LAW OF MONGOLIA

May 25, 2017 Ulaanbaatar city

ABOUT WATER TRANSPORTATION
/ Revised version /

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of this law is to regulate the activities related to the transportation of passengers and cargo by waterway transport vehicles and to determine the conditions and requirements for waterway transport vehicles and to regulate relations related to the use of waterway transport vehicles.

1.2. Unless otherwise provided by law, the use of special purpose waterway vehicles for public purposes shall be regulated in accordance with this law.

Article 2. Legislation on waterway transport

2.1. The legislation on waterway transport shall consist of the Constitution of Mongolia, this law and other legislative acts enacted in conformity with them.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

2.3. Unless otherwise provided by an international treaty to which Mongolia is a party, a foreign legal entity or citizen shall comply with the legislation of that country when performing transportation by waterway transport in the territory of Mongolia.

Article 3. Definitions of legal terms

3.1. The following terms used in this law shall have the following meanings:

3.1.1. “Waterway” means a natural or artificially constructed waterway with buoyancy and other signals and signs established for safe passage of waterway vehicles;

3.1.2. “Waterway transportation” means the transportation of passengers and cargo by waterway vehicles in rivers and lakes;

3.1.3. “Waterway means of transport” means all types of ships, tugboats, trailers, submarines, domestic and sports boats, inflatable boats, water motorcycles, floating equipment and floating engineering facilities for the carriage of passengers and cargo by water. ;

3.1.4. “Special purpose waterway vehicle” means a waterway vehicle of the military, police, emergency, border protection and customs of the State implementing special state functions;

3.1.5. “Owner of a waterway vehicle” means a person who legally owns a waterway vehicle and uses it to transport passengers and cargo;

3.1.6. “Passenger” means a person traveling on a waterway vehicle or on a platform;

3.1.7. “Cargo” means items transported by waterway means;

3.1.8. “Transportation” means works and services related to the transportation of passengers and cargo from one waterway station to another by waterway means of transport;

3.1.9. “Carrier” means a person engaged in waterway transportation works and services;

3.1.10. “Carrier” means a user of waterway transportation services;

3.1.11. “Parking” means a on-shore facility intended for unloading, installing, loading and unloading passengers, fully equipped with lighting and rescue equipment;

3.1.12. “Transport document” means a document certifying and certifying the shipment and receipt of passengers and cargo;

3.1.13. “Central waterway station” means in addition to those specified in 3.1.11 of this law, maintenance of waterway vehicles, distribution of fuel, passenger compartment, cargo and luggage storage warehouse, first aid treatment, search of water , integrated parking lot for watercraft equipped with electricity, equipped with rescue equipment, tool storage and other necessary rooms;

3.1.14. “Driver of a waterway vehicle” means a person authorized to drive a waterway vehicle specified in 8.1 of this Law;

3.1.15. “Certified driver of a waterway vehicle” means a driver of a waterway vehicle who has participated in a training program and obtained a professional license in accordance with the procedures approved by the competent authority for the purpose of operating a waterway vehicle;

3.1.16. “International transportation” means waterway transportation through the border of Mongolia;

3.1.17. “Inter-aimag transportation” means transportation through the territory of a city or aimag;

3.1.18. “Waterway object” means a waterway vehicle parking lot, central station, guide lighthouse and other floating equipment.

CHAPTER TWO
AUTHORITIES OF GOVERNMENT ORGANIZATIONS ON WATER TRANSPORTATION

Article 4. Powers of the State Great Hural of Mongolia

The State Great Hural of Mongolia shall exercise the following powers with respect to waterway transport:

4.1.1. To ratify an agreement related to international waterway transportation;

4.1.2. To inspect the implementation of the legislation on waterway transportation.

Article 5. Powers of the Government of Mongolia

The Government shall exercise the following powers with respect to waterway transport:

5.1.1.Approve the state policy on waterway transportation;

5.1.2. To ensure the implementation of the legislation on waterway transport;

5.1.3 exercise control over the implementation of the legislation on waterway transport and approve the rules of state control over waterway transport;

5.1.4.Approve procedures for establishing hygiene, epidemiology and quarantine requirements for imported waterway vehicles;

5.1.5. To differentiate the standard of payment for technical inspection taking into account the classification and purpose of waterway vehicles.

