds may be withdrawn from such bank account freely for business purposes starting from the next day.



INFORMATION

Opening of a temporary account

A temporary account may be opened at a local bank by submitting a document certifying the nationality of the foreign investor (document certifying the existence of the country of the foreign investor or the investor's passport). The documents required may vary by bank. The funds should always be remitted in foreign currency, and the purpose of remittance should be stated as investment.

03. Registration of Incorporation

The registry division of the court accepts the application for the registration of incorporation and it takes two to three days for the registration. The required documents can be checked on the list of application forms and required documents from the online registry of the Supreme Court.

★ DOCUMENTS

Registration of Incorporation

Online Registry of Supreme Court www.iros.go.kr  ▶ Library ▶ Registration application form ▶ Corporate registration ▶ Search (Registration of incorporation)

※ **Contact: Corporate registration handling department of the Registry of Supreme Court (1544-0770)**

04. Authorization and Permission

Where deemed necessary for business, a foreign investor must acquire the relevant authorization and permission from the competent authorities such as the District office, local public health Center, Ministry of Food and Drug Safety, etc. The processing period may vary depending on the sort of authorization and permission for the type of business.

IN DETAIL

Examples of Business Types which Require Authorization and Permission

Cosmetics manufacturing, sales and import of cosmetics, food manufacturing, food import and sales, sales of medical equipment, medical equipment manufacturing, sales and import of medical equipment, mail-order sales (including E-commerce), restaurant, accommodation, sales of health food, sales and import of health food, travel, attraction of foreign patients, import of liquor, job placement

05. Notification of Incorporation and Business Registration

Every tax office accepts notification of incorporation and business registration regardless of the jurisdiction. They should be done within 20 days of the business commencement date.

※ Application for business registration can be submitted to the KOTRA Foreign Investor Support Center (approval: tax office)

★ DOCUMENTS

Notification of Incorporation and Business Registration

- **Application form** (Enforcement Rules of the Corporate Tax Act Form 73: Notification of incorporation and application of business registration)
- **Articles of incorporation / Lease contract / Incorporation registration certificate / Shareholder's list / Foreign currency purchase certificate / Representative's passport / Foreign investment notification form / Certificate of authorization and permission** (where necessary) etc.

*Where an agent files an application: copy of the agent's ID card

※ **Contact: Corporate Tax Division of the National Tax Service (dial 126)**

06. Opening a Corporate Bank Account

A foreign investor may open a corporate bank account at a foreign exchange bank immediately. However, the choice of bank requires careful consideration since opening additional accounts at another bank is restricted for 20 business days.

★ DOCUMENTS

Opening a Corporate Bank Account

- Incorporation registration certificate / copy of business license / certificate of corporate seal impression / corporate seal / copy of the representative's passport / Shareholders' list of headquarters (document certifying actual owner) / shareholder's list

* Where an agent opens an account: Power of attorney and a copy of the agent's ID card

07. Registration of Foreign-Invested Company

After the registration of incorporation, foreign-invested company registration shall be undertaken at KOTRA or at a foreign exchange bank where the notification was first made as the last step of FDI incorporation. The registration should be completed within 60 days following the payment of the object of investment.

IN DETAIL

Notification or Application Form for Each Step

Websites of relevant organizations provide downloadable files of notification and application forms for each procedure.

- **Forms for FDI notification and registration**

Invest KOREA website www.investkorea.org ▶ Resources ▶ Forms

- **Registration of incorporation**

Online Registry of Supreme Court www.iros.go.kr ▶ Library ▶ Registration application form ▶ Corporate registration ▶ Search (Registration of incorporation)

- **Notification of incorporation and registration of business**

Ministry of Government Legislation www.moleg.go.kr ▶ Search ▶ Enforcement Rule of the Corporate Tax Act ▶ Attached forms



INFORMATION

Changes to the Registration of a Foreign-Invested Company

① Changes Related to the Registration of a Foreign-Invested Company

A foreign investor (or his/her agent) or a foreign-invested company should notify the foreign-invested company's change of information to a delegated agency within 60 days of the date of occurrence of the cause of change.

② Cancellation of Foreign-Invested Company Registration

The registration of a foreign-invested company and its authorizations must be revoked or canceled when the foreign-invested company closes its business or where the foreign investor has transferred all of the stocks to a national (or company) of the Republic of Korea or ceases to hold any of the stocks previously held due to capital reduction.

※ Related law: Article 21 of the Foreign Investment Promotion Act, Article 28 of the Enforcement Decree of the Act

IN DETAIL

Examples of causes for registration of modification:

- Where equity shares are acquired through merger, bonus issue, etc.
- Where equity holding or investment ratio is changed by transfer of equity shares by a foreign investor or capital reduction
- Where the equity holding or investment ratio of the foreign investor is changed by capital increase by a Korean national
- Where the trade name, name, or nationality of the foreign investor or foreign-invested company is changed
- Where the details of foreign investment registration are changed, including the amount invested by the foreign investor, investment ratio, and address of the foreign-invested company

※ Related laws: Foreign Investment Promotion Act Article 5 (2) 2 to 6

★ DOCUMENTS

Notification of changes in the registration of foreign-invested company:

- **1 copy of application** (Form No. 17: Application for registration of foreign-invested company, attached to the Enforcement Rules of the Foreign Investment Promotion Act)
- **Original copy of registration of foreign-invested corporation/duplicate copy of corporate registration of foreign-invested business** (including cancellations)

[Additionally required documents to be attached]

- Documents certifying investment objects / copy of certificate of completion of investment in kind (when capital goods are invested in kind) / certificate of foreign exchange purchased or copy of certificate of foreign currency deposit / shareholders' roster (corporate seal affixed, certified copy) or documents proving receipt of payments for equity share transfer / Due diligence report by the inspector under the Commercial Act or copy of appraisal report (when equity shares or local real properties are invested in kind) / Other documents proving the relevant changes, including those proving the acquisition of equity shares

* Registration by proxy: Power of attorney and ID card of the proxy



INFORMATION

Cost of Incorporation

Examples of incorporation in overconcentration control zones including Seoul Metropolitan area (with capital of KRW 100 million)

Category	Amount (KRW)	Notes
Local registration tax	1,200,000	0.4% of the paid-in capital (tripled when a company is established in an overconcentration control area)
Local education tax	240,000	20% of the registration license tax
Revenue stamp	25,000	Fee for registration application
Notarization fee	1,000,000	Articles of association, etc.
Total	2,465,000	

* The table above includes actual expenses, but excludes legal fees.

Seoul Metropolitan Overconcentration Control Area

- ① Seoul Metropolitan City
- ② Incheon Metropolitan City [except Ganghwagun, Ongjin-gun, Daegok-dong-Bulldong-Majeon-dong-Geumgok-dong-Oryudong-Wanggil-dong-Dangha-dong-Wondang-dong in Seo-gu, Incheon Free Economic Zone (including the areas that lost their status as a free economic zone) and Namdong national industrial complex]
- ③ Uijeongbu-si ④ Guri-si
- ⑤ Namyangju-si [Hopyeong-dong, Pyeongnae-dong, Geumgok-dong, Ilpaedong, Ipaedong, Sampae-dong, Gaun-dong, Suseok-dong, Jigeum-dong and Donong-dong]
- ⑥ Hanam ⑦ Goyang ⑧ Suwon ⑨ Seongnam ⑩ Anyang
- ⑪ Bucheon ⑫ Gwangmyeong ⑬ Gwacheon ⑭ Uiwang ⑮ Gunpo
- ⑯ Siheung [except Banwol special area (including the areas that lost their status as Banwol special area)]

* Source: Ministry of Government Legislation (www.moleg.go.kr) → Search → 「Enforcement Decree of the Seoul Metropolitan Area Readjustment Planning Act」 → Attached Forms → Form 1

★ DOCUMENTS

Registration of Foreign-invested Company

- **Application form** (Attached Form 17 of the Enforcement Rules of the Foreign Investment Promotion Act: Application form for foreign-invested company registration)
- **Incorporation registration certificate / Foreign currency purchase certificate / Shareholder's list / Copy of business registration certificate**

*Where an agent files an application: Power of attorney and the agent's identification



CORPORATE
BUSINESS

Procedure

PART 5

Industrial Sites

- Overview of Industrial Sites
- Priority Zones for Foreign-invested Companies






Industrial Sites
in Korea 2023
(KOTRA)



The type and business category of the relevant company should be considered when choosing the optimal location of the factory site of a foreign-invested company. Generally, a manufacturing company chooses an industrial complex where the factory establishment procedure is relatively simple or constructs a factory at an individual site by altering the use of the site.

Comparison of Sites

	 Free Economic Zones (9 zones)	 Foreign Investment Zones Complex-type (28 zones) Individual-type (78 zones)	 Free Trade Zones 7 industrial complexes, 6 ports/airports
Statutory grounds	<ul style="list-style-type: none"> Special Act on the Designation and Operation of Free Economic Zones 	<ul style="list-style-type: none"> Foreign Investment Promotion Act 	<ul style="list-style-type: none"> Act on the Designation and Operation of Free Trade Zones
Procedure	<ul style="list-style-type: none"> Requested by provincial governors or mayors <ul style="list-style-type: none"> Review and resolution by the committee Designated by the Minister of Trade, Industry & Energy 	<ul style="list-style-type: none"> Requested by provincial governors or mayors <ul style="list-style-type: none"> Review by the committee Designated by provincial governors or mayors 	<ul style="list-style-type: none"> Requested by heads of central government agencies / requested by provincial governors or mayors <ul style="list-style-type: none"> Review by the committee Designated by the Minister of Trade, Industry & Energy
Eligibility for tenancy	<ul style="list-style-type: none"> Local businesses Foreign-invested companies 	<ul style="list-style-type: none"> Foreign-invested companies <ul style="list-style-type: none"> Ratio of foreign investment 30% ↑, KRW 100 million ↑ New growth engine industry technology business, advanced manufacturing businesses, R&D, and logistics industry Minimum required investment amount for foreign-invested company and by industry (identical to requirements for tax reduction) <ul style="list-style-type: none"> Manufacturing: USD 30 million ↑ Logistics industry: USD 10 million ↑ Tourism service: USD 20 million ↑ R&D: USD 2 million ↑ & 10 ↑ researchers hired 	<ul style="list-style-type: none"> Domestic manufacturing <ul style="list-style-type: none"> *Export 50% ↑ (SMEs: 30% ↑) (Middle-standing: 40% ↑) Foreign manufacturing <ul style="list-style-type: none"> *Export: 30% ↑ Wholesale <ul style="list-style-type: none"> *Import/export 50% ↑ Logistics <ul style="list-style-type: none"> *Supported businesses
Tax reduction	<div style="background-color: #f0e68c; padding: 5px;">Eligibility</div> <ul style="list-style-type: none"> Foreign-invested business or company <div style="background-color: #f0e68c; padding: 5px;">Requirements</div> <ul style="list-style-type: none"> Manufacturing: USD 30 (10) million ↑ Logistics industry: USD 10 (5) million ↑ Tourism service: USD 20 (10) million ↑ R&D: USD 2 (1) million ↑ & 10 ↑ researchers hired Medical institutions: USD 5 million ↑ Development service: USD 30 million ↑ <div style="background-color: #f0e68c; padding: 5px;">Local tax</div> <ul style="list-style-type: none"> Eligible businesses, reduction amount & period, reduction rate shall be pursuant to the standards prescribed by the Restriction of Local Taxation Act. <ul style="list-style-type: none"> * The tax credit period may be extended up to 15 years as set forth in municipal ordinances (Acquisition tax, property tax, etc.) <div style="background-color: #f0e68c; padding: 5px;">Customs duties</div> <ul style="list-style-type: none"> 100% exemption on imported capital goods for 5 years <ul style="list-style-type: none"> * For 7-year reductions, individual consumption tax and VAT are reduced 	<ul style="list-style-type: none"> Foreign-invested business or company <div style="background-color: #f0e68c; padding: 5px;">Requirements</div> <ul style="list-style-type: none"> Manufacturing: USD 10 million ↑ Logistics industry: USD 5 million ↑ <div style="background-color: #f0e68c; padding: 5px;">Local tax</div> <ul style="list-style-type: none"> Manufacturing: USD 30 million ↑ Logistics: USD 10 million ↑ Tourism: USD 20 million ↑ R&D: USD 2 million ↑ & 10 ↑ researchers hired 	<ul style="list-style-type: none"> Foreign-invested businesses <div style="background-color: #f0e68c; padding: 5px;">Requirements</div> <ul style="list-style-type: none"> Manufacturing: USD 10 million ↑ Logistics industry: USD 5 million ↑
Support for location	<ul style="list-style-type: none"> State or publicly-owned land: Rent reduction (50-100% for up to 50 years) 	<ul style="list-style-type: none"> Rent reduction (1% of the land price, 75-100%) 	<ul style="list-style-type: none"> Purchased inclusively by the central or municipal government State-owned land: Leased up to 50 years (1% of the land price, 50-100% reduction)

Overview of Industrial Sites

The type and business category of the relevant company should be considered when selecting the business site of the foreign-invested company. National industrial complexes and general industrial complexes are planned sites in which major customers and related facilities are clustered. It is relatively easier to secure land there, and they offer optimum conditions for operating a business. In Korea, there are certain types of sites developed to attract foreign direct investment. Foreign-invested businesses may consider operating their business in foreign investment zones, free economic zones and free trade zones that have been developed to attract foreign direct investment. They may also consider other planned locations or individual locations with conditions that are suitable for the type of business they plan to operate.

Types of sites that may be considered by foreign investors

Planned Sites



Industrial complexes

National industrial complexes, general industrial complexes, urban industrial complexes for advanced high-tech businesses, industrial and agricultural complexes, and lease-type industrial complexes



Locations focusing on foreign investment attraction

Foreign investment zones (complexes for lease exclusively to foreign-invested companies), free economic zones, free trade zones



Key industrial regions to attract local and foreign investment

Saemangeum, enterprise cities, Jeju Special Autonomous Province, high-tech investment zones



Clusters for R&D, technology, and specific business categories

Special R&D zones, international science business belt, advanced medical complex, industrial parks specializing in basic industries, industrial technology parks, environment industry research complex, venture business promotion regions, new technology startup cluster region, urban small business cluster regions



Smart Regulatory Innovation District

Regulation-free zones, Special zones for regional development



Sites for balanced regional development

National industrial complex for innovation and convergence, Innovation cities, and Administrative cities

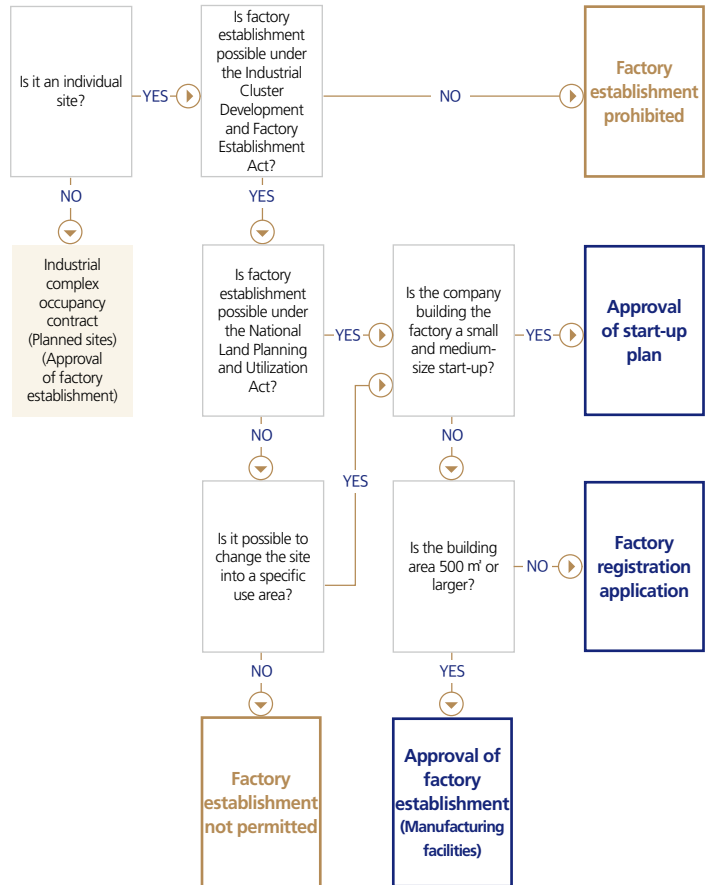
Individual Sites



Locations satisfying the zoning requirements under the National Land Planning and Utilization Act for constructing and operating factories (factory establishment approval, startup business plan approval)

Industrial sites can be divided into planned sites and individual sites. For example, in the case of a manufacturing business, which is the most common type of business in industrial sites, a production facility should be established. The factory establishment and permit/licensing procedures vary by location. When a factory is established on an individual site, the permit or licensing procedure is complicated. However, the factory establishment period and permit/licensing procedures are simplified in industrial complexes or other planned sites that have been developed to facilitate manufacturing businesses. When a candidate site for a manufacturing business is found, it is necessary to examine the restrictions on land use, whether factory establishment is permitted, and whether environmental regulations apply.

Factory Establishment Procedures for Planned Sites and Individual Sites



*Source: Korea Industrial Complex Corporation www.kicox.or.kr (Compilation of Industrial Location 2021)

01. Planned Sites and Individual Sites

Korea's industrial site policies are focused on efficiently securing areas for industrial production and operation and selecting quality sites, and recommend establishing a factory in an industrial complex^① - the most common type of planned site - for efficient management. However, if it is unsuitable to establish a factory in an industrial complex due to business conditions, land prices, etc., it is possible to purchase a separate site and obtain the necessary licenses and permits to establish a factory.

① Planned Site (Industrial Complex)

An industrial complex is an area designated and developed under a comprehensive plan to collectively set up industrial facilities and support facilities for employees and users. Assistance is provided to companies wishing to secure factory sites and find partner companies and human resources through clustering and the smooth supply of raw materials and parts. In recent years, industrial complexes have established industry-academia linkages and connected various support facilities.

The types of industrial complexes differ depending on the purpose of development, and the way businesses are managed in relation to factory establishment is different from that of individual sites. In the manufacturing business, the types of businesses that can move in are different depending on the site, and the regulations for operation and management may differ in each complex.

For example, industrial complexes, foreign investment zones (complex-type) and national food clusters operate based on their basic management plan, while the relevant laws apply to free economic zones, the Saemangeum area and INNOPOLISEs. In the case of free trade zones, the qualifications for tenancy are prescribed by the Act on Designation and Management of Free Trade Zones.

Because industrial complexes cannot cover all types of industrial sites, a certain area with a special purpose is sometimes designated as an industrial complex and an industrial complex is sometimes designated within a special-purpose area. Some examples of such industrial complexes are foreign investment zones, free economic zones and free trade zones designated for attraction of foreign investment.



INFORMATION

Restrictions on the Sale or Disposal of a Factory in an Industrial Complex

In order to promote industrial clusterization, industrial complexes offer sale prices that are lower than the actual value of the land. Accordingly, in order to prevent tenants from purchasing an industrial site at a low price and selling it within a short period of time, regulations regarding the restriction of disposal have been established. The period of restriction on sales or disposal is five years. If land or factory has to be sold before then due to unavoidable circumstances, sale can be made through open sale through a management agency, filing an application for disposal, etc.

→ Not applicable where an existing factory site within an individual site or industrial complex is purchased.

※ Related law: Article 39 of the Industrial Cluster Development and Factory Establishment Act

② Individual Site

Individual sites refers to any area outside of a pre-designated or developed site. So when a company purchases or leases land outside an industrial complex or a building in an urban or residential area, a factory can be established in such areas by obtaining a permit or authorization for change of usage.

Where an individual site is selected for operating a manufacturing business, companies can move into factories and Class 2 neighborhood amenities (manufacturing facilities), among the types of buildings pursuant to the Enforcement Decree of the Building Act. However, a "use area" is designated for all land in Korea based on the National Land Planning and Utilization Act, and the permitted activities differ by use area. In this regard, to construct a new building, the use of the building and the activities restricted in the relevant area prescribed by the National Land Planning and Utilization Act and local government ordinances should be checked in advance. If a use area is banned from factory construction, the use area can be changed by altering the city or county (gun) management plan after going through the deliberation of the city planning committee.

※ Refer to the Notice of Standards for Factory Sites or the attached Table of the Enforcement Decree of the National Land Planning and Utilization Act about the type of businesses permitted in each usage area.

Pros and Cons of Industrial Complexes and Individual Sites

Industrial Complex	Individual Site
Pros	
<ul style="list-style-type: none"> • Favorable SOC conditions including infrastructure • Simplified procedures for obtaining permits for factory establishment • Ease of exchanging information and technology between companies • Reduction of logistics costs • Easier government support compared to individual sites 	<ul style="list-style-type: none"> • Affordable land acquisition • The right place can be chosen as the site • Can be located near market • Small-sized site can be chosen • Ease of sale and disposal of factory site
Cons	
<ul style="list-style-type: none"> • Simplified procedures for factory establishment, although there are restrictions on sale and disposal of the site 	<ul style="list-style-type: none"> • Complicated authorization and permit procedures for factory establishment • Fewer incentives including tax exemption and financial support compared to industrial complex • Companies have to install necessary infrastructure including road and water supply facilities • Difficult to control environmental factors near factory

02. Factory Establishment

Factories are business establishments for operating a manufacturing business, and include buildings, factory buildings, manufacturing facilities and their incidental facilities. Manufacturing business refers to manufacturing businesses under the Korean Standard Industry Classification promulgated by the Commissioner of Statistics Korea.

IN DETAIL

Scope of Factories

- Manufacturing facilities (including facilities for processing, assembling or repairing goods) and test manufacturing facilities
- Incidental facilities installed within a factory site to manage and support manufacturing facilities or for employee welfare or benefits
- Facilities that are required under related laws
- Factory site where the above facilities are established

① Factory establishment in an industrial complex (planned site)

Unlike individual sites, many parts of an industrial complex are complete and thus there are not many matters that require permits and licenses. The types of businesses permitted in each industrial complex is pre-determined, which greatly reduces the time required for review.

The industrial complex submits to the management agency an application for tenancy contract, which has the same administrative effect as an application for approval of factory establishment for an individual site. Approval is normally granted within five days of filing an application, but it takes up to 10 days if a negotiation with related organizations is needed.

After obtaining an approval, the procedure for report of completion, confirmation of field visit by a public official and factory registration is the same as the ones for individual sites.



② Factory Establishment in an Individual Site

③ Establishment of a factory in an individual site under the Act on Industrial Integration and Factory Establishment

Since there are many laws about factory establishment, it is important to review all the relevant laws and regulations. When a move-in application is submitted, it will be reviewed and approved within 20 days in accordance with Korea's factory establishment approval system.

If the application is filed to the municipality having jurisdiction over the site of the factory to be established, it may be approved within 14 days. If blanket processing* applies, the approval period can be shortened to seven days or less.

* **Blanket processing:** A system of permitting the permits and authorizations that should be obtained separately pursuant to individual laws at the same time to increase administrative efficiency and enhance administrative service



- **Application for confirmation of conformance with tenancy requirements**

This system allows you to confirm in advance whether or not a factory can be established on the site. The results are informed within 10 days of filing an application.

- **Factory construction**

After factory establishment is approved, ground leveling, infrastructure building and construction can be carried out.

- **Factory registration**

If a report of factory establishment is completed within two months of finishing construction and machinery and equipment installation, the government official in charge visits the factory and checks whether the plant is operating according to the original application. If there are no issues, factory registration shall be completed within three days of the report of factory establishment.



INFORMATION

Manufacturing Plant

For a manufacturing plant with construction area of 500 m² or less which does not emit environmental pollutants, factory registration is optional. Therefore, a manufacturing business can be operated after completing the administrative procedures required for the type of business concerned. However, if necessary, factory registration can be completed by filing an application for factory registration, and all necessary permits and authorizations can be obtained by receiving factory establishment approval.

Small Business

As an exception for factories established by small companies, if a manufacturer who has not completed factory registration at a manufacturing plant needs a factory registration certificate, its business registration certificate shall be deemed a factory registration certificate.

※ Related law: Article 62-10 of the Small and Medium Enterprises Promotion Act

㉔ Factory Establishment for SMEs in an Individual Location under the Support for Small and Medium Enterprise Establishment Act

Exemption of start-up charges for manufacturing SMEs

Charges	Related Law	Charges	Related Law
Expenses for creating forest replacement resources	Article 19 (1) of the Mountainous Districts Management Act	Waste charges	Article 12 (1) of the Act on the Promotion of Saving and Recycling of Resources
Charges for manufacture and import of specific substances	Article 24-2 of the Act on the Control of Manufacture of Specific Substances for the Protection of the Ozone Layer		Article 19 (1) of the Act on the Promotion of Saving and Recycling of Resources
Charges for using deep seawater	Article 40 of the Development and Management of Deep Sea Water Act	Water utility charge	Article 30 (1) of the Act on Water Management and Resident Support in the Geum River Basin
Basic charges	Article 35 (2) 1 of the Clean Air Conservation Act		Article 32 (1) of the Act on Water Management and Residents Support in the Nakdong River Basin
Basic discharge charges	Article 41(1) 1 of the Water Environment Conservation Act		Article 30 (1) of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins
Charges	Article 51 (1) of the Electric Utility Act	Allotted charges	Article 155 of the Local Autonomy Act
Charges for causing traffic congestion	Article 36 of the Urban Traffic Improvement Promotion Act	Charges for using groundwater	Article 30-3 of the Groundwater Act
Charges on farmland reservation	Article 38 (1) of the Farmland Act	Expenses for creating substitute grassland	Article 23 (8) of the Grassland Act

→ Exemption from charges for seven years from the business commencement date. However, water utility charges are exempted for three years from the date of imposition of charges.

※ Related law: Article 23 (4) of the Support for Small and Medium Enterprise Establishment Act

IN DETAIL

Restrictions on Factory Establishment and Exceptions

• No person shall construct a new factory, expand or relocate the existing one, the construction area of which is at least 500 m², nor change the type of business of a factory in an overconcentration control region, growth management region or nature conservation region under the Seoul Metropolitan Area Readjustment Planning Act.

※ Article 20 (1) of the Industrial Cluster Development and Factory Establishment Act

As an exception, however, a foreign-invested company in a foreign investment zone may newly establish, expand or transfer a factory of at least 500 m² (including within a knowledge industry center) or change its business type in a growth management region.

※Article 20 (4) of the Foreign Investment Promotion Act

A new factory (including a knowledge industry center) with a factory building area of not less than 500 m² may be newly or additionally built in Pyeongtaek City, which is in a growth management region. However, new factory construction shall be limited to specific business types.

※ Article 25 of the Special Act on Support, etc. for Pyeongtaek City, etc. Following Relocation of U.S. Military Bases in Korea

Factory Establishment Support System

Factory-On (www.factoryon.go.kr ) is an online support system for factory establishment: An online factory establishment support system operated by the Korea Industrial Complex Corporation offers one-stop administrative services such as providing factory establishment information, establishment best practice guide, factory establishment grievance resolution, industrial

complex move-in support, and application for certificates.

Local Support Centers for Factory Establishment operated by the Korea Industrial Complex Corporation

Centers in 13 regional headquarters and local branches in the country (Seoul, Incheon, Gyeonggi, Wonju, Cheonan, Daegu, Gumi, Ulsan, Busan, Changwon, Gwangju, Gunsan, Gwangyang) are operated.

• Online Support System for Factory Establishment www.factoryon.go.kr 

• Factory Establishment Team of Korea Industrial Complex Corporation
070-8895-7275

Related Laws for Factory Establishment Procedures

Law	Content
Industrial Cluster Development and Factory Establishment Act	Factory establishment approval process, authorization and permission for site renovation, conclusion of occupancy agreement, etc.
Support for Small and Medium Enterprise Establishment Act	The founder of a small and medium-sized enterprise (manufacturing business) may establish a factory with the approval of a start-up business plan (individual sites)

* Source: Korea Industrial Complex Corporation

Related Laws for Land Utilization

Law	Content
Seoul Metropolitan Area Readjustment Planning Act	Classification and designation of 3 regions (overconcentration control region, growth management region, nature preservation region), restriction of factory overconcentration in the metropolitan area
National Land Planning and Utilization Act	Designation of special-purpose areas or special purpose districts and establishing a standard for buildable structures in the area
Industrial Sites and Development Act	Designation and development of industrial complexes (national industrial complex, general industrial complex, urban high-tech industrial complex and agricultural and industrial complex)
Building Act	Classification of 28 uses of a building (procedures for construction and change of use)
Private Road Act	Procedure for obtaining permission for building a private road
Restitution of Development Gains Act	Restitution of development gains accruing from land (Persons subject to charges, standards for imposition of charges, etc.)

Special Cases and Support Acts Concerning Establishment of Factories

Law	Content
Act on Special Measures for the Promotion of Venture Business	Special cases for laboratory factory, and venture businesses and founders within a business incubator
Act on Special Cases concerning Support for Technoparks	Special cases for factory establishment in a technopark
Framework Act on Small and Medium Enterprises	Scope of small and medium entrepreneurs
Small and Medium Enterprises Promotion Act	Special cases concerning establishment of factories by small enterprises

Environment Related Laws

Law	Content
Clean Air Conservation Act	The Clean Air Conservation Act defines the types of pollutant discharging facilities subject to notification and permission, and defines the "type" of workplaces according to the amount of pollutant emissions.
Water Environment Conservation Act	
Noise and Vibration Control Act	
Waste control Act	Wastes are sub-categorized considering the hazardousness, etc., and the methods of discharging and treating wastes in business places are specified.
Environmental Impact Assessment Act	When developing land of a certain size or larger by area, the site feasibility and environmental impact should be assessed.
Chemical Substances Control Act	Regulations on safety management in places handling chemical substances, preventative management of hazardous chemical substances, preparation and response to chemical accidents
Act on Registration, Evaluation, etc. of Chemicals	Regulations on matters related to the registration of chemical substances, evaluation and assessment of the hazardousness and risks of hazardous chemical substances, and designation of hazardous chemical substances

Tax Support

Law	Content
Restriction of Special Taxation Act	<ul style="list-style-type: none"> • Tax incentives for national taxes (income tax, corporate tax) <ul style="list-style-type: none"> - Tenant companies, start-up companies, companies relocating to a non-metropolitan area, etc., in industrial complexes • Tax incentives for local taxes (acquisition tax, property tax) <ul style="list-style-type: none"> - Foreign-invested companies
Restriction of Special Local Taxation Act	<ul style="list-style-type: none"> • Tax incentives for local taxes by acquisition of real estate (acquisition tax, property tax, etc.) <ul style="list-style-type: none"> - Tenant companies, start-ups, knowledge industry centers, companies relocating to a non-metropolitan area, etc. in industrial complexes



Priority Zones for Foreign-Invested Companies

Industrial sites such as free economic zones, foreign investment zones and free trade zones are designated for the support of foreign investors, and such sites are provided for sale or for lease. These areas are subject to tax relief as well as site support when certain requirements are met. Also, in some cases, the restrictions applied in accordance with related laws are exempted.

01. Foreign Investment Zone

There are three types of foreign investment zones: complex-type, individual-type and service-type. Complex-type and individual-type zones provide low rent and additional rent and tax reduction is provided when certain requirements are met. Service-type zones provide subsidies for rent but no tax reduction or exemptions.

Designated Foreign Investment Zones

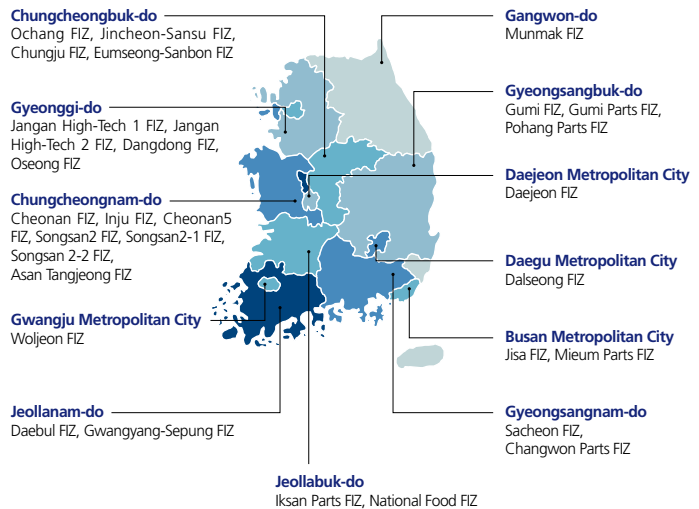
As of end-July 2020

	Complex-type	Individual-type	Service-type
Number of FIZs	30	77*	3

* An official count is announced after March 2023.

Complex-type Foreign Investment Zones

As of end-July, 2022



※ For individual FIZs, refer to the Korea Industrial Complex Corporation website (www.kicox.or.kr) 

Rent in Foreign Investment Zones

As of end-December 2021

Complex	Monthly Rent (KRW/m)	Complex	Monthly Rent (KRW/m)	Complex	Monthly Rent (KRW/m)
Cheonan (Chungnam)	336	Dalseong (Daegu)	258	Munmak (Gangwon)	249
Daebul (Jeonnam)	79	Gumi Parts (Gyeongbuk)	166	Jincheon Sansu (Chungbuk)	144
Sacheon (Gyeongnam)	248	Oseong (Gyeonggi)	323	Songsan 2 (Chungnam)	290
Gumi (Gyeongbuk)	183	Pohang Parts	127	National Food (Jeonbuk)	126
Ochang (Chungbuk)	250	Iksan Parts	103	Chungju (Chungbuk)	160
Jangan 1 (Gyeonggi)	289	Changwon Nammun Parts	451	Songsan 2-1 (Chungnam)	290
Inju (Chungnam)	178	Miuem Parts	500	Gwangyang Sepung (Jeonnam)	248
Dangdong (Gyeonggi)	383	Cheonan 5 (Chungnam)	207	Songsan 2-2	290
Jisa (Busan)	477	Wouljeon (Gwangju)	(1st)244 / (2nd)265	Daejeon	384
Jangan 2 (Gyeonggi)	303	Tangjeong	630	Seongbon	202

02. Free Economic Zone

A free economic zone is an area designated to create a business-friendly environment for foreign-invested companies and improve the living conditions for its employees. In an FEZ, various regulations are eased to ensure autonomous business activities. This area is also used as a special economic zone where various incentives are offered to actively attract foreign investment.

Saemangeum (FEZ status lost in April 2018) is a project area that is directly developed and supported by the government under the Special Act on Promotion and Support for Saemangeum Project, and in this area, land is supplied at a low price and flexible land utilization plan is applied.

Free Economic Zones in the Country & Saemangum

As of end-December 2021



Incheon / Incheon International Airport/ Incheon Port
ighly efficient business environment and advanced logistics, medical service, education and high-tech industries, supported by the world-class Incheon International Airport, port infrastructure, and international business complex



Chungbuk Province / Cheongju Int'l Airport
High accessibility due to location in central inland area, hub of IT and BT convergence industries with solar-power, semiconductor and bio clusters, pursuing to become hub of Northeast Asia's aircraft maintenance industry



East Coast / Yangyang International Airport, Eastern Port
Rich in non-ferrous metal resources, hosted the 2019 Pyeongchang Winter Olympics, largest non-ferrous metal cluster in Korea, center of green materials business and marine tourism, has international logistics and business complexes



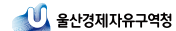
Gyeonggi/Pyeongtaek
Located at the center of the Pan-Yellow Sea Economic Bloc and a hub of international cooperation. Import/Export base with China through Pyeongtaek Port and developed as knowledge-based special economic zone. Pursuing a high-tech cluster of global corporations.



Daegu-Gyeongbuk / Daegu International Airport
The region is the center of Korea's key industry cluster including the top domestic automobile parts production, IT/SW industry, medical and steel industries, and offers abundant human resources.



Saemangum
The area aims to become a center of free trade and tourism based on a solid industrial foundation (e.g., Gunsan industrial complex)



Ulsan port / Ulsan Airport
Energy hub of Northeast Asia and planning to attract hydrogen businesses (hydrogen cars, fuel cell, parts manufacturing, R&D performance assessment, hydrogen city)



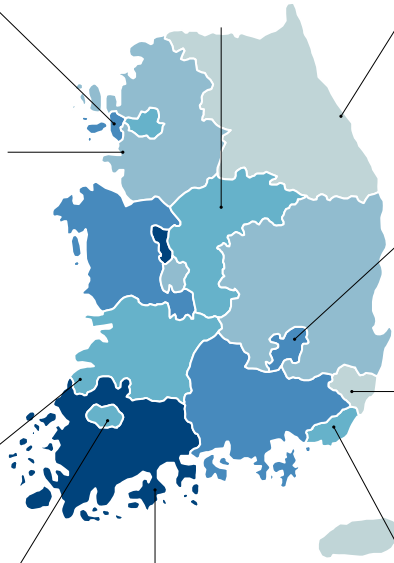
Gwangyang Bay / Yeosu Airport, Gwangyang Port
Strategically located in the heart of the Pacific ocean route, this area is known for its scenic natural environment and infrastructure for convenient production and logistics. Its vision is to become an international trade city that combines new industries with cultural tourism.



Busan, Jinhae Gimhae Int'l Airport, Busan New Port
Busan Port, the world's 6th largest port by volume, is the largest logistics hub in Korea and linked to major feeder ports in Japan, China and Russia. It is the center of shipbuilding, automobile and machinery clusters and also a resort and leisure destination.



Gwangju Airport / Mokpo Port
A hub of new convergence businesses based on AI and partnership, which plans to attract businesses in AI, future cars, smart energy and biomedicine



03. Free Trade Zone

A free trade zone is a special region in which free manufacture, logistics, distribution and trade activities are guaranteed, and various benefits such as tax and rent reduction/exemption and facility support are provided for foreign investment pursuant to relevant laws. In particular, because tariff is deferred in the areas, it has the optimal conditions for import/export activities.

