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Draft Enforcement Decree of the Basic Act on Artificial Intelligence

Draft Enforcement Decree of the Framework Act on Artificial Intelligence

- Based on extensive public consultation with stakeholders, the draft Enforcement Decree of the Framework Act on Artificial Intelligence has been prepared to specify and clarify matters delegated by the Framework Act.
- Public comment period on the draft will run from November 12 to December 22
- A minimum one-year grace period for administrative fines will be implemented, during which active support will be provided for companies' participation in the system and fulfillment of obligations.

The Ministry of Science and ICT (Vice Prime Minister and Minister of Science and ICT Bae Kyung-hoon, hereinafter 'MSIT') has prepared a draft of the Enforcement Decree of the Framework Act on **the Development of Artificial Intelligence and the Establishment of a Trust-Based System** (hereinafter 'Framework Act on Artificial Intelligence') in accordance with the enactment of the Framework Act on **the Development of Artificial Intelligence and the Establishment of a Trust-Based System** (hereinafter 'Framework Act on Artificial Intelligence') (promulgated on January 21, 2025, effective January 26, 2022, effective January 26, 2026).

The "**Basic Act on Artificial Intelligence**," passed by the National Assembly last December following bipartisan agreement to foster the development of **the AI industry** and establish **a foundation for the safety and trustworthiness of AI**, is scheduled to take effect next January. The Ministry of Science and ICT

The draft enforcement decree was prepared after gathering **broad input from** industry, civic groups, experts, and relevant ministries to fully realize the legislative intent of the **Framework Act on Artificial Intelligence**.

The Ministry of Science and ICT (MSIT) released a **draft enforcement decree on September 8** to the **National AI Strategy Committee**, explaining the direction for **establishing subordinate legislation under the Framework Act on Artificial Intelligence** and soliciting **opinions** from **relevant agencies**. On **September 17**, it **additionally** released a public notice and **guidelines** while simultaneously conducting a **public opinion survey*** on the **entire** set of subordinate legislation. The ministry reviewed and reflected **the opinions gathered** during this process to prepare the draft enforcement decree and plans to **continue** collecting **additional** opinions through the **legislative notice** procedure.

* Drafts of the Enforcement Decree, Notifications (2), and Guidelines (5) for the Framework Act on Artificial Intelligence are currently at the National Information Society Agency (NIA) website. Public comments on the Enforcement Decree, Notifications and Guidelines are being accepted until January 21, 2026.

The Ministry of Science and ICT focused on **promoting** rather than regulating, considering international **normative** trends and the growth **of the domestic AI industry**.

and introduced a **flexible regulatory** framework with **the minimum necessary requirements**. It focused on minimizing **redundant or similar** regulations while thoroughly listening to the opinions of relevant ministries*.

* After gathering opinions from relevant ministries such as the Ministry of Food and Drug Safety, Financial Services Commission, Nuclear Safety and Security Commission, Ministry of Trade, Industry and Energy, and Personal Information Protection Commission, compliance with obligations under the Basic Act on Artificial Intelligence shall be deemed fulfilled when fulfilling duties under the relevant laws (e.g., Digital Medical Products Act)

The draft **enforcement decree** prepared in line with this **legislative** direction specifies and **clarifies** matters **delegated** by the Act to ensure the **AI Framework Act** is **swiftly implemented in practice**. It also balances the values of fostering **the domestic AI industry** and establishing **a foundation** for **safety and trust**. **Key** contents of the enforcement decree **are as follows**.

① **Clarifying Support Program Criteria for Fostering the Artificial Intelligence Industry**

To foster **the domestic artificial intelligence industry***, the law **clearly** defines the scope, **criteria, and content of support** for AI research and development, training data construction, and AI adoption and utilization. It also establishes **the designation criteria and procedures for AI clusters**, thereby solidifying **the legal and institutional foundation** for supporting **the domestic AI industry**.

* Artificial intelligence R&D, standardization, training data construction, AI technology adoption and utilization, SME and startup support, promotion of cross-industry convergence, securing specialized personnel, international cooperation, overseas expansion support, data center policy development, etc.

② **Regulations on the designation and operation of support institutions for advancing national artificial intelligence policy**

Matters **concerning support institutions** for fostering the artificial intelligence industry and establishing a foundation for safety and trust have been specified in the enforcement decree. The enforcement decree reflects **provisions for the designation and operation of institutions** such as **the Artificial Intelligence Safety Research Institute** to professionally and efficiently perform artificial intelligence safety and trust tasks, **the Artificial Intelligence Policy Center** to support the development of artificial intelligence-related policies and the establishment and dissemination of international norms, and **a dedicated agency** for comprehensive support of **artificial intelligence cluster** operations.