Article 6. Powers of the state central administrative body in charge of waterway transport

The state central administrative body in charge of waterway transport shall exercise the following powers:

6.1.1. To develop and implement the state policy on waterway transportation;

6.1.2. To organize the implementation of the legislation on waterway transport and the decision of the Government;

6.1.3. To issue, extend, suspend, restore and revoke the license of a waterway vehicle to provide services in accordance with its purpose;

6.1.4.Approve inter-state and inter-aimag transportation routes in the waterway network;

6.1.5.Approve common rules, regulations, norms and standards to be followed on transportation operations, waterway transport vehicles, waterway central station, parking lot, rescue equipment and technical operation, and ensure their implementation;

6.1.6. Participate in international activities on waterway transportation, agree with relevant countries on the amount of passengers and cargo to be transported between countries, and the requirements for transportation safety and service quality;

6.1.7. To develop and monitor price and tariff methodology for waterway passenger and cargo transportation;

6.1.8. To develop and approve floating safety rules for waterway vehicles;

6.1.9.Approve in cooperation with the state central administrative body in charge of vocational education and training the procedure and training program for training waterway personnel, vehicle drivers and qualified drivers;

6.1.10. In case of meeting the requirements set forth in Articles 42.1, 42.5 and 42.6 of the Law on Education, transfer the functions of training, professional development and retraining of waterway transport personnel specified in 6.1.9 of this Law to relevant governmental and non-governmental professional organizations;

6.1.11. To issue, extend, suspend and revoke certificates for objects related to water transport safety;

6.1.12. To approve the procedure for issuing certificates and model certificates for objects related to water transport safety;

6.1.13.Approve the rules of technical operation of waterway objects and waterway vehicles;

6.1.14. To transfer some functions to governmental and non-governmental professional organizations on a contractual basis.

Article 7. Powers of aimag, capital city, soum and district governors

7.1. Governors of aimags, the capital city, soums and districts shall exercise the following powers with respect to waterway transport:

7.1.1.to resolve issues of waterway transport regulation in the respective territory in cooperation with the state central administrative body and to organize its implementation in accordance with the state policy on waterway transport;

7.1.2. To ensure the implementation of the legislation on waterway transport, the decision of the Government, the state central administrative body in charge of waterway transport and the decision of the Citizens' Representatives Khural in its territory;

7.1.3. Implement waterway transport control in its territory in cooperation with the state central administrative body in charge of waterway transport and the state specialized inspection agency, and reflect the required funding in the annual state and local budgets and other sources;

7.1.4. To approve the route of transportation and transportation of passengers and cargo by waterway vehicles in the local waterway network, the start and end dates of the floating season, and the zone in accordance with the purpose and capacity of the waterway transport in cooperation with the local environmental authority;

7.1.5. To monitor the repair, maintenance, protection and use of local waterway signals, signs and parking lots, and to reflect the funding in the annual state and local budgets and other sources;

7.1.6. To regulate the operation of the locally owned waterway station, central station and other floating facilities and their use by consumers for an appropriate fee;

7.1.7. To decide whether to establish a non-permanent rescue unit to operate in the water transport floating season, taking into account local needs, to cooperate with the local emergency management agency and captains, owners, possessors and drivers of waterway vehicles, and to monitor To set and allocate funding to the annual state and local budgets and other sources;

7.1.8. In cooperation with the state administrative center in charge of waterway transport, relevant state organization and state administrative organization in charge of disaster protection to publicize the legislation on waterway transport and organize its implementation.