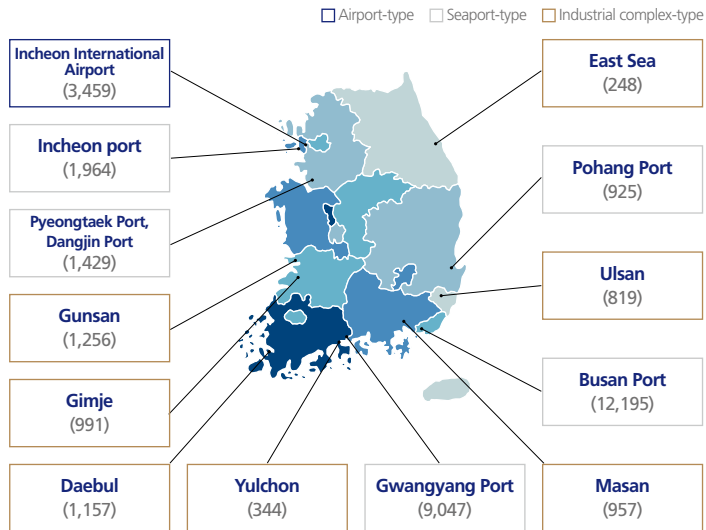
Overview of Free Trade Zones



* Source: Study on the reinforcement of special economic zones for attracting foreign direct investment, Korea Institute for Industrial Economics and Trade, 2013

Free Trade Zones in the Country

As of end-September 2021 (Unit: 1,000 km²)



IN DETAIL

Tenancy is permitted to foreign-invested companies, manufacturing and knowledge-based businesses, companies reshoring to Korea, companies in import and export wholesale whose portion of export among sales was 50% or more for one year or longer during the three preceding years. In addition, companies providing service such as loading, unloading and transportation and public organizations are eligible to move in.

※ Related law: Article 10 of the Act on Designation and Management of Free Trade Zones

04. Other Sites

① Areas focused on maintaining investment

In addition to sites designated to attract foreign investment, Saemangeum, enterprise cities, Jeju Special Autonomous Province, and high-tech investment zones offer various incentives as they have been respectively designated under relevant laws to attract domestic and foreign investments.

② R&D, technology and industry clusters

Clusters designated for a specific R&D, technology or industry are designated individually or on existing industrial complexes, and are operated based on relevant laws. In such clusters, incentives are provided for eligible businesses. Also, in some cases, if there are industrial sites within a cluster, a manufacturing business, a specialized business or a related business may move in together. Each cluster is operated and managed based on its basic management plan, so check in advance the relevant area's regulations on tenancy and management for eligibility for occupancy.

Cluster	Designated areas	Related statutes
Hi-tech medical complexes	Daegu-Shingseo innovation city Chungbuk-Osong life science park	Special Act on the Designation and Support of Hi-Tech Medical Complexes
R&D clusters	Daejeon, Gwangju, Daegu, Busan, Jeonbuk	Special Act on the Development of R&D Clusters
International science and business belt	Sindong, Dungok, and Doryong zones in Daedeok Innopolis	Special Act on Establishment of and Support for International Science and Business Belt
Specialized complex for ppuri industries	33 regions, including the Ansan plating business cooperative	Act on the Promotion and Sophistication of Ppuri Industries
Logistics complex	23 logistics complexes under operation in Gangneung	Act on the Development and Management of Logistics Facilities

※ The designated areas are not limited to the ones listed above.

CORPORATE
BUSINESS

Procedure

PART 6

Visa

- How to Enter Korea
- Procedure for Issuance of a Business Investment (D-8) Visa
- Exclusive Visa-Related Services for Foreign Investors
- Reservation of Visitation for Foreign Residents
- Visa Application by Status of Stay
- Favorable Immigration Policies
- Long-term Residence and Permanent Residence for Large Investors and Executives
- Investment Immigration for Public Business
- Real Estate Investment Immigration

In principle, a foreigner should obtain a visa in advance in order to enter the Republic of Korea. Unauthorized entry and departure is not permitted even for a person who obtained a visa or is eligible for no visa entry, which means every person must go through the immigration declaration process at the border, airport and seaport, and entry may be prohibited because of a failure to meet any of the requirements therein. In addition, a foreigner who intends to stay in Korea for more than 90 days should file for alien registration at the immigration office in the jurisdiction of the place of residence or regional immigration service.



Visa Guide
for Investing
in Korea 2023
(KOTRA)



How to Enter Korea

A foreigner can enter Republic of Korea through one of the following procedures:

< 1 >

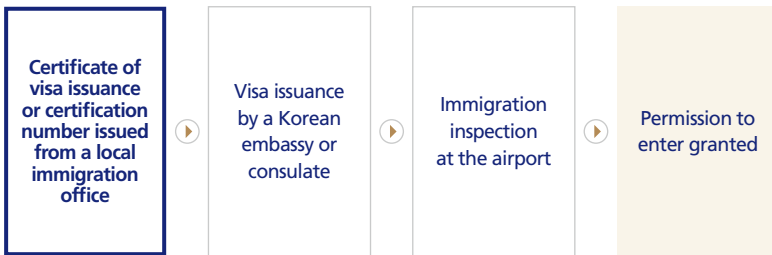
Obtaining a visa from a diplomatic mission abroad



< 2 >

When necessity for visa is recognized before visa issuance

Entry into Korea is permitted by obtaining a certificate of visa issuance (or certification number) from a local immigration office having jurisdiction over the address of the inviter in advance and submitting it to an overseas diplomatic mission.

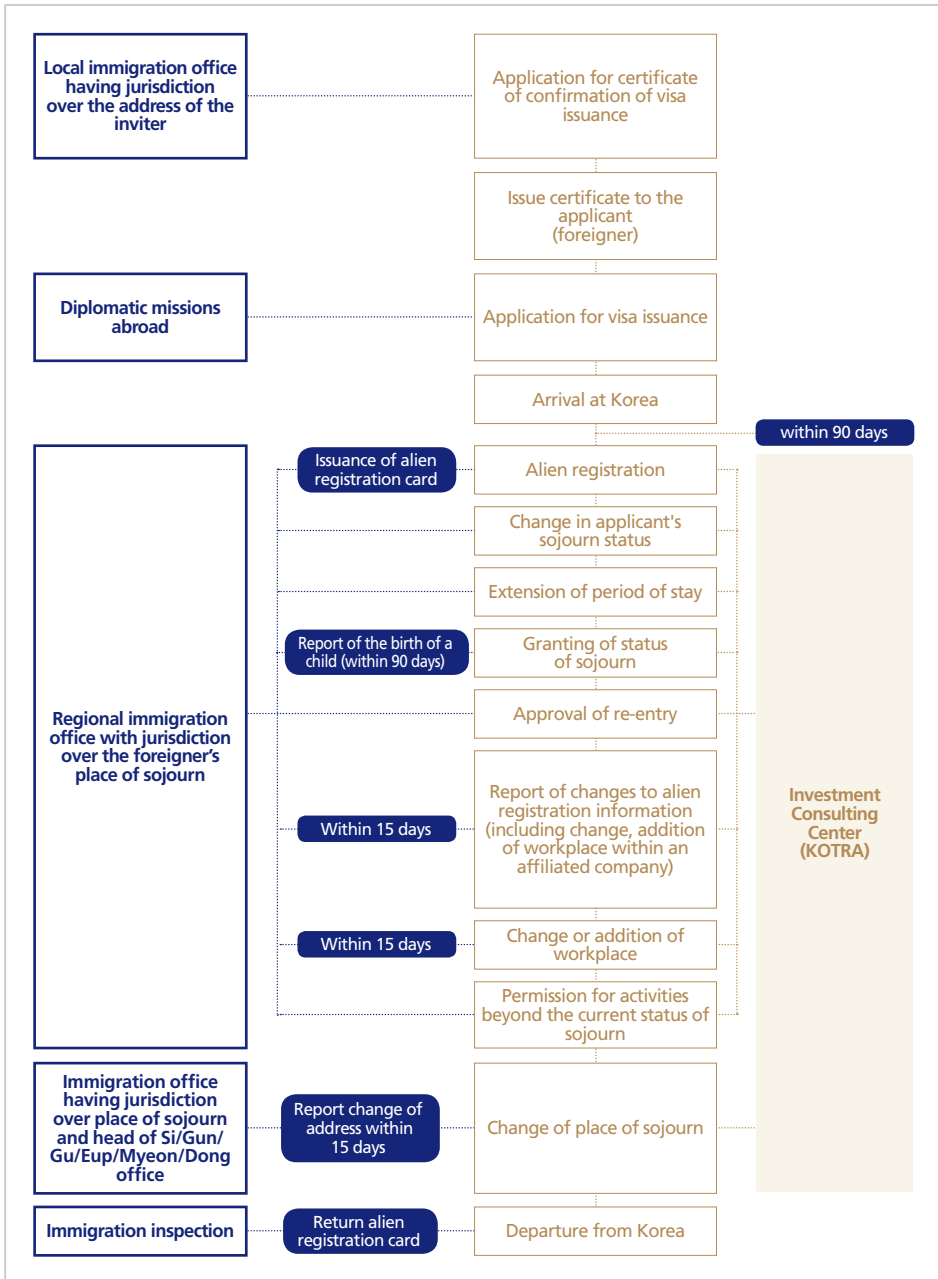


< 3 >

Arriving at Korea without a visa and obtaining a status of stay and period of stay at immigration inspection at the airport

Applicable only to nationals of countries with a visa exemption agreement with Korea and nationals of countries where Korea grants no-visa entry.

Procedure for Issuance of a Business Investment (D-8) Visa



01. Issuance of Visa

① Procedure

The Minister of Justice has the authority to issue a visa although this authority may be delegated to the heads of overseas diplomatic missions as prescribed by Presidential Decree. In this regard, there are three methods of entry for foreigners: by obtaining a visa issued at a diplomatic mission abroad; by obtaining the status and period of stay through immigration inspection after entry where a foreigner is a short-term visa holder or is from a country with a visa waiver agreement; by obtaining a visa issuance certificate (or certification number) from a regional immigration office in the jurisdiction of the inviting party's residence and submitting it to an overseas diplomatic mission.

② Method of Visa Issuance

- The head of an overseas diplomatic mission issues a visa upon acceptance of application. In this case, the types of visas that can be issued is limited to the ones delegated by the Minister of Justice
- A foreigner who plans to enter Korea can apply for a visa or receive a visa issuance certificate or certification number from a regional immigration service with jurisdiction over the inviter's address following an application made by the inviter. In the case of the latter, a foreigner can obtain a visa by submitting an application stating the visa issuance certification number to the head of an overseas diplomatic mission.

→ Validity of visa issuance certificate: 3 months

02. Alien Registration

A foreigner with a long-term visa which permits a stay of longer than 90 days must apply for alien registration within 90 days of the date of entry to a local immigration office having jurisdiction over his/her residence.

03. Change of Status of Sojourn

In order for a foreigner to engage in activities that are not permitted under the previously granted status of stay, he/she must obtain permission to change the status of sojourn in advance. A foreigner who engages in other activities without permission may be punished with a fine not exceeding KRW 20 million or receive a deportation order.



INFORMATION

① Extension of Period of Stay

In order for a foreigner to stay beyond the period previously approved, he/she must obtain approval of extension of the period of stay prior to its expiration. The application for approval to extend the period of stay shall be accepted from four months prior to the expiration date, in principle.

② Foreigner Born in Korea

A foreigner born in Korea without a status of sojourn must acquire a status of sojourn within 90 days from the date of birth.

③ Obligatory Self- Application by Foreigners

All visa-related applications should be made by the foreigner himself/herself. If a foreigner is under 17 or where there are special circumstances due to illness, family affairs or business, a legal agent or an agent duly delegated by the foreigner can make the application. Even where an agent makes an application, the foreigner should be residing in Korea. It is not permitted for a foreigner residing overseas to apply for visa-related permits through an agent in Korea.

④ Restriction of Application Through an Agent and Cancellation of Permission

The head of a local immigration office can restrict application through an agent where it is necessary to have the applicant attend in person to assess the cause of application for a stay permit, the sojourn status of the applicant, etc. If it is revealed that an agent filed an application for stay-related permissions through false or unlawful means, the permission may be cancelled or changed.

04. Reporting Changes

① Change of Workplace

A foreigner who plans to change or add his/her workplace within his/her status of sojourn must obtain an approval of change or addition of workplace in advance. However, a foreigner who possesses professional knowledge, technology, and skills (publicly notified by the Ministry of Justice) may apply for approval within 15 days of the day of the change/addition of workplace. A workplace which hires or brokers the employment of a foreigner without the approval may be subject to a fine not exceeding KRW 10 million or be deported.

② Activities Beyond the Ones Permitted Under the Status of Stay

In order for a foreigner to engage in activities beyond the ones permitted under his/her status of stay, he/she must obtain a permission for the activities. A foreigner who engages in other activities without permission may face a fine not exceeding KRW 20 million or a deportation order.

③ Change of Residence

A foreigner who changes his/her place of residence must report the change to the head of the Si/Gun/Gu/Eup/Myeon/Dong office or to a local immigration office with jurisdiction over the new place of residence within 15 days of moving into the new place of residence. Failure to do so can result in a fine not exceeding KRW 1 million.

④ Obligations of Employers of Foreigners

When an employer who hires a foreigner eligible for employment with visas such as short-term employment (C-4) to vessel crew (E-10) and Work and Visit (H-2) has dismissed the foreigner, or when the foreigner resigns, dies, goes missing or important matters in the terms of employment are amended, the employer shall report such fact to the head of the competent local immigration office within 15 days of becoming aware of such circumstances. Failure to do so may result in a fine not exceeding KRW 2 million.

KOTRA's Visa Services for Foreign Investors

KOTRA's Investment Consulting Center assists foreign investors with all matters pertaining to their visa and stay permits. Immigration officials are dispatched from the Ministry of Justice to handle matters such as change of the status of stay, extension of the period of stay, issuance of reentry permit, granting of the status of stay to children born in Korea, alien registration, report of the change of alien registration information, reporting a change in place of residence, and change or addition of workplace, regardless of the jurisdiction.

In addition, the Seoul Immigration Office's Investment Support Center (accessible also from Seoul Nambu Immigration Office) also provides visa related services exclusively to foreign investors to handle matters concerning stay permits and extension of the period of stay.

Reservation of Visitation for Foreign Residents

For the convenience of foreign residents, immigration offices in Korea operate a reservation system for visits regarding status of stay. Foreigners can log onto the Hi-Korea website to reserve the time and date, and visit the immigration office to receive prompt services.



INFORMATION

Immigration Contact Center: 1345 without the area code

- Information on visa & stay in Korea and various stay permits

Hi-Korea: hikorea.go.kr

- Manual for visa and stay in Korea and the status of stay, services including reservation for visits to apply for status of stay

Visa Application by Status of Stay

01. Business Investment (D-8) Visa

① Eligibility

A D-8 visa is issued to indispensable professional specialists engaged in the management, business administration, production, or technology of a foreign-invested company, or to a person who establishes a start-up enterprise with industrial property rights or intellectual property rights from its proprietary technology, and has been certified as a venture business.

- A person who has been dispatched to a foreign-invested company in Korea from its overseas parent company as an indispensable professional specialist can apply for a business investment visa. Employees of an affiliated company as well as the headquarters may be dispatched to the local company, but a document proving the affiliation should be submitted, and the dispatched period should be indicated on the dispatch order.
- Where a company is incorporated and operated after bringing in investment funds (10% or more of the invested company's stocks with voting rights should be owned) of KRW 100 million or more from overseas, the investor can apply for a business investment visa.
- An indispensable professional specialist includes executives, senior managers, and specialists engaged in management, business administration, production and technology. Those who are engaged in tasks that are generally replaceable in Korea are excluded.

IN DETAIL

Indispensable professional specialists

• Executive

Those who primarily direct organizational management within an organization, exercise extensive authority in decision-making, and receive only general command and supervision from the BOD and shareholders as their companies' executives. (Executives may not directly perform tasks related to the actual supply of services or their organizations' services)

• Senior Manager

Those who establish and enforce corporate and departmental goals and policies; have authority over planning, directing and supervision; have the right

to hire, dismiss or recommend employees; decide, supervise or control other supervisors, professionals and managers; or exercise discretion in daily operations (not including first-line supervisors of non-professional service providers or those who directly provide services)

• Specialist

Those with a high level of professional and exclusive experience and knowledge necessary for research, design, technology and management of their companies' services

- Where to apply: Immigration office with jurisdiction over the applicant's residence or the foreign-invested company's location

② Where Change to D-8 in Korea is not Permitted

Foreigners who entered Korea for a group tour or tourism purposes, nations of certain countries (France, Ireland, U.K.) who entered Korea with a short-term visit visa (C-3) for group tour or tourism purposes, foreigners staying in Korea with an industrial trainee visa (D-3), a non-professional employment visa (E-9), crew employment visa (E-10), a working visa (H-2), miscellaneous (G-1), or a working holiday visa (H-1) cannot apply for change of status of stay to business investment (D-8) visa in Korea.

③ Change of Status of Stay and Alien Registration

Foreigners qualified for a business investment (D-8) visa such as indispensable professional specialists engaged in the management, business administration, production or technology of a foreign-invested company are eligible to apply for a change of status of stay. A foreigner who obtained a business investment (D-8) visa or received permission to change his/her status of stay can apply for foreigner registration.

④ Extension of Period of Stay

The documents to be submitted for applying for extension of the period of stay are similar to those required for change of status of stay, and the required documents may differ depending on the performance of the foreign-invested company, etc.

★ DOCUMENTS

For change of the status of stay and alien registration

[Where the company is established by a foreign company]

- **Integrated application form** (Attached form 34 of the Enforcement Rules of the Immigration Act) / **Passport, color ID photo for passport**
- **Tuberculosis (TB) test certificate for nationals from high TB-burden countries** (issued by the local community health center)
- **List of high TB-burden countries (35 countries)**
Nepal, Timor-Leste, Russia, Malaysia, Mongolia, Myanmar, Bangladesh, Vietnam, Sri Lanka, Uzbekistan, India, Indonesia, China, Cambodia, Kyrgyzstan, Thailand, Pakistan, Philippines, Laos, Kazakhstan, Tajikistan, Ukraine, Azerbaijan, Belarus, Moldova Republic, Nigeria, South Africa, Ethiopia, Democratic Republic of the Congo, Kenya, Mozambique, Zimbabwe, Angola, Peru, Papua New Guinea
- **Copy of certificate of foreign-invested company registration / Copy of business registration certificate / Certificate of incorporation registration issued in the past three months / Dispatch order in the case of employees dispatched to Korea** (issued by the head office or the overseas corporation (previous workplace) and with a specified period) **and certificate of employment** (issued by the head office or the overseas corporation (previous workplace))
- **Document certifying qualification as an indispensable professional specialist (one of the following):** Technical certifications (for engineers), certificate of career, company organizational chart, diploma
- **Documents on sales records (import and export records) -** Certificate of tax payment (including corporate tax, earned income tax, and value added tax)
- **Copy of place of residence certification** (residential lease agreement, etc.) / **Original copy of specification of change in shareholders**
- **Document certifying introduction of investment funds:** Permission (or declaration) to carry out foreign currency issued by the tax office or bank of the investor's home country (if applicable), Specification of introduced investment funds (certificate of remittance, certificate of purchasing of foreign currency, customs declaration) / **Copy of office lease contract**
- **Report on foreigner's occupation and annual income**
- **Certification of income, certificate of school enrollment**

※ More or fewer documents may be required according to the business and investment type.

[Where the company is established by a foreigner]

- **Integrated application form** (Attached form 34 of the Enforcement Rules of the Immigration Act) / **Passport, color ID photo for passport**
 - **Tuberculosis (TB) test certificate for nationals from high TB-burden countries** (issued by the local community health center)
 - **List of high TB-burden countries (35 countries)**
Nepal, Timor-Leste, Russia, Malaysia, Mongolia, Myanmar, Bangladesh, Vietnam, Sri Lanka, Uzbekistan, India, Indonesia, China, Cambodia, Kyrgyzstan, Thailand, Pakistan, Philippines, Laos, Kazakhstan, Tajikistan, Ukraine, Azerbaijan, Belarus, Moldova Republic, Nigeria, South Africa, Ethiopia, Democratic Republic of the Congo, Kenya, Mozambique, Zimbabwe, Angola, Peru, Papua New Guinea
 - **Copy of certificate of foreign-invested company registration / Copy of business license / Certificate of incorporation registration issued in the past three months / Original copy of specification of change in shareholders / Copy of place of residence certification** (housing lease agreement, etc.) / **Copy of office lease contract / Document certifying introduction of investment funds / Photos of place of business** (an overall view of business place, office space, signboard, etc.) / **Document certifying business experience in the relevant industry or field (if necessary) / documents evidencing remittance of investment fund into the country: Permit (report) of foreign currency taken out of the country issued by the customs office or a bank of a foreign country / Incoming remittance details (if remitted) or customs declaration (if hand-carried) / Certificate of purchase of foreign exchange**
 - **Documents on sales records (import and export records, if applicable);** Certification of completion of export declaration (import and export permit), **Certification of VAT tax base, Details of expenditure of investment fund:** Receipt for purchasing goods, expense for office interior design, details of deposit & withdrawal of a domestic bank account, etc.
 - **Report on foreigner's occupation and annual income**
 - **Certification of income, certificate of school enrollment**
- ※ More or fewer documents may be required according to the business and investment type.

02. Foreigner of Special Ability (E-7) Visa

An E-7 visa is issued to a foreigner who works in a certain professional field (85 types) where professional knowledge, technology and skills are required for the enhancement of national competitiveness. A foreigner who has worked on a contract basis for a Korean company with certain qualifications can acquire this visa upon applying for confirmation of visa issuance. In the event that there is a limited availability of professional technicians in a high-tech field, a change of the status of stay may be permitted.

02. Spouse or Family (F-3) Visa

This visa is issued to the spouse and underage children of foreigners who qualify for a business investment (D-8) visa, and accompanied family members' period of stay is granted until the expiration date of the D-8 visa holder's stay. (If the expiry of the passport of accompanied family members is before the visa expiration date, the period of stay shall be until the expiry of the passport.)

IN DETAIL

Documents required for visa application

If the period of validity of domestically issued documents is not stated, the period is considered to be three months from the date of issuance. If deemed necessary for the assessment of an applicant's qualifications, the head of the local immigration office may request additional documents.

★ DOCUMENTS

For change of the status of stay and alien registration

- **Integrated application form** (Attached form 34 of the Enforcement Rules of the Immigration Act), **passport, color ID photo for passport / Tuberculosis (TB) test certificate for nationals from high TB-burden countries** (issued by the local community health center) / **A copy of D-8 holder certificate of alien registration / Document evidencing the place of stay** (housing lease contract, etc.) / **Certificate of attendance of elementary, middle or high school** (for children aged between 6 and 18)
- **Certification of income, certificate of school enrollment**
- **Handling fee** (KRW 100,000 for change of status (for administration fee), Alien registration card issuance fee KRW 30,000 (cash only))
 - ※ **More or less documents may be required to check the qualification of the applicant.**

For extension of the stay

- **Integrated application form** (Attached form 34 of the Enforcement Rules of the Immigration Act) / **Passport, color ID photo for passport / Tuberculosis (TB) test certificate for nationals from high TB-burden countries** (confirmation issued by the local community health center) / **A copy of D-8 holder's certificate of alien registration / Proof of place of stay** (real estate lease contract, etc.) / **Certificate of attendance of elementary, middle or high school** (for children aged between 6 and 18)
- **Certification of income, certificate of school enrollment**
- **Handling fee** (KRW 60,000 for extension)
 - ※ **More or less documents may be required to check the qualification of the applicant.**



INFORMATION

Business Investment (D-8) Visa

Status of stay	Qualified persons and scope of permitted activities
Business investment (D-8)	A. Indispensable professional specialists intending to engage in the management, business administration, production, or technology of a foreign-invested company who is recognized by the Minister of Justice [excluding persons who invested in a company (excluding corporations) managed by a foreigner and persons employed in Korea.]
	B. Among persons who established a venture business pursuant to Article 2-2 (1) 2 (c) of the Act on Special Measures for the Promotion of Venture Businesses, a person who received confirmation as a venture business pursuant to Article 25 of the same Act or a person who is the equivalent and recognized by the Minister of Justice.
	C. One of the following persons who own an intellectual property right or an equivalent technology, and who are recognized as a business start-up recognized by the Minister of Justice
	1) A person who obtained an associate degree or higher in Korea
	2) A person who obtained a bachelor's degree or higher from overseas
	3) A person who is recognized as owning advanced technology such as intellectual property rights by the head of the related central government agency and recommended.

→ Source: Attached tables 1, 1-2, 1-3 of the Enforcement Decree of the Immigration Act

Favorable Immigration Policies

The Korean government provides favorable treatment to foreign investors in relation to their arrival, departure, and stay in Korea. Foreign investors can receive favorable immigration-related services, permanent residence if qualifications are met, and permission to hire foreign housekeepers. In addition, services for changing the status of stay, alien registration, and extension of the period of stay can be processed in the same day for maximum convenience.

01. Favorable Treatment of D-8 Visa Holders

A business investment (D-8) visa holder can use the exclusive immigration fast track and is exempt from processing fees concerning status of stay.

- List of fee exemptions: Issuance of alien registration card (KRW 30,000), permission for extension of the period of stay (KRW 60,000), permission to change status of stay (KRW 100,000), re-entry permit (KRW 30,000-50,000)

→ The processing fees for granting of permission of activities beyond the current status of stay (KRW 120,000) or issuance of certificate of confirmation of alien registration (KRW 2,000) are not exempted.

02. Immigration Priority Card

An Immigration Priority Card is issued for the management of the overseas headquarters or Asian local headquarters of a foreign-invested company who meet certain qualifications. The cardholder can take advantage of the exclusive immigration fast track and the exclusive security checkpoint, etc.

Requirements for the Issuance of Immigration Priority Card

Business	Foreign-invested amount (notification basis)
Manufacturing	At least USD 15 million
Finance and Insurance	At least USD 50 million
Retail and wholesale, Logistics, Warehousing	At least USD 5 million
Others	At least USD 10 million
Research and Development	
Businesses accompanying technologies for new growth engine industries	At least USD 2 million

→ The arrived investment amount should be at least 50% of the notified amount to renew the expired Immigration Priority Card.

Application and contact: KOTRA's Foreign Investor Support Center 02-3497-1741

Long-term Residence and Permanent Residence for Large Investors and Executives

01. Long-term Residence (F-2) Visa

A long-term residence (F-2) visa is granted to those who have invested at least USD 500,000 and resided in Korea for three years or longer on a business investment (D-8) visa, and executives who have been dispatched to a foreign-invested company from a foreign company which has invested at least USD 500,000 in Korea and have resided in Korea for three years or longer after an evaluation process.

→ An F-2 visa can be granted to an employer who has invested at least USD 300,000 and hired two or more Korean employees.

02. Permanent Residence (F-5) Visa

A permanent residence (F-5-5) visa is granted to a foreign investor who has invested at least USD 500,000 and hired five or more Korean employees. Executives of a foreign-invested company can also apply for a permanent residency visa. A permanent residency for special contribution (F-5-12) visa shall be granted to executives (auditors and directors only) who have been dispatched to a foreign-invested company which has invested at least USD 5 million and have resided in Korea for at least three years, after an approval by the Minister of Justice.

→ Permanent residence can be granted to one executive per every 10 Koreans employed as full-time employees, while the maximum number of executives granted permanent residency is 10 per company.

Investment Immigration for Public Business

Under this permanent residence granting system for large investors, a foreigner who invested KRW 500 million or more in Korea is granted a status of stay (F-2) that allows free economic activities, which is changed to a permanent residence (F-5) visa if he/she maintains the investment for at least five years. The visa is granted to the foreigner's spouse and unmarried underage children as well. An F-5 visa is also granted to a foreigner who invests KRW 1.5 billion or more and pledges to maintain the investment for five years or longer, and to his/her spouse and unmarried underage children as well.

Procedure of Conditional Approval of Permanent Residence to Large Investors



IN DETAIL

Investment Immigration for Public Business

- For investing in a principal-guaranteed interest-free fund designated by the Minister of Justice for five years or longer

A financial loan product for smart factory establishment using the investment immigration fund is offered by the Ministry of Justice and the Korea Development Bank to support SMEs' smart factory establishment.

- The fund guarantees the principal and the investment can be recovered at any time. The approved status of sojourn, however, shall be forfeited when all (or part) of the investment is collected.

※Contact: Global Talent Visa Center of the Ministry of Justice 032-740-7788, 7600

Real Estate Investment Immigration

A foreigner who invested KRW 500 million or more in a resort facility designated and notified by the Minister of Justice is granted a status of stay (F-2) that allows free economic activities, which is changed to a permanent residence (F-5) visa if he/she maintains the investment for at least five years.

IN DETAIL

Real Estate Investment Immigration/ Source: www.visa.go.kr

1. Maintaining Investment

Investment qualifications are forfeited if investment facilities are leased to another person, pledged as collateral, seized or sold. An investor who loses his/her investment qualifications shall be deemed an unregistered alien and thus unable to stay in Korea with an investment visa.

2. Employment or Economic Activities

An investor with a real estate investment immigration (F-5) visa is free to engage in employment, economic activities, and study, but is prohibited to operate or be employed in business regarding speculative acts or offensive acts against public morals.

3. Period of Permit for Re-entry

Investors who registered as an alien must enter Korea at least once a year or their alien registration shall be cancelled.

4. Extension of Period of Stay

An investor with an investment visa should enter Korea before the expiration of the period of stay and obtain permission to extend the period from an immigration office or his/her alien registration shall be cancelled.

5. Contact:

Immigrant Investor Center in the Ministry of Justice (032-740-7888) / Immigration Contact Center (1345)

Frequently Asked Question & Answer

Q 01 What is the difference between a visa and a status of stay?

The status of stay refers to a legal status allowing an alien to stay in Korea and engage in certain activities. The Immigration Act grants certain rights depending on the status of stay, which is divided into 36 categories. In this sense, a visa and a status of stay can be considered virtually identical.

**BUSINESS IN
KOREA
2023**





02

CORPORATE
BUSINESS

Incentive

- Tax Reduction and Exemption
- Foreign Investment Zones
- Cash Grant
- R&D Support
- Management Support



CORPORATE
BUSINESS

Incentive

**PART
1**

Tax Reduction and Exemption

- Eligibility and Procedure
- Benefits

The Korean government provides incentives in the form of reductions and exemptions of taxes including acquisition tax, property tax, customs duty, and value-added tax for foreign investors in order to promote investment and national economic development through the transfer of advanced technologies. Tax reductions or special provisions on taxation are also provided to foreign engineers and workers.

◆ Tax Reduction and Exemption for Foreign Investment under the Restriction of Special Taxation Act

Recipient	Tax reduction and exemption	Related law
Foreign-Invested Company	Reduction/exemption of acquisition tax and property tax on acquired or held real estate	Restriction of Special Local Taxation Act, Article 78-3
	Exemption from customs duty, individual consumption tax, and value-added tax by bringing in capital goods	Restriction of Special Taxation Act, Article 121-3 (1), (2)
Foreign Engineer	50% of Income tax reduction and exemption (for 10 years)	Restriction of Special Taxation Act, Article 18
Foreign Worker	Flat tax rate of 19% (for 20 years)	Restriction of Special Taxation Act, Article 18-2

Eligibility and Procedure

01. Eligible Businesses

Businesses eligible for tax reduction and exemption are defined in Article 121-2 of the Restriction of Special Taxation Act and Article 116-2 of the Enforcement Decree of the Act.

Eligible Businesses (related law)	Investment Requirements, etc.	
	Business	FDI Amount
-Technologies for new growth engine industries and source technologies -Technology for materials and production processes directly related to new growth engine industries and source technologies ※ Attached Table 7 of the Enforcement Decree of the Restriction of Special Taxation Act, Attached Table 14 of the Enforcement Rules of the Act	A manufacturing facility is installed or operated for the business	At least USD 2 million
	Manufacturing, etc.	At least USD 30 million
Companies in a foreign investment zone (individual-type) as prescribed by Article 18 (1) 2 of the Foreign Investment Promotion Act and companies in a free trade zone, Jeju Advanced Science and Technology Complex, Jeju Investment Promotion Zone, etc. that have undergone review and received approval by the relevant committee ※ Companies in former free export zones are granted the same tax reduction as companies in a Foreign Investment Zone (individual-type)	Tourism	At least USD 20 million
	Resort	
	International conference facilities	
	Youth training facilities	At least USD 10 million
	Logistics	
SOC	At least USD 2 million	
R&D	At least USD 30 million	
Joint venture	At least USD 30 million	

Eligible Businesses (related law)	Investment Requirements, etc.	
	Business	FDI Amount
Companies in a free economic zone ※ Article 2 subparagraph 1 of the Special Act on Designation and Management of Free Economic Zones	Manufacturing	
	Tourism	
	Resort	At least USD 10 million
	International conference facilities	
	Youth training facilities	
	Logistics	At least USD 5 million
	Medical institutions	
	R&D	At least USD 1 million
		Total development projects worth at least USD 500 million with: - Foreign investment of at least USD 30 million or; - Foreign investment ratio of at least 50%
		Total development projects worth at least USD 100 million with: - Foreign investment of at least USD 10 million or; - Foreign investment ratio of at least 50%
Companies in a foreign investment zone (complex-type) as prescribed by Article 18 (1) 1 of the Foreign Investment Promotion Act	Manufacturing	At least USD 10 million
	Logistics	At least USD 5 million
	Manufacturing, etc.	At least USD 10 million
Companies in an enterprise city development zone ※ Article 2 subparagraph 2 of the Special Act on the Development of Enterprise Cities	Logistics	At least USD 5 million
	R&D	At least USD 2 million
		Total development projects worth at least USD 500 million with: - Foreign investment of at least USD 30 million or; - Foreign investment ratio of at least 50%
Businesses or development project entities in the Saemangeum project area ※ Article 2 and 8 of the Special Act on Promotion and Support for Saemangeum Project	Manufacturing	At least USD 10 million
	Tourism	
	Logistics	At least USD 5 million
	R&D	At least USD 1 million
		Total development projects worth at least USD 500 million with: - Foreign investment of at least USD 30 million or; - Foreign investment ratio of at least 50%
Businesses for which a tax reduction or exemption is inevitably allowed ※ Article 10 (1) 2 and 5 of the Act on Designation and Management of Free Trade Zones	Manufacturing	At least USD 10 million
	Logistics	At least USD 5 million



INFORMATION

Technologies for New Growth Engine Industries and Source Technologies

Category	Field
Future vehicles	Autonomous vehicles, electric vehicles
Intelligent information	Artificial intelligence, IoT, cloud, big data, wearable smart appliances, IT convergence, blockchain, quantum computer
Next-generation software & security	Software technology, convergence security
Content	Realistic content, cultural content
Next-generation electronic information devices	Intelligent semiconductors and sensors, materials for semiconductors, etc., high-performance displays like OLED, 3D printing, AR devices
Next-generation broadcasting and telecommunication	5G & 6G mobile telecom, UHD
Bio & health	Bio-medicine, compound medicine, medical devices, healthcare products, biotechnology for agricultural, marine and food products, materials for biocosmetics
New energy business, Environment	ESS, new and renewable energy, enhancement of energy efficiency, greenhouse gas reduction, carbon capture and sequestration, nuclear energy, recycling
Convergence materials	High performance textiles, ultra-light metal, hyper-plastic, titanium, copper alloy, molybdenum, alloy steel, functional elastic & adhesive material
Robots	High-tech manufacturing robots, medical robots, service robots, robots in general
Aerospace	Unmanned vehicles, space technology
High-tech materials, parts & equipment	High-tech materials, parts & equipment
Carbon neutrality	Carbon capture, use and storage, hydrogen and new and renewable energy, industrial process, energy efficiency, transport

※ Related law: Attached Table 7 of the Enforcement Decree of the Restriction of Special Taxation Act (Amended Feb. 15, 2022)

Technologies for Materials and Production Processes Directly Related to New Growth Engine Industries

Type Classification	Technology
Material Technology	High-density semiconductor material technology
	Flexible conductive material technology
	Micro-LED material technology
	Battery material technology for electric vehicles
	Material technology for functional smart sensors
	Technology for carbon composite new materials
	Multi-material technology for 3D printing (green, medical, and aesthetic use)
	High performance chemical new material technology
	Technology of micro-bio semiconductor materials for genetic tests
	Organic-Inorganic Hybrid Nano-Materials technology
Process Technology	Super Engineering Plastic (SEP) material technology
	Intelligent power semiconductor module technology
	Production technology of wide and flexible OLED
	Technology for machining and processing of metallic materials
	Functional (thermostable, ultra-small) lens resin and manufacturing process technology
	Technology for improving the precision of OLED material patterns

※ Related law: Attached Table 14 of the Enforcement Rule of the Restriction of Special Taxation Act (Newly Inserted, Mar. 17, 2017)

02. Procedure

A foreign-invested company that wishes to receive tax reduction or exemption or alter the reported details of its business subject to tax reduction or exemption shall file an application for tax reduction or exemption with the Minister of Strategy and Finance (with the administrative authority of a free trade zone when the company is in an FTZ).

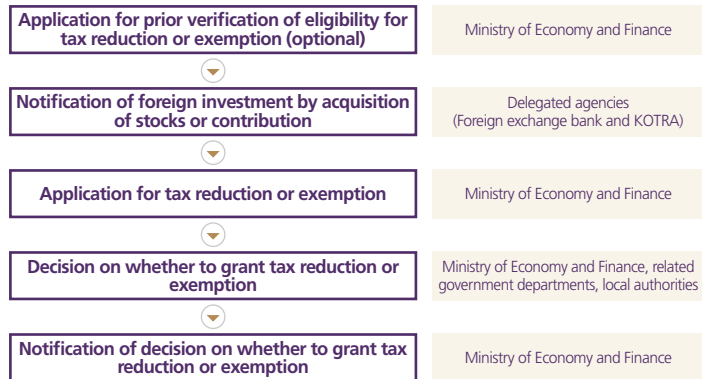
※ Related law: Article 121-2 (6) of the Restriction of Special Taxation Act

The International Economic Affairs Bureau of the Ministry of Economy and Finance accepts applications for tax reduction and exemption. A foreign investor who wishes to apply for tax reduction/exemption and file FDI notification at the same time may file the application with an FDI notification at the same time at a foreign exchange bank (delegated agency) or KOTRA.

※ Related laws: Article 51-3 of the Enforcement Rules of the Restriction of Special Taxation Act and Public Notice no. 2017-10 of the Ministry of Economy and Finance (April 4, 2017), Article 5 (2) of the Regulations Defining Tax Exemptions for Foreign Investment

In the case of new investment, an application for tax reduction or exemption shall be filed by the end of the taxable year to which the business commencement date belongs. Where the details of the business that is granted tax reduction or exemption are altered, an application for change shall be filed by no later than two years from the date the grounds for the relevant alteration occurred.