③ Specification and Clarification of Systems for Ensuring AI Safety and Trustworthiness

The enforcement **decree focused on** resolving **business risks** by concretizing and clarifying **abstract legal** provisions related to establishing a foundation for AI safety and trust. This includes obligations **to ensure transparency and safety, criteria for determining high-impact AI and operator responsibilities, and AI impact assessments.**

The obligation to **ensure transparency** requires businesses to notify **users in advance** when providing products or services using high-impact AI or generative AI that they are operated **based on AI**. Furthermore, for outputs that **are difficult to distinguish from reality**, businesses must ensure **users can clearly recognize** that they **were generated through generative AI**, while taking into account factors such as **the user's age or physical condition.**

Furthermore, regarding the criteria for **artificial intelligence systems** subject to **safety assurance obligations**, considering **overseas regulatory** trends (such as the U.S. 10 to the 26th power standard) and advancements in **AI technology**, the threshold was set at systems **requiring cumulative** computational power **of 10 to the 26th power floating-point operations per second (FLOPs)** or higher **for training.**

For **high-impact** artificial intelligence, detailed criteria have been established in the enforcement decree to determine **whether it qualifies as high-impact AI**, considering factors such as **the area of use, the impact of risks on fundamental rights, severity, and frequency.** The procedure for **identifying high-impact AI** has also been specified. The AI verification process conducted by the Ministry of Science and ICT **generally takes 30 days**, with a single **30-day** extension possible. In such cases, the **extension reason and duration** must be specified and notified **to the AI business operator in writing** to alleviate corporate burden.

Finally, the enforcement decree specifies the matters **to be included** in **AI impact assessments**, enabling **AI operators** to autonomously evaluate the effects of **AI products and services on individuals** and mitigate **adverse effects**. This includes identifying **the fundamental rights affected, how those rights are impacted, and mitigation measures**, ensuring the **impact assessment** system is **effectively** implemented.

Along with this, the Ministry of Science and ICT plans to **establish** notices and guidelines reflecting **specific standards, methods for fulfilling obligations**, and **best** practices to ensure the **swift** implementation of the **safety and trust foundation** system. This aims to clarify legal obligations to support **corporate** compliance and prevent misunderstandings that **regulations** are being expanded unintentionally.

Meanwhile, MSIT plans to **operate a grace period for administrative fines for at least one year** to facilitate the **initial implementation of the AI Framework Act** and provide companies with preparation time. It is currently gathering opinions to determine **the specific operational methods and duration**.

During the administrative fine guidance period, an **integrated guidance** support center (**tentative** name) will be operated as an **AI Basic Act support platform** to resolve corporate difficulties regarding legal regulations, including **the application of the AI Basic Act**. Detailed **guidance** will be provided on **inquiries** from companies and others concerning the **law's** application.

Furthermore, through **this platform**, opinions on **the AI Framework Act** and **related guidelines** will be **continuously** gathered. This will enable the incorporation of necessary elements during future revisions to the Act or guidelines, ensuring the system is **continually** improved to keep pace with the **rapidly evolving AI** environment.

The government will also provide **cost** support to companies. Following the enactment of the Framework Act on Artificial Intelligence, the Ministry of Science and ICT **plans to secure a corporate support budget** to cover costs **for AI verification, certification, and impact assessments**, while also **improving relevant guidelines**. Additionally, it will provide **expert consulting** services on **obligations for transparency** and **the responsibilities of high-impact AI operators**.

Minister Bae Kyung-hoon of the Ministry of Science and ICT emphasized, "The draft enforcement decree for the Framework Act on **Artificial Intelligence will serve as the institutional cornerstone for solidifying our position as one of the world's top three AI powers**." He added, "We will **thoroughly** prepare to ensure the enforcement decree accurately reflects the legislative intent of fostering **AI** industry development and establishing **a foundation for safety and trust** by gathering **diverse opinions from the field** during the legislative notice period."

The draft enforcement decree, which has been announced for legislative notice, can be viewed on **the Ministry of Science and ICT website** (www.msit.go.kr) under the '**Legislative/Administrative Notice**' bulletin board. Comments on the draft may be submitted via email or postal mail until December 22, 2025.

Attachment: Key Provisions of the Draft Enforcement Decree of the Framework Act on Artificial Intelligence

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Department	AI Safety and Trust Policy Division	Officer	Administrative Officer Shim Ji-seop (044-202-6293)



Attachment	Key Provisions of the Draft Enforcement Decree of the AI Framework Act
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1. General Provisions

- ① (**Exceptions to Application**) AI used solely for **national defense or national security** purposes is excluded from **application**. The scope of **national defense and national security** tasks is specified in the Enforcement Decree (Article 2 of the Enforcement Decree Draft).
 ※ The EU AI Act also excludes application for purposes such as national security.
- ② (**Designation of AI Policy Centers, etc.**) **Specify in the enforcement decree matters** such as **the designation of institutions** to support AI **policy** tasks **and the operation of AI Safety Research Institutes responsible for** establishing safety and trust foundations.

