



Mobility Legal Updates

June 27th, 2025

LIN's Mobility Team monitors legal and regulatory trends in the automotive industry and periodically sends newsletters to our clients.

This newsletter is protected by copyright, which is held by LIN, and may be freely used for non-commercial purposes only, provided that proper attribution is given to the source (CC BY-NC).

On April 30, 2025, the Ministry of Land, Infrastructure and Transport (MOLIT) amended the Enforcement Decree of the Act on the Promotion of and Support for Commercialization of Autonomous Vehicles (hereinafter "Autonomous Vehicles Act") (Presidential Decree No. 35489) to accelerate the commercialization of self-driving cars, and on June 2, 2025, partially amended the Enforcement Rule (MOLIT Ordinance No. 1496) in connection with the said amended Enforcement Decree. This newsletter summarizes the key amendments to the Enforcement Decree.

1. Purpose of the Amendments

There has been a recognized need to supplement the legal framework for autonomous vehicles, as detailed standards for operational safety and certification procedures were previously insufficient.

These amendments to the Enforcement Decree, in step with the revised Autonomous Vehicles Act (effective March 20, 2025), establish standards, targets, and methods for the performance certification and conformity approval of autonomous vehicles. They also define the specific technical, managerial, and physical measures required of entities that have received conformity

approval, the post-management obligations for those who have obtained performance certification, and the methods and procedures for designating a dedicated agency (Articles 35-2 to 35-12).

2. Key Details of the Amendments to the Enforcement Decree

A. Specification of the Performance Certification System for Autonomous Vehicles (addition of Article 35-2 and Appendix 4-2)

The requirement to obtain performance certification from the MOLIT now applies to autonomous vehicles for which no vehicle safety standards exist for their autonomous driving systems under the 「Motor Vehicle Management Act」, fully autonomous vehicles, and motor vehicles under the 「Motor Vehicle Management Act」 (excluding two-wheeled vehicles). To receive performance certification, a vehicle must be equipped with the structure and devices necessary to perform autonomous driving functions, such as display, warning, and control devices, and must possess the required performance capabilities related to operation within its operational design domain, lane-keeping, and speed control.

An applicant seeking performance certification is required to submit a performance certification application and related documents to the Minister of Land, Infrastructure and Transport; upon receiving an application, the Minister shall grant the performance certification after conducting a ‘type confirmation’ to verify that the vehicle’s type conforms to performance certification standards, and a ‘production inspection’ to check that it has been manufactured, assembled, or imported identically to that type. The performance certification standards follow the device and performance requirements prescribed in Appendix 4-2.¹

¹ These are categorized as general standards, structural and device standards, and performance standards; the detailed criteria for performance certification, along with related forms such as the performance certification application (including the application for modification) and the performance certificate, are stipulated in Articles 21 and 22 of the Enforcement Rule and their corresponding attached forms.

B. Specification of the Conformity Approval System for Autonomous Vehicles (addition of Article 35-4 and Appendix 4-3)

The ‘Conformity Approval’ system, required for the actual on-road operation by those who have received performance certification, has been specified. The criteria for conformity approval have been specifically defined, requiring that the operational purpose, use, scope, and road types must align with or be included within the autonomous vehicle’s operational design domain.

Eligibility for conformity approval is limited to corporate entities and institutions with a public-interest and transport function (such as public agencies and corporations in the passenger and freight transport sectors) in consideration of, *inter alia*, their safety management capabilities. Eligible applicants must submit an application to MOLIT along with an operational plan that outlines details such as the operational purpose, use, scope, and maximum speed. MOLIT conducts a comprehensive evaluation of the operational plan's purpose, route, and communication/road environment, which includes a documentary assessment and, if necessary, an on-site inspection. The standards for conformity approval are set forth in Appendix 4-3.²

C. Modifications to and Cancellation of Performance Certification and Conformity Approval (Addition of Articles 35-3, 35-5, and 35-6)

Sanction criteria for performance certification have been differentially established based on the number of violations. For instance, if a vehicle fails to meet performance certification standards or if its safe operation is hindered by design, manufacturing, or performance issues, a warning is issued for the first violation, while the performance certification is subject to cancellation for a second or subsequent violation.

² These are categorized by the criteria of operational design domain conformity, on-road operation conformity, communication conformity, and information provision conformity; the detailed standards for conformity approval, as well as related forms such as the conformity approval application (including the application for modification) and the conformity approval certificate, are stipulated in Articles 23 and 24 of the Enforcement Rule and their corresponding attached forms.

Sanction criteria for conformity approval have also been differentially established based on the number of violations. A first violation of the approval conditions or period results in a 15-day operational suspension, a second violation results in a 30-day suspension, and a third or subsequent violation leads to the cancellation of the conformity approval.

If the Minister of Land, Infrastructure and Transport cancels a performance certification or conformity approval, the cancellation must be promptly announced on the official website and the concerned party must be notified.

D. Strengthened Responsibilities for Holders of Conformity Approval (Addition of Article 35-7)

Those who have received conformity approval must purchase an insurance policy or enter into a mutual aid agreement under the 「Compulsory Motor Vehicle Liability Security Act」 and must retain data recorded by the accident data recorder and the autonomous driving information recorder for at least six months.

Holders of conformity approval must implement necessary technical, managerial, and physical measures for the safe operation of autonomous vehicles, including: (i) pre-operation safety checks and monitoring of the autonomous vehicle; (ii) appointing a safety manager to perform tasks such as monitoring driving conditions; (iii) establishing emergency response procedures for accidents or hazardous situations; and (iv) preventing unauthorized access and reporting any accidents to MOLIT.

E. Post-Management Measures by Vehicle Manufacturers (Addition of Article 35-8)

Manufacturers of autonomous vehicles, etc. must provide post-management measures, such as supplying parts, offering free repairs, and providing maintenance technology, for defects that occur within a specified period or mileage.

F. Designation of a Dedicated Agency and Fees, etc. (Addition of Article 35-12)

When designating a dedicated agency for tasks such as performance certification and conformity approval, MOLIT must review whether the candidate has the necessary dedicated organization and professional personnel to perform these duties before making its decision. Once designated, the fact must be announced in the official gazette or on the ministry's website. The dedicated agency may receive fees after submitting a proposal to MOLIT for approval, which must include the types of fees, rates, calculation standards, and collection methods and procedures. Further details are provided in Article 31 of the Enforcement Rule.

3. Implications

These amendments to the Enforcement Decree establish the specific details of a dual-track procedure for autonomous vehicles, comprising 'Performance Certification' and 'Conformity Approval'. This approach is interpreted as an effort to secure both technical safety and reliability in an actual operational environment. Manufacturers and transport operators must ensure thorough compliance with the procedural obligations for performance certification and conformity approval by adhering to the detailed provisions and using the forms prescribed in the amended Enforcement Decree and the associated Enforcement Rule, while also continuing to monitor subsequent legislation and guidelines.

LIN has extensive experience in providing advisory and litigation services in the mobility industry, particularly in areas such as administrative regulations and patent and trade secret disputes related to motor vehicles. Our Mobility Team consists of attorneys and experts with a distinctive interest and passion for automobiles.

Should you wish to learn more about this newsletter or have any other inquiries, please do not hesitate to contact our firm's **Mobility Team**.