Application procedure for tax reduction and exemption



★ DOCUMENTS

Application for tax reduction/exemption or change of information

- **Notification form** (Attached Form 1 of the Enforcement Rules of the Foreign Investment Promotion Act: Notification form of foreign investment by acquisition of stocks or contribution and application for approval)
 - **Application for tax reduction or exemption or application for change of information** (Attached Form 80 of the Enforcement Rules of the Restriction of Special Taxation Act)
 - **Documents demonstrating or explaining in detail the reasons for filing the application for tax reduction or exemption or the application for change of information.**
- Required documents prescribed by attached Table 2 of the Regulations Defining Tax Exemption for Foreign Investment
- **Copy of business registration certificate / Certificate of foreign-invested company registration**

* Submit 3 copies of each document.

① Advance verification of eligibility for tax reduction and exemption

A foreign investor may request advance verification of whether a business he/she intends to operate is eligible for tax reduction or exemption before he/she/it notifies FDI. Since the verification confirms simply whether the technology is subject to tax reductions or exemptions and the effect of the decision is invalid, an application for tax reduction or exemption should be filed after notifying FDI.

※ Related law: Article 121-2 (7) of the Restriction of Special Taxation Act

② Decision to grant tax reduction or exemption and notice thereof

The Minister of Economy and Finance shall examine whether the relevant application meets the standards for tax reduction or exemption and make a decision on whether to grant the reduction or exemption or whether to approve any revision to the particulars of reduction or exemption within 20 days of receiving the application, following a negotiation with the relevant Minister and the head of the local government. The Minister shall notify the decision to the applicant, the Commissioner of National Tax Service, the Commissioner of Korea Customs Service and the head of the local government. However, an extension of the review period by up to 20 days is allowed in inevitable cases.

③ Preliminary notice of ineligibility for tax reduction or exemption

The Minister of Economy and Finance shall, when intending to determine a business as not eligible for tax reduction or exemption upon receiving an application for tax reduction or exemption, give preliminary notice of such determination within 20 days of the date of application. The applicant may file a request in writing for a review of the appropriateness of the determination thus notified within 20 days of the date on which the notice has been delivered, with supporting materials attached thereto. The Minister shall make a decision on whether to grant the reduction or exemption or whether to approve any revisions to the particulars of reduction or exemption within 20 days of the date on which the request was delivered and notify the applicant of the result thereof.

※ Related law: Article 121-2 (8) of the Restriction of Special Taxation Act, Article 116-3 (1) to (6) of the Enforcement Decree of the Act

IN DETAIL

Documents certifying the reasons for filing the application for tax reduction or exemption (for tax reduction or exemption for altered business, or verification of whether a business is eligible for tax reduction or exemption)

※ Related law: Public notice no. 2017-10 of the Ministry of Economy and Finance, April 4, 2017 and attached Table 2 of the Regulations Defining Tax Exemptions for Foreign Investment

★ DOCUMENTS

Advance verification of eligibility for tax reduction and exemption

- Application for advance verification of eligibility for tax reduction or exemption
(Attached Form 81 of the Enforcement Rules of the Restriction of Special Taxation Act)
- Document demonstrating or explaining in detail the reasons for filing the application for tax reduction or exemption or the application for amending the details of tax reduction or exemption
 - Required documents prescribed by attached Table 2 of the Regulations Defining Tax Exemption for Foreign Investment

*Submit 3 copies of each document.

Check List



Checklist for Application for Tax Reduction or Exemption for New Growth Engine Industry

Checkpoints	YES	NO
<p>1. Is the technology included in attached Table 7 of the Enforcement Decree of the Restriction of Special Taxation Act or the list in attached Table 14 of the Enforcement Rules of the same Act? (specify the details in the application for tax reduction or exemption)</p> <p>Example: The technology falls under '3. Visual recognition technology' under 'a. Artificial intelligence' of '2. Intelligent information' in attached Table 7 of the Enforcement Decree of the Restriction of Special Taxation Act (technologies for new growth engine industry technologies)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Are the documents proving that the technology is one that accompanies a new growth engine business that is essential for upgrading the domestic industrial structure and enhancing domestic industries' global competitiveness submitted?</p> <ul style="list-style-type: none"> Patent rights, certificate of authorized institution, certificate of passing test, evaluation documents, documents that can prove quality of technology, etc. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Is a description of the technology submitted?</p>		
① Summary (1-2 p) of the essence of the technology?	<input type="checkbox"/>	<input type="checkbox"/>
② Description of technical features and its details	<input type="checkbox"/>	<input type="checkbox"/>
③ Statement of the scope of the business that is intended to be operated	<input type="checkbox"/>	<input type="checkbox"/>
<p>4. Are the documents proving that a factory facility (place of business) will be installed or operated to run a business accompanying the technology submitted?</p>		
① Documents describing the manufacturing method and process chart and process chart (for manufacturing businesses)	<input type="checkbox"/>	<input type="checkbox"/>
② Documents certifying the location of the factory that produces products using the technology, etc.	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Is there a business related to the new growth engine industry (related business)?</p> <ul style="list-style-type: none"> Documents such as production methods and process charts for businesses subject to tax reduction/exemption and its related businesses. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is a notification of foreign investment by acquisition of stocks or contribution submitted?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7. Are the Korean translations of the documents submitted in English or a foreign language submitted as well?</p>	<input type="checkbox"/>	<input type="checkbox"/>

* Source: Ministry of Economy and Finance

Benefits

01. Reduction/ Exemption of Acquisition Tax and Property Tax

The property acquired and owned by a foreign-invested company to operate a reported business is eligible for a reduction of, or exemption from, acquisition tax and property tax.

Tax Reduced/Exempted on: Property Acquired or Held since the Date of Business Commencement

Tax	Business	Period and Ratio of Reduction/ Exemption
Acquisition Tax and Property Tax	Deliberated and voted upon by each committee for the companies in the new growth engine industry and businesses in individual-type Foreign Investment Zone	Full exemption of amount of tax eligible for reduction or exemption (amount of tax eligible for deduction) for 5 years from the date the business commenced, and 50% of tax reduction or exemption for 2 years thereafter (deduction from the tax base)
	Companies and project entities in FIZs (Complex-type), FEZs Jeju Investment Promotion Zone, enterprise city development zone, Saemangeum project area, FTZs, etc.	Full exemption of amount of tax eligible for reduction or exemption for 3 years from the date the business commenced, and 50% of tax reduction or exemption for 2 years thereafter

※ Related law: Article 78-3 (1) of the Restriction of Special Local Taxation Tax

IN DETAIL

Exception: Real estate acquired and held before the business commencement date

Even if business has not been commenced yet, real estate acquired on or after the date on which decision to grant tax reduction/exemption are exempted from acquisition tax for acquisitions subject to tax reduction/exemption. In the case of property tax, the first day of the reduction/exemption period shall be the 'real estate acquisition date', not the 'business commencement date' when calculating the tax reduction/exemption period.

※ Related law: Article 78-3 (2) of the Restriction of Special Local Taxation Act

Extension of Local Tax Reduction under Ordinance

Where a local government extends the reduction or exemption period up to 15 years under ordinances prescribed by Article 4 of the Restriction of Special Local Taxation Act or raises the reduction/exemption ratio within the scope of the extended period, the extended period or ratio shall be observed, despite the above reduction and exemption regulations prescribed by Article 78-3 of the Restriction of Special Local Taxation Act.

02. Exemption of Customs Duty, Individual Consumption Tax, and VAT for Capital Goods

Customs duties, individual consumption tax and value-added tax are exempted on capital goods imported through notification of foreign investment by acquisition of newly-issued stocks, etc., among the following capital goods that are used in a business subject to tax reduction or exemption, under the Restrictions of Special Taxation Act.

- Capital goods brought in by a foreign-invested company with a foreign or domestic means of payment obtained as equity investment from a foreign investor
- Capital goods that are brought in by a foreign investor as an object of investment

※ Related law: Article 121-3 of the Restriction of Special Taxation Act

① Application

Where a company which was granted tax reduction or exemption intends to apply for exemption of customs duties, individual consumption tax, and value-added tax for capital goods importation, it shall file an application for exemption with the head of the relevant customs office and attach the required documents.

② Period

To receive tax exemption on capital goods, import declaration under the Customs Act should be completed within five years of the day of filing an FDI notification pursuant to the Foreign Investment Promotion Act. However, if import declaration cannot be completed within the abovementioned period before the above period due to inevitable circumstances such as delay in approval of factory establishment, an application for extension can be filed to the Minister of Economy and Finance before the period expires and extend the period by one year (total of six years).

③ Exception

Exemption is not granted for investments where the existing stocks or shares issued by a company operated by a national or corporation of the Republic of Korea are acquired.

★ DOCUMENTS

Exemption of customs duty, individual consumption tax, and VAT for capital goods

- Application form
(Attached Form 83 of the Enforcement Rule of the Restriction of Special Taxation Act)
- Copy of a document proving that the business is subject to tax reduction/exemption (decision to grant tax reduction/exemption)
- Copy of a document certifying that the capital goods are imported as an international means of payment or an object of investment
- Copy of confirmation of specification of imported capital goods

※ Related law: Article 51-5 of the Enforcement Rules of the Restriction of Special Taxation Act

Additional Collection of Reduced/Exempted Customs Duty and Local Taxes

Cause for additional collection	Tax	Amount subject to additional collection
Cancellation of registration or business closure	Customs duties, individual consumption tax, VAT, acquisition tax, property tax	Tax reduced or exempted for 5 years retroactively from the date of cancellation of registration or business closure (3 years for customs duty)
Transfer of shares to a Korean national or company	Customs duties, individual consumption tax, VAT	Tax reduced or exempted for the value of capital goods that exceed the foreign investment amount remaining after the transfer, among tax reduced or exempted for 3 years retroactively from the date of transfer
	Acquisition tax, property tax	Tax reduced/exempted for 5 years retroactively from the date of transfer multiplied by the transfer ratio of shares, etc.
Where the requirements on payment for objects of investment, introduction of loans, or number of employees are no longer satisfied within 5 years of the date on which foreign investment was notified (3 years in the case of employment related requirements)	Customs duties, individual consumption tax, VAT, acquisition tax, property tax	Tax reduced or exempted for 5 years (3 years in the case of employment related requirements) retroactively from the date on which foreign investment was notified (3 years in the case of employment related requirements)
Where the object of investment is disposed of or used for purposes other than those notified	Customs duties, individual consumption tax, VAT	Tax reduced or exempted for capital goods used for purposes other than those notified or are disposed of for 5 years (3 years in the case of customs duties) retroactively from the date of import declaration acceptance
Where the ratio of stocks, etc. held by a foreign investor falls short of the foreign investment ratio at the time of granting tax reduction or exemption	Acquisition tax, property tax	Collected amount = Taxes reduced or exempted for 5 years retroactively from the date on which the ratio of stocks, etc. is no longer satisfied x the ratio of shares, etc., that falls short of the required ratio

※ Related law: Article 121-5 of the Restriction of Special Taxation Act, Article 116-8, 9 of the Enforcement Decree of the Act

④ Additional Collection of Reduced or Exempted Tax and Exceptions

Where any of the events prescribed by the Restriction of Special Taxation Act occur in relation to the company that is eligible for tax reduction or exemption, customs duties and local taxes are additionally collected by the head of the relevant customs office (or tax office) and the head of the local government. However, reduced or exempted tax is not additionally collected in cases of dissolution, etc. of a foreign-invested company due to merger.

Reasons for exclusion from additional collection of reduced or exempted tax are as follows.

- Where the registration of a foreign-invested company is revoked due to its dissolution by a merger
- Where a foreign-invested company uses any capital goods it imported with no customs duties, etc., and have used, but become unusable for their original purposes due to a natural disaster or other force majeure events, or depreciation, technological advancement, and other changes in economic conditions, and for other purposes than original ones, or disposes of such capital goods with approval of the Minister of Strategy and Finance
- Where a foreign-invested company transfers the stocks, etc., to a Korean national or corporation to go public under the Financial Investment Services and Capital Markets Act
- Where a foreign-invested company meets the relevant requirements for tax reduction or exemption by delivering the object of investment within the performance period extended by the relevant mayor/provincial governor under the Foreign Investment Promotion Act
- Where the purpose of tax reduction or exemption is deemed achieved, which is prescribed by Presidential Decree

※ Related law: Article 121-5 (5) of the Restriction of Special Taxation Act, Article 116-10 (2) of the Enforcement Decree of the Act

IN DETAIL

Foreign Engineers Eligible for Tax Support

1. A person who provides technology in the Republic of Korea under an engineering technology license agreement
2. Researchers working for a company-affiliated research center, government-contributed research facility, etc. (excluding persons only handling administrative matters).
 - Requirements: Persons owning a bachelor's degree or higher in science and engineering with five years or longer of research and development experience in an overseas university or research institute, who are not in a special relationship with the company to which service is provided.
 - Applicable period: Where the first day of providing labor in Korea is on or before Dec. 31, 2023

※ Related law: Articles 18 of the Restriction of Special Taxation Act, Article 9 of the Enforcement Rules of the Act

03. Tax Support for High-Quality Foreign Human Resources

① Income Tax Reduction/Exemption for Foreign Engineers

For wage & salary income provided to a foreign engineer in Korea, 50% of the income tax for wage & salary income received from the first day of providing service in Korea to the month in which 10 years elapse from such day shall be reduced.

② Special Taxation for Foreign Workers

For the income tax on wage & salary income received by a foreign worker (foreign executives or employees excluding daily workers) from the first day of providing service in Korea to the taxable period which ends within 20 years of such date, the amount calculated by multiplying 19% to the wage & salary income shall apply instead of applying the global income tax rate (6-45%).

③ Workers at a Regional Headquarters

The amount of income tax on wage & salary income that a foreign worker receives in return for his/her service in a regional headquarters prescribed by the Foreign Investment Promotion Act for 20 years from the first day of providing service in Korea can be the amount calculated by multiplying the wage & salary income with 19%.

※ Related law: Article 18-2 of the Restriction of Special Taxation Act

④ Application of Special Taxation

When filing a year-end tax return for wage & salary income or a finalized return of global income tax base, a foreign worker shall submit a wage and salary income earner's return on income deductions and tax credits under the Ordinance of the Ministry of Economy and Finance (attached form no. 8 of the Enforcement Rules of the Restriction of Special Taxation Act) to the withholding agent, taxpayers' union, or the head of a tax office having jurisdiction over the place of tax payment.

※ Related law: Article 16-2 of the Enforcement Decree of the Restriction of Special Taxation Act



INFORMATION

The Korean government abolished the corporate tax and income tax reduction/exemption scheme for foreign-invested companies at the end of 2018, but maintained the reduction/exemption scheme for local tax (acquisition tax, property tax), customs duty, individual consumption tax and VAT. However, for companies that were determined as eligible for corporate tax and income tax reduction/exemption, the determined reduction/exemption period is guaranteed for 2019 and beyond.

04. Tax Credit to be Applied Equally to Koreans and Foreigners

① Tax credit for start-up SMEs, etc.

For SMEs that were established as one of the 18 types of businesses prescribed by the Restriction of Special Taxation Act such as manufacturing, construction, restaurant, and mail order sales, 50 to 100% of corporate tax shall be reduced for five years since the year in which income first occurred (100% exemption can be granted depending on employment increase from the previous year)

Classification	Place of business	
	In overconcentration control zones in Seoul metropolitan area	Others
Start-up SMEs	-	50% reduction for 5 years
Start-up SMEs by young adults, start-ups with income of not more than KRW 80 mil.	50% reduction for 5 years	100% exemption for 5 years
High-tech start-ups, new energy tech business	50% reduction for 5 years	

1) Start-up SMEs by young adults: Where the age of the representative who is the largest shareholder at the time of establishment was between 15 and 34

2) Overconcentration control zones in the Seoul metropolitan area: All of Seoul, part of Incheon and Gyeonggi-do (refer to attached Table 1 of the Enforcement Decree of the Seoul Metropolitan Area Readjustment Planning Act)

※ Related regulations: Article 6 of the Restriction of Special Taxation Act, Article 5 of the Enforcement Decree of the Act

② Special tax reduction/exemption for SMEs

For SMEs prescribed by the Restriction of Special Taxation Act such as manufacturing, mining and construction, 5 to 30% of corporate tax is reduced according to the following criteria (reduction ceiling: KRW 100 mil.)

Business	Size of business	Location of place of business	
		Seoul metropolitan area	Others
Wholesale & retail, medical service	Small	10%	
Wholesale & retail, medical service	Medium	-	5%
General businesses subject to tax reduction/exemption	Small	20%	30%
General businesses subject to tax reduction/exemption	Medium	-	15%

1) Seoul metropolitan area: Seoul, Incheon, Gyeonggi-do

2) Small businesses refer to SMEs whose average sales does not exceed the ceiling for small businesses by business type, and other companies other than those are classified as medium companies (refer to attached Table 3 of the Enforcement Decree of the Framework Act on Small and Medium Enterprises)

※ Related regulations: Article 7 of the Restriction of Special Taxation Act, Article 6 of the Enforcement Decree of the Act

③ Tax credit for integrated investment

The amount of corporate investment in tangible assets for business (excluding land, buildings, vehicles, etc.) multiplied with the following tax credit rate is deducted from corporate tax.

Tax Credit	General Investment			Investment in New Growth Technology Commercialization Facility		
				Investment in National Strategic Technology		
	SMEs	Middle Standing	General	SMEs	Middle Standing	General
① Basic	10%	5%	1%	12%	6%	3%
				16%	8%	6%
② Additional	Where the investment exceeds the average investment over the preceding 3 years, 3% of the amount (4% for national strategic technology), up to 2 times the basic tax credit amount					

※ Related regulations: Article 24 of the Restriction of Special Taxation Act, Article 21 of the Enforcement Decree of the Act

④ Tax credit for R&D and human resources development expense

A certain amount of tax credit applies to a company's R&D expenses and human resources development expenses for corporate support.

	Tax credit details
Tax credit for R&D expenses	① Tax credit for R&D expenses for new growth technologies and source technologies - 20~40% (20~30% for large companies and companies of middle standing, 30~40% for SMEs)
	② Tax credit for R&D expenses for national strategic technology (semiconductor, battery, vaccine) - 30~50% (30~40% for large companies and companies of middle standing, 40~50% for SMEs)
	③ Tax credit for general R&D expenses: The larger of (㉑), (㉒) - ㉑ Current portion basis: R&D expenditure × 0 to 2% (15% within 3 years of expiration of the grace period for losing SME status, 10% for 2 years thereafter; middle-standing companies: 8%; SMEs: 25%) - ㉒ Incremental basis: (R&D expenditure for the relevant year – R&D expenditure for the preceding taxable year) × 25% (40% for middle-standing companies and 50% for SMEs)

※ Related regulations: Article 10 of the Restriction of Special Taxation Act, Article 9 of the Enforcement Decree of the Act

⑤ Tax credit for companies that increased employment

Where the number of full-time employees of a company increased from that of the previous taxable year, a certain amount (KRW 4 mil.-15.5 mil.) shall be deducted from corporate tax. And where there are employees transferred to regular employee status and employees who returned from childcare leave, additional tax credit shall apply for the relevant persons.

(Basic deduction) No. of increased employees x Tax credit amount

(Unit: KRW 10,000)

Employees	Tax credit amount			
	SMEs (3 yrs)		Middle-standing company (3 yrs)	Large companies (2 yrs)
	Seoul metropolitan area	Local areas		
Regular	850	950	450	-
Regular youth employees, disabled employees, employees aged 60 or older, career-interrupted women, etc.	1,450	1,550	800	400

※ Related regulations: Article 29-8 of the Restriction of Special Taxation Act, Article 26-7 of the Enforcement Decree of the Act

(Additional deduction) Persons transferred to regular employee status, employees returning from childcare leave x Tax credit amount (only for SMEs and middle-standing companies) (Unit: KRW 10,000)

Classification	Tax credit amount	
	SMEs(1 yrs)	Middle-standing company (1 yrs)
Employees transferred to regular employee status*, persons returning from childcare leave	1,300	900

※ Where an SME or middle-standing company transfers its fixed-term employees, part-time employees, dispatched employees, etc. employed as of Jun. 30, 2022 to regular employee status by Dec. 31, 2023.

⑥ Tax reduction/exemption for social insurance premium paid by SMEs

For a company that started one of the designated businesses* or established a new place of business (excluding relocation of existing business) in an industrial crisis zone no later than Dec. 31, 2023, 100% of corporate tax is exempted for five years starting from the year in which income occurred for the first time, and 50% of corporate tax shall be reduced for two years thereafter (for companies other than SMEs, a ceiling for reduction/exemption shall apply)

* Social insurance premium: National pension, employment insurance, industrial disaster compensation insurance, long-term care insurance

※ Related regulations: Article 99-9 of the Restriction of Special Taxation Act, Article 99-8 of the Enforcement Decree of the Act

⑦ Tax reduction/exemption for tenant companies in business cities, special zones for R&D, or other special industrial zones

Zone/Area	Related law	Corporate tax credit
R&D specialized zone	Article 12-2 of the Act on the Restriction of Special Taxation	
Enterprise cities, regional development zone	Article 121-17 of the Act on the Restriction of Special Taxation	
Jeju Island	Article 121- 8, 9 of the Act on the Restriction of Special Taxation	
Saemangeum investment promotion zone	Article 121-17 of the Act on the Restriction of Special Taxation	100% exempted for 3 years +
Yeosu specialized zone for marine fair	Article 121-17 of the Act on the Restriction of Special Taxation	50% reduction for 2 years
Asia Culture-Centered City Investment Promotion Zone	Article 121-20 of the Act on the Restriction of Special Taxation	
Financial service center	Article 121-21 of the Act on the Restriction of Special Taxation	
Advanced Medical Research Park	Article 121-22 of the Act on the Restriction of Special Taxation	



INFORMATION

Definition of Small and Medium-Sized Enterprise (SME)

An enterprise shall meet all the standards for size and independence to be classified as an SME.

1. Standard for Business Type

The company's main business shall not be a consumptive service business (e.g., hotels, motels, bars)

2. Standard for Size

Both the standard of size for each industry and upper limit standard must be satisfied.

- Size standard for each industry: Meet the standards of average sales of the main business for the last 3 years
- Upper limit standard: Less than KRW 500 billion of total assets regardless of business type

※ Refer to the size standard for average sales, etc. of each business category in attached Table 1 of the Enforcement Decree of the Framework Act on Small and Medium Enterprises

3. Independence Standard

A company shall not fall under any of the following:

- Company that belongs to a conglomerate subject to restrictions on mutual investment
- Company's total assets are at least KRW 500 billion (including a foreign corporation, with the exception of a non-profit corporation, etc.) which is the largest shareholder, directly or indirectly owning at least 30% of the total outstanding stocks, etc.
- An entity that belongs to an associate which does not meet the criteria for size by industry by summing up the average sales amount equivalent to the ratio of its investment.

* Period of suspension : When an SME no longer qualifies as such due to an expansion in size or exceeding the standard, it can be regarded as an SME for a specified period only once.

※ Related regulations: Article 6 of the Restriction of Special Taxation Act and Article 2 of the Enforcement Decree of the Act

Definition of Middle-Standing Companies

Companies of middle standing refers to companies that satisfy all the following conditions.

- The company is not an SME
- The company shall not operate consumptive service business, financial business, etc.
 - Hotels and motels, drinking places, financial business, insurance and pension business, finance and insurance-related service
- The company's separation of ownership and management (i.e., actual independence) does not fall under any one of the following:
 - ① The company belongs to a business group restricted from mutual investment
 - ② 30% or more of the company's shares are held by a company or corporation (including foreign corporations) that is the largest investor whose total assets are not less than the standard for designation as an enterprise group restricted from mutual investment (amount equivalent to 5/1,000 of GDP)
- The company's average sales over the preceding three taxable years are under KRW 300 billion.

※ Related regulations: Article 7-4 of the Restriction of Special Taxation Act, Article 6-4 of the Enforcement Decree of the Act



CORPORATE
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PART 2

Foreign Investment Zones

- Complex-type Foreign Investment Zone
- Individual-type Foreign Investment Zones
- Service-type Foreign Investment Zones

Matters concerning the designation, development, notification, management, and cancellation of designation of Foreign Investment Zones are stipulated by the Foreign Investment Promotion Act, which promotes FDI via location support policies. The types of foreign investment zones are classified into complex-type, individual-type and service-type. An FIZ shall be designated (announced) by the head of regional local governments after deliberation by the Foreign Investment Committee.

※ Related law: Article 18~20 of the Foreign Investment Promotion Act, Article 25 to 26-2 of the Enforcement Decree of the Act, Article 16 to 16-2 of the Enforcement Rules of the Act, Guidelines for Operation of Foreign Investment Zones (Public notice 2021-771, Ministry of Trade, Industry and Energy)

Only FDIs by acquisition of newly-issued stocks and long-term loans of five years or longer are recognized as meeting the requirements for moving into a foreign investment zone. The amount equivalent to acquisition of existing stocks or holding ratio by round-trip investment shall not be calculated as the amount of FDI.

Complex-type Foreign Investment Zone

A complex-type foreign investment zone (FIZ) is designated for lease or transferred exclusively to foreign-invested companies. The lease term is up to 50 years and must be renewed every 10 years. Companies moving into this type of zone are provided with low-cost rent and benefits such as rent reduction or tax reduction/exemption depending on the investment.

01. Type of Businesses Eligible for Occupancy

The categories of business eligible for occupancy in a complex-type FIZs are as follows, while the categories of business eligible to take occupancy in each zone shall be specified in a master plan for management.

- Businesses accompanying technologies for new growth engine industry (Restriction of Special Taxation Act)
- Categories of business with advanced technologies or advanced products (Industrial Development Act)
- Research institutes affiliated with enterprises and research and development service business (Special Act on Support of Scientists and Engineers for Strengthening National Science and Technology Competitiveness)
- Complex logistics terminal business (Act on Development and Management of Logistics Facilities) or joint collection & delivery center (Distribution Industry Development Act)
- Other categories of business that a management agency determines, taking account of the industrial characteristics of the relevant region.

02. Occupancy Requirements

Only companies registered as a foreign-invested company where the share of the foreign-invested company is at least 30% (50% for complex logistics terminal operation and joint collection & delivery centers). If a new factory facility (workplace) is constructed or new machine or device is installed in an existing building, the same corporation shall install factory facilities, machinery, and devices that can be separately accounted for in accounting, separate from existing factory facilities. In addition, no existing foreign-invested factory may be relocated. However, where it relocates from one FIZ to another, or where a foreign-invested company increases the foreign investment ratio to above 30%, such factory may be relocated with approval from the person having the authority to manage the relevant FIZ in an industrial complex.

03. Limit on Occupancy

The factory construction area should satisfy the standard area ratio of a factory of the relevant category of manufacturing business (12% or higher) and the limit on lease area for each company should be at least equivalent to the land price. In short, the limit on occupancy is the amount of funds that should be invested in accordance with the size of the area where the foreign-invested company intends to move into.

04. Rents and Rental Security Deposits

Annual rent in an FIZ shall be determined by multiplying the acquisition value (the officially assessed land price where the individual officially assessed land price exceeds the acquisition value) of the relevant FIZ by at least 1%. The rents for "a relocated company that has failed to fulfill the amount of foreign investment and the area for construction of a factory applied when determining the limit on occupancy", "a relocated company that has failed to meet the qualifications for occupancy" and "a relocated company that falls under any ground for termination of the occupancy contract" shall be determined by the Minister of Trade, Industry and Energy, following consultation with the Minister of Economy and Finance and the relevant mayor/provincial governor, in an amount calculated by multiplying the acquisition value by at least 5%.

Rental security deposits shall be the amount calculated by multiplying the acquisition value by at least 5% and should be paid in cash. Companies in an FIZ may instead request to replace cash payment with the submission of a guarantee insurance policy or payment certificate of a bank.

05. Reduction and Exemption of Rents

The rent reduction/exemption rate shall apply proportional to the investment amount that has been paid in full, and the number of employees one month before the issuance of notice for payment of shall be counted as the number of full-time workers. The rent for national and public properties shall be 5% or more of the acquisition amount but companies in FIZs may pay rent at 1% or more of the acquisition amount.

Reduction and Exemption of Rents for Companies in Complex-Type FIZs

Reduction rate	Business	Condition		Notes
		Investment amount	No. of full-time employees	
0%	Tenant company	Market rent (1% of acquisition amount)	-	-
75%	Manufacturing	At least USD 5 million	-	-
		At least USD 2.5 million	70-149	-
90%	Manufacturing	At least USD 2.5 million	150-199	-
100%	Manufacturing	At least USD 5 million	-	Companies in material and components complexes
		At least USD 2.5 million	200 or more	-
	Technologies for new growth engine industries	At least USD 1 million	-	-

* Rate of reduction means the reduction rate applying to the market rent, which is 5% of the acquisition amount (in case of rent for national or public property)

※ Related law: Article 19 of the Enforcement Decree of the Foreign Investment Promotion Act

06. Occupancy System for Suppliers

If a company in an FIZ requests that its supplier with no foreigner-held shares be permitted to occupy a part of its factory for the purpose of process shortening or cost reduction, it shall be permitted to move into the area after an evaluation by the evaluation committee and consent of the Minister of Trade, Industry and Energy. The lease contract shall be made within the remaining lease period and should be renewed every five years. The area occupied by a supplier shall not exceed 30% of the total building area of the factory of the relevant tenant company.

Individual- type Foreign Investment Zones

An individual-type FIZ is a tailored location for large-scale investors, and foreign investors can choose and designate the location of the investment zone.

01. Criteria for Designation

An FIZ shall be designated when new factory facilities (or place of business) are built or newly installed in existing buildings by the same corporation to install factory facilities, machines, facilities, and equipment that can be accounted for separately from existing factory facilities, or when buildings that have not been completed are acquired and business activities are conducted after obtaining approval to use the building.

02. Requirements for Designation

An FIZ can be designated when factory facilities (or place of business) are newly installed and the minimum investment requirement is met.

Minimum Investment	Type of Business
USD 30 million	Manufacturing, new growth engine industry technology, computer programming, system integration and management services, data processing, hosting, and other related service activities
USD 20 million	Resort condominium business, tourism (tourist hotel, floating tourist hotel, Korean traditional hotel), specialized resorts, general resorts, general amusement complexes, international convention facilities, youth training facilities
USD 10 million	Logistics terminal complexes, joint collection and delivery center, business operating a harbor facility, logistics business operated within a harbor hinterland complex, business operating an airport facility and logistics business operated within an airport zone, social infrastructure development through private investment business
USD 2 million	An R&D facility for operating an industry-supporting service business or business accompanying high technology under the Enforcement Decree of the Restriction of Special Taxation Act. The number of full-time research personnel with a master's degree or higher related to the business and at least 3 years' experience in research must be at least 10 persons.

※ Related law: Article 25 of the Enforcement Decree of the Foreign Investment Promotion Act

The amount of foreign investment that was executed before filing an application for designation shall be excluded. However, where it is recognized that the paid-in foreign investment amount was used to purchase real estate, etc. in the area in order to obtain designation as an FIZ, the investment shall be recognized as foreign investment. If two or more foreign investors are designated as an individual-type FIZ, they shall sign a contract on the obligation to implement and carry out their investment plans.

03. Application for Designation

To be designated as an individual-type FIZ, a mayor or provincial governor shall establish a designation plan including the documents below and submit them to the Minister of Trade, Industry and Energy.


04. Rent and Limit on Occupancy

The rent for an individual-type FIZ may be reduced by 100% if the Foreign Investment Committee decides that it will have a positive effect on the national economy. The maximum area to be occupied shall be not more than the area equal to the value of 50% of the amount invested by the tenant company.

05. Alteration of Designation

If changes are made to investment plans and designation notices after being designated as an individual-type FIZ, the designation notice must be changed after deliberation by the Foreign Investment Committee. However, minor alterations prescribed separately may be notified through prior consultation with the Minister of Trade, Industry and Energy.

※ List of designated individual-type foreign investment zones:

Refer to Major businesses ▶ FIZ operation page at www.kicox.or.kr 

★ DOCUMENTS

Designation Plan for an Individual-type Foreign Investment Zone

- Details of investment, scale of employment, and details of business of foreign-invested companies to take occupancy in the foreign investment zone
- Attached Form no. 2 of the Guidelines for Operation of FIZ

Viability of foreign investment to be induced / Funding plans / Plans for supporting major facilities in the foreign investment zone / Managing institution / The implementer of the development project / A land utilization plan and a plan for major infrastructure / Specified details of land, buildings, other articles or, if any, rights to be expropriated or used / Other matters prescribed by the Foreign Investment Committee

※ Related law: Article 25 (6) 2 of the Enforcement Decree of the Foreign Investment Promotion Act

Service-type Foreign Investment Zones

They refer to areas designated for lease or sale to a foreign-invested company that conducts a service business. Unlike manufacturing-oriented, complex-type foreign investment zones that require large-scale sites, service-type foreign investment zones such as research facilities are designed to support service businesses' demand for moving into areas and buildings.

01. Procedure of Designation

The Minister of Trade, Industry and Energy submits the mayor and provincial governor's designation plan to the Foreign Investment Working Committee after reviewing whether it satisfies the designation requirements. The mayor or the provincial governor shall attach a review report that comprehensively considers the feasibility of attracting foreign investment, the effect of regional development, job creation effects, etc., in addition to the anticipated effects of funding when submitting a plan to newly designate or expand a service-type FIZ in the region.

※ Related regulations: Attached form 3 of the Foreign Investment Zone Operation Guidelines

02. Requirements for Designation

The land or building to be designated should be available for immediate occupancy and the foreign-invested company's occupancy demand for which foreign investment notification was completed should be specified. However, if a certain area in a national or public property (including buildings) has been designated in advance, companies that completed foreign investment notification must account for at least 30% of the designated space.

03. Businesses Eligible for Move-in

Research and development (Natural science and engineering R&D business), finance and insurance, knowledge service (industrial development business), cultural industry (Framework Act on the Promotion of Cultural Industries), tourism business (Tourism Promotion Act, except for casino business)

04. Occupancy Requirements

Foreign-invested companies with an FDI ratio of 30% or more that completed foreign-invested company registration no later than the occupancy contract date are qualified as tenants.

Minimum Number of Employees in a Service-Type FIZ

Type of business	Minimum number of employees	Criteria for FDI
R&D	5 or more researchers	The FDI amount should be equal to or more than the price of the land or building to be leased.
Finance and insurance	15 or more researchers	
Knowledge service		
Culture		

- The number of employees is calculated based on the number of permanent workers and refers to the number of workers who have paid their wage & salary income tax per month under the Income Tax Act.
- In the case of a tourism business, the minimum investment should be at least the amount required for the individual-type FIZ pursuant to Article 25 (1) of the Enforcement Decree of the Foreign Investment Promotion Act.

※ Related law: Attached Table 3,4 of the Guidelines for Operation of Foreign Investment Zones

05. Lease

Where a site is for lease, an occupancy contract shall be made for a period not exceeding 10 years in total (50 years for R&D business). However, where a building is for lease, an occupancy contract shall be made for a period not exceeding five years in total. The occupancy contract may be renewed only once for a period not exceeding the previous lease period.

06. Building Rent Subsidies

The State or a local government may subsidize the rent for buildings in a service-type FIZ. In such case, the State or local government may subsidize an amount not exceeding 50% of the standard rent, but the standard rent shall not include the security deposit.

Frequently
Asked
Question
&
Answer

Q 01 If a company that moved into an FIZ increases capital to expand business without investment from a foreign investor and consequently its foreign investment ratio falls below 30%, therefore no longer satisfying the qualification for occupancy in an FIZS, should the company pay market rent?

If a tenant company in an FIZ increases domestic capital without decrease in the foreign investment amount to install factory facilities, machinery, equipment after implementing its business plan and consequently no longer satisfies its qualification for occupancy, the rent reduction rate that has been applied shall remain unchanged. However, in this case, the case, the FDI stock ratio of 10% or more should be maintained.

Q 02 What is the period for fulfillment of the project plan for the company with occupancy in an FIZ?

The period shall be five years from the occupancy contract date, and its implementation shall be determined with the remaining amount of foreign investment and the building area after the 5-year period.

Q 03 Is it possible for a foreign-invested company that meets the foreign investment limit by introducing a long-term loan to remain upon maturity of the loan? Is it also possible to reduce rent?

The redemption at maturity is allowed in accordance with the Foreign Investment Promotion Act, but if the company fails to meet the limit on occupancy by repaying the long-term loan, it shall be reason for cancellation and the rent shall be 5% of the acquisition price, which is the market price.

※ Current status of designated Complex-type FIZ: [Sites \(p.055\)](#) 

Q 04 What is the period for fulfillment of the project plan after moving into a service-type FIZ?

The period for fulfillment of the project plan (amount of foreign investment, area for construction of buildings, and minimum number of persons to be employed) of a relocating company shall be three years from the date the occupancy contract is concluded. On the other hand, the period shall be five years in case of the complex-type and individual-type FIZ.

Q 05 Can a company that move into a service-type FIZ benefit from tax reduction and exemption?

No tax support under the Restriction of Special Taxation Act is provided to a company in service-type FIZ.



CORPORATE
BUSINESS

Incentive

PART 3

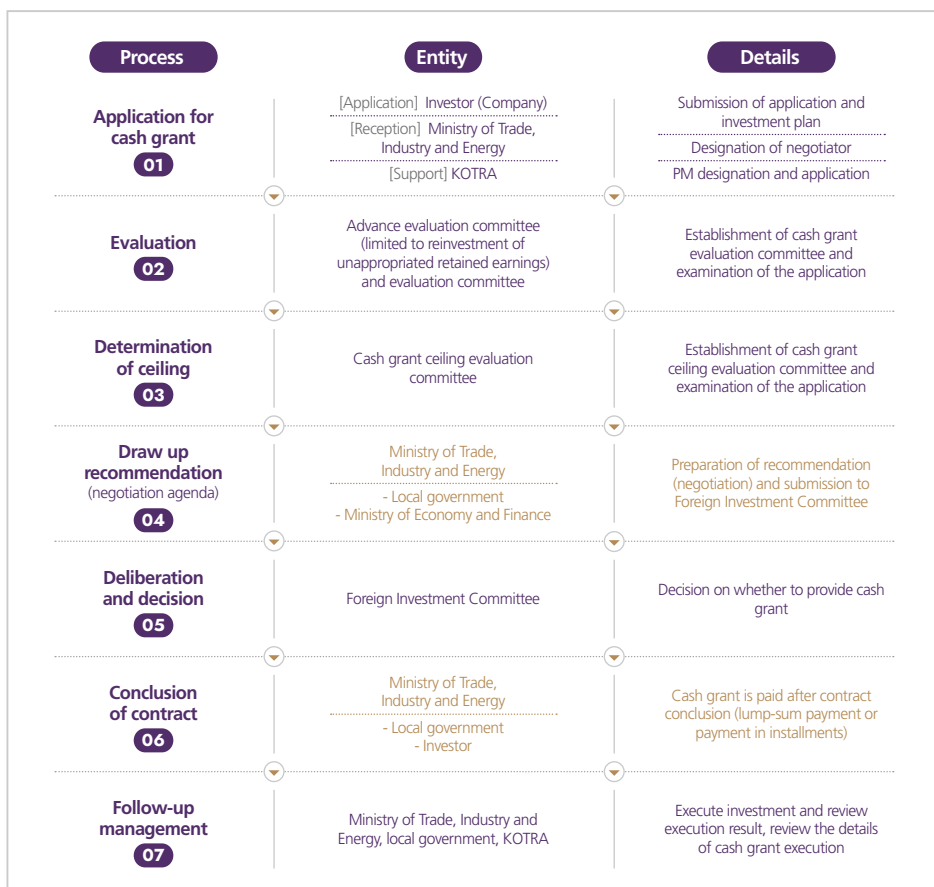
Cash Grant

- Eligibility for Cash Grant
- Support Provided
- Application Process

Cash grant is a system to provide part of the business cost in cash after a deliberation and negotiation process for companies which operate a business accompanying new growth engine technology, a business involving high technology and high-tech products, a materials and components business, a business creating large-scale employment, or a business establishing an R&D center or regional headquarters, to promote FDI which contributes significantly to the national economy.

