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IFRC | COVID-19 Emergency Decree Research | Republic of Korea

White & Case has prepared this memorandum to assist the International Federation of Red Cross & Red Crescent Societies (IFRC) in understanding emergency decree measures that the Republic of Korea has adopted in light of the global COVID-19 outbreak.

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

- Coordination efforts mainly occur through regional governments, and vary region by region. A systemized mechanism for coordination does not exist on a national level.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities have been ascribed to RC?

- Assistance by civil organizations vary widely by region based on their respective situation and needs. Civil aid has mainly been focused on delivering relief kits and supplies. Some examples of civil aid are:
 - The Korean Red Cross is providing emergency relief kits (e.g., food, masks, clothing and sanitizers) nationwide to vulnerable members of society, such as the elderly, those with low income and people in self-quarantine. It is also carrying out disinfection of public areas, especially where the consequences of infection may be more severe (e.g., senior citizens center).¹
 - In particular, the Busan branch of the Korean Red Cross has provided emergency relief kits to the local government for self-quarantined individuals (e.g., food, masks, gloves, and thermometers). It has also supplied emergency aid kits and infectious disease response kits to the Busan City Fire and Disaster Headquarters for paramedics who have transported suspected patients.²
 - Upon request by the local government and the Ministry of Interior and Safety, the Hope Bridge Korea Disaster Relief Association³ has provided emergency relief kits to self-quarantined individuals, medical centers, isolation facilities, etc. The organization is also accepting funds to purchase food and household products for those in self-quarantine

¹ <https://blog.naver.com/knredcross/221827072605>; <http://www.joongboo.com/news/articleView.html?idxno=363407365>; https://newsis.com/view/?id=NISX20200319_0000962282&cID=10808&pID=10800.

² https://www.redcross.or.kr/busan/news_local.do?action=detail&brdetsno=224452

³ A civil organization established in 1961.

(including masks and hand sanitizers), and to provide support kits to medical staff (e.g. food, household products, protective clothing, etc.).⁴

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

- There are no official reports or publications concerning exceptions to travel restrictions.
- As of 19 March 2020, Korea has implemented a ‘Special Entry Procedure’ for Korean nationals and foreigners alike. Travelers are required to submit a health status questionnaire and ‘quarantine report’ (which includes a Korean address, phone number, reports of recent visits to dangerous areas, etc.), and install a mobile application to provide daily reports of any COVID-19 symptoms. Those who have visited the Hubei province within the past 14 days are restricted from entry.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

- There are no official reports or publications concerning exceptions to quarantines, curfews, or other restrictions on movement.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

- On 11 March 2020, the Ministry of Food and Drug Safety and the Korea Customs Service announced that the government will implement a ‘simplified procedure’ for the import of masks, to ensure sufficient supply within the country. Specifically, masks imported for non-commercial purposes (e.g. donation, medical relief, distribution to an exporting company’s domestic employees, etc.) are exempt from certain import requirements.⁵ To qualify for this exemption, applicants are required to provide certain information, including the masks’ intended use, quantity and specifications, method of distribution, related entities, etc.

6. Is the RC (or humanitarian organizations) categorized as ‘essential’ or ‘emergency’ services, for the purposes of exemptions to restrictions on business operations and opening hours?

- Overall, the Korean government has not implemented any restrictions on business operations or working hours related to COVID-19.
- On 17 March 2020, the Gyeonggi province issued an administrative order limiting meetings in 137 religious facilities that failed to comply with COVID-19 prevention guidelines.⁶ The next day, the province issued an order limiting the use of certain facilities (gaming centers, karaoke rooms, and nightclubs).⁷ There has been no mention of whether the administrative order will cover or exempt additional civil organizations. To date, no other province has issued similar administrative orders.

⁴ <http://www.donga.com/news/article/all/20200318/100221421/1>

⁵ <http://www.customs.go.kr/kcs/na/ntt/selecNttInfo.do>

⁶ http://news.jtbc.joins.com/article/article.aspx?news_id=NB11940665

⁷ <https://news.joins.com/article/23733320>

7. What other measures are provided in the emergency decrees (for governmental actors, for communities, for health workers, etc.)?

- On 26 February 2020, the National Assembly passed the ‘3 COVID-19 Laws’. The ‘3 COVID-19 Laws’ amend existing laws to strengthen regulation on the management and prevention of infectious diseases, and the implementation of health monitoring and management systems in case of a widespread disease. On 4 March 2020, they were promulgated in accordance with Article 53 of the Constitution. Specific amendments include:
 - 1) Partial amendment of the Act on Prevention and Management of Infectious Diseases, including:
 - the Minister of Health and Welfare’s authority, during a first-class infectious disease outbreak (such as COVID-19), to prohibit the export of medical products in the case of a sudden price increase or lack of supply of such medical products; and
 - implementing fines up to KRW 10 million (approximately USD 8,000), or imprisonment up to one year, for violation of self-quarantines or required in-patient treatment measures (strengthened from a prior provision of fines up to KRW 3 million (approximately USD 2,400)).
 - 2) Partial amendment of the Quarantine Act, including:
 - the Minister of Health and Welfare’s authority to request an entry ban on infected patients, those who have come into contact with infected patients or have been exposed to the risk of infection, and those who either enter from or pass through an area where the disease has occurred; and
 - the Minister of Health and Welfare’s authority to request quarantine-related information from the heads of certain relevant government agencies. The relevant agency must comply unless there is a justifiable reason.
 - 3) Partial amendment of the Medical Act, including:
 - the establishment of a new infection monitoring system to prevent the spread of a disease to patients, caregivers, medical personnel and workers in medical institutions, with the aim of strengthening the national response system to infectious diseases; and
 - requiring a medical institution that undergoes business closure or suspension, to provide its medical records to the regional health director and for the Minister of Health and Welfare to create a system for the proper preservation and management of such medical records.

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

- On 6 March 2020, the Ministry of Food and Drug Safety implemented ‘Mask and Hand Sanitizer Emergency Supply and Demand Adjustment Measures’, which banned the export of health and surgical masks to ensure the sufficient supply of masks within the country.⁸ In the case of exporting masks for humanitarian purposes, prior approval from the Ministry of Food and Drug Safety is required.

⁸ https://www.mfds.go.kr/brd/m_211/view.do?seq=14458&srchFr=&srchTo=&srchWord=&srchTp=&itm_seq_1=0&itm_seq_2=0&multi_itm_seq=0&company_cd=&company_nm=&page=1