

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE DEVELOPMENT OF AND SUPPORT FOR FESTIVALS

Enactment No. 7514, Mar. 26, 2020
Amendment of Other Laws No. 8235, Dec. 30, 2021
Partial Amendment No. 8409, Apr. 28, 2022

Article 1 (Purpose)

The purpose of this Ordinance shall be to contribute to improve the quality of citizens' cultural lives and develop the festival and tourist industry by prescribing matters necessary to develop and support good festivals and by creating a foundation for the development of festivals.

Article 2 (Definitions)

The term "festivals" in this Ordinance refers to what is participated in by many and unspecified citizens, held on a regular basis, and composed of cultural, artistic, and ethnological programs for the following purposes in the Seoul Metropolitan City (hereinafter referred to as the "City") to enjoy culture and arts; to promote tourism; to harmonize citizens; to realize various cultural values; to succeed tradition; to reinvigorate the local economy, etc.

Article 3 (Duties of the Mayor)

- (1) The Mayor of Seoul Metropolitan City (hereinafter referred to as the "Mayor") shall endeavor to formulate and enforce a policy for the creation of a system and environment necessary to develop festivals. <Amended on Apr. 28, 2022>
- (2) The Mayor shall endeavor to protect the status and rights of artists participating in festivals and promote their welfare under Article 4 of the Artist Welfare Act. <Newly Inserted on Apr. 28, 2022>

Article 4 (Holding of Festivals)

The Mayor may hold festivals on a regular basis or from time to time. The Mayor may, particularly, hold music festivals by genre and season, which can represent Seoul or actively develop and support music festivals that the private sector holds.

Article 5 (Festival Directors)

- (1) The Mayor may commission festival directors with a high level of expertise and sufficient experience and put them in charge of the following to efficiently promote festivals under Article 4 without problems:
 1. Plan, operate and supervise festivals;
 2. Establish the direction and strategy for differentiation of festivals;
 3. Develop an external cooperative relation with partner businesses, organizations, etc.;
 4. Present a plan to expand the participation of the audience and citizens; and
 5. Other matters necessary for the successful holding of festivals.
- (2) Festival directors shall be recruited in public through newspapers, broadcasting, Internet websites, or other effective methods.
- (3) Festival directors' term of commission shall be 2 years and a festival director may serve consecutive terms by the year. However, in exceptional cases, the term of commission may be set differently in light of the term of a project.
- (4) The City and festival directors shall enter into an agreement on festival direction and the remuneration therefor may be included in the festival service charge and so provided by a festival service agency.
- (5) In addition to matters stipulated by this Ordinance, the Mayor shall determine matters concerning qualification, selection procedures, work type, remuneration standards, etc. of festival directors.

Article 6 (Establishment of the Festival Committee)

The Mayor may establish and operate the Seoul Metropolitan Government Festival Committee (hereinafter referred to as the "Committee") to consult about the following matters concerning the development of and support for festivals:

1. Formulation and revision of policies, such as the master festival plan of the City, etc.;
2. Plan for the development of and support for festivals by autonomous Gus or the private sector;
3. Matters concerning new establishment, combination, coordination, recommendation, etc. of festivals promoted by the City;
4. Plan for making festivals be tourist attractions;
5. Matters concerning the development and holding of music festivals;
6. Matters concerning the festival evaluation and festival support centers;
7. Plan for the creation of festival environment and the development of the festival industry;

8. Matters concerning the operation of festival-related academic events;
9. Matters concerning the development of a festival database, data computerization, etc.;
10. Matters concerning the recommendation of festivals to be supported, which are sponsored by central administrative agencies; and
11. Other matters that the Mayor recognizes as necessary in relation to a festival policy.

Article 7 (Organization of the Festival Committee)

(1) The Committee shall comprise about 20 members including 1 chairperson and 1 vice chairperson and the commissioned members of a specific gender shall not exceed 6/10 of the number of commissioned members under Article 21(2) of the Framework Act on Gender Equality; Provided, That this shall not apply where any unavoidable cause, such as lack of professional workforce of a particular gender in the relevant field, is deemed to exist, and the Working Committee on Gender Equality adopts a resolution thereon. <Amended on Apr. 28, 2022>

(2) The following shall be ex-officio members: director of the culture headquarter; director of tourism and sports; and CEO of the Seoul Foundation for Arts and Culture. And the Mayor shall commission the following as commissioned members: 2 members of the culture, sports, and tourism committee of the Seoul Metropolitan Council; 1 senior festival researcher or higher of The Seoul Institute; and people with sufficient knowledge and experience in culture, arts, or festival, such as festival directors, college professors, etc. <Amended on Apr. 28, 2022>