◆ Process

An application shall be submitted to The Ministry of Trade, Industry and Energy (Department of FDI Promotion) with support from KOTRA's overseas investment hub offices, Invest Korea or the local government. The FDI Cash Grant Support Center in Invest Korea and its project managers (PM) provide consultation on whether or not the requirements are met, and the application and screening procedures.



★ DOCUMENTS

Application for cash grant

- **Application form** (Attached form No. 11-3 form of the Enforcement Rules of the Foreign Investment Promotion Act)
- **Investment plan and summary of plan**
- **Financial statement of the applicant** (including the financial statement of the foreign-invested company in case of subsequent investment)
- **Details and certificate of investment funds by source / Certificate of foreign investment notification** (where the investment has been notified)
- **Where the PM's opinion on FDI is required, a PM's comments**

※ Related law: Guidelines for operation of cash grant system, Article 6

Eligibility for Cash Grant

Foreign investment through acquisition of new shares (including foreign investment through the use of unappropriated retained earnings) shall be eligible for cash grant. The foreign investment ratio should be 30% or higher, and investments through long-term loans are not eligible.

01. New Growth Engine

Technologies for new growth engine industry and source technology, materials processing technology directly related to new growth technology

※ Related law: Industries under Article 121-2 (1) 1 of the Restriction of Special Taxation Act, attached Table 7 of the Enforcement Decree of the Act, attached Table 14 of the Enforcement Rule of the Act

02. High Technology

Construction or expansion of factory, etc. for high technology and high-tech product industry

※ Related law: Article 5 of the Industrial Development Act, Public notice no. 2022-36 by the Ministry of Trade, Industry and Energy, attached Table 1 - Scope of high technology and high-tech product

03. Materials and Components

Textile, pulp, chemicals, medicine, rubber, plastic, non-metallic minerals, primary metals, metal processing, electronic components, computers, imaging, audio, and communication equipment, medical, precision and optical instruments, electrical equipment, machinery and equipment, automobiles and trailers, other transportation equipment, furniture, etc.

※ Related law: Article 2 of the Act on Special Measures for the Promotion of Specialized Enterprises, etc. for Materials and Components, attached Table 1 of the Enforcement Rules of the Act

04. Job Creation

Manufacturing, construction, transportation, information service businesses that employ 300 or more; wholesale, lodging, financial insurance, specialized science and leisure service businesses that employ 200 or more; education service and other individual service businesses that employ 100 or more; real estate industry and leasing businesses that employ 50 or more.

※ Related law: Article 20-2 (4), attached Table 2 of the Enforcement Decree of the Foreign Investment Promotion Act

05. R&D Center

Any new or existing research facility with five or more research-dedicated employees (those with a master's degree or higher in related fields or a bachelor's degree or higher and at least three years' research experience) in fields related to new growth engine technology business, advanced technologies and products, and raw materials, parts, and equipment business

※ Related law: Article 14-2 (1) 5 of the Foreign Investment Promotion Act

06. Regional Headquarters

The Minister of Trade, Industry and Energy may designate an establishment as a local headquarters after undergoing deliberation by the Foreign Investment Committee when a global company establishes a business hub for supporting or adjusting key functions such as production, sales, logistics, and personnel management of two or more overseas subsidiaries. The requirements for designation is that the average turnover of its parent company over the preceding five years shall be at least KRW 3 trillion; its parent company shall directly or indirectly own at least 50% of the total number of voting stocks; and it employs 10 or more full-time workers for the core function of the business.

※ Related law: Article 9-3 of the Enforcement Rules of the Foreign Investment Promotion Act

07. Others

Where local specialized industry and specialized industry of cooperative inter-region play a central role in creating jobs and strengthening competitiveness of the relevant region and are recognized to contribute to regional economic development.

※ Article 2 Subparagraph 4, 5 of the Special Act on Balanced National Development

Support Provided

- Purchase costs of, or rental charges for, land or buildings for establishing a factory facility or research facility
- Building costs of a factory facility or research facility
- Purchase costs of capital goods, research equipment and materials to be used for projects or research at a factory facility or research facility
- Installation costs of infrastructure, such as electricity and communications facilities necessary for establishing a factory facility or research facility
- Employment subsidies or education and training subsidies

※ Related law: Article 20-2 of the Enforcement Decree of the Foreign Investment Promotion Act

Comparison of Allotment Ratio of Financial Fund between Central and Local Government

Items	Seoul Metropolitan Area (central: local government)	All regions outside the Seoul Metropolitan Area (central: local government)
Funds for purchase of land or rent	30:70	60:40
Employment subsidies or education and training subsidies	50:50	

※ For businesses in high-tech industries and R&D and businesses involving national strategic technology, the percentage borne by the central government can be raised by 10%.

Application Process

01. Application Documents

A foreign investor wishing to receive a cash grant should submit documents such as cash grant application and investment plans, as well as a PM's comments on the cash grant to the Ministry of Trade, Industry and Energy.

02. Review of Application

An evaluation committee consisting of the PM from Invest Korea and professionals from the Ministry of Trade, Industry and Energy and local government shall be held to evaluate eligibility for cash grant. The level of technology and the technology transfer effect (as technology evaluation), whether the foreign investment overlaps with any domestic investment (as industrial evaluation), and the viability of investment (as financial evaluation) shall be evaluated.

03. Determination of Cash Grant Ceiling

A cash grant ceiling evaluation committee consisting of related negotiators and at least two public professionals shall be held to calculate the ceiling of cash grant considering the possibility of investment outside of Korea, job creation effect and the quality of employment, propriety of the location, and the effects on the regional and national economy, and a report shall be submitted to the Ministry of Trade, Industry and Energy. The cash grant shall be negotiated between the negotiator and foreign investor within the ceiling determined by the committee.

★ DOCUMENTS

Application for cash grant

• Matters to be stated in the investment plan

- ① Applicant's business performance and financial status (The parent company and overseas subsidiaries shall be included, and reference materials such as business reports shall be submitted separately.)
- ② Total investment amount and foreign investment amount
- ③ Information on investment site (area, size, method of acquisition, cost, etc.)
- ④ Annual investment plan for the following five years (to be classified by fixed assets such as land, building, facilities)
- ⑤ Annual plan on procuring investment funds and operating funds for the following five years (to be classified by funds procured internally, funds procured externally, cash grant, etc.)
- ⑥ Detailed business plan (statement of business, product, technology, technology level, manufacturing process, front and back industries, business relationship

with parent company and overseas subsidiaries, etc.)

- ⑦ Supply and demand in domestic and foreign markets and future outlook (including rival businesses and their outlook)
- ⑧ Annual employment plan for the following five years (Data on number of employment of science and engineering majors classified by academic career. The new employments should be classified into regular/non-regular workers and domestic employees/ foreign employees.)
- ⑨ Pro forma financial statement for the following five years (projections on factors comprising cost of sales and backup data should also be submitted)
- ⑩ Research and development plan for the following five years (training and education costs, existence of an affiliated research center, size of R&D personnel classified by academic career, joint research activities with domestic companies and research institutes, etc. should be included)
- ⑪ Reason for investing in Korea (including

merits and demerits in comparison with alternative target countries)

- ⑫ Contributions to the local and national economy for the following five years (scale of manufacturing, export and domestic sales, direct and indirect employments, tax payments, linkage effect on front and back industries through procurement of materials and product sales, function as an Asia regional headquarters, etc.)
- ⑬ Other necessary matters

→ The application submitted by the applicant shall be protected as a trade secret and shall not be disclosed without the applicant's consent, except as necessary for the review for cash grant

※ Related regulations: Related regulations: Enforcement Rules of the Foreign Investment Promotion Act attached Form 11-3 of the Enforcement Rules, attached Form 1 of Article 6 (3) of guidelines for operation of cash grant scheme

04. Negotiation and Decision of Cash Grant Amount

Approval of cash grant is determined after the Ministry of Trade, Industry and Energy consults with the Minister of Economy and Finance and the relevant local government and the Foreign Investment Committee undergoes a deliberation and resolution. The cash grant is paid after concluding a cash grant contract. However, if the cash grant amount excluding the amount provided for site support is less than KRW 1 billion, a decision to provide cash grant can be determined by a deliberation and resolution by the Foreign Investment Working Committee.

05. Payment Method

Cash grant can be paid in lump sum within one year from the date the contract is concluded or up to 10 installments within five years from the conclusion contract date. An applicant should set up a separate account for the cash grant and account for the revenue and expenditure. When cash grant is paid in installments, the applicant should submit an application that states the size and purpose of the cash grant, the investment execution performance, expenditure of cash grant, etc. shall be considered before cash grant is paid, and the amount and period of the payment can be adjusted.

06. Conclusion of Contract

When cash grant is approved, the Minister of Trade, Industry and Energy, the head of the relevant local government and the applicant shall become parties to the cash grant contract and the contract shall include the cash grant contract period, method of payment of cash grant, acquisition and rent of leased land, etc.

IN DETAIL

1. Aftercare

The president of KOTRA shall check the applicant's investment execution plan, R&D activities, etc. every year during the contract period and submit a report to the head of the local government and the Minister of Trade, Industry and Energy.

After the applicant has spent the cash grant, he/she should submit a report to the president of KOTRA within two months. Also, when the cash grant is paid in full, the applicant should return the remaining cash grant amount and interest incurred for the cash grant in the relevant year.

2. Duties of the Applicant

An applicant shall faithfully perform the obligations prescribed in the contract for cash grant and the investment expenditure plan.

- In order to ensure the recovery and replacement of all assets, an indemnity insurance contract shall be concluded or measures corresponding thereto shall be taken.
- Contracts for acquiring an asset shall be

concluded by means ensuring the efficient use of cash grant, such as open bidding, certified appraisal, or acquisition of two or more estimates.

※ Related law: See Form No. 2 Performance Report of Cash Support Contract, Form No. 3 Performance Report of Cash Subsidy, Guidelines for the Operation of Cash Support System

- In order to use an asset supported by cash grant for any purpose other than the relevant project, or to transfer, exchange, lease or offer it as security, the applicant shall obtain prior written approval from the Minister of Trade, Industry and Energy.
- No cash grant shall be misappropriated as dividend, royalty, etc., and the relevant foreign-invested company shall not provide any guarantee of an obligation for any purpose other than the relevant project.
- An applicant shall provide sufficient information for the examination of contract performance during the contract period and shall submit, to the Minister of Trade, Industry and Energy, an annual report

audited by an external auditor. With respect to the research and development field, a report on the status of research and development activities and the outcomes thereof shall be submitted in addition to the annual report. Any applicant who has applied for cash support under Article 2 (1) 4 (d) (Reinvestment of unappropriated retained earnings) of the Act should set up a separate account for the amount to be recognized as foreign direct investment by reinvesting unappropriated retained earnings immediately when the cash support contract is concluded.

3. Reduction or recollection of cash grant

In the event of fraudulent or unjust application, etc., the relevant cash grant is to be withdrawn or the amount is to be reduced or recollected through deliberation by the Foreign Investment Committee.



INFORMATION

Roles of the Invest Korea Investment Strategy Team (Foreign Investment Cash Support Center)

Category	Description
1. Counseling	The Foreign Investment Cash Support Center provides counseling and other support services concerning the requirements, application procedures, required documents, etc. related to the cash support system to foreign direct investors, municipal governments, and other related agencies.
2. Survey of demand	The Center periodically conducts a demand survey among foreign direct investors and foreign invested businesses to share the information with the central and municipal governments and to enhance the predictability of the size of cash support by region and period.
3. Assessment and analysis	The Center holds advance assessment committee (when unappropriated retained earnings are reinvested), assessment committee, and limit determination committee meetings to assess cash support and determine the limit and also supports the review of cash support contracts when the draft is prepared.
4. Designation of negotiators and project managers	Foreign investors may request the Ministry of Trade, Industry and Energy for counseling or negotiation concerning the cash support before and after applying for cash support. In such cases, the Ministry and municipal government nominate and notify negotiators, whereas KOTRA supports the applicant by nominating a project manager.

※ Inquiry concerning cash support: 02-3460-7852, 7834

Advance Examination System

Where necessary to proactively attract foreign investment expected to have a significant effect on the national economy, the president of KOTRA may recommend the Minister of Trade, Industry and Energy to first prepare a negotiation agenda for the advance examination of cash grant and submit it to the Foreign Investment Committee.

The Minister of Trade, Industry and Energy shall submit to the Foreign Investment Committee the negotiation agenda through consultations with the Minister of Economy and Finance (including consultations with the relevant local government, where a local government in charge is confirmed).

- Negotiation plans include information concerning the relevant investment project, minimum requirements for cash support, minimum amount (ratio) of cash support, and other items that may be flexibly addressed in the entire process of negotiation on the limit amount.

When the negotiation plan is approved, the negotiator should complete the negotiation with the foreign investor (the period may be extended within one year) to let the applicant apply for cash support. The cash support contract is signed in consultation with the Minister of Strategy and Finance and the head of the relevant municipal government after the application is made.

- Among the documents to be submitted for the cash support, the applicant is exempted from submitting the market trends at home and abroad, estimated financial statements five years from now, and PM's written opinion.

※ Related law: Guidelines for operation of cash support system Articles 14 to 17

Frequently Asked Question & Answer

Q 01 Is a company moving into a foreign investment zone eligible to apply for a cash grant?

A company that leases land by moving into an FIZ is eligible to apply for a cash grant. However, the rent which is reduced or exempted for such occupancy in an FIZ until a contract for a cash grant is concluded shall be included in the cash grant ceiling, which results in a reduced cash grant amount.

※ Related law: Guidelines for operation of cash support system, Article 10 (6)





CORPORATE
BUSINESS

Incentive

PART 4

R&D Support

- Business-Affiliated Research Institute, etc.
- Research and Development Service Business

Korea has a well-structured industrial infrastructure and advanced human resources, making it an optimal place for research and development activities. Moreover, the Korean government pursues sustainable growth and invests in high technology and future growth engine industries, and also does not spare efforts to support R&D activities which lay the foundation for the nation's competitiveness. On receiving the report of business-affiliated research institutes and R&D departments of companies, the government provides benefits for R&D activities in regard to research personnel, taxation, customs duty, funding and technical support. A business that supports R&D activities can be designated as a research and development service business to receive government incentives similar to that provided to business-affiliated R&D institutes in areas such as research personnel, taxation and finance. In particular, a foreign-invested company can receive additional incentives including cash grants, tax benefits and site support if it has an R&D facility that meets certain qualifications. In addition, a regional headquarters or R&D facility designated by the Minister of Trade, Industry and Energy are eligible to apply for a business investment (D-8) visa.

Business-Affiliated Research Institute, etc.

Business-affiliated research institutes and departments devoted to R&D shall receive various incentives for R&D activities by reporting to and registering at the Korea Industrial Technology Association.

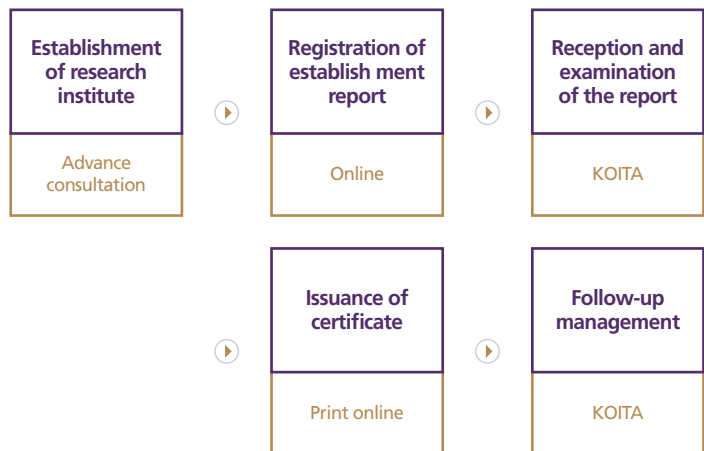
→ Current status : 40,693 business-affiliated research institutes, 27,787 departments solely responsible for R&D (as of Sep. 2019)

※ Related law: Article 14-2 of the Basic Research Promotion and Technology Development Support Act, Article 16-2 of the Enforcement Decree of the Act

01. Reporting

After the establishment of a business-affiliated research institute or a department devoted to R&D meeting certain qualifications, the necessary documents shall be prepared and submitted to the Korea Industrial Technology Association (KOITA). Reporting is only available online.

Reporting Process



* Due Date for Processing: Processing is completed within seven days of submitting the report. However, the time it takes for the company to correct incomplete application forms and submit omitted documents shall not be included in the processing period.

※ **Contact (Application for business-affiliated research institute or department devoted to R&D)**

KOITA research institute approval team 02-3460-9141~46, 9013~17

02. Requirements for Approval

Business-affiliated research institutes or departments devoted to R&D must satisfy both human resources requirements and facility requirements in order to receive approval.

Classification		Requirements	
Human resources requirements	Business-affiliated research institutes	Start-ups	2 or more research personnel
		SME established by researchers	
		Small-sized company	3 or more research personnel (2 or more within 3 years of starting business)
		Medium-sized company	5 or more research personnel
		Corporate research institutes located overseas (Overseas research institutes)	
		Middle-standing company	
		Conglomerates	10 or more research personnel
	Departments dedicated to R&D	Applied regardless of company size	1 or more research personnel
Facility requirements	Required facilities and space	Independent research space and facilities essential for R&D activities	

IN DETAIL

Requirements for Approval as a Research Institute

① Qualifications of a Research Personnel

A holder of a bachelor's degree or higher in the field of science (natural science, engineering, and medical fields) or a technical and functional engineer related to the R&D activities under the National Technology Qualification Act. This criteria applies to any company regardless of its size, but separate qualification criteria shall be applied in the case of small and medium-sized enterprises, middle standing enterprises, and companies whose main area of business is industrial design and knowledge-based services.

※ Related law: Article 2 (3) of the Enforcement Rules of the Basic Research Promotion and Technology Development Support Act

② Research Space and Facilities

Fixed walls should be installed so that the research space can be distinguished from other departments and independent space with a separate entrance shall be secured. In the case of small businesses, it is permitted to set aside a small research space (floor space of 30 m² or smaller) with partitions to distinguish it from other departments instead of installing an entrance and attach a signboard to a partition. Machinery, equipment, instruments and materials to be used directly in R&D activities must be present in the research space.

03. Support Provided

A company that registered its business-affiliated research institute or department solely responsible for R&D is eligible to receive support in regard to taxation, customs duties, employment, funds, sales channels and technology.

① Tax and Customs Duties Support

Items	Related laws
Tax credit for research expenses and HR development expenses	General research Article 10 of the Restriction of Special Taxation Act (Attached Table No. 6)
	New growth engine Article 10 of the Restriction of Special Taxation Act (Attached Table No. 7)
Tax credit for integrated investment	Article 24 of the Restriction of Special Taxation Act
Local tax reduction for the real estate to be used as a business-affiliated research institute	Article 46 (1) of the Restriction of Special Local Taxation Act
Special taxation for technology transfer and leasing, etc.	Article 12 of the Restriction of Special Taxation Act
Income tax reduction for foreign engineers	Article 18 of the Restriction of Special Taxation Act
Special taxation for the contributions related to R&D, etc.	Article 10-2 of the Restriction of Special Taxation Act
Corporate tax reduction for high-tech companies in special research and development zones	Article 12-2 of the Restriction of Special Taxation Act
Non-taxation of income tax for research funds for a research personnel	Article 12 Subparagraph 12 Item c of the Enforcement Decree of the Income Tax Act
Customs duty exemption for industrial technology R&D goods	Article 90 (1) 4 of the Customs Act

② Financial Support

Ministry	Funding	Related Information
Ministry of Science and ICT	Support for technology development business	<ul style="list-style-type: none"> • National Research Foundation of Korea (www.nrf.re.kr) • Korea Foundation for the Advancement of Science and Creativity (www.kofac.re.kr) • National IT Industry Promotion Agency (www.nipa.kr)
Ministry of Trade, Industry and Energy	Development of core technology of industries, etc.	<ul style="list-style-type: none"> • Korea Institute for Advancement of Technology (www.kiat.or.kr) • Korea Evaluation Institute of Industrial Technology (www.keit.re.kr)
Ministry of SMEs and Startups	Business of technology development, etc. for new product	<ul style="list-style-type: none"> • Korea Technology & Information Promotion Agency for SMEs (www.tipa.or.kr) • Ministry of SMEs and Startups (www.smtech.go.kr)

③ Human Resources

Support Provided	Details	Contact
Expert research personnel system	Substitute for military service	KOITA 02-3460-9124
Research manpower support project for small- and medium-sized company (employment, dispatch)	Support of personnel expenses when employing research manpower	KOITA 02-3460-9082
Support project for core research manpower development for companies of middle standing	Support of personnel expenses when employing research manpower	KIAT 02-6009-3541
Youth Tomorrow deduction	Support for young adults' savings	Ministry of SMEs and Startups 1357
Project internship linking ICT academic credits	Subsidy for the cost of internship programs	Federation of Korean Information Industries 02-2132-0726
Capacity-building project for industrial professionals	Funding for professional human resources development	KIAT 02-6009-4375
Project for invitation of high-level overseas scientists (Brain pool)	Funding for invitation and research support	National Research Foundation of Korea 042-869-6377
Employment recommendation system (Gold Card)	Employment recommendation of overseas technical talent	KOTRA 02-3460-7338
Global talent discovery service	Support attraction of overseas professionals	KOTRA 02-3460-7337
Subsidy of additional employment of the young	Support of employment subsidy	Ministry of Employment and Labor 1350
Meditation center for science and engineering human resources	Brokerage of science and engineering human resources	KOITA 02-3460-9033

④ Technology Support

Department	Support	Related Information
Ministry of Trade, Industry and Energy	Reliability voucher project (Support to material development)	www.신뢰성바우처.org
	K-Global projects	k-global@nipa.kr www.nipa.kr
Ministry of Science and ICT	Support to industry-study cooperation cluster	www.koita.or.k
	Follow-up R&D project of joint academic research institute	
Ministry of SMEs and Startups	Support for consulting of small- and medium-size company	www.smbacon.go.kr
	Support for acquisition of overseas standard certification	www.exportcenter.go.kr
Korea Intellectual Property Office	Strategy support business for IP-R&D	http://biz.kista.re.kr/ippro
	Support for patent technology evaluation related to commercialization	www.kipa.org

Research and Development Service Business

① Definition of specialized research business

A specialized research business is a person with expertise operating a research business who has reported such pursuant to Article 6 (1) of the R&D Industry Promotion Act.

Research business	R&D service business	An on-demand research business that independently conducts R&D or is entrusted to perform R&D activities by a foreign-invested company, or a research management business supporting R&D activities such as R&D related technology information survey and provision, etc.
	R&D support business	A research equipment business developing, or improving or repairing equipment for R&D and peripheral systems and parts, and research material business developing and providing parts and materials needed for R&D

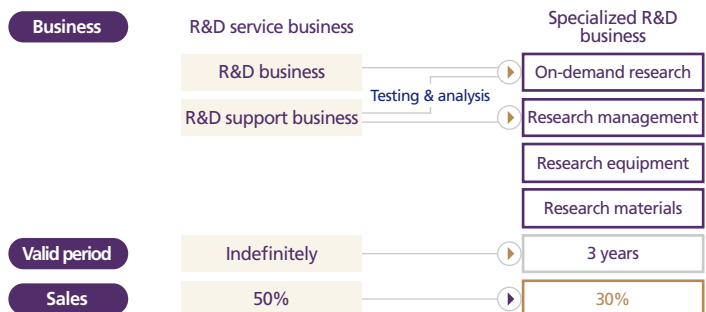
② Report of specialized research business

A specialized research business meeting certain qualification such as expert personnel should report to the Minister of Science and ICT, the purpose of which is to promote companies operating a business in R&D such as on-demand research, research management, and research materials and to strengthen the competitiveness of such businesses. Various business and policy support are provided to the reporting specialized research businesses.

Article 6 of the R&D Industry Promotion Act (Report, etc. of specialized research business)	(1) A person who is a research business intending to receive support, etc. according to this Act, the relevant requirements prescribed by Presidential Decree should be satisfied and he/she should report the specialized research business to the Minister of Science and ICT
	(2) – (5) Omitted.
	(6) The requirements for change of report, receipt and processing of report, and procedure for renewal of report, etc. shall be as prescribed by Presidential Decree.

* An R&D service provider that reported its business pursuant to the Special Act on Support of Scientists and Engineers for Strengthening National Science and Technology Competitiveness shall be deemed as having reported as a specialized R&D business pursuant to the R&D Industry Promotion Act and the report shall be effective for three years.

Report system is replaced with specialized R&D business report system



01. How to report

Report Process



Transitional measures according to the change of the report system

- The previously issued R&D service business report shall be valid for three years (Oct. 21, 2021-Oct. 20, 2024)
- Issuance of report as a specialized R&D business when making new report (business type, representative, location)
- The report should be renewed from three months before the date of elapse of three years and no later than one month before such date (Jul. 20-Sep.20, 2024)

※ Inquiries (Korea R&D Industry Association)

TEL 02-779-9071

Address: 3F, 21 Mygyo-ro, (Mugyo-dong), Jung-gu, Seoul

E-mail: mdia@rndia.or.kr / Website www.rndia.or.kr

02. Requirements for report

Business	Personnel	Material requirements	Sales	Exceptions
On-demand research	3 or more experts	2 or more scientists or engineers	On-demand R&D sales account for 30% or more of total sale	2 or more experts for testing/analysis business
R&D	2 or more experts	-	Sales from research management business account for 30% or more of the total sales	-

Business	Personnel	Material requirements	Sales	Exceptions
Research equipment	2 or more experts	1 or more self-developed research equipment, 3 or more annual sales of the research equipment		"Research equipment maintenance and repair business" should have 3 or more records of maintenance and repair a year
Research materials	2 or more experts	1 or more self-developed research materials, 3 or more annual shipment of the research material		-
Note	※ The representative is not included in the scope of experts. (However, the representative of a small company pursuant to the Enforcement Decree of the Framework Act on Small and Medium Enterprises which was established not more than three years ago shall be included.)			

→ Scope of experts (Article 2 (5) of the Enforcement Decree of the R&D Industry Promotion Act)

"Experts" refers to personnel falling under any one of the following items, who only handle research business-related affairs. However, personnel in the field of research management business under subparagraph 2 shall be deemed to include personnel with a degree in a field related to the research management business.

A. A person with a degree in natural science, engineering and medicine pursuant to attached Table 1 of the regulations on the establishment and operation of universities.

B. An industrial engineer in the field of technology under subparagraph 1 of Article 9 of the National Technical Qualifications Act or a person with an equivalent qualification

→ Scope of research facilities (Article 2 (5) of the Enforcement Decree of the R&D Industry Promotion Act)

→ "Research facilities" means research material and attached facilities detached from other business areas and directly used in R&D activities. However, research areas in illegal buildings, temporary buildings or residential buildings (including apartments) are not considered research facilities.

Subcategory of research businesses

Classification	Subcategory	Classification	Subcategory
On-demand research	R&D in natural science	Research equipment	Development of optical and electronic visual device
	R&D in engineering		Development of compound pre-treatment and analysis equipment
	Convergence R&D		Development of physical measurement equipment
	Testing & analysis		Development of other research equipment Maintenance and repair of research equipment
Research management	R&D planning and project management	Research material	Research substances and reagent development
	Support for management and use of R&D outcome		Development of research equipment
	R&D product design		Development of other research materials
	Research personnel provision and education		

* Testing and analysis business (composition testing, structure and product testing) is classified as R&D support business, but it is classified as on-demand research business under the R&D Industry Promotion Act.

03. Support provided

Support for participation in major government R&D business

Ministry of Science and ICT	Ministry of Trade, Industry and Energy	Ministry of SMEs and Startups	Ministry of Land, Transport and Infrastructure	Ministry of Agriculture, Food and Rural Affairs
<ul style="list-style-type: none"> Basic research business 	<ul style="list-style-type: none"> Energy technology development 	<ul style="list-style-type: none"> Research equipment joint utilization support 	<ul style="list-style-type: none"> Construction technology research 	<ul style="list-style-type: none"> Genetic disease treatment technology
<ul style="list-style-type: none"> Space technology development business 	<ul style="list-style-type: none"> Technology transfer and commercialization facilitation business 	<ul style="list-style-type: none"> SMEs' technology innovation development 	<ul style="list-style-type: none"> Plant research 	<ul style="list-style-type: none"> High value-added food and technology development
<ul style="list-style-type: none"> Nuclear research development business 	<ul style="list-style-type: none"> Electricity technology R&D business 	<ul style="list-style-type: none"> SMEs' convergence technology development business 	<ul style="list-style-type: none"> Geographical information system R&D business 	<ul style="list-style-type: none"> Agriculture and bio technology development
<ul style="list-style-type: none"> Nuclear fusion equipment and accelerator research support business 		<ul style="list-style-type: none"> SMEs' commercialization technology R&D business 	<ul style="list-style-type: none"> Railway technology R&D 	<ul style="list-style-type: none"> High-tech manufacturing technology development
<ul style="list-style-type: none"> Telecommunication broadcasting R&D business 		<ul style="list-style-type: none"> ESP (Engineering Service Provider) 	<ul style="list-style-type: none"> Air safety technology R&D business 	<ul style="list-style-type: none"> Korea Post-Genome Project
<ul style="list-style-type: none"> Industrial technology development business 				

→ For the ministries that have yet to apply the above, the related laws shall be reflected in legislative notices.

→ The Ministry of Environment and the Ministry of Health and Welfare provide the legal ground for support based on the regulations on handling R&D businesses

IN DETAIL

① Appropriation of research personnel's labor costs participating in national R&D projects

- An expert R&D business may appropriate the labor costs of its research personnel in the research plan and pay in cash.

※ "Regulations on the management, etc. of national R&D projects"  attached Table 2

② When participating in a national R&D project the indirect research expense shall be recognized up to 10% of the direct expense.

③ Tax support

- Tax credit for R&D expenses in the R&D business: A certain percentage of the R&D expenses incurred by a company is deducted from corporate tax or income tax.
- Special tax credit for SMEs' R&D support business: A certain percentage of the income tax or corporate tax on income incurred in a company is deducted.

④ Research personnel support program

- Support of expert research personnel (military duty exemption)
For R&D businesses designated as an expert R&D institute, military duty for newly employed expert research personnel shall be exempted.

⑤ Financial support

- Technology guarantee and technology assessment program
A technology guarantee certificate can be issued from the technology guarantee fund, or the technological value, commercial value and marketability of the relevant technology is assessed and funding can be received from a financial institute, etc.

Frequently
Asked
Question
&
Answer

Q 01 If a company dedicated to research has only a department responsible for research and no other departments and the representative director takes care of all other matters (e.g., management), can the company apply for a department devoted to research?

The applicant company must have one or more other department in addition to a business-affiliated research institute or department devoted to research, and one or more full-time employee (excluding the representative director) should be working for the other department(s). Research personnel and full-time employees should be subscribed to the four major insurances of Korea.

Q 02 Can a department carrying out research activities on economic trends, etc. be recognized as a business-affiliated research institute or a department devoted to research?

Research activities other than those in science and technology such as market research and economic trend study are not recognized. The final output should be related to scientific and technological progress and be aimed at providing a systematic solution to scientific and technological uncertainties. Daily repetitive software-related activities such as operation of computing system in the company and commercial production after the product test phase are not considered R&D activities.

Q 03 What are the differences between a business-affiliated research institute and department devoted to research and development?

The facilities requirement for application is the same for both a business-affiliated research institute and a department devoted to research and development, but in terms of human resources requirement, the requirements are eased for departments devoted to R&D (i.e., the number of full-time researchers is one or more). Benefits for taxation and customs duties are identical for the two, but there are some differences in taxation of local tax (including acquisition tax and property tax) and special cases concerning military service system.

Q 04 Is a researcher in a business-affiliated research institute able to engage in activities such as sales support in addition to R&D activities?

No person working in any business-affiliated research institute, etc., shall assume any duties other than research and development activities, including any business activities relating to production, selling, and sales. However, this excludes cases where any person working in a business-affiliated research institute, etc., of a small enterprise for which three years have not passed since the date of its establishment, concurrently serves as a chief executive officer of the small enterprise.

※ Related law: Article 14-4 of the Basic Research Promotion and Technology Development Support Act



CORPORATE
BUSINESS

Incentive

**PART
5**

Management Support

- Incubating
- Employment Support for Foreign-Invested Companies
- Red Carpet Service to Support Entry and Departure

Incubating

IKP (Invest KOREA Plaza) operated by KOTRA is an exclusive business incubation center for foreign investors and offers offices to support investors' initial settlement.

Foreign-invested companies which rent offices at IKP receive not only services such as administrative support and business consultations, but also the right to use private offices with secretarial service, exclusive business lounges and rooms for consultation, video conference or meetings, and sleeping and shower facilities, thus maximizing convenience for foreign investors.

Foreign investors planning to notify foreign direct investment based on the procedure stipulated in the Foreign Investment Promotion Act or foreign-invested businesses whose FDI amount will reach KRW 100 million or more within one year from the date of IKP move-in can be accepted as tenants through a review of their qualifications.

① Overview of IKP Facilities

Lobby



Business lounge



Office (for 2 persons)



Office (for 5 persons)



Meeting room



Pitching lounge

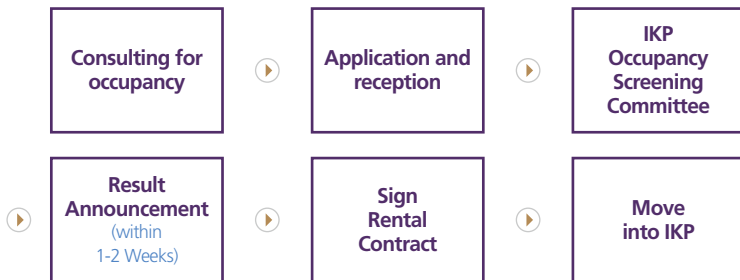


* Photographs: Invest KOREA website / Office size: 21.82 m² ~ 32.4 m² (for 2 persons), 50.24 m² (for 5 persons) / Office size and type may vary depending on the circumstances.

② Moving into IKP Business Incubating Facilities

Category	Details
Selection criteria	<ul style="list-style-type: none"> Foreign-invested company: examination of minimum investment (notified amount) and business plan etc., negotiations on conditions for occupancy, and selection through internal review * There are extra points for a recommendation from a KOTRA overseas invest hub offices or project managers in charge of attracting foreign direct investment
Contract period	<ul style="list-style-type: none"> Foreign-invested company: 2 years; companies in an industry in which the government attracts investment strategically may extend the period additionally.
Rental fee	<ul style="list-style-type: none"> KRW 33,000/ m² (including VAT), deposit: 6 months of rental fee
Support provided	<ul style="list-style-type: none"> Support for utilizing the office and business center for foreign-invested companies' initial settlement Guaranteeing information exchange and networking via PM for the contract period

③ Procedure of Application



④ IKP Occupancy Consulting

Invest KOREA Investment Strategy Team

Contact: 02-3497-1003, e-mail: ikp@kotra.or.kr

Employment Support for Foreign-Invested Companies


① Overview

KOTRA supports the hiring of personnel required for the domestic business operations by foreign-invested businesses and potential foreign direct investors. Foreign-invested businesses' employment is supported by organizing job fairs, employment consultation sessions, and operating a job recruit website for foreign-invested businesses

② Eligibility

Foreign-invested businesses, potential foreign investors

③ Support Programs

Programs	Details	Interval
Job fair for foreign-invested companies	The biggest job fair for foreign-invested companies in Korea. Various programs such as online and offline job consulting, job information sessions, employment consulting for job seekers, etc. are provided.	Once a year
Meeting between foreign-invested companies & job seekers	Small group offline meeting between foreign-invested companies and job seekers to provide job information	Twice a year
Local job fair in partnership with universities	Local foreign-invested companies planning to hire and local job seekers are given an opportunity to meet online and offline	4 times a year (tentative)
Publication of booklet on great foreign-invested companies to work for	Great foreign-invested companies' corporate culture, HR system, etc. are introduced.	Once a year
Website for foreign-invested companies' recruiting	An online website provides information such as notice of recruiting by foreign-invested companies and enables companies to search talents online. http://www.jobkorea.co.kr/Theme/kotra 	Around the year

④ Participation fee: Free

⑤ How to Apply

Job fair: Apply online www.jobfairfic.org 

Other programs: Apply through official e-mail (jf@kotra.or.kr)

⑥ Contact

Invest Korea's Hiring Support Department for Foreign-Invested Businesses
02-3460-7846, jf@kotra.or.kr

Red Carpet Service to Support Entry and Departure

① Overview

KOTRA provides one-stop service for all matters required during the stay of foreign investors visiting Korea.