CHAPTER THREE REGISTRATION OF WATER VEHICLE VEHICLES AND LICENSE FOR WATER VEHICLE WORKS

Article 8. Registration of vehicles

8.1. Waterway vehicles with an engine capacity of more than ten horsepower or more than three meters and waterway vehicles with a capacity of less than ten horsepower or not more than three meters but engaged in work and services specified in Article 16.3 of this Law register in accordance with the procedure.

8.2.Registration of household waterway vehicles other than those specified in 8.1 of this Law shall be registered by the local administrative body in accordance with the procedure specified in 16.3 of this Law.

8.3. The owner or possessor of a waterway transport vehicle specified in 8.1 of this Law shall register it with the state central administrative body in charge of waterway transportation and his / her authorized administrative organization and obtain a vehicle certificate. The certificate shall contain other necessary information such as vehicle type, name, number, purpose, capacity, year of manufacture, engine and cabin number, name of owner and possessor, address, movement and deduction.

8.4. The movement of waterway vehicles must be registered.

The number of a waterway vehicle shall be assigned by the state central administrative body in charge of waterway transport and its authorized administrative body.

8.6. The name and number of the waterway vehicle shall be marked in the visible part of the vehicle in a bright color that differs from the background color.

8.7. The National Flag of Mongolia shall be hoisted on a waterway vehicle registered in the State Register.

Article 9. Licensing

9.1. A business entity or individual engaged in waterway transportation services shall be granted a license in accordance with the Law on Licensing of Business Activities.

9.2. Business entities and citizens to obtain a license shall meet the following conditions and requirements:

9.2.1. Professional personnel to perform works and services, documentation of waterway vehicles, designated waterway route and safety requirements;

9.2.2. Conditions set by standards, rules and procedures approved by the competent authority for enforcement of the work or

service.

9.3. The licensing authority specified in this law shall enter into an agreement with a business entity or citizen holding a license.

9.4. In case of application by several interested persons to engage in waterway transport works and services, a license may be issued through a selection process taking into account the demand for such works and services and the requirements for waterway vehicles.

Article 10. Technical requirements for waterway vehicles

The state central administrative body in charge of waterway transport shall approve the technical requirements for waterway transport vehicles.

10.2. The technical requirements specified in 10.1 of this Law shall also apply to special purpose waterway vehicles.

10.3. Waterway vehicles shall be small (up to five meters long, with no more than four seats), small (up to five to twenty meters long, with no more than twelve seats), medium (up to twenty to fifty meters long), large (up to fifty meters) and more. longer.

10.4. Small and small waterway vehicles specified in 8.1 of this Law shall be driven by a waterway vehicle driver or a qualified driver, and medium and large waterway transport vehicles by a ship's captain.

10.5. Paragraph 10.4 of this law shall not apply to waterway vehicles specified in 8.2 of this law.

10.6. The captain shall have a profession of ship engineer.

CHAPTER FOUR
WATER TRANSPORTATION

Article 11. Carrying out transportation

11.1. Waterway transportation shall be performed in accordance with the Civil Code and contracts in accordance with this law.

11.2. The member of the Government in charge of waterway transport shall approve the rules for transportation of passengers and cargo by waterway transport and the procedure for transportation of cargo that may endanger human life, health and the environment.

Article 12. Rights and obligations of the carrier

The carrier shall have the following rights:

12.1.1. To refuse to transport passengers and passengers who have not received a ticket in advance, have not paid the transportation fee, and have not prepared the cargo in accordance with the transportation conditions;

12.1.2. To demand that captains, crew members, owners, possessors, drivers and passengers of waterway vehicles observe social order and comply with internal rules and regulations of transport services;

12.1.3 issue guidelines and instructions on ensuring the buoyancy safety of waterway vehicles, protecting the integrity of the transported cargo, life and health of passengers, as well as issuing and enforcing instructions to be followed on waterway vehicles;

12.1.4. To equip the waterway station built with its own funds in accordance with the relevant legislation in accordance with the requirements, to possess and use it for a fee;

12.1.5. Other rights specified in the legislation.

The carrier shall have the following obligations:

12.2.1. To provide the carrier with accurate information on its transportation services, not to endanger the life, health and cargo of passengers, and not to pollute the environment;

12.2.2. To transport passengers in a comfortable, safe and accident-free manner by means of waterway vehicles that meet the conditions of transportation and technical requirements, and to provide passengers with means, tools and equipment for rescue in case of danger;

12.2.3. To transport passengers and cargo in accordance with the predetermined route and schedule of the waterway;

12.2.4. Captains, crew members, owners, possessors and drivers of waterway vehicles shall ensure the conditions to prevent firefighting of waterway vehicles, ensure safety of buoyancy, prevent pollution of the environment, and not disturb the health and peace of citizens;

12.2.5. In case of hazards and accidents during waterway transportation, immediately notify the local state administrative organization in charge of disaster protection;

12.2.6. Regularly receive hydro-meteorological and environmental information from local hydro-meteorological and environmental monitoring organizations at the beginning of waterway transportation and during transportation;

12.2.7 have professional personnel to work on waterway vehicles and train them;

12.2.8. To sell tickets to the port and parking lot to reach the passengers and to provide seats according to the tickets;

12.2.9. In case of birth or death of a person on a waterway transport vehicle, the captain, owner and possessor shall make a written document from time to time;

12.2.10. In case of impossibility to avoid the accident of the waterway vehicle, allow the crew members to leave the waterway vehicle after the captain, crew members and driver have taken all measures to rescue the passengers. The captain and the driver must leave the watercraft last;

12.2.11. Captains, crew members and drivers of waterway transport vehicles who have received a call for danger, accident or catastrophe or who have found a person in danger of drowning shall ensure their safety and provide assistance to them.

Article 13. Prohibitions on carrier's activities

13.1. Captains, crew members, owners, possessors and drivers of waterway transport vehicles shall be prohibited to perform the following actions:

13.1.1. To drive a waterway vehicle while consuming alcohol, drugs and substances with narcotic effects;

13.1.2. To refrain from having the state inspector of waterway transport inspection and other authorized officials check whether he / she has consumed alcoholic beverages;

13.1.3. To make abrupt turns in the water and other types of performances in order to attract the attention and interest of passengers and travelers while transporting them;

13.1.4. To transport passengers and travelers without life jackets and with life jackets that do not meet the requirements;

13.1.5. To obstruct the buoyancy of other watercraft by overtaking to endanger the buoyancy safety of other waterway vehicles, to cross in the wrong direction, to weave the buoyancy direction, and to turn around in front and back;

13.1.6. To drive a vehicle by a person who does not have the right to drive a waterway vehicle;

13.1.7. To transport children under the age of 16 without a guardian or custodian;

13.1.8 increase and change the purpose of the waterway vehicle and the engine capacity specified by the manufacturer;

13.1.9. To float by an incomplete or damaged waterway vehicle;

13.1.10. Other prohibited by law.

Article 14. Rights and obligations of passengers and carriers

Passengers and carriers shall have the following rights:

14.1.1. To refuse to be served by a non-purpose vehicle that does not meet the transportation conditions and technical requirements;

14.1.2. To demand from the carrier to follow the established route of the waterway and the time agreed in the contract;

14.1.3. Other rights specified in the legislation.

14.2.Passengers and carriers shall have the following obligations:

14.2.1. To determine the type, size, direction, time and conditions of cargo transportation and to conclude a transportation contract;

14.2.2. To make packing, packing and fastening of cargo in accordance with the standard and prepare it for transportation by type and direction of shipment;

14.2.3. To determine the total weight of the cargo and indicate it in the transport documents and to transfer other documents specified in the border, Customs, quarantine, hygiene rules and regulations;

14.2.4. To have loading and unloading machinery, additional equipment and manpower ready and to load and unload cargo within the set time, to receive cargo with its own address or contract;