(3) The term of office of commissioned members shall be 2 years and such members may serve consecutive terms only twice; Provided, That a term of office of ex-officio members shall be a period during which they maintain their positions, and a term of office of supplementary members shall be a remaining term of office of their predecessors. <Amended on Apr. 28, 2022>

Article 8 (Dismissal of Members)

The Mayor may dismiss a member even before the expiration of his/her term of office in the following cases:

1. Where the member himself/herself hopes to be dismissed;
2. Where it is difficult for the member to perform his/her duties due to a disease that requires long-term treatment, or overseas travel for 6 months or more;
3. Where the member leaks or uses, for his/her personal purpose, confidential information that he/she came to know in connection with the affairs of the Committee;
4. Where the member commits corruption in connection with the affairs of the Committee or it is found that the member committed corruption so that it is recognized that he/she is not proper to keep his/her position as a member;
5. Where the member does not recuse, even if he/she falls under any of the subparagraphs of Article 11(1); or
6. Where it is recognized that the member is not right for his/her position due to neglect of duty, injury to dignity, etc.;

Article 9 (Chairperson, etc.)

(1) A chairperson and a vice-chairperson shall be respectively elected by mutual vote from among commissioned members. <Amended on Apr. 28, 2022>

(2) A chairperson shall represent the Committee, supervise the affairs of the Committee and preside over meetings.

(3) A vice-chairperson shall assist a chairperson and where the chairperson is unable to perform his/her duties due to unavoidable reasons, the vice-chairperson shall perform the duties of the chairperson:

(4) Where not only the chairperson but also the vice-chairperson are unable to perform their duties due to unavoidable reasons, a member whom the members present elect by mutual vote shall perform the duties for them.

Article 10 (Operation of the Committee)

(1) Meetings shall be held twice a year; Provided, That where a chairperson recognizes as necessary or a majority of members registered demand to hold, the Committee may be convened.

(2) Committee meetings shall be started when a majority of registered members are present and resolved by vote of a majority of the members present.

(3) The Committee shall have 1 secretary to handle its affairs and the secretary shall become a head of the culture and arts department of the City.

(4) The Committee shall summarize, prepare, and furnish the minutes.

Article 11 (Exclusion, recusal, or avoidance of the Committee)

(1) A member of the Committee shall be excluded from the consultation of the Committee in the following cases:

1. Where the member or his/her spouse or ex-spouse becomes a party to the relevant matter or is a joint holder of rights or

liabilities with the party to the relevant matter;

2. Where the member is or was a relative of a party to the relevant matter; or

3. Where the member provided testimony, statement, advice, research, service, appraisal, etc. as to the relevant matter; or

4. Where the member or a corporation with which the member is affiliated is or was an agent of a party to the relevant matter.

(2) Where a member falls under any of the subparagraphs of paragraph (1) above or it is difficult to expect that the member would consult fairly, a party to the agenda may request the Committee to exclude the member and the Committee shall resolve whether or not to exclude the member: In such cases, the member subject to the request for exclusion may not participate in the consultation.

(3) Where a member falls under any of the subparagraphs of paragraph (1) above, the member shall, for himself/herself, abdicate the consultation of the relevant matter.

(4) Before opening the Committee, a chairperson shall inform members of the matters under paragraph (1) above. Where a member falls under a request for exclusion under paragraph (2) above or a request for avoidance under paragraph (3), the member shall be excluded from the consultation about an agenda. <Amended on Dec. 30, 2021>

Article 12 (Working Committee)

(1) The Committee shall establish a working committee to preliminarily review an agenda to be submitted and discuss a plan for detailed enforcement of the festival policy.

(2) A chairperson of the working committee shall also act as a chairperson of the festival committee. <Amended on Apr. 28, 2022>

(3) The following shall be members of the working committee: all commissioned members excluding members of the Seoul Metropolitan Council; a head of the culture and arts department of the City; a head of the tourism policy department of the City; and a director of the festival headquarter of the Seoul Foundation for Arts and Culture.

(4) A new member of the working committee may be added by resolution of the working committee.

(5) The working committee may be convened from time to time, if necessary, by its chairperson. <Amended on Apr. 28, 2022>

Article 13 (Request for Related Organizations to Cooperate)

Where it is necessary for the Committee and the working committee to perform their duties, they could request related public officials or experts to attend meetings and state their advice or related institutions, organizations, etc. to submit materials, opinions, etc.

Article 14 (Allowances and Traveling Expenses)

The Mayor may provide, within a budgetary limit, allowances and traveling expenses for commissioned members who attend a meeting of the working committee under Articles 6 and 12, experts under Article 13, etc.