② Eligible Persons [Foreign direct investors]

Those who are recommended by the central government ministries, KOTRA overseas offices, municipal governments, free economic zone authority, and foreign diplomatic mission in Korea among foreign investors who meet the given requirements

③ Contents of Support

Category	Detailed contents	Basic	Premium
Support for entry procedure	Pickup at gates and guide through CIQ	○	○
	Incheon airport to hotel travel	○	○
Chauffeur service	Throughout the stay period	-	○
Accompaniment by the project manager	-	As required	○
Arrangement of investment counseling	Interview with related government agencies and high-ranking industry leaders	-	○
Tour of industrial sites	-	-	As required
Provision of lunch/dinner	-	-	As required
Airport drop-off service	Pickup from hotel to Incheon airport	-	○
	Pickup from Gimpo airport/Seoul station to Incheon airport	-	○

④ Service Fee: Free

⑤ Selection Standards

- Foreign businesses whose investment needs to be induced aggressively, including those with advanced technologies, high value-added service businesses, and businesses that are expected to create a large number of jobs
- Foreign businesses currently conducting projects that are highly likely to lead to investment in Korea, including projects where an MOU has been signed, investment has been notified, location (factory space) has been secured, or M&A agreement has been signed.

* Note, however, that the program excludes those investors visiting Korea periodically by having developed business relations in Korea already or visiting specific businesses only.

* In case of premium service, the service is limited to executive level personnel who can exercise substantial influence on the investment decision.

⑥ Application Method:

KOTRA website www.kotra.or.kr 

- ▶ Support for attraction of foreign direct investment
 - ▶ Support for investors' visit to Korea
-

⑦ Contact

Invest KOREA Investment Strategy Team

02-3460-1013 / eggim74@kotra.or.kr

**BUSINESS IN
KOREA
2023**





03

CORPORATE
BUSINESS

Practice

- Taxation
- Customs Clearance and Introduction of Capital Goods
- HR and Labor
- Intellectual Property System
- Foreign Investment Ombudsman System
- Dissolution and Liquidation



CORPORATE
BUSINESS

Practice

PART
1

Taxation

- National Tax
- Local Tax
- Transfer Pricing Taxation
- Restriction of deduction of interest expenses
- Tax Treaties



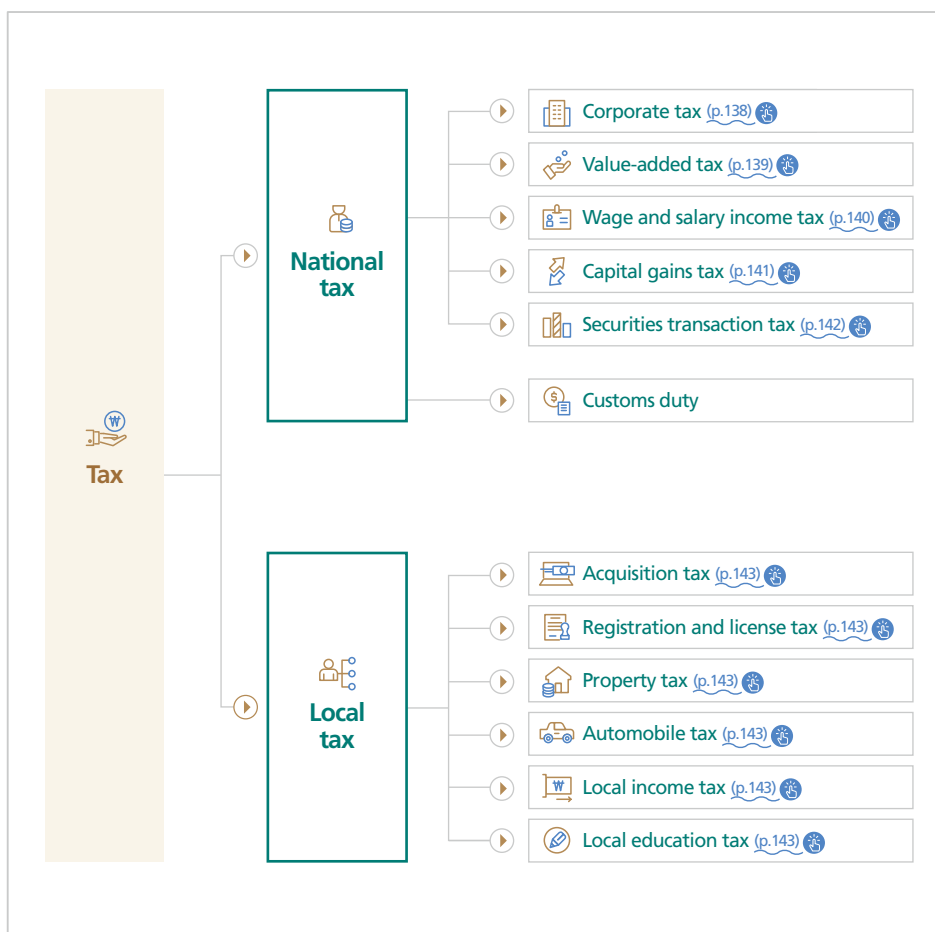
Taxation in
Korea 2023
(KOTRA)



The tax system in Korea is categorized into national tax and local tax depending on the authority of taxation. National tax includes corporate tax, income tax and customs duty on imported goods. Local tax imposed by local governments includes acquisition tax, registration and license tax and property tax.

In particular, foreign-invested companies should be mindful of transfer pricing regarding international transactions between special related parties including foreign investors, and the thin capitalization system on debt.

◆ Major Taxes Related to FDI



National Tax

01. Corporate Tax

Corporate tax is imposed on the taxable income of corporations. Incorporated associations and foundations, as well as for-profit and non-profit corporations, are taxed like general corporations.

① Taxpayer and taxable income

A domestic company (a company whose headquarters, main office or actual place of business is in Korea) should pay corporate tax for all income generated in Korea and overseas, and a company should pay corporate tax for income incurred in Korea (domestic-source income).

→ A foreign-invested company is deemed a domestic company because it was established in Korea.

The taxable incomes subject to reporting are income for each business year, income from dissolution, non-reflux income, capital gains from sale of land, etc.

The amount of income for each business year is calculated by reflecting deductible expenses and taxable income to net profit under the Corporate Tax Act.

② Business Year

The business year shall be one accounting period determined by law or the articles of incorporation. However, the period shall not exceed one year.

③ Deadline for Reporting

Within three months from the end of the month in which the end of each business year falls, the tax base and the amount of corporate tax on the income for that business year shall be reported to the head of the relevant tax office having jurisdiction.

Tax Rate

Tax Base	Tax Rate
KRW 200 million or less	9% of the tax base
More than KRW 200 million, but not exceeding KRW 20 billion	KRW 18 million + (Amount over KRW 200 million X 19%)
More than KRW 20 billion but not exceeding KRW 300 billion	KRW 3.78 billion + (Amount over KRW 20 billion X 21%)
Exceeding KRW 300 billion	KRW 62.58 billion + (Amount over KRW 300 billion X 24%)

→ When paying corporate tax, local income tax (10% of the corporate tax) is additionally imposed.

02. Value-Added Tax

Value added tax (VAT) is a tax that is reported and paid for added value acquired in the process of providing goods and services and importing goods.

① Taxpayer and Taxable Income

Taxpayers are businesses or importers of goods, and VAT is calculated by subtracting input tax (total sales x tax rate) from output tax (total amount of purchase x tax rate).

② Business Year and Reporting Deadline

The two taxable periods of VAT shall be from January 1 to June 30 and from July 1 to December 31. However, due to the preliminary reporting period, there is a duty to report quarterly.

	First Period		Second Period	
Period	1st Jan. - 31st Mar.	1st Apr. - 30th Jun.	1st Jul. - 30th Sep.	1st Oct. - 31st Dec.
Report and tax payment period	1st Apr. - 25th Apr.	1st Jul. - 25th Jul.	1st Oct. - 25th Oct.	1st Jan. - 25th Jan. of following year

Tax Rate

Tax Base	Tax Rate
Domestic sales	10%
Export of goods, overseas provision of services, etc.	0%

IN DETAIL

Even if services are provided to foreigners, a 10% tax rate on sales may apply, so make sure to check all requirements. For example, a VAT of 10% is imposed on domestic real estate leased by a foreign corporation.

③ Obligation to Issue Tax Invoices

When a business supplies goods or services, an invoice (hereinafter referred to as "tax invoice") should be issued for the person who receives the goods or service.

Businesses are obliged to issue electronic tax invoices, which can be issued through the website of the National Tax Service (hometax.go.kr) ▶ Login with digital certificate ▶ inquiry/issuance service). A tax invoice should be issued at the time of supplying goods or services although since there are various exceptions concerning the supply of goods or services, the issuer must adhere to the time of issuance as prescribed by the Article 34 of the Value Added Tax Act or be subject to a penalty.

03. Wage and Salary Income Tax (for workers)

Wage & salary income tax is a tax levied on the amount given in return for providing labor. Wage & salary income, regardless of its name and form, includes goods and stocks in addition to cash.

① Taxpayer and Taxable Income

The worker who is paid for providing work is a taxpayer, and the relevant tax (for payments for service, such as salary and bonus) is calculated and reported according to the simplified tax table. Each month, the company withholding tax pays income tax. In February of the following year, the year-end settlement finalizes the income tax to be paid by the worker in the previous year and settles the withheld tax amount.

② Reporting Deadline

The income tax should be reported by the 10th day of the month following the month in which wage and salary is paid.

Tax Rate

Tax Base	Tax Rate
KRW 14 million or less	6% of the tax base
Over KRW 14 million but not over KRW 50 million	KRW 840,000 + (15% of the amount over KRW 14 million)
Over KRW 50 million but not over KRW 88 million	KRW 6.24 million + (24% of the amount over KRW 50 million)
Over KRW 88 million but not over KRW 150 million	KRW 15.36 million + (35% of the amount over KRW 88 million)
Over KRW 150 million but not over KRW 300 million	KRW 37.06 million + (38% of the amount over KRW 150 million)
Over KRW 300 million but not over KRW 500 million	KRW 94.06 million + (40% of the amount over KRW 300 million)
Over KRW 500 million but not over KRW 1 billion	KRW 174.06 million + (42% of the amount over KRW 500 million)
Over KRW 1 billion	KRW 384.06 million + (45% of the amount over KRW 1 billion)

→ When paying income tax, individual local income tax (10% of the income tax) shall be additionally imposed.

IN DETAIL

Obligation of Tax Payment on Wage and Salary Income from Nonresident

① Wage and salary income received from a foreign institution or UN Forces (excluding US Forces) stationed in the Republic of Korea

② Wage and salary income received from a nonresident abroad or a foreign corporation (excluding a branch or a sales office thereof in the Republic of Korea) (Excluding income calculated as necessary expenses or deductible expenses when calculating the amount of domestic source income of a domestic place of business)

In this case, the withholding agent is virtually unable to withhold the tax, thus the taxpayer must calculate and report the tax base and tax amount. The tax withholding system by a taxpayers' association is recommended, and in this case, a 5% tax credit is granted.

※ Article 150 of the Income Tax Act

04. Capital Gains Tax (stocks, etc.)

Capital gains tax is levied when an asset is transferred to an entity for payment through sale, exchange, or investment-in-kind to a corporation. This book covers only capital gains tax on transfer of stocks or shares that frequently occur between foreign investors. Where the shareholder of a domestic company is a foreign company or a non-resident, the tax treaty between the relevant foreign country and Korea should be examined to determine whether income from transfer of stocks is taxed.

① Domestic tax laws

Where a foreign company or non-resident that is a shareholder of a domestic company transfers shares issued by a domestic company, income from transfer of stocks is taxable under domestic tax laws. However, where the stocks of a listed-company are transferred, income from such transfer shall not be taxed if less than 25% of its stakes were continuously owned in the year in which the date of transfer belongs and the preceding five years.

② Tax treaties

Under certain tax treaties, the country of residence of the shareholder has the rights to tax income from transfer of stocks while the income is not taxed in Korea, the country of source of income.

It is advised to check the tax treaty between Korea and the relevant country to check whether an income is taxable in Korea.

③ Tax filing process

Where an income is taxable under domestic tax laws and the country of source of income has the taxation rights under the relevant tax treaty, the withholding agent (i.e., the person paying income from transfer of shares) shall withhold and pay the lesser of 20% of either of the two: ① 10% of the stock transfer price; and ② gains from transfer of stocks (sale price – acquisition price and sales expenses). However, where the acquisition price and sales cannot be confirmed, ① shall apply.

Where income from transfer of stocks is not taxed pursuant to the relevant tax treaty, the transferor of stocks shall submit an application for non-taxation or tax exemption to the payer of income, and the income payer shall submit the application to the head of the tax office having jurisdiction over the income payer until the 9th day of the month following the month in which the date of income payment belongs.

→ Application for non-taxation or tax exemption: Enforcement Rules of the Income Tax Act [attached Form 29-2 (2)]

05. Securities Transaction Tax

Securities transaction tax refers to tax imposed on the transfer value of share certificates, etc. where the ownership of share certificates or shares is transferred for value due to a contract or legal causes.

① Taxpayer and Tax Base

The taxpayer is the transferor of share certificates, etc., while the tax base is the transfer value.

② Reporting Deadline

The taxpayer shall file the tax within two months of the last day of the quarter to which the transfer date belongs. However, the tax for transfer of unlisted stocks shall be filed within two months of the last day of the half-year to which the transfer date belongs.

③ Tax Rate

The securities transaction tax rate (unlisted stocks) is 0.43%.



INFORMATION

National Tax Service consulting

- General consulting: 126 (workdays) 09:00-18:00
- English consulting: 1588-0560

Local Tax

01. Taxable Objects and Payment Deadline

Tax	Taxable Objects and Purpose	Payment Period and Deadline
Acquisition Tax	<ul style="list-style-type: none"> Imposed on an individual who acquired real estate (land, buildings), vehicle, mechanical equipment*, aircraft, ship, standing timber, mining right, fishing right, golf course membership, riding club membership, condominium membership, sports complex membership, or yacht club membership† 	<ul style="list-style-type: none"> Within 60 days of the date of acquisition
Registration and License Tax	<ul style="list-style-type: none"> Classified into registration tax imposed on registration and filing for causes other than acquisition; and license tax imposed on authorization and permission 	<ul style="list-style-type: none"> Each year from Jan. 16 to 31 (for registration license tax for license) Registration license tax (for registration): Prior to the date of registration or filing Registration and license tax (for license): Prior to the date of receiving license certificate
Local Education Tax	<ul style="list-style-type: none"> Imposed to secure financial resources for the enhancement of local education Finances required to improve the quality of local education 	<ul style="list-style-type: none"> Acquisition tax and tobacco consumption tax: By the payment deadline Residence tax (per capita), property tax, automobile tax (only on vehicles for non-business use): By the payment deadline
Residence Tax	<ul style="list-style-type: none"> Per capita portion imposed on individuals or corporations; Pro rata property portion with tax base of total floor area of a place of business; Employee portion imposed on the total amount of wages paid to employees 	<ul style="list-style-type: none"> Per capita portion: Regular collection (Aug. 16 to 31) Business place portion: report and payment (Aug. 1 to 31) Employee portion: By the 10th day of the following month
Local Income Tax	<ul style="list-style-type: none"> Individual local income tax according to the Income Tax Act; Corporate local income tax according to the Corporate Tax Act 	<ul style="list-style-type: none"> Corporate local tax: within 4 months of the last day of the business year Capital gains or global income tax: Report and payment at the same time as income tax (May 1-31 of the following year) - Special collection: Report and pay by the 10th day of the month following the month to which the day for special collection belongs
Property Tax	<ul style="list-style-type: none"> Imposed on land, buildings, housing, aircraft, ships Housing is a separate taxable object because its valuation includes attached land 	<ul style="list-style-type: none"> Regular portion Jul. (16-31): Half of housing portion and full payment for building Sep. (16-30): Half of housing portion and full payment for land <p>※ If the payable amount of the housing portion is or below KRW 200,000, the full amount shall be notified in July.</p>
Automobile Tax	<ul style="list-style-type: none"> Imposed on a vehicle registered or reported under the Motor Vehicle Management Act, and a dump truck or concrete mixer truck registered under the Construction Machinery Management Act, for possession and driving Annual tax amount for passenger automobiles differs depending on whether the vehicle is used for business purposes or not. 	<ul style="list-style-type: none"> Regular imposition: First period (Jun. 16-30) / Second period (Dec. 16-31) Non-regular imposition available on application for tax calculated on a daily basis for used cars Annual tax amount: Lump-sum payment (Jan., Mar., Jun., Sep.) / Payment in installments (Mar., Jun., Sep., Dec.)

* Source: Local Tax Guide 2022, Korea Institution of Local Finance

* Mechanical equipment: Mechanical equipment refers to mechanical equipment used for construction works, freight loading and landing, and mining, as prescribed by ordinance of the Ministry of the Interior and Safety, as well as construction machinery stipulated under the Construction Machinery Management Act and mechanical equipment similar thereto.

→ Refer to the appendix for the relevant tax rate

02. Taxable Objects

Tax Reduction and Exemption Based on the Restriction of Special Local Taxation Act

Regulation	Contents	Tax items (Reduction rate, %)		
		Acquisition tax	Registration and license tax	Property tax
Article 45-2	Reduction or exemption for research institutes, etc.	100		100
Article 46 (1)	Reduction or exemption for research institute affiliated with an enterprise (for new growth driver technology and source technology) (Except for large-scale companies' institutes in an over-concentration control zone)	35(50)		35(50)
Article 46 (2)	Reduction or exemption for research institute affiliated with a large company (outside overconcentration control zones) (for new growth driver technology and source technology)	35(50)		35(50)
Article 46 (3)	Research or reduction for research institute affiliated with middle-standing companies (for new growth driver technology and source technology)	50(65)		50(65)
Article 46 (4)	Reduction/exemption for SME affiliated research institutes	60(75)		50(65)
Article 58 (1)	Reduction or exemption for venture businesses, etc.	50		50
Article 58 (2)	Reduction or exemption for cluster venture businesses, etc.	Exemption of heavy tax		Exemption of heavy tax
Article 58 (3)	Reduction or exemption for new technology-based business cluster	50		50 (3 years)
Article 58 (4)	Reduction or exemption for venture business development and promotion zone	50		35
Article 58-2 (1)	Reduction or exemption for operator of knowledge-based industry centers (probation of 1 year for previous acquisition tax reduction)	35		37.5
Article 58-2 (2)	Reduction or exemption for occupants in knowledge-based industry centers	50		37.5
Article 58-3	Reduction or exemption for real estate of small-and medium-size start-ups	75	100	100/50
Article 71 (1)	Reduction or exemption for project implementers in logistics complexes	35		25
Article 71 (2)	Reduction or exemption for occupants in logistics complexes	50		35
Article 75-2 (1) 1	Reduction or exemption for startups or businesses in enterprise city development zones	50		50
Article 75-2 (1) 2	Reduction or exemption for operators in enterprise city development zones	50		50

Regulation	Contents	Tax items (Reduction rate, %)		
		Acquisition tax	Registration and license tax	Property tax
Article 75-2 (1) 3	Reduction or exemption for startups or businesses in regional development project zones	50		50
Article 75-2 (1) 4	Reduction or exemption for operators in regional development project zones	50		50
Article 75-3	Reduction or exemption for SMEs in industrial crisis zones	50		50
Article 78 (4) a	Reduction or exemption for occupants (newly established) in industrial complexes	50		35-75
Article 78 (4) b	Reduction or exemption for occupants (with substantial repair) in industrial complexes	25		
Article 79 (1), (2)	Reduction or exemption for relocating corporations to provinces	100	100	100/50
Article 78-3	Reduction/exemption of tax for foreign investment	100/50		100/50
Article 80 (1)	Reduction or exemption for relocating factories to provinces	100		100/50



INFORMATION

Local Tax ONE CALL Consulting Center

- 1577-5700 (connected to the tax department in each local government)
- Website: www.wetax.go.kr 

Transfer Pricing Taxation

The transfer price tax system is applied when a resident, etc. pays a higher price than the arm's length price in an international transaction with a related party or transfers taxable income abroad at a lower price. The tax authorities protect their taxation rights and prevent international tax avoidance by denying transfer prices and taxing them at arm's length prices, whether or not there is an intention to avoid tax in international transactions.

01. Arm's Length Price

Arm's length price refers to a price that is applied or is considered to be applied to general transactions between a resident, domestic corporation, or domestic place of business, and a person other than an overseas special related party. The most reasonable method among the following shall apply for calculating arm's length price.

Method of Arm's Length Price Calculation

- | | |
|---|---|
| ① Comparable third party pricing method | ④ Profit sharing method |
| ② Resale price method | ⑤ Net profit margin method |
| ③ Cost addition method | ⑥ Other methods considered to be reasonable |

→ For details on how to calculate the arm's length price, please refer to Article 8 of the Adjustment of International Taxes Act

02. Tax Imposition Based on Arm's Length Price

When an entity reduces its taxable income by applying a higher or lower price than its arm's length price in a transaction with a related party, the taxing authority recalculates the taxable amount based on the arm's length price and imposes a tax on the transaction.

IN DETAIL

Points to Consider when Making International Transactions

① Penalty for Failure to Submit an International Transaction Statement

If a person who is obliged to submit an international transaction statement does not submit all or part of an international transaction statement without a valid reason or submits it falsely, a fine of KRW 5 million will be levied on each overseas intercompany.

※ Article 100 (2) of the Enforcement Decree of the Adjustment of International Taxes Act

② Administrative Fine against Non-compliance with Obligation to Submit Data

The tax authorities may require the taxpayer to submit relevant data* such as missing forms or

items, when submitting a corporate tax return within 60 days of the date of request for submission of the data by the tax authority. Failure to submit this information or submission of false information may result in a fine of up to KRW 100 million.

* Data: Statement of advance pricing agreements, statement of adjustment of apportionment of cost, statement of international transaction, statement of intra-group payment guarantee, condensed income statement of the overseas intercompany, transaction price adjustment report, etc.

※ Related law: Article 60 (1) of the Adjustment of International Taxes Act

Restriction of deduction of interest expenses

01. Thin Capitalization

Under Korean tax laws, there are regulations that do not recognize interest expenses paid to overseas controlling shareholders, etc. that satisfy certain conditions as deductible expense in order to prevent tax evasion by using the difference in taxation on contribution and borrowings, and the difference between tax laws of Korea and other countries.

When calculating corporate income, the interest paid for borrowings is deducted as expense while dividend for contributions is not recognized as deductible expense. In this regard, to reduce corporate tax when sourcing funds from shareholders, companies prefer borrowings to contributions. To prevent this, the thin capitalization rule does not recognize the interest for the amount in excess of a set borrowing ceiling as deductible expense.

Where the amount that a domestic company borrowed from an overseas controlling shareholder and the amount borrowed from a third party under a payment guarantee (including the guarantee of payment through provision of collateral, etc.) is over two times (six times for financial companies) the amount that the overseas controlling shareholder invested, the interest and discount price for the amount in excess of such amount shall not be included in the company's loss.

02. Restriction of Deduction of Interest Expenses that are Excessive Compared to Income

Where the net interest expenses for the amount that a domestic company (excluding finance & insurance businesses) borrowed from an overseas special related person exceeds 30% of the adjusted income amount, the amount in excess shall not be included in deductible expense.

- ① Net interest expense: The total amount of interest and discount expense paid for a domestic company's total borrowing from all overseas special related persons – The total amount of interest income that the domestic company collected from overseas special related persons
- ② Adjusted income: Income from the relevant business year + Depreciation + Net interest expense (①)

Where thin capitalization also applies, only the one in which the amount not included in deductible expense is higher shall apply. If the amount is the same in the two cases, thin capitalization shall apply for calculation of non-inclusion of deductible expense.

IN DETAIL

Exclusion of Interest Paid to Foreign Controlling Shareholder from Deductible Expense

Details of tax adjustment on interest to be paid to foreign controlling stockholders are provided in Articles 22 through 26 of the Adjustment of International Taxes Act, available on the website of the Ministry of Government Legislation.

03.

Restriction of inclusion of interest expense from hybrid financial products in deductible expense

① Summary

Among the interest and discount expense paid as part of transaction of a financial product between a domestic company (excluding finance and insurance business) and an overseas special related party which has both the characteristics of capital and debt, a certain amount may not be included in the overseas special related person's taxable income (or the amount included by less than 10% of the taxable income) in the country of the special related person within a reasonable period.

In this case, the domestic company shall pay the amount of interest (①×②) for the corporate tax of the business year to which the last day of the "reasonable period" belongs.

- ① The difference in the corporate tax occurred by calculating the interest, etc. paid to the transaction counterpart originally calculated as deductible expense as profit in the business year
- ② Interest rate of 0.022% per day from the first day of the business year following the business year in which the amount was included in deductible expense to the last day of the business year in which the amount was included in income.

② Requirements for a hybrid financial product

A hybrid financial product is a financial product that has both the characteristics of debt and capital (e.g., participating bond) and satisfies both of the following conditions:

- A. Korea: Pursuant to Korean tax laws, the financial product is considered debt, and the interest and discount paid to the foreign company that is an overseas special related party under the transaction of the relevant financial product is deemed interest expense.
- B. Counterpart country: Pursuant to the country's tax laws, the financial product is considered capital, and the interest and discount paid by the domestic company is treated as dividend income.

③ Reasonable period

The period starting from the last day of the business year in which interest and discount are paid by the domestic company pursuant to transactions of a hybrid financial product to the last day of the business of the transaction counterpart commencing within 12 months of the aforementioned date.

Tax Treaties

Tax treaty refers to any type of international agreement governed by international law, such as a treaty, convention, pact or note, which the Republic of Korea enters into with another state with respect to taxes on income, capital, and property or tax administration cooperation. Since tax treaties are international law, they establish a relationship between domestic tax law and international law, and thus have the following legal effects.

01. Characteristics of a Tax Treaty and its Major Functions

Tax treaties in Korea are for preventing double taxation and tax avoidance on taxable income, and regulate the scope of resident, the range of domestic place of business and taxable income, issues on the source country of income, and the upper limit of the tax rate (limited tax rate). Corporate tax, income tax, and local income tax are subject to a tax treaty while indirect taxes such as value-added tax or special consumption tax are excluded.

02. Status of Tax Treaty

Tax treaties have the same effect as domestic law, while in case of conflict between tax treaties and domestic tax laws, tax treaties take precedence over domestic tax laws. Taxes, however, cannot be levied on the basis of a tax treaty without provisions of the domestic tax law, nor can the tax burden on residents of another country be higher than the tax burden as prescribed by domestic tax law.



INFORMATION

Tax Treaty Counterparts (94 nations)

Gabonese Republic, Greece, Republic of South Africa, Netherlands, Nepal, Norway, New Zealand, Denmark, Germany, Laos, Latvia, Russia, Romania, Luxembourg, Lithuania, Malaysia, Mexico, Morocco, Malta, Mongolia, United States of America, Myanmar, Kingdom of Bahrain, Bangladesh, Venezuela, Vietnam, Belgium, Belarus, Bulgaria, Brazil, Brunei Darussalam, Kingdom of Saudi Arabia, Republic of Serbia, Sri Lanka, Sweden, Switzerland, Spain, Slovakia, Slovenia, Singapore, United Arab Emirates, Iceland, Ireland, Azerbaijan, Albania, Algeria, Estonia, Republic of Ecuador, Federal Democratic Republic of Ethiopia, United Kingdom, Oman, Austria, Jordan, Uruguay, Uzbekistan, Ukraine, Iran, Israel, Egypt, Italy, India, Indonesia, Japan, Georgia, China, Czech Republic, Chile, Kazakhstan, Qatar, Cambodia, Canada, Republic of Kenya, Republic of Colombia, Kuwait, Croatia, Kyrgyzstan, Republic of Tajikistan, Thailand, Turkey, Turkmenistan, Tunisia, Panama, Pakistan, Papua New Guinea, Republic of Peru, Portugal, Poland, France, Fiji, Finland, Philippines, Hungary, Australia, Hong Kong

Tax Treaties by Country

Website of National Tax Service

<https://www.nts.go.kr> ▶ Resource ▶ Tax Law/Treaty ▶ Tax Treaty

Website of National Tax Law Information System

<https://txsi.hometax.go.kr> ▶ Law ▶ Tax Treaty (Korean website)

※ Note: Tax treaty revisions are noted in the last part of the provision and thus should be checked to determine whether revisions have been made.

Limited Tax Rate [Taxation and withholding tax rate by each contracting state]

Contracting State	Limited tax rate		
	Interest	Dividend	Royalty
Albania	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Algeria	10%	Company owning 25% stake or more: 5% / Others: 15%	Academic equipment: 2% / Others: 10%
Australia	15%	15%	15%
Austria	10%	Company owning 25% stake or more: 5% / Others: 15%	Equipment: 2% / Others: 10%
Azerbaijan	10%	7%	Science data: 5% / Others: 10%
Bangladesh	10%	Company owning 10% stake or more: 10% / Other: 15%	10%
Belarus	10%	Company owning 25% stake or more: 5% / Others: 15%	5%
Belgium	10%	15%	10%
Brazil	Loan for 7 years: 10% / Other: 15%	10%	Trademark: 25% / Others: 10%
Brunei Darussalam	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Bulgaria	10%	Company owning 15% stake or more: 5% / Others: 10%	5%
Cambodia	10%	10%	10%
Canada	10%	Company owning 25% stake or more: 5% / Others: 15%	10%
Chile	Bank: 4% / Stock market bond: 5% / Others: 15%	Company owning 25% stake or more: 5% / Others: 10%	Science equipment: 5% / Others: 10%
China	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Colombia	10%	Company owning 20% stake or more: 5% / Others: 15%	10%
Croatia	5%	Company owning 25% stake or more: 5% / Others: 10%	0%
Czech Republic	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Denmark	15%	15%	Industrial investment: 10% / Others: 15%
Egypt	Over 3 years: 10% / Other: 15%	Company owning 25% stake or more: 10% / Others: 15%	15%
Estonia	10%	Company owning 25% stake or more: 5% / Others: 10%	Academic equipment: 5% / Others: 10%
Federal Democratic Republic of Ethiopia	7.5%	Company owning 25% stake or more: 5% / Others: 8%	5%
Fiji	10%	Company owning 25% or more: 10% / Others: 15%	10%
Finland	10%	Company owning 25% or more: 10% / Others: 15%	10%
France	10%	Company owning 10% or more: 10% / Others: 15%	10%
Gabonese Republic	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Germany	10%	Company owning 25% stake or more: 5% / Others: 15%	Equipment : 2% / Others: 10%
Greece	8%	Company owning 25% stake or more: 5% / Others: 15%	10%
Hong Kong	10%	Company owning 25% or more: 10% / Others: 15%	10%
Hungary	0%	Company owning 25% or more: 5% / Others: 10%	0%

Contracting State	Limited tax rate		
	Interest	Dividend	Royalty
Iceland	10%	Company owning 25% stake or more: 5% / Others: 15%	10%
India	10%	15%	10%
Indonesia	10%	Company owning 25% stake or more: 10% / Others: 15%	15%
Iran	10%	10%	10%
Ireland	0%	Company owning 10% stake or more: 10% / Others: 15%	0%
Israel	Bank: 7.5% /Other: 10%	Company owning 10% stake or more: 5%, 10% / Others: 15%	Equipment: 2% / Others: 5%
Italy	10%	Company owning 25% stake or more: 10% / Others: 15%	10%
Japan	10%	Company owning 25% stake or more: 5% / Others: 15%	10%
Jordan	10%	10%	10%
Kazakhstan	10%	Company owning 10% stake or more: 5% / Others: 15%	Science equipment: 2% / Others: 10%
Kenya	12%	Company owning 25% stake or more: 8% / Others: 10%	10%
Kingdom of Bahrain	5%	Company owning 25% stake or more: 5% / Others: 10%	10%
Kingdom of Saudi Arabia	5%	Company owning 25% stake or more: 5% / Others: 10%	Equipment: 5% / Others: 10%
Kuwait	5%	5%	15%
Kyrgyzstan	10%	Company owning 25% stake or more: 5% / Others: 10%	Science equipment: 5% / Others: 10%
Laos	10%	Company owning 10% stake or more: 5% / Others: 10%	5%
Latvia	10%	Company owning 10% stake or more: 5% / Other: 10%	Science equipment: 5% / Others: 10%
Lithuania	10%	Company owning 25% stake or more: 5% / Others: 10%	Science equipment: 5% / Others: 10%
Luxembourg	Bank: 5% / Other: 10%	Company owning 10% stake or more: 10% / Others: 15%	Commercial information: 5% / Others: 10%
Malaysia	15%	Company owning 25% stake or more: 10% / Others: 15%	Copyright: 10%, 15% / Others: 10%
Malta	10%	Company owning 25% stake or more: 5% / Others: 15%	0%
Mexico	Bank: 5% / Other: 15%	Company owning 10% stake or more: 0% / Others: 15%	10%
Mongolia	5%	5%	10%
Morocco	10%	Company owning 25% stake or more: 5% / Others: 10%	Copyright, etc.: 5% / Others: 10%
Myanmar	10%	10%	Cost of information usage: 10% / Others: 15%
Nepal	10%	Company owning 25% stake or more: 5% / Company owning 10% stake or more: 10% / Other: 10%	15%
Netherlands	Over 7 years: 10% / Others: 15%	Corporation holding over 25% of stocks: 10% / Others: 15%	Copyright: 15% / Others: 10%
New Zealand	10%	15%	10%
Nigeria	7.5%	Company owning 25% stake or more: 7.5% / Others: 10%	10%
Norway	15%	15%	Copyright: 15% / Other: 10%

Contracting State	Limited tax rate		
	Interest	Dividend	Royalty
Oman	5%	Company owning 10% stake or more: 5% / Others: 10%	8%
Pakistan	12.5%	Company owning 20% stake or more: 10% / Others: 12.5%	10%
Panama	5%	Company owning 25% stake or more: 5% / Others: 15% / Branch tax: 2%	Equipment lease: 3% / Others: 10%
Papua New Guinea	10%	15%	10%
Peru	15%	10%	Technical support: 10% / Others: 15%
Poland	10%	Company owning 10% or more: 5% / Others: 10%	10%
Portugal	15%	Company owning 25% stake or more, 2 years or longer: 10 / Others: 15%	10%
Qatar	10%	10%	5%
Republic of Ecuador	12%	Company owning 10% stake or more: 5% / Others: 10%	Equipment: 5% / Others: 12%
Republic of Serbia	10%	Company owning 25% stake or more: 5% / Others: 10%	Copyright: 5% / Others: 10%
Republic of South Africa	10%	Company owning 25% stake or more: 5% / Other: 15%	10%
Romania	10%	Company owning 25% stake or more: 7% / Others: 10%	Industrial investment: 7% / Others: 10%
Russia	N/A	Company owning 30% stake or more: 5% / Others: 10%	5%
Singapore	10%	Company owning 25% stake or more: 10% / Others: 15%	5%
Slovakia	10%	Company owning 25% stake or more: 5% / Others: 10%	10%
Slovenia	5%	Company owning 25% stake or more: 5% / Others: 15%	5%
Spain	10%	Company owning 25% stake or more: 10% / Others: 15%	10%
Sri Lanka	10%	Company owning 25% stake or more: 10% / Others: 15%	10%
Sweden	Loan for 7 years: 10% / Other: 15%	Company owning 25% stake or more: 10% / Others: 15%	Copyright: 15% / Others: 10%
Switzerland	Bank: 5% / Others: 10%	Company owning 10% stake or more: 5% / Others: 15%	5%
Thailand	Bank: 10% / Others: 15%	10%	Software: 5% / Patent: 10% / Science equipment & empirical data: 15% / Others: 10%
The Philippines	Public issue: 10% / Others: 15%	Company owning 25% or more: 10% / Others: 25% / The Philippines Investment Promotion Act: 10%	15% The Philippines Investment Promotion Act: 10%
Turkiye	Over 2 yrs: 10% / Others: 15%	Company owning 25% stake or more: 15% / Others: 20%	10%
Turkmenistan	10%	10%	10%
Ukraine	5%	Company owning 20% stake or more: 5% / Others: 15%	5%
United Arab Emirates	10%	Company owning 10% stake or more: 5% / Others: 10%	10%
United Kingdom	10%	Company owning 25% stake or more: 5% / Others: 15%	Equipment: 2% / Others: 10%
United States of America	12%	Company owning 10% stake or more: 10% / Others: 15%	Copyright: 10% / Others: 15%
Uruguay	10%	Company owning 25% stake or more: 5% / Others: 15%	10%
Uzbekistan	5%	Company owning 25% stake or more: 5% / Others: 15%	Equipment: 2% / Others: 5%
Venezuela	Bank : 5% / Others: 10%	Company owning 10% stake or more: 5% / Others: 10%	Equipment: 5% / Others: 10%
Vietnam	10%	10%	Patents: 5% / Others: 10% / Technology service: 7.5%

* Original statements must be checked before actual application of taxation. (National Tax Service www.nts.go.kr  Resources - Tax treaty)

* No tax treaty exists with Taiwan or Macao.

* Residence tax is additionally imposed in the United States, the Philippines, and the Republic of South Africa.

Frequently
Asked
Question
&
Answer

Q 01 What is the ceiling and scope of entertainment expenses which can be included as deductible expenses?

Entertainment expense refers to the expenses spent for entertainment, society, compensation, or other expenses of a similar nature, and means the amount spent by a domestic corporation to facilitate work with those who are directly or indirectly involved with their business. The ceiling of entertainment expenses is as follows.

Ceiling = KRW 12 million (KRW 36 million for small and medium size enterprises) x the number of months in the business year / 12 + amount of income x rate

Amount of income	Rate
KRW 10 billion or less	Total amount of income x 0.3%
Over KRW 10 billion not over KRW 50 billion	KRW 30 million + (Amount over KRW 10 billion x 0.2%)
Over KRW 50 billion	KRW 110 million + (Amount over KRW 50 billion x 0.03%)

Evidentiary documents of entertainment expenses: When a payment for entertainment expense is over KRW 30,000, proof of eligibility is included in the tax invoice, cash receipt, and corporate credit card (including a company card in an employee's name). Expenses incurred in excess of KRW 10,000 using cash or personal cards are not recognized as deductibles, although in the case of expenses for congratulations and condolences, a wedding invitation, etc., is eligible for a limit of KRW 200,000 per expenditure.

Q 02 How are non-residents' capital gains on domestic-source securities taxed?

In principle, 10% of the amount shall be filed and paid. However, when the acquisition value and transfer expenses of the securities can be confirmed, the payable tax amount shall be the lesser of the following:

- ① Paid amount x 10%
- ② (Gross income - acquisition value and transfer expenses) x 20%

Q 03 Is the scope of payment guarantee for overseas controlling shareholders applicable to thin capitalization only when a payment guarantee is issued to a third party?

The scope of payment guarantee for foreign shareholders applicable to thin capitalization includes all forms of payment guarantee which requires the overseas controlling shareholders to fulfill their payment obligations if a domestic company, etc. defaults on an obligation, regardless of whether there is a certificate of payment guarantee, the type of payment guarantee or the method of payment guarantee.