2 Industry Promotion and Support

- ① (**Scope and Procedures for Industry Support**) **Specifies the scope and content** of projects to support R&D, training data construction, AI technology adoption and utilization, etc. (Articles 11-16)
- ② (**AI Clusters, etc.**) **Specify the procedures and standards for systems to foster the industry, including the designation of AI clusters and dedicated agencies for clusters, and the establishment and opening of demonstration bases** (Articles 17-19).

3 Establishing a Safety and Trust Foundation

- ① (**Transparency**) Establish **grounds for exceptions*** to the obligation** to ensure transparency, including **pre-notification/labeling methods***, **notification/labeling methods**** for **deepfake** outputs, and **pre-notification/labeling methods*** (Article 22)
 * (**Notice**) Utilization of terms and conditions, manuals, UI, etc.; (**Labeling**) Permits not only visible methods but also machine-readable methods (though human-readable guidance must be provided)
(For deepfakes) The fact that the output was generated by an AI system must be clearly disclosed and displayed to users in a manner that allows them to recognize this fact. However, disclosure and display should be considered based on factors such as age and physical condition.
 *** (**Exceptions**) Exceptions apply when AI usage is obvious or solely for internal business purposes. Groundwork is established to add exceptions via notification, considering future technological advancements.
- ② (**Safety**) The threshold for cumulative computational operations **subject to safety assurance** is set at ¹⁰²⁶ **floating-point operations** or more*, considering **international regulatory** trends. **Even when meeting this threshold, the system is configured to add risk factors based on technological advancement (Article 23).**

and risk level (Article 23).

*The EU AI Act sets 1025 or higher as the threshold, while the California Transparency Act sets 175 or higher as the threshold.

③ **(High-Impact AI Determination)** When determining whether AI qualifies as high-impact, factors such as **the application domain, impact of risks, severity, frequency, and domain-specific characteristics** must be considered. Procedures for **requesting confirmation** from the Ministry of Science and ICT **are stipulated** (Articles 24-25).

※ Criteria for determining high-impact AI, considering sector-specific characteristics, shall be finalized in collaboration with the relevant ministries for each sector.

④ **(Business Operator Responsibilities)** Require operators to document matters* **related to** the measures **under Article 34(1)** and post them **on their website, excluding trade secrets** (Article 26).

<*Business Operator Responsibilities>

Item	Legal Provisions	Details of the Enforcement Decree
Item 1	Establishment and Operation of Risk Management Plans	Key Contents of the Risk Management Plan (Internal Policies, Organization, etc.)
Item 2	Key Criteria for Deriving Results, Establishment of Explanation Plan for Overview of Training Data, etc. Implementation	Key Components of the Explanation Plan (Explanation/guidance procedures, key explainable guidance items, etc.)
Item 3	Establishment and Operation of User Protection Measures	Contents of User Protection Measures
Item 4	Personnel Management and Supervision	Name and Contact Information of the Supervisor
Item 5	Documentation and Retention	Documentation Requirements (the above 4 items), Posting Method, and Retention Period (5 years)

- To prevent **duplicate regulation, when** a development project operator **fulfills its obligations**, the obligations of the service provider are deemed fulfilled (Article 26(2)); **when identical or similar measures are implemented under other laws**, obligations **under the AI Framework Act are deemed fulfilled** (Article 26(5))

⑤ **(Impact Assessment)** Specifies items* that **must be included in impact assessments** (Article 27)

<*Items to be Included in Impact Assessment>

Enforcement Decree	Included Items	Example
Item 1	Affected Groups	Students (education), patients (medical care), job seekers (recruitment), etc.
2.	Basic Rights Affected	Right to life, right to health, right to equality, right to education, etc.
3	Content and Scope of Impact	Violation of the right to equality due to gender-based discrimination against job seekers by Company A, etc.
Item 4	Usage Practices	Reference use by corporate recruitment personnel
Item 5	Evaluation Metrics and Result Calculation Method	External expert review, internal utilization criteria, etc.
No. 6	Risk Prevention and Loss Recovery	External feedback and issue improvement, establishment of damage compensation policies, etc.
No. 7	Implementation Plan for Improvements	Establishment of a Customer Response Center, website guidance, etc.

- ① (**Criteria for Designated Domestic Agent**) ① **Annual sales of 1 trillion won** or more in the previous year, ② **AI service segment sales of 10 billion won** or more, ③ Average daily **number of domestic users** of **1 million** or more, ④ **When requested to submit data** due to an incident **related to AI services** (Article 28)
- ② (**Fact-finding**) Establish grounds to refrain from conducting fact-finding when **sufficient evidence** is already secured or when reports/complaints are made **for improper purposes** (Article 31)