Article 15 (Detailed Regulations)

Matters necessary for the operation of the Committee, such as the operation of subcommittees, in addition to what is prescribed by this Ordinance shall be determined by a chairperson with resolution of the Committee.

Article 16 (Support and Development of Festivals)

(1) The Mayor may provide, within a budgetary limit, festival organizers with part of hosting expenses in order to develop and advance festivals.

(2) Matters necessary for support under paragraph (1) above may be determined by the Mayor.

Article 17 (Management of Culture and Arts Service Agreement for Hosting of Festivals)

(1) Under Article 16 of this Ordinance, a person who hosts a festival supported by the City or a culture and arts planning operator that hosts the festival by proxy (hereinafter referred to as the "Festival Host") shall conclude in writing and implement a fair agreement under the Artist Welfare Act when entering into an agreement on the culture and arts service with artists and shall not treat participating artists unfairly.

(2) The Festival Host shall declare the insured status of the other party to an agreement concluded under paragraph (1) above and pay insurance premiums under the Employment Insurance Act and the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance.

(3) The Festival Host shall conform to the subsidy grant conditions under the related statutes and treaties and report, to the Mayor, details of the use of the subsidy provided for participating artists.

(4) The Festival Host shall protect artists from sexual harassment, sexual assault, etc.

[This Article Newly Inserted on Apr. 28, 2022]

[Previous Article 17 moved to Article 18 <Apr. 28, 2022>]

Article 18 (Evaluation of Festivals)

- (1) The Mayor may evaluate the contents, operation ability, hosting performance, etc. of festivals for which the City provides financial support for the development and advancement of festivals.
- (2) The evaluation under paragraph (1) above shall, in principle, be performed by external agencies for fairness, objectivity, etc. (excluding the evaluation performed by trustees or agents of festival affairs under Article 18). However, self-evaluation may be performed in parallel, if required.
- (3) The Mayor shall establish quantitative and qualitative standards for the evaluation under paragraph (1) above and may implement a grade system based on the findings of the evaluation.
- (4) When establishing a festival policy or supporting a festival, the Mayor may reflect on the findings of the evaluation under paragraph (1) above.

[Moved from Article 17; previous Article 18 moved to Article 19 <Apr. 28, 2022>]

Article 19 (Consignment of Festival Affairs)

The Mayor may consign corporations, organizations, or individuals specialized in culture and arts projects and activities with the planning, operation, etc. of festivals.

[Moved from Article 18; previous Article 19 moved to Article 20 <Apr. 28, 2022>]

Article 20 (Establishment of Festival Support Centers)

- (1) The Mayor may establish Seoul Metropolitan Government Festival Support Center (hereinafter referred to as the "Festival Support Center") to develop and advance festivals.
- (2) The Festival Support Center shall perform the following:
 1. Support for systematic public relations, such as development of an integrated festival promotion system, computerization of materials, development of databases, etc.;
 2. Operation of festival competence reinforcement programs, such as consulting, operation of festival schools, etc.;
 3. Supervision of the evaluation and monitoring of festivals;
 4. Festival-related research, such as research and investigation, finding of new contents (programs), development of tourism resources, etc.;
 5. Festival exchange with foreign and domestic cities, development of network, planning and promotion of cooperation projects; and
 6. Other matters that the Mayor recognizes as necessary for the development and advancement of festivals.

[Moved from Article 19; previous Article 20 moved to Article 21 <Apr. 28, 2022>]

Article 21 (Operation of the Festival Support Center)

- (1) The Mayor may consign corporations, organizations, etc. specialized in projects or activities related to festivals, culture, or arts with the Festival Support Center in order to manage and operate it efficiently and professionally.
- (2) The details under paragraph (1) above shall be governed by the Seoul Metropolitan Government Ordinance on the Private Consignment of Administrative Affairs.

[Moved from Article 20; previous Article 21 moved to Article 22 <Apr. 28, 2022>]

Article 22 (Enforcement Rules)

Matters required to enforce this Ordinance shall be prescribed as rules.

[Moved from Article 21 <Apr. 28, 2022>]

Addenda <Ordinance No. 7514, Mar. 26, 2020>

This Ordinance shall enter into force on the date of its promulgation.

Addenda (Seoul Metropolitan Government Ordinance on the Comprehensive Modification of Japanese Terminology, etc.) <Ordinance No. 8235, Dec. 30, 2021>

This Ordinance shall enter into force on the date of its promulgation.

Addenda <Ordinance No. 8409, Apr. 28, 2022>

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