Q 04 If a domestic place of business borrows interest-free loan from the controlling shareholder, is it subject to thin cap?

A loan without interest or discount fees is excluded from thin cap.



CORPORATE
BUSINESS

Practice

PART
2

Customs Clearance and Introduction of Capital Goods

- Customs Clearance
- Payment/Refund of Customs Duties
- Customs Clearance on Capital Goods

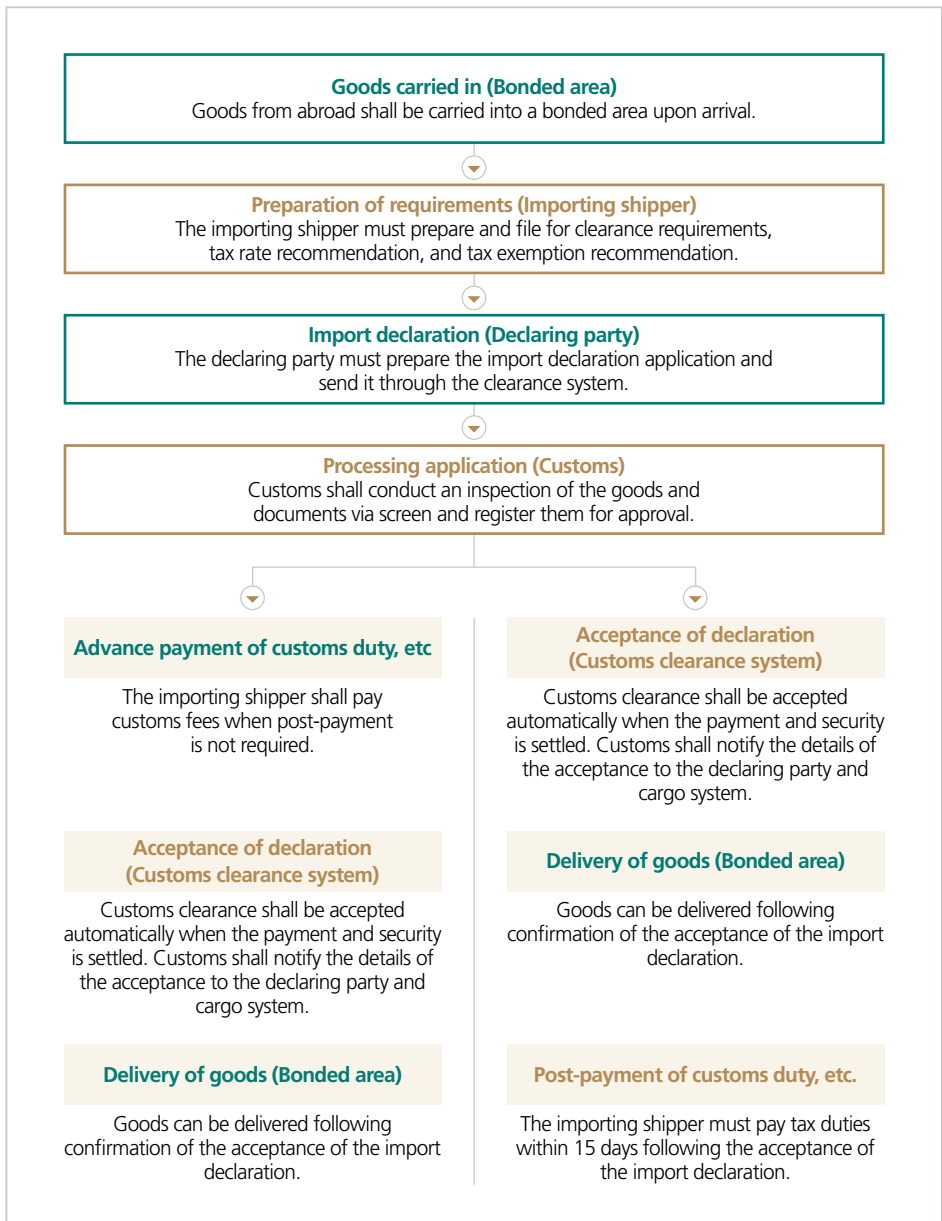


Customs
Clearance in
Korea 2023
(KOTRA)



Customs clearance refers to the import, export, or return of goods pursuant to the procedures prescribed by the Customs Act. Import clearance refers to a series of customs processes including import declaration to a customs director, acceptance of the declaration by the director with its lawfulness, issuance of the certificate of import declaration, and shipping of the imported goods. Meanwhile, export clearance refers to the process of declaring the export of goods to customs and accepting permission of export and loading cargo. Return refers to the sending back of goods carried into Korea without import declaration to the country from where they were sent, with its processes called return clearance.

◆ Customs Clearance Procedures



Customs Clearance

01. Customs Clearance Procedures

① Import Clearance

In order to export, import, or return goods, the name, standard, quantity, and price of such goods and other matters prescribed by the relevant regulations must be reported to the head of a customs office. The declaration of imports can only be made after the vessel (aircraft) loaded with the goods has arrived, but the import declaration can be made before arrival when the goods to be imported need to be cleared promptly. Goods that have been declared for import before arrival shall be deemed to have arrived in Korea.

* Import declaration period: Before the vessel departs, enters the port, and after the vessel enters the port and the goods arrive at the bonded area, and after they arrive at the bonded area, an import declaration is made to the head of the customs office.

② Documents for Import Declaration

The importer shall request an import declaration by submitting the invoice, bill of lading, packing list, certificate of origin, and documents confirming other import requirements. However, the requested declarant shall submit the documents when customs require the submission of documents for customs clearance, but otherwise, they shall be kept on their own.

* The Korea Customs Service has established a system to transmit the required documents for import declaration to be submitted to customs in electronic form or via electronic images.

③ Import Declaration

Import declaration is undertaken according to the method of screening, document screening, and inspection of goods, etc. When the import declaration is made legally, the report is immediately accepted. However, if the items listed in the declaration are not sufficient, a supplemental import declaration or customs clearance may be requested.

④ Inspection of Imported Goods

This inspection refers to whether the goods declared for import conform to the import declaration and whether they violate any regulations set by relevant laws and regulations through in-kind inspection. The inspection ratio may be applied differentially in consideration of compliance with regulations of importing companies, inspection performance, origin, etc., while the inspection method may be extractive inspection, total inspection, or via analysis depending on the inspection object. The importer shall bear the cost of inspecting the imported goods.

⑤ Issuance of Certificate of Import Declaration

When the customs officer accepts the import declaration, a declaration certificate electronically stamped by the Customs Special Officer shall be issued to the declarant.

★ DOCUMENTS

When declaring import

- **Invoice.** A contract is acceptable when the invoice has not arrived.
(The invoice must be submitted when a confirmed price is declared.)
- **Price declaration report** (only when required)
- **Copy of Bill of Lading (B/L) or Airway Bill (AWB)**
(excluded when electric submission is possible)
- **Packing list**
(The name or standard of goods and the quantity must be stated on each box. This is not necessary if a customs director deems it unnecessary or if the documents are submitted electronically.)
- **Certificate of origin** (only for required goods)
- **Required documents for examination, quarantine, permission and recommendation** (when checking via an electronic database is not possible)
- **Customs duty reduction** (payment in installments)
- **Application for specific use duty rate** (only for applicable goods)
- **Agreement to apply tax rate**
- **Local tax payment security certificate** (applicable goods only)
- **Kimberly Process Certificate** (limited to diamond ore)
- **Certification of quota tariff, tariff concessions, and certificate of tax rate recommendation, or tax rate on breeding of fish and livestock**
(only when it is impossible to check via electronic database)



INFORMATION

How to Look up Origin Verification Modalities and Tariff Rates

(Origin verification standards per FTA counterpart) Korea Customs Service Total Solution Yes FTA

<http://www.customs.go.kr> 

FTA ▶ Preference Criterion (PSR) ▶ Search HS code

(HS code tariff rate per FTA counterpart) Korea Customs Service Total Solution Yes FTA

<http://www.customs.go.kr> 

FTA ▶ Preferential Tariff rate ▶ Search HS code

02. Internet Portal for Customs Clearance (UNI-PASS)

UNI-PASS is an online system that handles all customs clearance procedures such as customs declaration, payment of taxes, and application requirements needed by individuals and businesses when exporting or importing.

* UNI-PASS: unipass.customs.go.kr 

① Services

The primary services of UNI-PASS include electronic declaration, electronic payment, information check, and providing a personal customs clearance code.

Service	Contents
Electronic declaration	Reports for import and export declaration or applying for a refund can be done online and checked afterwards. Customs documents can also be printed out.
Electronic payment	Following the import declaration, customs duties can be paid and processing details checked.
Information check	It is possible to check customs information, regulatory compliance, and customs codes required for administrative tasks related to customs.
Unique customs clearance code	It is possible to issue a personal customs clearance code used to report imports of personal goods and to inquire about it.

② Application Procedure

To use the UNI-PASS system, it is necessary to receive the approval of customs. The applicant must apply for and obtain a certificate from an accredited certification body and then join the system via the user registration menu. Then the officer in charge will approve the use of UNI-PASS after the confirmation of the application.

※ Related law: Notification of the Use and Operation of Customs UNI-PASS (Notification No. 2021-40 of the Korea Customs Service, Mar. 30, 2021)



INFORMATION

UNIPASS Consulting

UNI-PASS Technical Support Center

- TEL: 1544-1285

(Providing consulting and service guidance related to UNI-PASS data processing (import and export clearance, cargo, refunds, etc.))

Customs administration matter

- TEL: 125 (General consulting on customs duties: 20, foreigners: 40)

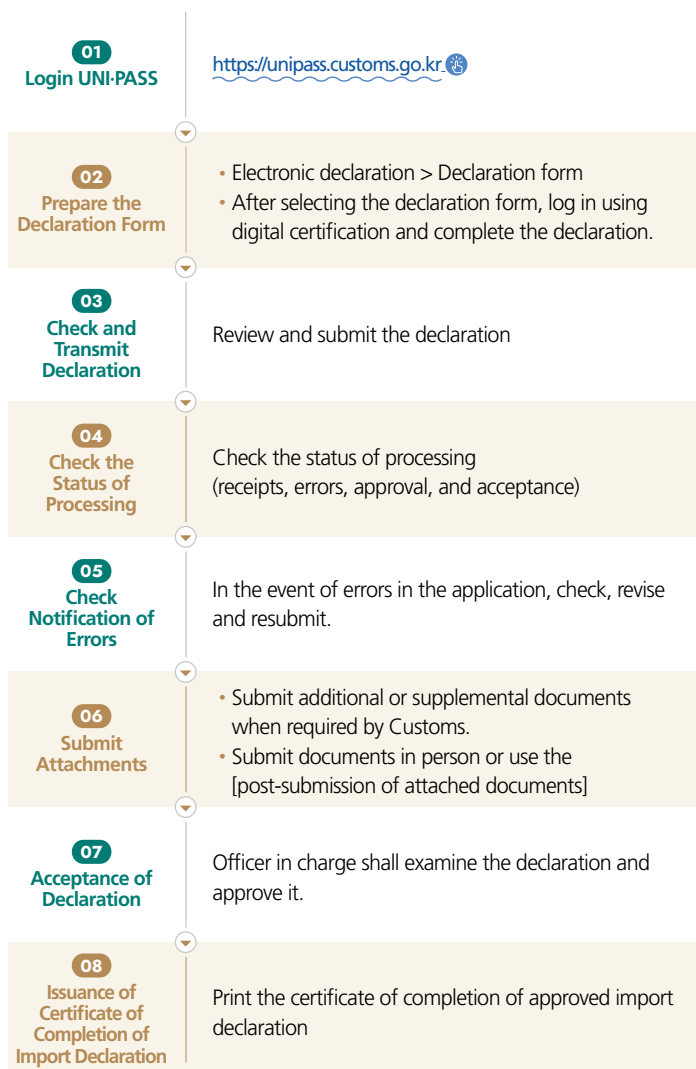
(Providing consultation regarding customs processes, classification of items, and related customs laws)

③ How to Use

UNI-PASS provides two types of services regarding the declaration method: application via a website; or application by PC and submitting to UNI-PASS all documents using the software to transmit several cases. The latter is useful when processing large amounts of data or when there are many applications.

Browsers : Internet Explorer, Chrome, Safari, FireFox

Processing through UNI-PASS



Payment/ Refund of Customs Duties

Generally, tariffs are imposed on imported goods to secure tax revenue and foster domestic industries. However, there is a tariff refund system which exempts some or all tariffs for certain policy purposes and returns the tariffs paid to the exporter or producer of exported goods when importing raw materials for export.

01. Payment of Customs Duty

As tariffs on imported goods are to be reported and paid, the taxpayer must declare the tax base and tax rate on imported goods and pay the customs duties before or after the filing of the import declaration. On the other hand, as an exception to the declaration and payment system, there is a charge that the customs office establishes and announces the amount of tax paid on a traveler's goods hand-carried into the country. Customs duties can be paid by visiting a bank/financial institution (national treasury) or via Internet banking. It is also possible to pay by credit card through the customs agency's payment website.




INFORMATION

Contact for inquiry on credit card payment: Cardrotax

Korea Financial Telecommunications & Clearings Institute

• TEL: 1577-5500

<http://cardrotax.or.kr> 

(Commission for payment by proxy shall be paid by taxpayer: 0.8% of the payable amount)

02. Customs Duty Reduction and Exemption

There are two types of customs duty reduction: unconditional reduction of and/ or exemption from taxes based on specific facts; and conditional customs duty reduction and exemption in which customs duty is reduced or exempted based on condition of specific usage. In principle, the Customs Act stipulates customs reduction and exemption, although customs duty may be reduced or exempted according to the Foreign Investment Promotion Act, the Restriction of Special Taxation Act, the Submarine Mineral Resources Development Act, as well as multilateral and bilateral agreements.

03. Customs Duty Refund

Customs duty refund is a system for returning customs duties collected when importing raw materials for export to exporters or producers when exporting them as processed products. In this case, processing and export of the raw materials must be done within two years of the import of the raw materials, and the application for refund should be filed within two years of the export date.

Customs Clearance on Capital Goods

When foreign investors expect a customs duty exemption on invested capital goods or when an in-kind investment of capital goods is made, customs clearance should be made following the review and confirmation of the specifications of the imported capital goods.



01. Confirmation of Specification of Imported Capital Goods

An application for confirmation of specification of imported capital goods must be made at either a foreign exchange bank or KOTRA following notification of the foreign investment. The following must be confirmed:

- Capital goods exempted from customs duty, individual consumption tax, and value added tax
- Capital goods imported by a foreign investor for investment purposes
- Capital goods introduced into the Republic of Korea by a foreign-invested company with a means of foreign payment contributed by a foreign investor or a means of domestic payment obtained by the exchange of the said means of foreign payment, among the goods designated and publicly notified by the minister of Trade, Industry and Energy

※ Related law: Article 38 of the Enforcement Decree of the Foreign Investment Promotion Act

※ Definition of capital goods: Article 2 (1) 8 of the Foreign Investment Promotion Act

02. Deadline of Application for Confirmation

A specification of imported capital goods including the quantity, standard, price, and producer of the goods should be prepared and an application for confirmation should be filed before the acceptance of import declaration.

03. Confirmation of Completion of Investment in Kind

For capital goods imported for investment purposes must a confirmation of completion of investment in kind must be obtained from the Korea Customs Service officer dispatched to KOTRA, while registration of incorporation and registration of foreign-invested company shall be made.

★ DOCUMENTS

Confirmation of specification of imported capital goods

- Three copies of the application for confirmation of specification of imported capital goods (attached Form 24 of the Enforcement Rules of the Foreign Investment Promotion Act)
- Documents verifying the prices thereof, such as an affirmation document of sale of goods

※ Related law: Article 23 of the Enforcement Rules of the Foreign Investment Promotion Act

Confirmation of completion of investment in kind

- Two copies of application for confirmation of completion of investment in kind (attached Form 25 of the Enforcement Rules of the Foreign Investment Promotion Act)
- Copy of certificate of completion of import declaration
(Not required when the applicant consents to the use of administrative information to check the certificate.)

※ Related law: Article 24 (1) and (2) of the Enforcement Rules of the Foreign Investment Promotion Act

CORPORATE
BUSINESS

Practice

PART 3

HR and Labor

- Labor Contract
- Wages
- Work Hours
- Holidays and Days-off
- Four Major Insurances
- Retirement Allowance
- Dismissal
- Rules of Employment
- Protection of Pregnant Women
- Work-Family Balance Assistance
- Safety and Health
- Irregular Workers
- Prohibition of Workplace Harassment
- Collective Labor-Management Relations

Competent workers and smooth labor-management relations are the key to the success of foreign-invested companies. Labor-related laws in Korea guarantee workers' humane lives and promote substantial equality between workers and employers. When hiring workers, a contract shall be drawn up to set out matters concerning wages, working hours, holidays and leave, termination, etc., and the four major insurances, severance payment, etc., should be guaranteed, thus fulfilling the employer's duty for safety and preservation during the working period. Recently, the government has been working to improve Korea's long work hours through a revision of the law on working hours in order to ensure workers' work-life balance, protect non-regular workers, and ban harassment at work.



Labor Laws
in Korea 2023
(KOTRA)



Labor Contract

A labor contract must precisely determine key working conditions, such as wages and working hours, and is essential for the protection of the rights of both employee and employer.

01. Stated Matters

The labor contract must contain wages, work hours, holidays, annual paid leaves, work, retirement allowance, etc. A standard labor contract is provided on the website of the Ministry of Employment and Labor.

02. Employees on Probation

Probationary employment is a type of work that is intended to develop the working skills or adaptability of a new employee who has formally signed a labor contract. The Labor Standards Act applies to employees on probation and as such, there must be justifiable cause where an employer intends to dismiss the employee.

※ Related law: Article 5 (2) of the Minimum Wage Act, Article 3 of the Enforcement Decree of the Act

IN DETAIL

Prohibitions on Requiring Applicants' Personal Information (region of origin, etc.)

Amended Article 4-3 of the Fair Hiring Procedure Act

A company that employs 30 or more workers on a permanent basis is prohibited from requiring a job-seeker to provide evidence of the following information that is not required for its job performance at the time of employment (signed into enforcement on Jul. 17, 2019).

- Physical condition (appearance, height, weight, etc.)
- Job-seeker's region of origin, marital status, and property ownership
- Educational background, occupation, and property ownership of the jobseeker's parents, children, and siblings

Wages

Wages refers to wages, salary, and any other kinds of money or valuables, regardless of how it is referred to, which the employer pays to an employee as remuneration for work under the Labor Standards Act, the Wage Claim Guarantee Act, and the Minimum Wage Act. The minimum wage set by the Labor Ministry applicable in 2023 is KRW 9,620 per hour or KRW 2,010,580 per month when a total 209 hours are worked per month.

01. Payment

Payment of wages shall be directly made in full to employees in currency. If otherwise prescribed by statutes or by a collective agreement, wages may partially be deducted or may be paid by means other than currency.

02. Date of Payment

Wages shall be paid at least once per month on a fixed day. This shall not apply to extraordinary wages, allowances, other similar payments, or those wages prescribed by Presidential Decree. An employer shall pay wages corresponding to work already offered even prior to the payday if an employee requests the employer to do so in order to cover expenses for childbirth, diseases, disasters, or other cases of emergency (marriage, death, returning home for at least one week due to unavoidable circumstances) as prescribed by Presidential Decree.

03. Overtime Work, Night Work, and Holiday Allowance

Employers shall pay 50% or more of the ordinary wage by adding 50% or more of the ordinary wage for overtime work and an additional 50% of the ordinary wage for night work (work between 10 p.m. and 6 a.m. of the next day). For holiday work, employers shall pay 50% of the ordinary wage for work of eight hours or less and 100% or more of the ordinary wage if it exceeds eight hours.

Work Hours

Work hours shall not exceed 40 hours a week and eight hours a day, excluding hours of recess. Upon calculating the work hours, any waiting time, etc., spent by employees under the direction and supervision of their employers that is necessary for the relevant work shall be deemed work hours.

01. Maximum Limit on Overtime Work

According to the "restrictions on overtime work" under Article 53 of the Labor Standards Act amended on May 18, 2021, working hours can be extended up to 12 hours a week if the employer and employee mutually agree, and one week shall be seven days including weekends.

02. Hours of Recess

An employer shall allow employees a recess of not less than 30 minutes in cases of working for four hours, or a recess of not less than one hour in cases of working for eight hours, during work hours.

03. Flexible Work Hours System

It is a system for flexible operation of decision-making and arrangement of working hours, which can allocate work hours according to the amount of work or left to the choice of workers to operate them flexibly and efficiently.

Work Hours System	Details
Flexible work hours system	To observe the statutory average work hours for a certain period of time, the work hours of a certain day are extended while the work hours of another day are reduced.
Selective work hours system	Workers set their working hours including overtime work freely for a period within one month (three months), with the weekly work hours not exceeding an average of 52 hours per week.
Deemed hours of work outside the workplace	When it is difficult to calculate the work hours provided by an employee because he/she carried out all or part of his/her duty outside the workplace owing to a business trip or any other reason, it shall be deemed that he/she has worked for contractual work hours.
Discretionary work hours system	In the case of work designated by Presidential Decree which requires leaving the methods of performing work to an employee's discretion due to the nature of the work, it shall be deemed that the work has been provided for such work hours as determined by a written agreement between the employer and the labor representative.
Compensatory leave system	An employer may grant employee leaves in lieu of wage payments for extended work, night work, or holiday work pursuant to Article 56 of the Labor Standards Act according to a written agreement that is concluded between him/her and the labor representative.

※ Related law: Articles 52, 53, 57 and 58 of the Labor Standards Act

Holidays and Days-off

01. Day-off

An employer shall guarantee an employee who has continuously worked for certain working days at least one paid holiday per week on average and also guarantee holidays as prescribed by Presidential Decree as paid holidays. However, where he/she makes a written agreement with the labor representative, such paid holidays may be substituted with particular working days.

02. Public Holidays

Private companies with five or more full-time employees should grant public holidays and substitute holidays according to the Regulations on Public Holidays of Government Offices.

03. Statutory Annual Paid Leave

Every employer shall grant any employee who has worked not less than 80% of one year a paid leave of 15 days in the next year. The paid leave days are calculated thereafter by adding one day for every two continuously working years not including the first one year to the 15 paid leave days. In this case, the total number of paid leave days, including the additional paid leave days, shall not exceed 25 days. Every employer shall grant any employee who has continuously worked for less than one year or less than 80% one paid leave day for each month during which he/she has continuously worked. Every employee has the right to claim wages as a substitute for unused annual leave days and it is the imprescriptible right even if the right of claim for annual leave terminates. Where any employee's paid leave is terminated by time limitation because the employee fails to take his/her paid leave although the relevant employer has taken the measures falling to urge employees to take their respective annual leave, the relevant employer is not liable to indemnify the employee for his/her failure to take the paid leave.

Four Major Insurances

The four major insurances are employment insurance, industrial accidental compensation insurance, national pension and national health insurance (as of 2021).

Contribution Rates

(as of 2022)

	Employment insurance	Industrial accidental compensation insurance	National pension	National Health insurance
Employee	0.9% of the total pay	N/A	4.5% of the standard monthly income	3.495% of the standard monthly wage
Employer		Depends on the type of business		

Long-term health care insurance premium is 10.25% of health insurance premium, and is collected with national health insurance. In the case of employment stabilization occupational ability development business, the employer pays 0.25 to 0.85% of the total pay, depending on the number of employees.

* Contribution rate of industrial accidental compensation insurance: Refer to website of the Ministry of Employment and Labor www.moel.go.kr

IN DETAIL

Obligation of Foreign Employees to Subscribe to the Four Major Insurances

Foreign employees must subscribe to national health insurance (application for exclusion from subscription can be filed if certain requirements are met) and industrial accident compensation insurance, as is the case of their Korean counterparts, while employment insurance can be subscribed to arbitrarily, depending on residency qualifications and nationality. Subscription to national pension varies by nationality, depending on reciprocity.

Retirement Allowance

01. Retirement

① Settlement of Payments

When an employee dies or retires, the employer shall pay wages, compensation, and other money or valuables within 14 days of the day on which the cause of such payment occurred.

② Issuance of Certificate of Employment

Whenever an employer is requested by an employee to issue a certificate specifying the terms of employment, the kind of work performed, positions taken, wages received, and other necessary information, he/she shall immediately prepare and deliver a certificate based on facts, even after the retirement of the employee. The certificate shall contain nothing other than what has been requested by the employee.

02. Severance Pay System

① Types

Severance pay refers to an annuity or lump sum paid to workers who provided consecutive service during a number of years. There are two types of retirement pension reserves-severance pay and retirement pension plan.

② Severance Pay System

It is a system established to pay a retiring worker a pro-rated amount equivalent to or more than the average wage earned for 30 days for each year of his/her continuous service by his/her employer.

③ Retirement Pension Plan

The defined benefit retirement pension system (DB), defined contribution retirement pension system (DC) and personal retirement pension (IRP) are defined as a system in which the user reserves the funds of retirement benefits to outside financial institutions and pays the reserve as pension or a lump sum upon retirement. When subscribing to a retirement pension, the employee can safely receive the severance pay without fear of defaulting after leaving the company, and the user can save tax because the paid reserves are recognized as deductible expenses under the Corporate Tax Act.

- **Defined Benefit Plan (DB):** Retirement benefits shall be multiplied by the length of time (years of service) in which the work is provided in excess of the average wage of 30 days per year. The level of retirement benefits to employees will be determined in advance.
- **Defined Contribution Plan (DC):** A twelfth of a subscriber's annual wages or more should be paid as contribution to the subscriber's account. The contribution of the employer is determined in advance.
- **Individual Retirement Pension (IRP):** This is a retirement pension plan established to accumulate and operate the lump sum paid by a participant or the contributions paid by an employer or a participant according to the participant's choice in which the amount of the benefits or contributions is not predetermined.

IN DETAIL

Introduction of the Retirement Pension System

An employer is required to set a retirement pension plan within one year of the establishment of the business; otherwise, such employer shall be deemed to have established a retirement allowance system. There is no punishment regulation for not setting up a retirement pension plan, however, the employer who fails to pay retirement benefit or retirement allowance shall be punished by imprisonment for not more than three years or by a fine not exceeding KRW 30 million.

※ Article 5, 11 of the Act on the Guarantee of Employees' Retirement Benefits

Dismissal

01. Justification of Dismissal

Dismissal refers to the termination of a working relationship against the will of an employee. An employer shall not, without justifiable cause, dismiss, lay off, suspend, or transfer an employee, reduce his/her wages, or take other punitive measures against him/her.

① Disciplinary Dismissal

This refers to the termination of working relationship in a disciplinary form where employer and employee cannot continue to maintain their working relationship. The institution comprehensively evaluates various circumstances, including disciplinary purposes, business characteristics, workers' duty, non-compliance, and their impact on the corporate order.

② Dismissal for Managerial Reasons

This refers to the termination of a working relationship based on urgent managerial needs in order to maintain the existence of a company for management. An employer shall make every effort to avoid dismissal and shall establish and follow reasonable and fair criteria for the selection of those persons subject to dismissal and inform them at least 50 days before the intended date of dismissal and consult in good faith with the labor union.

02. Advance Notice of Dismissal

When an employer intends to dismiss an employee (including dismissal for managerial reasons), he/she shall give the employee a notice of dismissal at least thirty days in advance of such dismissal. If the employer fails to give such advance notice, he/she shall pay such employee a minimum of 30 days' ordinary wage.

03. Written Notice for Dismissal

When an employer intends to dismiss an employee, the dismissal shall become effective only upon a written notice of grounds and timing for the dismissal.

04. Restriction on Dismissal

An employer shall not dismiss an employee during a period of suspension of work for medical treatment of an occupational injury or disease and within 30 days immediately thereafter. No woman shall be dismissed before or after childbirth during a period of suspension of work guaranteed by law and for 30 days immediately thereafter.

Rules of Employment

01. Preparation and Report of Rules of Employment

An employer employing 10 full-time employees or more should prepare and report the rules of employment to the Minister of Employment and Labor, and should also make a report when the rules are altered.

02. Matters to Include in the Rules of Employment

- Matters pertaining to the beginning and ending time of work, recess hours, holidays, leaves, and shifts
- Matters pertaining to the determination, calculation and payment method of wages, the period for which wages are calculated, the period for paying wages, and pay raises
- Matters pertaining to the methods of calculation and payment of family allowances
- Matters pertaining to retirement / Matters, etc. pertaining to retirement benefits, bonuses, and minimum wages

※Related law: Article 93 of the Labor Standards Act

03. Amendment of Rules

An employer shall, with regard to the alteration of the rules of employment, hear the opinion of a labor union if there is such a labor union composed of the majority of the employees, or otherwise hear the opinion of the majority of said employees if there is no labor union composed of the majority of the employees. When amending the rules of employment unfavorably to employees, the employer shall obtain their consent thereto.

04. Effect of Violation

If a labor contract includes any term or condition of employment which falls short of the standards of labor as provided for in the rules of employment, such part shall be considered null and void. In this case, the invalidated part shall be governed by the standards provided for in the rules of employment.

Protection of Pregnant Women

01. Maternity Leave before and after Childbirth

An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be granted.

02. Reduction of Working Hours for Period of Pregnancy

Where a female employee who has been pregnant for not more than 12 weeks or for not less than 36 weeks requests the reduction of her work hours by two hours a day, the employer shall permit it. However, no employer shall reduce an employee's wages for reason of reduction of work hours. The employer may allow her work hours to be reduced to six hours if her work hours are shorter than eight hours a day.

03. Paternity Leave

Employers are required to give a 10 day paid holiday if an employee applies for a leave on the grounds of a spouse's childbirth. However, the claim cannot be made 90 days after the date of the childbirth.

Work-Family Balance Assistance

01. Childcare Leave

Where a pregnant worker wishes to protect her motherhood or a worker parenting his/her children (including adopted children) eight years old or younger or in the first or second grade of elementary school applies for temporary retirement, his/her employer shall grant permission therefor. The period of childcare leave shall not exceed one year, and no employer shall dismiss or take any other disadvantageous measures against a worker on account of childcare leave, or dismiss the relevant worker during the period of childcare leave. The period of childcare leave shall be included in his/her continuous employment period.

02. Reduction of Working Hours for Period of Childcare

Where any worker who has a child who is eight years old or younger or is in the first and second year of elementary school, applies for a reduction of working hours in lieu of such leave, his/her employer shall grant it and no employer shall dismiss, or take any disadvantageous measures against, a worker on grounds of reduction of working hours for a period of childcare. Working hours after reduction shall be at least 15 hours a week, but shall not exceed 35 hours a week.

※ Related law: Article 19 through 19-3 of the Equal Employment Opportunity and Work-family Balance Assistance Act

Safety and Health

01. Health and Safety Education

A business owner shall regularly educate employees on health and safety in his/her place of business. Where a business owner employs a person for a harmful or dangerous job, he/she shall specially educate the employee for health and safety related to the job.

02. Health Examination for Employees

Health examination for employees should be conducted in order to protect and maintain employee's health. Office workers, other than those directly engaged in sales, shall take the examination at least once every two years while others shall take it at least once a year.

Irregular Workers

01. Fixed-term Worker

Fixed-term workers refer to an employee who has a fixed contract period, and an employer may hire a fixed-term worker for a period not exceeding two years. Where an employer hires a fixed-term worker for more than two years, such fixed-term worker shall be deemed a worker subject to non-fixed term employment contract. No employer shall give discriminatory treatment to any fixed-term worker on the ground of his/her employment status compared with other workers engaged in the same or similar kind of work on a non-fixed term employment contract at the business or workplace concerned.

02. Temporary Agency Worker

Temporary agency worker refers to a worker employed by a temporary work agency who works for the dispatched company under the direction and supervision of the dispatched company in accordance with the terms and conditions of a contract on temporary placement of workers. Jobs permitted for temporary work agency business shall be deemed appropriate for that purpose in consideration of professional knowledge, skills or experience or the nature of duties and prescribed by Presidential Decree, except for those directly related to production in the manufacturing industry.

Prohibition of Workplace Harassment

No employer or employee shall cause physical or mental suffering to other employees or deteriorate the work environment beyond the appropriate scope of work by taking advantage of superiority in rank, relationship, etc. in the workplace.

01. Protection of Workers

Where deemed necessary to protect employees who suffer or claim to suffer workplace harassment while investigation is conducted, the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work or ordering them a paid leave of absence. In such cases, the employer shall not take measures contrary to the will of the victimized employees, etc.

02. Measures

Where the occurrence of workplace harassment is verified as a result of investigation, the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work, giving them a lateral transfer or ordering them a paid leave of absence if the victimized employees, etc., make a request, and without delay, take necessary measures, such as taking disciplinary measures against the perpetrator of workplace harassment or transferring his/her place of work.

※ Related law: Chapter 6-2 of the Labor Standards Act (Enforced Jul. 16, 2019)

Collective Labor-Management Relations

01. Labor Union

Labor union refers to an organization or associated organizations of workers which is formed voluntarily, and there is no restriction in its form. Labor unions in Korea are formed generally as an associated organization including an industrial associated organization, the members of which are unit labor unions in the same industry, or a confederation of associated organizations, the members of which are industrial associated organizations or nationwide industrial unit labor unions. Labor unions are guaranteed the rights of association, collective bargaining and collective action as prescribed by law.

02. Unfair Labor Practices

The government bans any infringement of users' right to work and guarantees the basic right to work under the Constitution through the system of correcting unfair labor practices. Unfair labor practices include: unfavorable treatment of a worker on grounds that he has joined or intends to join a labor union, etc.; employment of a worker on the condition that he should join a particular labor union; refusal or delay of the execution of a collective agreement or other collective bargaining; domination of or interference in the organization or operation of a labor union by workers; and unfavorable treatment of a worker on grounds that they have participated in justifiable collective activities, or that they reported to or testified.

※ Related law: Article 81 of the Trade Union and Labor Relations Adjustment Act

03. Labor Relations Commission

It is an administrative agency established to carry out judgment and coordination work on labor relations swiftly and fairly. The Labor Relations Commission shall carry out duties concerning the correction of judgment, decision, resolution, approval, recognition or discriminatory treatment under the Labor Union and Labor Relations Adjustment Act and the Labor Standards Act, and support for the mediation or arbitration of labor disputes or the resolution of independent labor disputes by the parties concerned, investigation, research, education and promotion related to the performance of such duties. The Labor Relations Commission has the right to request cooperation from related administrative agencies and to investigate the case if necessary.

※ Related law: Article 1, 2-2, 22-26 of the Labor Relations Commission Act

04. Labor- Management Consultation

It is a system in which both workers and users consult or jointly decide on various managerial matters for the common good. Companies with a permanent workforce of 30 or more are required to set up a labor-management council which consists of the same number of members representing workers and users. It usually consists of three or more members but no more than 10.



INFORMATION

Obligation to Hire Persons with Disabilities and Persons of Distinguished Service to the Nation

1. Obligation to Hire Persons with Disabilities

Any business owner who regularly employs at least 50 full-time employees shall employ persons with disabilities at a ratio of at least 3.1% of the total number of employees. A business owner who employs persons with disabilities (excluding business owners who regularly employ at least 50, but not exceeding 100 employees), but fails to meet the mandatory rate for employment shall pay a contributory charge to the Minister of Employment and Labor each year.

※ Related law: Article 28, 33 of the Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities, Article 25, 36 of the Enforcement Decree of the Act

2. Persons of Distinguished Service to the Nation

A public or private enterprise and public or private organization which ordinarily employs at least 20 persons a day shall preferentially employ persons eligible for employment assistance in not lower than the employment* rate for each enterprise subject to employing persons eligible for employment assistance, which is set by Presidential Decree (Appendix 9 of the Enforcement Decree of the Act of the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the Nation), within the scope of 3 to 8% of the total number of its employees. An employer who refuses to employ such persons of employment assistance without any just grounds after an instruction from the Minister of Patriots and Veterans Affairs shall be imposed KRW 10 million or more of administrative fines.

Foreign-invested companies that move into free economic zones may be excluded from the application of the obligation to hire persons with disabilities and national meritorious workers, while foreign-invested enterprises that move into free trade zones may be excluded from the application of the obligation to hire persons with disabilities.

* Related law: Article 33-2, 86 of the Act of the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the State

Reference: Labor Laws in Korea 2023 (KOTRA)

Frequently
Asked
**Question
&
Answer**

Q 01 Hiring suitable employees and dismissing unsuitable employees is difficult. May a company have certain period of time to verify a new employee's qualities?

A company may verify the employee's qualities via a probationary period stated on the labor contract. The period is not fixed by law but the majority of companies have a three-month probationary period as accorded in Article 26 of the Labor Standards Act which states that advance notice of dismissal is not essential when the period during which the employee has worked continuously is less than three months.

Q 02 How is the minimum wage calculated on a 209-hour basis?

The average weeks of one year are 4.345 weeks (365 days ÷ 7 days ÷ 12 months). The weekly work hours are 48 hours - eight hours per workday and eight hours during the weekly holiday. If 48 hours a week is multiplied with the monthly average weeks, the total hours comes to 208.56, or 209 hours. (4.345 X 48 = 208.56)

Q 03 Is it violation of the law concerning work hours if an employee works 15 hours a day for three days a week, not exceeding 52 hours per week?

The employee has worked seven hours of overtime work for three days per week, making the total overtime work hours per week 21 hours. The Labor Standards Act stipulates that one week's overtime work cannot exceed 12 hours, so even if the total working week is within 52 hours, it shall constitute a violation of the law.

Q 04 Is it possible for an executive of a foreign-invested company to subscribe to employment insurance?

A worker in a business that is covered by employment insurance becomes an insured employee, and a representative director and others are not insured. A worker is a person who provides work under the direction and supervision of the employer and receives wages in return. One is not an employee who is in the position of representative or executive body, such as a director of a corporation or an auditor. However, even if one's title is executive director or vice president, it is necessary to determine the worker's status based on the specific facts since the employee is provided with work in a subordinate relationship without having any actual right to carry out work and is not responsible for the management of the company.

Frequently
Asked
Question
&
Answer

Q 05 What are the cases in which foreign employees are excluded from subscription to national pension?