14.2.5. To provide the carrier with information on transportation and storage of cargo;

14.2.6. To record and confirm the shipment in the transport documents and hand it over to the carrier;

14.2.7. Not to carry items that may endanger the life or health of others while traveling by waterway;

14.2.8. Not to damage or damage waterway vehicles or pollute the environment;

14.2.9. Each passenger to be served by a waterway means of transport to obtain a ticket;

14.2.10. To strictly follow and comply with the legislation, rules, regulations, instructions and legal requirements set by the authorized person on ensuring the safety of waterway transport;

14.2.11. To observe social order and internal regulations applicable to passengers on waterway vehicles.

Article 15. Prohibitions for passengers

15.1. The following acts and omissions of a passenger on a waterway shall be prohibited:

15.1.1. Failure to comply with legal requirements of an authorized person to use watercraft, use actions that threaten the buoyancy safety of waterway vehicles, ensure safety, and wear life jackets when using alcohol, drugs or substances; verbal abuse and other illegal acts;

15.1.2. To avoid being checked by the captain, owner, possessor, driver, state inspector and other authorized officials of a waterway vehicle for use of alcohol or drugs;

15.1.3. Captains, crew members, to stand on a water transport boat, to urge others to get up, to make a sharp turn in the water, to show, to overtake other vehicles, to turn around in front and back, and other illegal actions; to demand or threaten the owner, possessor or driver;

15.1.4. Not to wear life jackets that are suitable for the body, not to make life jacket straps and buttons, and to wear life jackets that do not meet the requirements;

15.1.5. To demand to change the steering wheel of a waterway vehicle;

15.1.6. Other prohibited by law.

CHAPTER FIVE
TECHNICAL INSPECTION AND INSURANCE OF WATER VEHICLE VEHICLES

Article 16. Technical inspection and inventory

16.1 Annual technical inspection of the state central administrative body in charge of waterway transport or its authorized body for the permissible level of factors adversely affecting the health of the population and the environment and compliance with the rules of transportation and technical operation and make occasional notes on the waterway vehicle certificate.

16.2. It is prohibited to embark on a waterway vehicle specified in 8.1 of this Law if it has not been inspected.

16.3. The member of the Government in charge of waterway transport shall approve the procedure for technical inspection of waterway vehicles, keeping records and issuing license plates.

Article 17. Insurance

17.1. The driver of a waterway vehicle shall be insured for driver's liability insurance regardless of whether he / she is the owner of the vehicle or not.

Citizens, business entities and organizations engaged in passenger transportation services by waterway transport shall have life insurance of others.

17.3. Citizens, business entities and organizations that employ the driver of a waterway vehicle while performing his / her official duties shall be obliged to insure his / her life and health.

17.4. If the owner or driver of a waterway vehicle is not insured as specified in Articles 17.1-17.3 of this Law, it shall be prohibited to participate in the navigation of the waterway, to have the vehicle inspected and registered in the state registry.

CHAPTER SIX
WATER TRANSPORT CONTROL

Article 18. Implementation of waterway transport control

18.1. Supervision over the safety of waterway transport and operation of waterway vehicles shall be carried out by senior state inspectors and state inspectors of specialized inspection centers and local organizations, as well as by the State Inspection Agency of the state central administrative body in charge of waterway transport. shall be implemented by the senior state inspector and state inspector of waterway transportation authorized in accordance with

18.2. The state inspector shall have the right to be provided with labor protection clothing and vehicles and equipment required to perform his / her official duties, and to have free access to and travel to buildings, parking lots and waterway vehicles used for waterway transportation.

CHAPTER SEVEN
MISCELLANEOUS

Article 19. Liability for violators of the law

/ This article was amended according to the law dated January 10, 2020 /

19.1. If the actions of an official violating this Law are not of a criminal nature, he / she shall be subject to liability specified in

the Civil Service Law.

A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

19.3. Imposition of a fine on a violator of the Law on Inland Waterway Transport shall not serve as a ground for elimination of the violation or release from liability for damages caused to others as a result of the violation.

Article 20. Entry into force of the law

20.1. This law shall enter into force on July 1, 2017.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA M.ENKHBOLD