- When the foreign employee's home country law does not apply to the people of Korea regarding "the pension commensurate with the national pension" under the National Pension Act.
- When a foreigner overstays the permitted period of sojourn.
- When a foreigner is not registered or an order is issued to deport him or her.
- When the status of sojourn is as follows: Diplomacy (A-1), Foreign Government Official (A-2), International agreement (A-3), Visa Exempted (B-1), Tourist/Transit (B-2), Short-term News Coverage (C-1), Short-term Visit (C-3), Short-term Employee (C-4), Korean Arts and Culture (D-1), Student (D-2), Industrial Trainee (D-3), General Trainee (D-4), Religious Worker (D-6), Visiting or Joining Family (F-1), Dependent Family (F-3), Others (G-1)
- When a foreigner is not subject to the "National Pension Act" in any other statute or treaty

Q 06 Is a foreigner who works in a foreign-invested company and has a D-8 visa obliged to subscribe to health insurance?

In principle, the foreign employee is subject to obligatory subscription to national health insurance. However, according to Article 109 (5) of the National Health Insurance Act and Article 61-4 of the Enforcement Rules of the Act, where a foreigner residing in Korea can receive medical care equivalent to health care benefits through a foreign insurance or a contract with his/her employer and the employer or subscriber applies for exemption from subscription, he/she can be excluded from subscription.

Q 07 Is National Pension refundable when a foreigner returns to his/her home country?

A lump-sum refund can be applied to a foreigner who returns to his/her home country in the following cases: www.nps.or.kr

- ㉠ In cases where a foreigner whose home country grants Koreans benefits in compliance with a lump-sum refund under the National Pension Scheme,
- ㉡ In cases where a foreigner whose home country has concluded a social security agreement with Korea regarding the payment of the lump-sum refund.
 - ※ As of July 2022 (22 countries): Germany, United States, Canada, Czech Republic, Hungary, Australia, France, Belgium, Bulgaria, Poland, Slovakia, Romania, Austria, India, Türkiye, Switzerland, Brazil, Peru, Luxembourg, Slovenia, Croatia, Uruguay
- ㉢ In cases where a foreigner who has been covered under the National Pension Scheme with the status of sojourn of E-8 (Employment for Training), E-9 (Non-professional Employment), or H-2 (Visiting Employment), returns to his/her home country

Q 08 If the notice of termination was given five days short of the 30-day notice period, shall the employee be given an allowance for advance notice of dismissal for the five days?

When an employer intends to fire (including dismissal for managerial reasons) an employee, the employer shall make a notice of dismissal at least 30 days in advance, and if the employer has not made the notice 30 days in advance, the employer shall pay the amount equivalent or more than the ordinary wage for 30 days or more (allowance for advance notice of dismissal). The period of termination notice is calculated as calendar days, not working days, so if there is a holiday it is not extended, and if there is a shortage of one day or more, the entire amount equivalent to or more than ordinary wage for 30 days or longer should be paid.



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**PART
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Intellectual Property System

- Intellectual Property Rights
- Main Services of the Korea Intellectual Property Office
- Dispute Settlement Committee for Industrial Property

Korea is the world's 4th largest intellectual property applicant and 5th largest international patent applicant for Patent Cooperation Treaty (PCT), making the country a patent powerhouse. In general, patents are divided into industrial property rights, copyrights, and new intellectual property rights, although industrial property rights are the most common in Korea. The Korean Intellectual Property Office, designated as an international research institute for PCT international applications and an international reserve review agency in 1999, has improved its system by strengthening related laws and systems and simplifying administrative procedures to actively cope with the rapidly changing global trade environment, and providing various support for the acquisition and protection of intellectual property rights.

Intellectual Property Rights

Intellectual property right is classified into industrial property rights, copyrights, and new intellectual property rights. Industrial property rights consist of patent right, utility model right, design right, and trademark right. This book will only focus on the industrial property rights that are applied to companies.

01. Registration of Intellectual Property Rights

"Registration of Industrial Property Rights" inclusively refers to the recording of the creation, modification, extinction, and other given items of information concerning patent rights on the patent register maintained at the patent office or recorded items of information based on the authority of the Commissioner of the Patent Office, request by the parties, or commission by a law court or other government agencies.

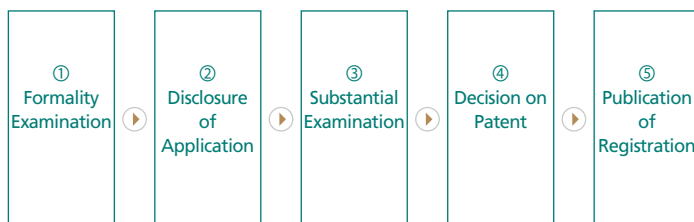
"Register" means the patent register maintained at the patent office for the Commissioner to record the prescribed registration items provided under statutes concerning industrial property rights and related rights. The registers for industrial property rights are broken down into four kinds, and each register has separate trust registers. The statement of patented invention, drawings, design drawings, and documents indicating trademarks are regarded as part of the register.

Category	Definition	Duration
Patent register	An official book for registering patents as the creation of technical ideas using the law of nature whose invention level is advanced	From the day of filing of registration, up to 20 years from the date of filing
Utility model register	An official book for registering utility models as the creation of technical ideas using the law of nature concerning the shape, structure, and combination of articles	From the day of filing of registration, up to 10 years from the date of filing (up to 15 years in case of those subject to the old Act)
Design register	An official book for registering designs, which are forms, shapes, colors, or their combination of articles for feeling the aesthetic sense visually	From the day of filing of registration, up to 20 years from the date of filing (up to 15 years from the registration date in case of those subject to the old Act)
Trademark register	An official book for registering trademarks, which are signs, characters, figures, cubic shapes, colors, holograms, actions, or their combinations used to distinguish from other goods	Up to 10 years from the registration date (renewable every 10 years, semi-permanent right)

02. Patent Right

The patent right system is prepared to promote the development of the national industry by protecting and promoting inventions, and to this end, it refers to granting patent rights in return for technology disclosure. The right is effective only within the countries which have obtained the rights, while Korea adopts an elective principle that grants patent rights to first-time applicants in patent applications.

Main Procedures for Patent Application



- ① Formality assessment is to check whether there are errors in the process (e.g., missing information on submitted documents, observation of period, attachment of required certificates, payment of fees).

- ② The Korean Intellectual Property Office discloses the patent application 18 months after the application date to prevent delays in the public disclosure of technologies for which an application has been submitted.

- ③ Substantive examination reviews the invention's industrial applicability, novelty and inventiveness. A patent is granted on condition of disclosure, so a review is conducted on whether the specification is appropriate for use by the public.

- ④ The applicant will be notified of the decision to grant a patent when the examination result shows no reason for rejection.

- ⑤ The applicant shall pay a registration fee to register the patent immediately upon receiving notification of the decision to award a patent. The patent right enters into effect upon establishment of registration and the registered application for a patent will then be published and disclosed to the public.

Method of Patent Application

Method	Electronic Application	Application in Paper	
	Online	Post	Walk-in
Details	Transmit an application online by using software for electronic documents	Fill out an application form and send it to the Korea Intellectual Property Office	Submit an application by visiting the office
Place for application	www.patent.go.kr ▶ patent application ▶ application in Korea ▶ Installation of software for electronic documents	(35208) A director of Korea Intellectual Property Office, Government complex Daejeon, Seogucheongs-ro 189, Daejeon Metropolitan City	Customers service center for patent in Korea Intellectual Property Office (Daejeon), Seoul office of Korea Intellectual Property Office (Seoul)
Time of receipt	Available 24 hours from Monday to Saturday. Available from 09:00 to 21:00 on holidays and Sundays	The imprinted date from post office is recognized as application date. (The arrival date in Korea Intellectual Property Office shall be recognized as application date for PCT international application)	From 09:00 to 18:00 (From 09:00 to 13:00 for winter season and Saturdays)



INFORMATION

Electronic Application for Patent and Information Retrieval

- "Teukheoro" is an electronic application service for patent operated by Korea Intellectual Property Office, which makes it easy to apply and register patent and pay commission.
www.patent.go.kr • Customers service center: 1544-8080
- KIPRIS (Korea Intellectual Property Rights Information Service) is an information retrieval service operated by Korea Intellectual Property Office through Korea Institute of Patent Information (KIPI). It provides a search and inquires function for domestic intellectual property information and overseas patent information including patents and utility model rights, design, and trademarks.
www.kipris.or.kr

03. Utility Model Rights

Patent rights protect invention; on the other hand, utility model rights protect design. Thus, utility model means the design itself, which can be improved to make it more convenient and useful to use. The system of registration has been adopted after the examination to decide whether or not to register a new utility model after an actual review.

04. Design Rights

Design rights refer to the exclusive right enjoyed by the registrar for all designs that create a sense of taste through vision, such as the forms, shape, color, or their combination. If the applicant wishes to apply for a design similar to the originally applied basic design, the application can be recognized as related design within one year from the registration application date of the basic design and the design right can be obtained.

05. Trademarks Rights

Trademark rights refer to the right to exclusively use the labels used to identify one's own and another's products. Labels refer to all markings used to indicate the source of a product, regardless of its composition or manner of expression, such as symbols, letters, shapes, sounds, smells, stereoscopic features, holograms, actions, or colors. The terms of the existence of the trademark are 10 years from the date of the establishment registration, and an application for renewal is required every ten years.

Main Services of the Korea Intellectual Property Office

With technological innovation and intellectual property policies at the core of the national strategy due to the Fourth Industrial Revolution, the Korea Intellectual Property Office is pursuing policies to foster related manpower and improve services to the public, including reliable screening and examination, providing referee services, strengthening protection and support to strong patent creation and promoting commercialization of superior intellectual properties.

01. Patent Examination System Customized in Three Tracks

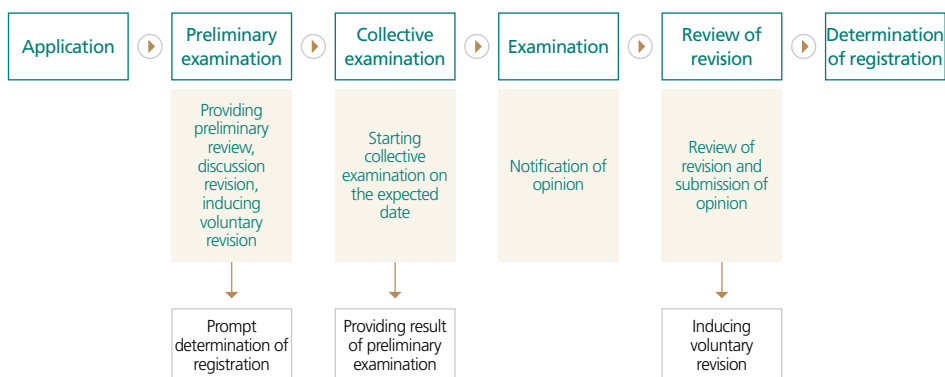
The Korea Intellectual Property Office operates a patent examination system customized in three tracks to offer competitive period and quality of examination: preferential examination, general examination, and late examination. It has advantages of providing the opportunity to secure monopolistic status with acquisition of patents in advance and securing sufficient time of commercialization through late examination.

- Preferential examination: Request preceding technology investigation at a specialized organization and adjust the processing time for the application
- General examination: Provide the result within the average pendency period
- Late examination: Introduce an application system of suspension of examination for customer who requests late examination

02. Patent Examination 3.0

It is a new paradigm of patent examination to enable high-quality patents beyond the traditional one-way service and with communication between applicants and examiners in every process of examination including preliminary examination, collective examination, and review of revision.

Major Systems at Each Step of Examination



03. Preliminary Examination

The patent applicant can identify and respond to the reasons for rejection before the official examination by exchanging opinions based on the results of the review, and grant the correct examination and patent rights in advance by exchanging opinions of the technology and examination with the applicant.

04. Collective Examination

By reviewing multiple applications at once at the expected time, companies can secure collective intellectual property rights in accordance with their management strategies such as when products are released, and the nation can commercialize R&D products and activate technology transfer.

05. Review of Revision

A system in which the patent applicant exchanges opinions on the revision through a meeting with the examiner before submitting the final version of document in response to the reason for the refusal notified. The applicant can advance the timing of the patent decision by reducing unnecessary procedures by identifying whether or not the reasons for the correction of the revised proposal are resolved before submitting the final documents, while the examiner can seek an accurate examination by exchanging opinions of the technology and examination with the applicant directly.

06. Technology Publication Service through the Internet

On its website, the Korea Intellectual Property Office created a "Cyber Bulletin" as an internet technology publication service. Since it is difficult to exercise patents on certain technologies due to the prior application for the purpose of defense in regard to time loss and cost, the Korea Intellectual Property Office offers notarization of the details and date of technology and recognition of the priority for those who intend not to secure patent rights but seek protection from exercised patent rights when he/she posts the details of technology in the "Cyber Bulletin" to prevent disadvantages in business from other company's exercise of patent rights.



When not to use the internet technology publication service

For those who intend to apply for patent rights through the application process and for technologies protected by trade secret.

Dispute Settlement Committee for Industrial Property

The Korea Intellectual Property Office operates a Dispute Settlement Committee for industrial property based on the Invention Promotion Act and supports the settlement in order to reduce cost and time burden of people arising from lawsuits and to offer advance and fair resolution on disputes over industrial property rights. Settlement by the Dispute Settlement Committee for industrial property provides prompt reconciliation via a free service as opposed to a lawsuit. In addition, the process is undertaken behind closed doors, while the following advantages are provided.

Category	Details
Saving time and cost	Time can be saved by resolving multiple lawsuits (civil and criminal) or judgments in a single procedure, and costs can be saved since no separate application amount are required.
Professional and neutral advice	Committee members, consisting of experts, assist the parties to make reasonable judgments by giving professional and objective advice on industrial property rights disputes through coordination meetings.
Win-win settlement of disputes between two parties	Satisfactory compromise between the two parties is possible as opposed to lawsuits.
Enactment of reconciliation in court when settlement is established	Enactment of reconciliation in court which has the same effect as final and conclusive judgement shall be made when settlement is established.
Promptness and confidentiality	The process of settlement shall be completed within 3 months from the application date when there is no specific reason. The process is undertaken in confidence, which is useful for those who do not wish to inform the public of the dispute or are concerned with leakage of trade secrets.

01. Qualifications to Apply

Qualified applicants for dispute settlement are industrial property holders, enforcers, licensees, employee inventors, and those who have interests in implementing rights.

02. Types of Disputes Open for Settlement

- Dispute of industrial property (patent, utility model, trademarks and design)
- Dispute concerning job invention
- Dispute concerning technical trade secret

→ Except for the annulment and cancellation of industrial property rights and matters regarding judgment on rights verification, etc.



INFORMATION

Application for Settlement Dispute on Industrial Property

- Application method: Fill out the application form from the website and apply online or by postage, fax, or e-mail. http://www.koipa.re.kr/adr/request_2.html
- Contact: 1670-9779 (TEL), 02-2183-5897 (Fax), lp.adr@korea.kr (email)
- Address: Dispute Settlement Committee for Industrial Property Office, 6F Korea Intellectual Property Center, Teheran-ro 131, Gangnam-gu, Seoul



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PART
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Foreign Investment Ombudsman System

- Function and Authority of the Foreign Investment Ombudsman System
- Grievance Resolution Committee and Home Doctor System

The Foreign Investment Ombudsman System was introduced in 1999, under the Foreign Investment Promotion Act, for the purpose of supporting the settlement of grievances of foreign-invested companies operating in Korea. The Foreign Investment Ombudsman offers after-care service for foreign-invested companies, which effectively addresses and supports the difficulties of companies and subsequently promotes an increase in investment from existing foreign-invested companies, as well as new investment, by improving the investment environment.

Function and Authority of the Foreign Investment Ombudsman System

01. Appointment and Roles

The Foreign Investment Ombudsman shall be commissioned by the President following the recommendation of the Minister of Trade, Industry, and Energy, and via deliberation by the Foreign Investment Committee. The Foreign Investment Ombudsman is responsible for the investigation and handling of difficulties of foreign investors and foreign-invested companies, the preparation of policy measures for improving the foreign investment system, recommendations to relevant administrative and public agencies, and other tasks required for handling the difficulties of foreign investors and foreign-invested companies.

02. Authority

① If necessary for settling the grievances of foreign investors and foreign-invested companies, the Foreign Investment Ombudsman may request that the head of a relevant administrative agency and foreign-investment related agency render necessary cooperation in the following matters. In such cases, the head of the relevant administrative agency, etc. in receipt of such request shall comply therewith, unless extenuating circumstances exist:

- Providing an explanation to a relevant administrative agency, etc. or submitting data in accordance with the standards as prescribed by Presidential Decree
- Stating opinions of related employees, interested persons, etc.
- Requesting cooperation for site visits

② Where deemed necessary after resolving the complaints of foreign investors and foreign-invested companies, any foreign investment ombudsman may recommend the heads of relevant administrative agencies and the heads of public institutions to take corrective measures on related affairs.

- The heads of the related central and municipal government offices that have been advised to improve their system or service should notify the Foreign Investment Ombudsman of the results of their handling in writing within 30 days.
- The Foreign Investment Ombudsman may check or inspect the performance of the recommended improvement and have the case of recommended improvement referred to the Foreign Investment Committee when the heads of related central or municipal government offices fail to perform the improvement as recommended.

※ Related laws: Article 15-2 (3), (4), (5), (6) of the Foreign Investment Promotion Act, Article 21-3 (5), (6) of its Enforcement Decree

Grievance Resolution Committee and Home Doctor System

01. Grievance Resolution Committee

A grievance resolution committee shall be established within the Korea Trade-Investment Promotion Agency in order to support the duties of the Foreign Investment Ombudsman, with the head of the committee being the Foreign Investment Ombudsman.

The head of the grievance resolution committee may request cooperation from a relevant administrative agency or a foreign-investment related agency to settle the complaints of foreign investors and foreign-invested companies. In such cases, the agency upon receipt of a request for cooperation shall present the results of resolving complaints or its opinion on such matters within seven days after receipt of the request.

※ Related law: Article 21-4 (2), (3) of the Enforcement Decree of the Foreign Investment Promotion Act

02. Home Doctor System

In order to efficiently settle the complaints of foreign investors and foreign-invested companies, the head of the grievance resolution committee may designate Home Doctors in charge of settling complaints for each region or foreign-invested company.

• Areas supported: Finance, labor, tax/accounting, consumer goods, certification/safety/environment/IT/automobile/machinery, immigration/visa, etc.

※ Related laws: Article 21-4 (5) of the Enforcement Decree of the Foreign Investment Promotion Act

03. Procedures for Grievance Resolution

Procedures for the resolution of grievances from foreign investors or foreign-invested companies are as follows.

- ① Submit grievances online through the Foreign Investment Ombudsman Portal (<https://ombudsman.kotra.or.kr>)
- ② The relevant expert pursues settlement methods in consultation with related ministries or agencies after examining the contents of the related complaint
- ③ The results of complaint handling are individually notified to the relevant business

* Source: 2019 Foreign Investment Ombudsman Annual Report (Sep. 2020)



INFORMATION

Contact the Foreign Investment Ombudsman for grievance resolution

- TEL: 02-3497-1824
- Fax: 02-3497-1699
- Address: Foreign-invested Company Grievance Settlement Office, 6F Invest Korea Plaza, Hyeoleung-ro 7, Seocho-gu, Seoul

04. Regulatory Information for Foreign Investors

The Regulatory Information Service for Foreign Investors is provided by the Office of the Foreign Investment Ombudsman in cooperation with the Regulatory Reform Committee under the Office of Government Policy Coordination to seek the opinions of foreign-invested companies. The government and National Assembly's legislative proposals relevant to foreign investment are translated into English and submissions made by foreign investors are referred to relevant government bodies.

* The Foreign Investment Ombudsman website (Regulatory information): <http://ombudsman.kotra.or.kr>

Details of Service

Category	Details of Service
Government legislation	<ul style="list-style-type: none"> • Providing translation in English and summary of new or enhanced regulation from Government (Enforcement Decree and Enforcement Rules) • Collecting opinions of related regulation from foreign-invested companies, providing English translation and sending it to government agencies in charge of the regulation.
National Assembly legislation	<ul style="list-style-type: none"> • Providing English translation and summary regarding new or enhanced regulation from National Assembly on motion • Collecting the opinions of related regulation from foreign-invested companies, providing English translation and sending it to government agencies or relevant member of the National Assembly in charge of the regulation.
Regulatory Reform Sinmungo (Request for improving the existing regulation)	<ul style="list-style-type: none"> • Collecting proposals regarding the existing regulation in effect, sending replies to the government ministry and office concerned.

* Source: 2019 Foreign Investment Ombudsman Annual Report (Sep. 2020)



INFORMATION

Method of Application for Newsletter of Regulatory Information

- Application: Available in Foreign Investment Ombudsman website (Bulletin Board ▶ Newsletter)
- Contact: 02-3497-1829

Frequently Asked Question & Answer

Q In what areas can grievance resolution be applied?

01 Resolutions for grievances are provided in all fields, ranging from corporate management to the living environment of foreign investors. Exceptions include private disputes between companies, the sales of individual companies, requests that contradict global standards and matters that unfairly influence other companies or industries.

* Source: 2019 Foreign Investment Ombudsman Annual Report (Sep. 2020)



CORPORATE
BUSINESS

Practice

PART
6

Dissolution and Liquidation

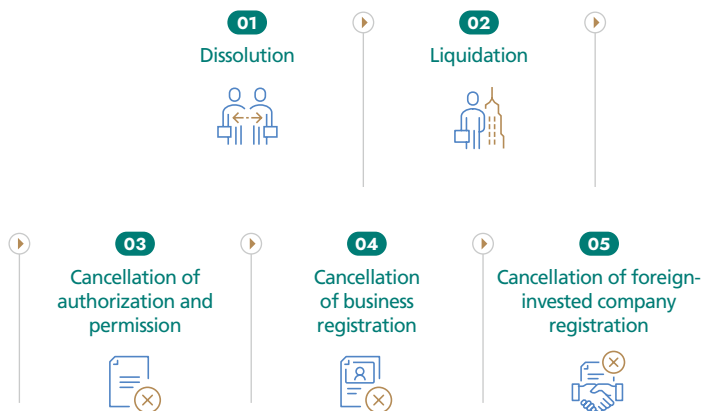
- Dissolution
- Liquidation of a Stock Company
- Cancellation of Authorization and Permission
- Cancellation of Business Registration
- Cancellation of Foreign- Invested Company Registration

Where a foreign-invested company discontinues its business, it shall lose its corporate personality through a process of dissolution, liquidation, cancellation of authorization and permission and its business registration, and it should also cancel its registration as a foreign-invested company.

Dissolution

When a corporation discontinues its business, it is required to undertake procedures of dissolution, liquidation, cancellation of authorization and permission, cancellation of its business registration, cancellation of foreign-invested company registration, which takes about two months.

Procedure of dissolution and liquidation



The process of dissolution and liquidation is required for the elimination of corporate personality. The grounds for dissolution are as follows, but in most cases, the dissolution is decided by a resolution passed at a general meeting of shareholders.

Grounds for Stock Company Dissolution

- Termination of the period of existence or occurrence of any events specified in the articles of incorporation
- Merger
- Bankruptcy
- Order or ruling by a court
- Division or merger after division of the company
- Resolution passed at a general meeting of shareholders (at least 2/3 of the voting stocks of shareholders presenting 1/3 or more of total outstanding shares)

★ DOCUMENTS

• Registration of Dissolution

Online Registry of Supreme Court www.iros.go.kr ▶ Library ▶ Registration application form ▶ Corporate registration ▶ Search (Registration of incorporation)

※ **Contact: Officer in charge of corporate registration in Supreme Court Register Office**
1544-0773→2→3

Liquidation of a Stock Company

01. Appointment of Liquidators

Upon dissolution of a company, except in cases of dissolution by a merger, division, merger after division, or bankruptcy, directors shall become liquidators. This is not necessary, however, if otherwise provided for in the articles of incorporation or if other persons have been appointed at a general meeting of shareholders.

02. Liquidator's Report

A liquidator shall report the grounds for and date of dissolution and the name, resident registration number, and address of the liquidator to the court within two weeks of the date of appointment.

03. Investigation and Report of Company Assets

After a liquidator has assumed office, he/she shall, without delay, investigate the status of the company's assets and shall prepare an inventory list and a balance sheet and submit them to a general meeting of shareholders for approval. After obtaining approval, a liquidator shall, without delay, submit an inventory list and a balance sheet to the court.

04. Preparation and Submission of Balance Sheet, etc.

A liquidator shall prepare a balance sheet, supplementary schedules, and a business report four weeks prior to the date set for an ordinary general meeting of shareholders and submit them to an auditor.

05. Submission of Audit Report from Auditor

An auditor shall submit to a liquidator an audit report on the balance sheet, supplementary schedules, and a business report one week prior to the date set for an ordinary general meeting of shareholders.

06. Peremptory Notice to Creditors and Repayments

A liquidator shall give peremptory notice to creditors of a company, by means of public notice, at least two times within two months after he/she takes office, to the effect that the creditors present their claims within a fixed period and that any creditor failing to do so will be excluded from the liquidation.

In addition, a liquidator shall give peremptory notice demanding presentation of claims individually to each creditor known to the company, and such creditor shall not be excluded from the liquidation, even if he/she has failed to present his/her claim.

07. Distribution of Surplus Assets

Surplus assets shall be distributed to shareholders in proportion to the number of shares held by each shareholder.

※ Related regulations: The retrieval and overseas remittance of residual investment funds are guaranteed under ③Article 3 (1) of the Investment Promotion Act and ③Article 6 (4) of the Foreign Exchange Transactions Act.

08. Completion of Liquidation

When liquidation-related affairs have been completed, a liquidator shall without delay prepare a statement of the settlement of accounts and submit it to a general meeting of shareholders for approval.

09. Registration of Completion of Liquidation

After the completion of liquidation, a liquidator shall register the completion of liquidation upon the approval of a general meeting of shareholders within two weeks for the main branch, and within three weeks for the other branches.

Cancellation of Authorization and Permission

Where registration of business, report of business, and authorization and permission of business are acquired by type of established business, business closure must be reported. The managing authority is the office of Si/ Gun/Gu/ Special self-governing province, local community health center in jurisdiction, and local ministry of food and drug safety where the authorization and permission has been initially issued.

Cancellation of Business Registration

When a business operator closes the registered business, the operator shall submit the declaration of business closure without delay, to the head of the tax office (submission acceptable through the national tax information network).

Cancellation of Foreign-Invested Company Registration

When a foreign-invested company closes its business, foreign-invested company registration shall be cancelled. The delegated agency shall issue the confirmation of cancellation of foreign-invested company registration after completion of cancellation.

★ DOCUMENTS

Registration of Completion of Liquidation

On-line registry of Supreme Court www.iros.go.kr  Library ▶ Registration application form ▶ Corporate registration ▶ Search (Liquidation for stock company, Liquidation for limited company)

※ **Contact: Officer in charge of corporate registration in Supreme Court Register Office**
1544-0773→2→3

Cancellation of Business Registration

- **Report on business suspension or closure**
(Form no. 9 of the Enforcement Rule of the Value Added Tax Act; Report on business suspension or closure)
- **Original copy of business license, incorporation registration of dissolution or liquidation, representative's identification card**

* Where an agent files an application: Power of attorney and the agent's identification (ID card)

※ **Contact: Officer in charge of VAT at the National Tax Service 126→2→2**

Cancellation of Foreign-Invested Company Registration

- **A copy of application of foreign-invested company registration**
(Attached form No. 17 of Enforcement Decree of the Foreign Investment Promotion Act: Application of foreign-invested company registration)
- **Confirmation of business closure, certificate of all matters of incorporation registration** (Liquidation completed)
- **Original copy of registration of foreign-invested company to be returned**

* Where an agent files an application: Power of attorney and the agent's identification (ID card)



**BUSINESS IN
KOREA
2023**



04

CORPORATE
BUSINESS

Individual Business

- Individual Business
- Acquisition of Real Estate

The establishment process of an individual business whose business entity is an individual is the same as the process of a corporation established by shareholders with capital excluding the step of incorporation registration. However, it is different from a corporation in regard to the method of taxation, accounting and financial management, and also the D-8-3 or D-9 visa which allows the business owner to stay in Korea should be obtained. When the business is discontinued, it is possible to transfer the surplus assets to a home country after a procedure of cancellation of authorization and permission, business registration, and foreign invested company registration.



**Individual
Business**

**PART
1**

Individual Business

- Difference Between Individual and Corporate Business Operators
- Establishment Procedures
- Taxation
- Visa
- Process of Business Closure

Difference Between Individual and Corporate Business Operators

If an individual business switches to a stock company, it may work to an advantage in terms of tax savings. Individual businesses with a low tax base according to the tax rate table have an advantage on tax payment, although if the tax base is above a certain amount, a corporation has an advantage.

◆ Differences between Individual Business and Corporate Business

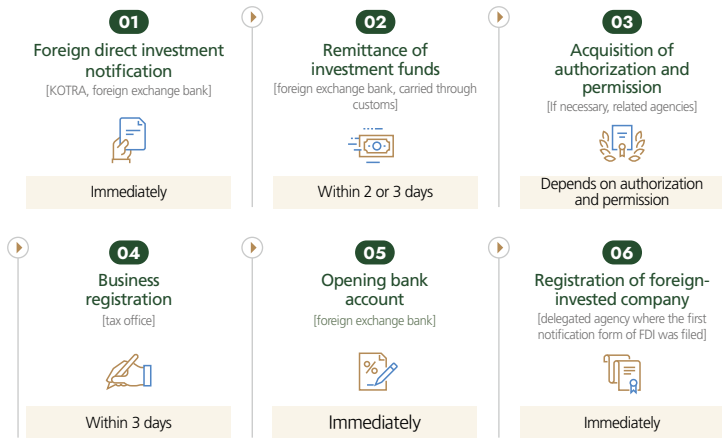
	Individual Business	Corporate Business
01 Applicable law	Income Tax Act	Corporate Tax Act
02 Taxable income	Income tax is imposed on the income listed in the Income Tax Act.	Income tax is imposed on the whole amount of increased net assets in the relevant business year.
03 Obligation of tax payment	Only for the income in the relevant year	For business income and liquidated income of each business year
04 Tax rate	6~45%	9-24%
05 Fiscal year	The taxable period is determined so that tax for income from January 1 to December 31 of each year can be paid pursuant to the Income Tax Act.	The business year can be decided arbitrarily by the article of association.
06 Obligation of book-keeping	Only individual companies of certain size or larger are obligated to prepare a financial statement.	Every corporation is obligated to prepare a financial statement.
07 Subject of rights and obligations	A business operator is the subject of its rights and obligations. The business can be attributed to the operator's income but he/she becomes a directly involved party to a default, etc. and assumes unlimited liability.	The responsibility of investors is limited to the amount of their contributions except in cases where there are other provisions in the Commercial Act.
08 Use of Property	Profits earned from business belong to the business owner.	Profits earned from business primarily belong to the corporation.

Establishment Procedures

Individual Business vs. Corporation

A corporation assumes corporate personality through incorporation registration in the registration office in the relevant jurisdiction and via business registration in the tax office in jurisdiction. An individual business can commence business by applying for business registration at the relevant tax office **without business registration**.

Flow Chart of Foreign Investment for Individual Businesses



01. Notification of Foreign Direct Investment

A foreign investor is required to file pre-notification of FDI to KOTRA (KOTRA's Investment Consulting Center or its overseas investment hub offices) or delegated agencies (headquarter or branch of a foreign exchange bank).

★ DOCUMENTS

FDI Notification

[In case of equity investment]

- **2 copies of the notification form** (Enforcement Rules of the Foreign Investment Promotion Act, attached form no.1: Application for Notification of foreign investment by acquisition of stocks or contribution and application for its permission)
- **Foreign investor's certificate of nationality** (Individual: Passport)

*Where an agent files an application: Power of attorney and the agent's identification (ID card)

[In case of long-term loan]

- **2 copies of the notification form** (Enforcement Rules of the Foreign Investment Promotion Act, Attached Form 2: Notification of foreign investment in the form of a long-term loan)
- **Foreign investor(loan provider)'s certificate of nationality**
- **Copy of the loan contract** (the lender: the investor him/herself)

[In case of non-cash investments]

- **Documents certifying object of investment** (e.g., price evaluation certificate documents on industrial property rights)

*Where an agent files an application : Power of attorney and the agent's identification (ID card)

02. Remittance of Investment Fund



INFORMATION

A foreign investor may remit investment funds by wire transfer to the temporary account of a foreign exchange bank in Korea or hand-carry the foreign currency through customs directly. In the latter case, the investor should declare the funds at the customs office and receive a certificate of declaration of foreign currency.

Opening of temporary account

A temporary account may be opened at a local bank by submitting a document certifying the nationality of the foreign investor (document certifying the existence of a corporation or passport issued by the country of the foreign investor). However, the required documents may vary by bank. The investment fund must be remitted with foreign currency and the purpose of remittance must be stated as 'investment.'

03. Authorization and Permission

Where necessary for business, a foreign investor must acquire authorization and permission from the competent authorities, such as a district office, regional health center, and the Ministry of Food and Drug Safety. The processing period may change depending on the sort of authorization and permission for the type of business.

IN DETAIL

Examples of the Type of Businesses that Need Authorization and Permission

Cosmetics manufacturing, sales and import of cosmetics, food manufacturing, sales of medical equipment, medical equipment manufacturing, sales and import of medical equipment, mail-order sales (including E-commerce), restaurant, accommodation, sales and import of health food, travel, attraction of international patients, import of liquor, small-scale manufacturing of beer, job placement, currency exchange, etc.

04. Business Registration

Every tax office accepts business registration regardless of the jurisdiction, and business registration should be completed within 20 days of the commencement of business.

★ DOCUMENTS

Business Registration

- **Application Form** (Enforcement Rules of Value Added Tax Act, attached form 4: Application for business registration), **lease contract**, **foreign currency purchase certificate**, **copy of passport**, **foreign investment notification form**, **certificate of authorization and permission (if required)**, etc.

* Where an agent files an application : Power of attorney and the agent's identification (ID card)

05. Opening a Business Bank Account

A foreign investor may open a business account from a foreign exchange bank. An account can be opened immediately, but it needs careful consideration to choose the bank since opening an additional account at another bank is restricted for 20 business days.

06. Registration of Foreign-Invested Company

Registration of foreign-invested company is required as the last step of foreign investment, and an application shall be filed to KOTRA or a foreign exchange bank where the notification was initially made. The registration should be completed within 60 days of the business registration.



INFORMATION

Contact

- Business registration: Officer in charge of value added tax in the National Tax Service 126->2->2
- Notification and registration of FDI: KOTRA 1600-7119

★ DOCUMENTS

Opening a Business Bank Account

- Copy of business license, seal of the representative of the business, copy of representative's identification (ID card)

* Where an agent files an application: Power of attorney and the agent's identification (ID card)

Registration of Foreign-Invested Company

- **Application form** (Enforcement Rules of the Foreign Investment Promotion Act, attached form 17: Application form for foreign-invested company registration)
- **Foreign currency purchase certificate, copy of business registration certificate**

* Where an agent files an application: Power of attorney and the agent's identification (ID card)

Taxation

01. Taxpayer and Taxable Income

Individuals shall file and pay tax on their global income, retirement income, and capital gains according to the Income Tax Act. Global income tax should be filed and paid for the sum of interest income, dividend income, business income, wage and salary income, pension income and other income.

02. Business Year

The taxable period of income tax shall be one year, from January 1 to December 31.

03. Due Date of Report

Income from January 1 to December 31 should be reported from May 1 to 31 of the following year. Compliant business operators can file from June 1 to 30.

04. Tax Rate

The following tax rate is applied to global income and retirement income, while a separate tax rate is applied to capital gains depending on the type of asset and the period of possession.

Tax Base	Tax Rate
KRW 14 million or less	6% of the tax base
Over KRW 14 million but not over KRW 50 million	KRW 840,000 + (15% of the amount over KRW 14 million)
Over KRW 50 million but not over KRW 88 million	KRW 6.24 million + (24% of the amount over KRW 50 million)
Over KRW 88 million but not over KRW 150 million	KRW 15.36 million + (35% of the amount over KRW 88 million)
Over KRW 150 million but not over KRW 300 million	KRW 37.06 million + (38% of the amount over KRW 150 million)
Over KRW 300 million but not over KRW 500 million	KRW 94.06 million + (40% of the amount over KRW 300 million)
Over KRW 500 million but not over KRW 1 billion	KRW 174.06 million + (42% of the amount over KRW 500 million)
Over KRW 1 billion	KRW 384.06 million + (45% of the amount over KRW 1 billion)

* When paying income tax, 10% of will be separately imposed as local income tax.

Visa

A foreign investor who is an individual business owner can obtain International Trade (D-9) and Individual Enterprise (D-8-3) visas.

01. International Trade (D-9)

This visa is for foreigners who manage, trade and run commercial business.

- For an individual business owner who has introduced foreign capital at least KRW 300 million according to the Foreign Exchange Transactions Act, and registered business license.
- For an individual business owner who has introduced foreign capital at least KRW 300 million according to the Foreign Investment Promotion Act, and obtained certificate of foreign-invested company registration.

★ DOCUMENTS

Change of Status of Sojourn and Alien Registration

- ① **Application form** (Attached form no. 34 of the Enforcement Rules of the Immigration Act)
- ② **Passport, color passport photo**
- ③ **Certificate of tuberculosis examination in the case of nationals of countries with high incidence of tuberculosis** (confirmation issued by the local community health center)
(List of the country with high incidence of tuberculosis) Nepal, East Timor, Russia, Malaysia, Mongolia, Myanmar, Bangladesh, Vietnam, Sri Lanka, Uzbekistan, India, Indonesia, China, Cambodia, Kyrgyzstan, Thailand, Pakistan, Philippines, Laos
- ④ **Copy of certificate of foreign-invested company registration**
- ⑤ **Copy of business license**
- ⑥ **Document certifying the place of residence** (including real estate lease contract)
- ⑦ **Office lease contract**
- ⑧ **Certificate of introduction of investment fund**
 - Permission (or declaration) to carry out foreign currency issued by the tax office or bank of the investor's home country (if applicable)
 - Incoming remittance details (if transferred) or customs declaration (if carried out)
 - Certificate of foreign exchange purchased
- ⑨ **Certifications of sales (including results of import and export, if sales existed);**
 - Certification of completion of export declaration (import and export permit), certificate of VAT tax base
 - Tax clearance certificate (VAT and income tax)
 - Tax invoice
- ⑩ **Bank account and a copy of its details of transaction**
- ⑪ **Document certifying expenditure of capital**
 - Receipt for purchase of goods
 - Office interior design expense, etc.
 - Withdrawal and deposit records of bank account in Korea
- ⑫ **A color photo of office** (photo of building, office space, signage, etc.)
- ⑬ **Document certifying business experience in the relevant industry or field from home country** (if necessary)

※ More or fewer documents may be required according to types of business and investment.

02. Individual Enterprise (D-8-3)

Eligible applicants are indispensable professional specialists who plan to engage in the field of manufacturing, technology or management, administration of a foreign- invested company run by a Korean national. The applicant should invest at least KRW 100 million in the company run by a Korean national, own at least 10% of the total investment amount, and be registered as co-representative with the Korean national on the business registration certificate. In addition, the capital invested by a Korean co-representative should also be at least KRW 100 million.

IN DETAIL

Requirements for Issuance

- Persons employed in Korea are not included
- The person should be registered as a co-representative with a Korean national on the business registration certificate
- Capital invested by Korean co-representative should be at least KRW 100 million

★ DOCUMENTS

Change of Status of Sojourn and Alien Registration

- ① **Application form** (form no. 34 of the Enforcement Rules of the Immigration Act)
- ② **Passport, color passport photo**
- ③ **Certificate of tuberculosis examination** (confirmation issued by the local community health center) **in the case of nationals of countries with high incidence of tuberculosis**
- ④ **Copy of certificate of foreign-invested company registration**
- ⑤ **Copy of business license**
- ⑥ **Original copy of contract of joint business**
- ⑦ **Document certifying the business fund from Korean joint business operator**
- ⑧ **Document certifying the place of residence** (including real estate lease contract)
- ⑨ **Copy of office lease contract**
- ⑩ **Document certifying introduction of investment funds**
 - Permission (or declaration) to carry out foreign currency issued by the tax office or bank of the investor's home country
 - Incoming remittance details (if transferred) or customs declaration (if carried in)
 - Certificate of purchasing of foreign currency
- ⑪ **Document certifying sales record** (results of import and export, etc. if sales existed)
 - Certificate of completion of export declaration (import and export permit), certificate of value added tax
- ⑫ **Copy of bank account with business dealings**
- ⑬ **Documents certifying expenditure of capital**
 - Purchase receipt for goods
 - Office interior design expense, etc.
 - Withdrawal and deposit records of incorporate bank book
- ⑭ **Photograph** (facade of building, office space, signboard of the company, etc.)
- ⑮ **Document certifying business experience in the relevant industry or field** (if necessary)

※ More or fewer documents may be required according to type of business and investment.

Process of Business Closure

When a foreign-invested company closes or suspends business, the residual assets can be transferred to the home country through cancellation of authorization and permission, business registration, and foreign-invested company registration.

01. Cancellation of Authorization and Permission

Where registration of business, report of business, and authorization and permission of business are acquired by type of established business, business closure must be reported. The managing authority is a borough office of Si/Gun/Gu/Special self-governing province, local community health center in jurisdiction, and local ministry of food and drug safety where the authorization and permission has been initially issued.

02. Cancellation of Business Registration

When a business operator closes the registered business, the operator shall submit the declaration of business closure, without delay, to the head of the tax office (submission acceptable through national tax information network).

03. Cancellation of Foreign-Invested Company Registration

When a foreign-invested company closes its business, the foreign-invested company registration shall be cancelled. The delegated agency shall issue the confirmation of cancellation of foreign-invested company registration after completion of cancellation.

※ Refer to the [Dissolution and Liquidation \(p.192\)](#)  for required documents when cancelling foreign-invested company registration.

04. Overseas Remittance

Collection and overseas remittance of the residual assets are guaranteed by Article 3 (1) of the Foreign Investment Promotion Act and Article 6 (4) of the Foreign Exchange Transactions Act.

★ DOCUMENTS

Cancellation of Business Registration

- One report form (form 9 of the Enforcement Rules of the Value Added Tax Act: Report of business suspension or closure)

- Original copy of business registration certificate and representative's personal ID
→ Ministry of Government Legislation ▶ Value Added Tax Act ▶ Attached form 9 of the Enforcement Rules of the Value Added Tax Act; Report on business suspension or closure

* Where an agent files an application: Power of attorney and the agent's identification (ID card)

※ Contact: Officer in charge of VAT in the National Tax Service (126-2→2)



Individual Business

PART 2

Acquisition of Real Estate

- Acquisition Procedure and Required Documents
- Remittance of Real Estate Transaction Funds

Real estate acquisition by foreigners in Korea is governed by the Act on Report of Real Estate Transactions, Etc., the Foreign Investment Promotion Act, the Foreign Exchange Transactions Act, Etc. With the exception of certain land that requires government permission, a foreigner may acquire real estate in Korea by reporting and the procedure, regulation and restriction on the acquisition shall not be different from those applied to a Korean national. In principle, the acquisition procedure includes a contract, payment, report and registration, but in the case of a foreign-invested company acquiring real estate, it differs from other procedures of acquisition by foreigners because notification of foreign investment and registration of a foreign-invested company is required. The payable amount for acquisition of real estate after due process shall be free to be remitted overseas. Taxes for acquisition of real estate include acquisition tax, property tax, and comprehensive real estate tax.

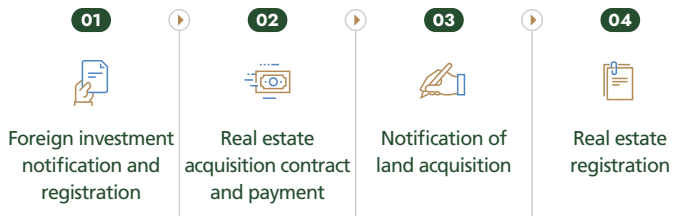
◆ Related Laws

	Act on Report of Real Estate Transactions, Etc.	Foreign Investment Promotion Act	Foreign Exchange Transactions Act
Applicable parties	Foreign individuals, foreign corporations, domestic corporations with foreign shareholdings of 50% or more, foreign governments, international organizations, etc.	Foreign individuals, foreign corporations, permanent residents, international organizations for economic cooperation, etc.	Non-residents
Key regulations	Real estate acquisition notification: In the case of acquisition of domestic real estate by a foreigner	Foreign investment notification: In the case of a foreign investor's acquisition of domestic real estate through a foreign-invested company	Property acquisition notification: In the case of non-residents' acquisition of rights related to domestic real estate (right to lease on a deposit basis, mortgage, etc.)
Where to report	Si/Gun/Gu office having jurisdiction over the land	Foreign exchange bank, KOTRA	Foreign exchange bank
Reporting period	Within 30 days of concluding a contract	Prior to bringing in investment funds	When withdrawing real estate acquisition funds
Governing authority	The Ministry of Land, Infrastructure and Transport	The Ministry of Trade, Industry and Energy	The Ministry of Economy and Finance

Acquisition Procedure and Required Documents

01. Foreign-Invested Company

The Act on Report on Real Estate Transactions, Etc., the Foreign Investment Promotion Act, and the Registration of Real Estate Act shall be applied when a foreign-invested company acquires real estate to engage in profit-making activities in Korea.



- ① Notify and register the foreign investment at the head or branch office of a foreign exchange bank or KOTRA.
- ② Make payment after conclusion of real estate acquisition contract.
- ③ Report the land acquisition at the Si/Gun/Gu office having jurisdiction over the real estate concerned. The report shall be within 30 days of the date of contract conclusion and the required document is the real estate acquisition contract.
- ④ Register a transfer of ownership at the competent registry office within 60 days of the contract conclusion date or balance payment date.

★ DOCUMENTS

- Certified copy of incorporation registration, application for registration, documents certifying reason for registration (approved contract, etc.), a registration certificate, certified copy of real estate registration, etc.

* A power of attorney and an agent's ID card is required additionally in case of application by an agent

02. Resident Foreigners: Foreigners, Domestic Branches of a Foreign Corporation

The Act on Report of Real Estate Transactions, Etc., and Registration of Real Estate Act shall be applied when a resident foreigner acquires real estate in Korea.



- ① Make the payment after conclusion of the real estate acquisition contract.
- ② Report the real estate acquisition at the Si/Gun/Gu office having jurisdiction over the real estate concerned. The report shall be made within 30 days of the date of contract conclusion and the required document is the real estate acquisition contract.
- ③ Register transfer of ownership at the competent registry office within 60 days of concluding contract or from the balance payment date.

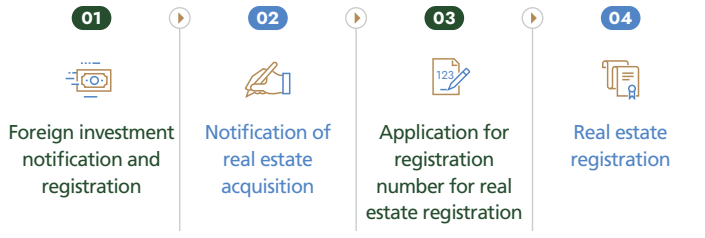
★ DOCUMENTS

- **Certified copy of branch office registration** (individual: copy of alien registration card), an application for registration, documents certifying reasons for registration (approved contract, etc.), a registration certificate, and a certified copy of real estate registration

* A power of attorney and an agent's ID card is required additionally in case of application by an agent.

03. Non-Resident Foreigners

The Foreign Exchange Transaction Act, the Act on Report of Real Estate Transactions, Etc., and the Registration of Real Estate Act shall be applied when a non-resident foreigner acquires real estate in Korea.



- ① Conclude the real estate acquisition contract.
- ② Make the payment for the real estate.
- ③ Notify the real estate acquisition to the head or branch office of a foreign exchange bank according to the Foreign Exchange Transactions Act when withdrawing real estate acquisition funds. Required documents are the real estate acquisition contract, real estate appraisal report or publicly notified land price certificate, and certified copy of real estate registration. The acquisition of rights to real estate (real right, right to lease, etc.) should be notified, as well, while the notification of acquisition of rights is required for further overseas remittance of the gains on disposal of the real estate.
- ④ Notify the real estate acquisition to the Si/Gun/Gu office having jurisdiction over the real estate concerned. The report shall be within 30 days of the date of contract conclusion and the required document is the real estate acquisition contract.
- ⑤ A registration number shall be assigned by the head of a local immigration office having jurisdiction over his/her place of residence (if he/she has no place of residence in Korea, the seat of the Supreme Court shall be deemed his/her place of residence). Required documents for individuals are certified copy of land acquisition report and copy of passport; besides the documents for corporations are certification of completion of land acquisition notification, corporate registration certificate and documents certifying the company's representatives and their addresses issued by authorities in the home country, etc. A power of attorney and an agent's ID card is required additionally in case of application by an agent. A registration of transfer of ownership shall be accepted at the competent registry office within 60 days of concluding the contract or from the balance payment date.

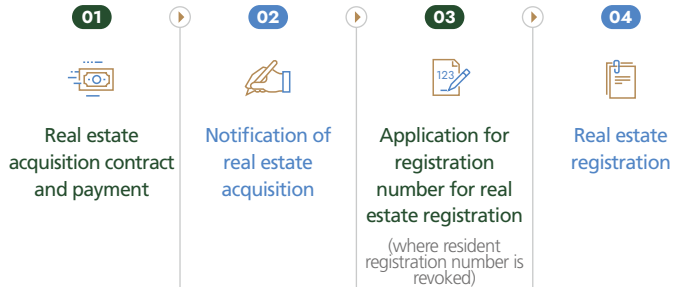
★ DOCUMENTS

- Copy of corporate registration (individual: copy of alien registration card), an application for registration, documents certifying reasons for registration (approved contract, etc.), a registration certificate, and a certified copy of real estate registration

* A power of attorney and an agent's ID card is required additionally in case of application by an agent.

04. Permanent Residents

Permanent residents overseas are treated equally as Korean nationals regardless of whether he/she resides in Korea. The Foreign Exchange Transaction Act, the Act on Report on Real Estate Transactions, Etc. and the Registration of Real Estate Act shall be applied when a permanent resident acquires real estate in Korea.



- ① Make payment after conclusion of the real estate acquisition contract.
- ② Report the land acquisition to the Si/Gun/Gu office having jurisdiction over the real estate concerned. The report shall be made within 30 days of the date of contract conclusion and the required document is the real estate acquisition contract.
- ③ If the resident registration number has been revoked, it is acceptable to make an application for registration with the registration number for real estate registration through the Seoul District Court. The required documents are the certificate of address*, certificate of residence or overseas Korean national registration card.
- ④ Register transfer of ownership at the competent registry office within 60 days of concluding the contract or from the balance payment date.

* Certificate of address: Certificate of overseas residency issued by a diplomatic mission abroad

★ DOCUMENTS

- Certified copy of branch office registration (individuals: copy of alien registration card), application for registration, documents certifying reasons for registration (approved contract, etc.), registration certificate, certified copy of real estate registration.

* A power of attorney and an agent's ID card is required additionally in case of application by the agent.

Remittance of Real Estate Transaction Funds

01. **Foreign-Invested Company**

A foreign-invested company may remit funds only in the name of capital reductions, dividends or liquidated funds. A domestic branch may remit the funds as operating revenue or liquidated funds.

02. **Resident Foreigner**

Funds carried in or remitted from abroad require a notification to the head of a foreign exchange bank with documents certifying payment attached. However, the purchase of real estate from funds generated domestically requires a notification to the governor of the Bank of Korea.

03. **Non-Resident Foreigner**

Overseas remittance of gains from disposal of real estate is available with the notification documents for acquisition. However, if real estate acquisition had not been notified, notification should be made to the governor of the Bank of Korea.

**Frequently
Asked
Question
&
Answer****Q 01 Is a foreigner eligible for protection under the Housing Lease Protection Act?**

Even though it is not registered, if the lessee is provided with a house and completes resident registration, the lease shall take effect against any third person from the following day thereof. In such cases, the resident registration shall be deemed made at the time of reporting move-in. There is a Supreme Court decision that a foreigner can be protected in the same way as Korean nationals; it is said if a foreigner files alien registration and change of status of sojourn, it shall be deemed as a resident registration and report of move-in according to the Resident Registration Act.

Q 02 Is it possible for a foreigner who is not residing in Korea with no alien registration certificate to purchase vacation facilities in Korea and transfer ownership registration?

It is possible. In the case of foreigners without a place of residence in Korea, it is deemed that the foreigner has his/her residence at the location of the Supreme Court, and thus it is possible to apply for a registration number to the head of a local immigration office or regional immigration service in the jurisdiction of the Supreme Court.

Q 03 As a foreign-invested company with a foreign investment ratio of 40%, our company acquired 10,000 m² of land last year but didn't notify real estate acquisition by a foreigner. However, the company became a foreign-invested company with a foreign investment ratio of 100% by taking over all of the shares from the Korean partner this year. Does this result in a separate reporting obligation?

Pursuant to Article 8 of the Act on Report on Real Estate Transactions, where a national of the Republic of Korea who possesses any real estate, etc. within the territory of the Republic of Korea or a corporation or organization incorporated under the statutes of the Republic of Korea becomes a foreigner, etc., and if the relevant foreigner, etc. intends to possess the relevant real estate, etc. continuously, the foreigner, etc. shall file a report thereon with the report-receiving authority within six months from the date of change to foreigner, etc. This shall also apply to cases where the owner of real estate is changed to a foreigner, regardless of acquisition of real estate.



**BUSINESS IN
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05

CORPORATE
BUSINESS

Appendix

- [Appendix 1] Businesses Prohibited from Foreign Investment (pursuant to Article 4)
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[Appendix 1] Businesses Prohibited from Foreign Investment (pursuant to Article 4)

KSIC	Line of Business	Ministry in Charge
61100	Mail business	Ministry of Science and ICT
64110	Central bank	Ministry of Strategy and Finance
64912	Development and Financial Institutions ※ The Korea Development Bank and the Export-Import Bank of Korea under special Acts	Ministry of Strategy and Finance Financial Services Commission
65301	Private mutual aid business	Competent Ministry
65302	Industrial mutual aid business	Competent Ministry
65303	Pension business	Competent Ministry
66110	Financial market management business	Financial Services Commission
66199	Other financial support service business ※ Other financial support service business, other than financial instrument exchange service, such as promissory note exchange business, is eligible for foreign investment.	Ministry of Strategy and Finance Financial Services Commission
84111	Law making organ	-
84112	Central supreme executive organ	-
84114	Financial and economic policy administration	Competent Ministry
84119	Other general public administration	Ministry of the Interior and Safety
84120	General administrative assistance in government agencies	Ministry of the Interior and Safety
84211	Educational administration	Ministry of Education
84212	Cultural and tourism administration	Ministry of Culture, Sports and Tourism
84213	Environmental administration	Ministry of Environment
84214	Health and welfare administration	Ministry of Health and Welfare
84219	Other social service management administration	Competent Ministry
84221	Labor administration	Ministry of Employment and Labor
84222	Agricultural, forestry and fisheries administration	Ministry of Agriculture, Food and Rural Affairs, Ministry of Oceans and Fisheries
84223	Construction and transportation administration	Ministry of Land, Infrastructure and Transport, Ministry of Oceans and Fisheries
84224	Correspondence administration	Ministry of Science and ICT
84229	Administration promoting other industries	Ministry of Trade, Industry and Energy
84310	Diplomatic administration	Ministry of Foreign Affairs
84320	National defense administration	Ministry of National Defense
84401	Court	-
84402	Prosecution	Ministry of Justice
84403	Correctional institutions ※ Privately-managed correctional institutions are eligible for foreign investment as the Act on the Establishment and Operation of Private Correctional Institutions, etc. entered into force in July 2001.	Ministry of Justice
84404	Police	Ministry of the Interior and Safety
84405	Fire stations	Ministry of the Interior and Safety

KSIC	Line of Business	Ministry in Charge
84409	Other judicial and public order administration	Competent Ministry
84500	Social security administration	Ministry of Health and Welfare
85110	Child education institutes	Ministry of Education
85120	Elementary schools	Ministry of Education
85211	Middle schools	Ministry of Education
85212	General high schools	Ministry of Education
85221	Commercial high schools and information industry high schools	Ministry of Education
85222	Technical high schools	Ministry of Education
85229	Other technical high schools and vocational high schools	Ministry of Education
85301	Junior colleges	Ministry of Education
85302	Universities and colleges	Ministry of Education
85303	Graduate schools	Ministry of Education
85410	Special-education schools	Ministry of Education
	Social education facilities	
85630	※ Lifelong education facilities (in the form of distance education, facilities affiliated with a business place, civil society organizations, schools, or mass media organizations, or facilities related to knowledge and human resource development business) for adults, the purpose of which is not to recognize scholarship or grant a diploma, is eligible for foreign investment.	Ministry of Education
	Other unclassified educational institutions	
85699	※ Private teaching institutes under the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons among other unclassified educational institutions are eligible for foreign investment.	Ministry of Education
90131	Performing artists	Ministry of Culture, Sports and Tourism
90132	Non-performing artists	Ministry of Culture, Sports and Tourism
94110	Industrial organizations	Competent Ministry
94120	Professional organizations	Competent Ministry
94200	Labor unions	Ministry of Employment and Labor
94911	Buddhist organizations	Ministry of Culture, Sports and Tourism
94912	Christian organizations	Ministry of Culture, Sports and Tourism
94913	Catholic organizations	Ministry of Culture, Sports and Tourism
94914	Ethnic religious organizations	Ministry of Culture, Sports and Tourism
94919	Other religious organizations	Ministry of Culture, Sports and Tourism
94920	Political organizations	-
94931	Environmental movement organizations	Ministry of Environment
94939	Other citizen campaign organizations	Competent Ministry
94990	Other associations and organizations	Competent Ministry
99001	Foreign diplomatic missions in Korea	Ministry of Foreign Affairs
99009	Other international and foreign institutions	Ministry of Foreign Affairs

[Appendix 2] Business Restricted from Foreign Investment and Criteria for Permission (pursuant to Article 5)

KSIC	Type of Business	Criteria for Permission	Ministry in Charge
01110	Grains and other food crop growing business	Permitted, except for cultivation of rice and barley.	Ministry of Agriculture, Food and Rural Affairs
01212	Beef cattle raising business	Permitted if foreign investment ratio is below 50%.	Ministry of Agriculture, Food and Rural Affairs
20129	Other basic inorganic chemical manufacturing business	Permitted, except for business of manufacturing and supplying fuel for nuclear power generation.	Ministry of Trade, Industry and Energy
24219	Other nonferrous metal smelting and refining business and alloy manufacturing business	Same criteria as for permission of other basic inorganic chemical manufacturing business.	Ministry of Trade, Industry and Energy
35111	Nuclear power generation business	<Not opened >	Ministry of Trade, Industry and Energy
35112	Hydroelectric power generation business	Total generation units to be purchased by foreigners from Korea Electric Power Corporation shall not exceed 30% of total domestic generation units. ※ Permitted only in case of Korea Electric Power Corporation (including the affiliated company) purchasing it.	Ministry of Trade, Industry and Energy
35113	Thermal power generation business		
35114	Solar power generation business		
35119	Other power generation business		
35120	Power transmission and distribution business		
35130	Electric sales business	Permitted only in following cases: 1. Foreign investment ratio shall be below 50%; 2. Number of stocks with voting rights, etc. held by foreign investors shall be below that of the domestic largest stockholder. ※ Only electric sales business in accordance with Electric Utility Act is permitted.	Ministry of Trade, Industry and Energy
38240	Business of collecting transporting and disposing of radioactive wastes	Permitted except for radioactive waste management business prescribed in Article 9 of the Radioactive Waste Management Act.	Ministry of Trade, Industry and Energy
46313	Meat wholesale business	Permitted if foreign investment ratio is below 50%.	Ministry of Agriculture, Food and Rural Affairs
50121	Coast-wise passenger transport business	Permitted if all of the following requirements are met: 1. Permissible objects: passenger or cargo transport between North and South Korea; 2. The business shall be performed jointly with a shipping company of the Republic of Korea; 3. Foreign investment ratio shall be less than 50%.	Ministry of Oceans and Fisheries
50122	Coast-wise cargo transport business	Same criteria as for permission of coast-wise passenger transport business.	Ministry of Oceans and Fisheries
51	International air transport business	Permitted if foreign investment ratio is below 50%	Ministry of Land, Infrastructure and Transport
51	Domestic air transport business		
51	Small-scale air transport business		
58121	Newspaper publishing business	Permitted if foreign investment ratio is below 50% (Permitted if, in cases of a daily newspaper, its foreign investment ratio is below 30%)	Ministry of Culture, Sports and Tourism
58122	Magazine and Periodical publishing business	Permitted if foreign investment ratio is below 50%.	Ministry of Culture, Sports and Tourism
60100	Radio broadcasting business	<Not opened >	Korea Communications Commission
60210	Terrestrial broadcasting business	<Not opened >	Korea Communications Commission

KSIC	Type of Business	Criteria for Permission	Ministry in Charge
60221	Program-providing business	<p>Permitted if foreign investment ratio does not exceed 49% (Provided that a program provider engaged in general programming shall be permitted if foreign investment ratio does not exceed 20%, and a program provider engaged in specialized programming of news reports shall be permitted if foreign investment ratio does not exceed 10%).</p> <p>※ Program providing business shall refer to the program providing business under the Broadcasting Act.</p> <p>※ Provided that, in cases of program-providing business operators for internet multimedia broadcast services, exclusive of the persons who engage in general programming, specialized programming of news reports, or specialized programming of the introduction and sale of products, a corporation shall not be deemed as a fictitious corporation under Article 14 (1) 3 of the Broadcasting Act, the stocks or equity shares of which are owned by the government or an organization or national of the other partner state of the free trade agreement (the FTA between the Republic of Korea and the United States of America; the FTA between the Republic of Korea, of the One Part, and the European Union and Its Member States, of the Other Part; the FTA between the Republic of Korea and Canada; and the FTA between the Republic of Korea and Australia) which is determined and publicly announced by the Minister of Science and ICT, among the free trade agreements in effect concluded, bilaterally or multilaterally, by the Republic of Korea with Foreign States. (refer to the text of the relevant free trade agreement for details)</p>	Ministry of Science and ICT Korea Communications Commission
60222	Cable broadcasting business	<p>CATV broadcasting business shall be permitted if foreign investment ratio is does not exceed 49% (Provided, That CATV relay broadcasting business shall be permitted if foreign investment ratio does not exceed 20%).</p>	Ministry of Science and ICT
60229	Wire communication business	<p>Permitted if foreign investment ratio does not exceed 49% (Provided, That an Internet multimedia broadcasting contents business operator engaged in general programming or specialized programming of news reports shall be permitted if foreign investment ratio does not exceed 20%).</p> <p>※ Provided That, in cases of content business operators for internet multimedia broadcast services, exclusive of the persons who engage in general programming, specialized programming of news reports, or specialized programming of the introduction and sale of products, a corporation the stocks or equity shares of which is owned by the government or an organization or national of the other partner state of the free trade agreement (the FTA between the Republic of Korea and the United States of America; the FTA between the Republic of Korea, of the One Part, and the European Union and Its Member States, of the Other Part; the FTA between the Republic of Korea and Canada; and the FTA between the Republic of Korea and Australia) which is determined and publicly announced by the Minister of Science and ICT, among the free trade agreements in effect concluded, bilaterally or multilaterally, by the Republic of Korea with Foreign States, shall not be deemed as a fictitious corporation under Article 9 (2) 3 of the Internet Multimedia Broadcast Services Act (refer to the text of the relevant free trade agreement for details)</p>	Ministry of Science and ICT
61210	Radio communication and Satellite communication business	<p>Permitted if the total stocks (limited to the stock with voting rights and including depositary receipts and other things equivalent to stocks with voting rights) held by foreign governments or foreigners (including foreign fictitious corporations) dose not exceed 49/100 of total issued stocks (Provided, That although no foreigner, etc. shall be allowed to become the largest stockholder of KT, permission shall be granted if he/ she holds less than 5/100 of total stocks).</p> <p>※ Foreign fictitious corporation: A corporation whose largest stockholder is a foreign government or foreigner (including special persons concerned under Article 9 (1) 1 of the Financial Investment Services and Capital Markets Act) who holds more than 15/100 of the total issued stocks thereof.</p> <p>※ Provided That, there shall not be deemed as a foreigner a corporation considered unlikely to impair public interests by the Minister of Science and ICT as a result of an examination on public benefits under Article 10 of the Telecommunications Business Act, which is a fictitious corporation of a national of other partner state of any free trade Agreement (the FTA between the Republic of Korea and the United States of America; the FTA between the Republic of Korea, of the One Part, and the European Union and Its Member States, of the Other Part; the FTA between the Republic of Korea and Canada; and the FTA between the Republic of Korea and Australia) which is determined and publicly announced by the Minister of Science and ICT, among the free trade agreements in effect concluded, bilaterally or multilaterally, by the Republic of Korea with Foreign States. (refer to the text of the relevant free trade agreement for details)</p>	Ministry of Science and ICT
61220	Radio communication and Satellite communication business	Same criteria as for permission of wire communication business	Ministry of Science and ICT
61299	Other electric communication business	Same criteria as for permission of wire communication business (Provided, That no restriction is imposed on value-added communication business.)	Ministry of Science and ICT
63910	News providing business	Permitted if foreign investment ratio is below 25%	Ministry of Culture, Sports and Tourism
64121	Domestic banks	Only permitted except for National Agricultural Cooperative Federation (Finance) and the National Federation of Fisheries Cooperatives (Finance) in accordance with Agricultural Cooperative Act.	Ministry of Agriculture, Food and Rural Affairs Ministry of Oceans and Fisheries Financial Services Commission

[Appendix 3] Local Tax Rate

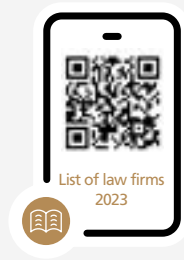
Taxes	Taxable object		Tax rate	
Acquisition tax	Acquisition of real estate, vehicles, etc.		General tax rate: 2.8%, 3.5%, 4.0%, etc. Acquisition for value (Houses): 1.0% ~ 3.0%, 4.0% (4 houses) Heavy-taxation rate : 2.8%, 4.4%, 8.0%, 8.4%, etc.	
Local consumption tax	Value Added Tax (National tax)		25% of the tax base(*) Weighted distribution by region applied to private sector final consumption expenditure index (*) Tax base = VAT payable - VAT reduction/exemption - Deducted tax + Penalty tax	
Local income tax	Global income, Retirement income		6/1,000 ~ 45/1,000	
	Capital gains		6/1,000 ~ 42/1,000, 10/1,000~70/1,000	
	Corporate income		10/1,000 ~ 25/1,000	
Residence tax	Extraordinary collection		10/100 of the income tax	
	Per capita portion	Individual · Corporation	Individual (KRW 10,000 or less; KRW 50,000 for individuals with a business), Corporation (KRW 50,000 to 500,000)	
	Pro rata property portion	Total floor area of a place of business (over 330 m ²)	KRW 250 per 1 m ²	
Automobile tax	Employee portion	Total amount of wages (Over 50 employees)	0.5% of total wages (exempted if the average monthly total wage is KRW 150 mil. or less)	
	Possession	Passenger automobiles	KRW 80~200 per 1cc /year	
		Automobiles for passengers and freight	Freight automobiles	KRW 25,000 to 115,000
Driving	Traffic · energy · environment (National tax)	36% of traffic tax (flexible tax rate 26%, Sep 5, 2021)		
Tobacco consumption tax (cigarette, pipe)			KRW 1,007 per 20 cigarettes (1 carton)	
Leisure tax	Bycicle racing, rowing racing, horse racing, traditional bullfight		10% of betting tickets	
Local resource and facility tax	Certain facility	Buildings, ships	0.04~0.12% of the property amount	
	Certain resource	Underground water, water for power generation	KRW 20 per 1 m ² of underground water, KRW 2 per 10 m ² of water for power generation	
Local education tax	Acquisition tax, registration tax(register), leisure tax, residence tax per capita, property tax, automobile tax, tobacco consumption tax		20% (excluding 20% for acquisition), 20%, 40%, 10% or 25%, 20%, 30%, 43.99%	
Property tax	Property tax	Buildings, houses, land, ships, airplanes	Houses: 0.1~0.4% Buildings: 0.25~4% Land (general aggregate): 0.2~0.5% Land (separate aggregate): 0.2~0.4% Land (separate): 0.07~4%	
	Urban areas	Land, buildings, houses	0.14% of the tax base for land, etc. in accordance with Article 110	
Registration and license tax	Real estate	Real estate	Preservation (0.8%), Transfer (0.8~2.0%), Establishment (0.2%)	
		Ships	Preservation (0.02%), Others (KRW 15,000 per case)	
		Automobiles	Registration of ownership (5% for nonbusiness use, 2% for small car)	
	Registration	Mechanical equipment	Registration of ownership (1%), Establishment (0.2%), Others (KRW 10,000)	
		Corporation registration	Profit making: Establishment (0.4%), Capital Increase (0.4%) Non-profit making: Establishment (0.2%), Investment increase (0.2%)	
	License	License for authorization and permission	KRW 4,500~67,000	

[Appendix 4] List of Delegated Agencies

Custodian Bank	Department	Phone No.	ZIP	Address
Kyongnam Bank	International Business Dept.	055-290-8495	[51316]	(Kyongnam Bank, International Business Dept.) 642, 3-15-daero, Masanhoewon-gu, Changwon
Kwangju Bank	International Trade Business Office	062-239-6555	[61470]	(Kwangju Bank, International Trade Business Office) 225, Jebong-ro, Dong-gu, Gwangju
KB Kookmin Bank	FI Business Dept.	02-2073-8956	[07331]	(KB Kookmin Bank, FI Business Dept.) 11F, 26 International Finance Road 8-gil, Yeongdeungpo-gu, Seoul
Industrial Bank of Korea	Global Customer Team	02-2031-5630	[04538]	(Industrial Bank of Korea, Global Customer Team) 82, Eulji-ro, Jung-gu, Seoul
NH Bank	Remittance Service Team	02-2131-1611	[03142]	(NH Bank, Remittance Service Team) 14F, A-dong, 6, Yulgok-ro, Jongno-gu, Seoul
The Bank of New York Mellon Corporation	Corporate Trust	02-6137-0360	[07326]	(The Bank of New York Mellon Corporation) 29F, One IFC, 10, Gukjegeumyung-ro, Yeongdeungpo-gu, Seoul
Daegu Bank	International Business Dept.	053-740-2946	[42123]	(Daegu Bank, International Business Dept.) 2310, Dalgubeol-daero, Suseong-gu, Daegu
Deutsche Bank	Global Cash Operations	02-724-4281	[03180]	(Deutsche Bank) 18F, Youngpoong Bldg., (Seorindong) 41, Cheonggyecheon-ro, Jongno-gu, Seoul
DBS Bank	Customer Service Dept.	02-6322-2661	[04520]	(DBS Bank.) 18F, Seoul Finance Center, 136, Taeyeongno 1(il)-ga, Jung-gu, Seoul
Sumitomo Mitsui Banking Corporation	Overseas Remittance Group	02-6364-7262	[04539]	(Sumitomo Mitsui Banking Corporation) 12F, Mirae Asset Center 1, West Tower, 26, Eulji-ro 5-gil, Jung-gu, Seoul
Mizuho Corporate Bank	GCBS Team	02-3782-8690	[04520]	(Mizuho Corporate Bank Seoul Branch) 19F, 136, Sejong-daero, Jung-gu, Seoul
Landesbank Baden-Württemberg (LBBW)	Operation	02-6730-0142	[04520]	(Landesbank Baden-Württemberg) 14F, 136, Sejong-daero, Jung-gu, Seoul
Bank of America (BOA)	Corporate Support Dept.	02-788-1760	[04520]	(Bank of America) 27F, Seoul Finance Center, 136, Sejong-daero, Jung-gu, Seoul
Busan Bank	International Business Dept.	051-661-4665	[48400]	(Busan Bank Headquarters, International Business Dept.) 15F, 30, Munhyeongeumyung-ro, Nam-gu, Busan
BNP Paribas	Cash and Loan	02-317-1929	[04631]	(BNP Paribas) 24F, State Tower Namsan, 100, Toegye-ro, Jung-gu, Seoul
Korea Development Bank	Trade Finance Dept.	02-787-7521	[07242]	(Korea Development Bank, Trade Finance Dept.) 14, Eunhaeng-ro, Yeongdeungpo-gu, Seoul
Societe Generale (SG)	Operations	02-2195-7820	[03155]	(Societe Generale) 23F, D Tower D1, 17, Jongro 3-gil, Jongno-gu, Seoul
Suhyp Bank	Global Banking Dept.	02-2240-2605	[05510]	(Suhyp Bank, Global Banking Dept.) 62, Ogeum-ro, Songpa-gu, Seoul

Custodian Bank	Department	Phone No.	ZIP	Address
Shinhan Bank	Foreign Exchange Investment Dept.	02-2151-2872	[04513]	(Shinhan Bank, Foreign Exchange Investment Dept.) 20, Sejong-daero 9-gil, Seoul
ING Bank	Settlements Dept.	02-317-1849	[04520]	(ING Bank) 11F, Seoul Finance Center, 136, Sejong-daero, Jungno-gu, Seoul
Yamaguchi Bank Ltd Busan Branch	Operation Team	051-462-3281	[48931]	(Yamaguchi Bank Ltd Pusan Branch) 4F, 63, Jungang-daero, Jung-gu, Busan
The Bank of Tokyo-Mitsubishi UFJ, Ltd.	Remittance Dept.	02-399-6413	[03188]	(The Bank of Tokyo-Mitsubishi UFJ, Ltd., Seoul Branch.) 7F, Youngpoong Bldg, 41, Cheonggyecheon-ro, Jongno-gu, Seoul
Woori Bank	Seoul Global Investment Center	02-3789-1899	[06611]	(Woori Bank, Seoul Global Investment Center) 2F, Gangnam Kyobo Tower, 465, Gangnam-daero, Seocho-gu, Seoul
Jeonbuk Bank	International Banking Team	02-751-2489	[07327]	3F, JB Financial Group Bldg., 77, Yeouinaru-ro, Yeongdeungpo-gu, Seoul
JP Morgan Chase	TS Operation	02-758-5232	[04516]	(JP Morgan Chase, Seoul Branch) J.P. Morgan Plaza, 35, Seosomun-ro 11-gil, Jung-gu, Seoul
Jeju Bank	Treasury Office	064-720-0267	[63192]	90, Ohyeon-gil, Jeju-si, Jeju-do
China Construction Bank	Operations	02-6730-3611	[04538]	(China Construction Bank) 24, Myeong-dong 11-gil, Jung-gu, Seoul
Industrial and Commercial Bank of China Limited	Banking Dept.	02-3788-6617	[04514]	(Industrial and Commercial Bank of China Limited) 1F, Taepyeongno Bldg., 73, Sejong-daero, Jung-gu, Seoul
China Everbright Bank	Operations	02-3788-3790	[03188]	(China Everbright Bank) 23F Yeongpoong Bldg., 41 Cheonggyecheon-ro, Jongno-gu, Seoul
Bank of Communications	Accounting & Operating	02-2022-6837	[04523]	(Bank of Communications, Seoul Branch) 29, Eulji-ro, Jung-gu, Seoul
Bank of China	Banking Dept.	02-399-6699	[03188]	(Bank of China) 1F, 41, Cheonggyecheon-ro, Jongno-gu, Seoul
Credit Agricole Corporate & Investment Bank	Domestic Operations	02-3700-9632	[03154]	(Credit Agricole Corporate & Investment Bank) 21F, Kyobo Bldg., 1, Jong-ro, Jongno-gu, Seoul
Standard Chartered Bank	Cash operations	02-3702-3393	[03160]	(Standard Chartered Bank, Cash operations) 47, Jong-ro, Jongno-gu, Seoul
Citibank Korea	Jungang City Service Center	02-3455-2676	[04521]	(Citibank Korea) 24, Cheonggyecheon-ro, Jung-gu, Seoul
Australia and New Zealand Banking Group	Operations	02-3700-3143	[03154]	(Australia and New Zealand Banking Group) 22F, Kyobo Bldg., 1, Jong-ro, Jongno-gu, Seoul
The Hongkong and Shanghai Banking Corporation	SD Operations	02-2004-0100	[04511]	(The Hongkong and Shanghai Banking Corporation) 37, Chilpaero, Jung-gu, Seoul
KEB Hana Bank	Global Capital Transaction Center	02-2002-2325	[04538]	(KEB Hana Bank, Global Capital Transaction Center.) B1, 66, Eulji-ro, Jung-gu, Seoul

[Appendix 5] List of Law Firms



Scan the QR code with your cellphone to see the list

[Appendix 6] List of Accounting and Tax Firms



Scan the QR code with your cellphone to see the list

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