LAW OF MONGOLIA

May 25, 2006 Ulaanbaatar city

ABOUT TOXIC AND HAZARDOUS CHEMICALS

CHAPTER ONE
General grounds

Article 1 The purpose of the law

1.1. The purpose of this law is to regulate relations related to export, import , transportation and production, storage, sale, transportation, use, destruction and control of toxic and hazardous chemicals across the border of Mongolia.

Article 2. Legislation

2.1. Legislation on toxic and hazardous chemicals is prohibited by the Constitution of Mongolia, the Law on Environmental Protection, the Law on Business Licensing, the Law on Environmental Impact Assessment, and the prohibition of import and transboundary movement of hazardous waste . , Law on Export, Law on Household and Industrial Waste, Law on Controlling the Circulation of Explosives and Explosive Devices, Law on Disaster Protection, this Law and other legislative acts enacted in conformity therewith.

2.2. Relationships with narcotic drugs, psychotropic substances, as well as radioactive and food-grade chemicals shall be regulated by special laws.

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

Article 3 Legal terminology

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

3.1.1. "Toxic chemicals" means chemicals and their compounds that have a harmful effect on human health, the environment, livestock and animals, resulting in death or destruction;

3.1.2. "Chemical hazardous substances" means chemicals with explosive, flammable, corrosive, oxidizing and irritating properties and their combinations;

3.1.3. "Prohibited chemicals" means toxic and hazardous chemicals and their compounds prohibited for use in the territory of Mongolia;

3.1.4. "Restricted chemicals" means toxic and hazardous chemicals and their combinations that are permitted to be used only

in the permitted areas, under certain controls in accordance with the specified purpose, amount and technology;

3.1.5. "Pesticide" means a chemical and its combination intended to protect livestock, animals and plants from any diseases, pests, rodents and weeds;

3.1.6. "Toxic and hazardous chemical wastes" means toxic and hazardous chemicals prohibited for use by international treaties, as well as expired or non-compliant or non-compliant, as well as toxic and hazardous chemicals, their residues and containers; packaging;

3.1.7. "Disposal of toxic and hazardous chemicals" means the disposal of toxic and hazardous chemicals and their wastes in a non-toxic and safe manner;

3.1.8. "Risk assessment" means the study and assessment of potential adverse effects on human health, the environment, livestock and animals during the handling of hazardous and toxic chemicals and their compounds, and the determination of measures to be taken to prevent and reduce adverse effects;

3.1.9. "Permissible level" means the maximum concentration of toxic and hazardous chemicals that do not adversely affect human health and the environment.

Article 4. Classification of toxic and hazardous chemicals

4.1. By the nature of the chemical and its impact on human health, environment and livestock:

Poisonous;

4.1.2. classified as hazardous.

4.2. The classification of toxic and hazardous chemicals shall be approved jointly by the members of the Government in charge of environment and health.

/ Article 4 was amended according to the law dated January 03, 2008 /

Article 5 Permits for activities related to toxic and hazardous chemicals

5.1. Permits for export, import , transboundary transportation, production, sale, use and destruction of toxic and hazardous chemicals other than explosives shall be issued in accordance with the Law on Licensing of Business Activities.

/ This part was amended according to the law dated January 03, 2008 /

/ This part was amended according to the law dated January 30, 2020 /

Article 6. Contains toxic and hazardous chemicals

coordinate related activities

6.1. The state central administrative body in charge of nature and environment shall exercise the following powers to regulate activities related to toxic and hazardous chemicals and ensure the implementation of legislation:

6.1.1. To approve, in cooperation with the state central administrative body in charge of industry and trade, the procedure for exporting, importing , transporting, producing and selling toxic and hazardous chemicals ;

6.1.2. To approve procedures for storage, transportation, use and disposal of toxic and hazardous chemicals in cooperation with the state administrative center in charge of health and the state administrative organization in charge of emergency;

6.1.3. To update the list of pesticides, chemical fertilizers, household pests, rodent extermination and disinfection and disinfection substances that can be used, and the amount of their use, in cooperation with the state central administrative body

in charge of food, agriculture and health;

6.1.4. To approve the procedure for testing and use of substances specified in 6.1.3 of this Law in cooperation with the state central administrative body in charge of food, agriculture and health;

6.1.5. To approve the procedure for risk assessment of toxic and hazardous chemicals in cooperation with the state administrative center in charge of health and the state administrative organization in charge of disaster protection;

6.1.6. To take measures to update the list of toxic and hazardous chemicals prohibited or restricted for use in Mongolia from time to time and to inform international organizations;

6.1.7. To compile information and reports on export, import , transboundary movement and production, storage, sale, transportation, use and destruction of toxic and hazardous chemicals and to create a unified database;

6.1.8. to issue an annual report on the use of toxic and hazardous chemicals;

6.1.9. to provide professional and methodological guidance for activities related to the use of toxic and hazardous chemicals and to make necessary recommendations;

6.1.10. to exchange information with international organizations on toxic and hazardous chemicals, to provide citizens with information on the physical, chemical and hazardous properties of these substances, measures to be taken in case of accidents and risks, methods of disposal of such substances, their mixtures and wastes and methods of transportation;

6.1.11. To carry out the implementation of international treaties on toxic and hazardous chemicals to which Mongolia is a party, within the scope of its authority;

6.1.12. to propose to the Government to request assistance from international organizations in eliminating the damage caused to the national security, human health, environment, livestock and animals by the impact of toxic and dangerous chemicals;

6.1.13 . To grant the right to import and sell toxic and hazardous chemicals that may cause special harm to the environment .

/ This provision was added by the law in January 03, 2008 /

6.2. A non-staff National Council under the Prime Minister, a sub-council under the relevant state central administrative body and governors of aimags and the capital city shall be responsible for making professional opinions and conclusions on toxic and hazardous chemical policy and regulation. .

6.3. The state central administrative body in charge of defense shall be responsible for activities related to toxic and dangerous chemicals for military purposes and shall submit reports and information related to these activities to the state central administrative body in charge of nature and environment.

6.4. The Government shall approve the list of prohibited or restricted substances specified in Article 6.1.6 of this Law.

6.5. The state central administrative body in charge of nature and environment in cooperation with the state central administrative body in charge of health shall approve the procedure for keeping records, collecting, transporting, storing, destroying, importing , exporting and transboundary transportation of substances included in the list specified in 6.4 of this law. .

/ This section was added by the law in 6 October 2011 /

6.6. The state central administrative body in charge of nature and environment in cooperation with the state central administrative body in charge of health shall determine the sectors and the amount of use of substances listed in Article 6.4 of this Law.

/ This section was added by the law in 6 October 2011 /

Article 7 Integrated database

7.1. The unified database specified in 6.1.7 of this Law shall consist of an international database of toxic and hazardous chemicals and a unified state database compiled in accordance with its standards.

7.2. The state administrative center in charge of health, food, agriculture, industry, trade, border and customs and other relevant organizations shall have a database of toxic and hazardous chemicals related to the functions of the sector, which shall be integrated into the database specified in 7.1 of this law. is connected to it by a network.

7.3. Information from the fund specified in Article 7.2 of this Law and information specified in Article 6.1.10 of this Law shall be provided free of charge to citizens, business entities and organizations.

CHAPTER TWO

Basic requirements for regulating activities related to toxic and hazardous chemicals

Article 8. Basic requirements for protection against toxic and hazardous chemicals

8.1. To prevent adverse effects on human health, environment, livestock and animals during the export, import , transboundary movement and production, storage, sale, transportation, use and destruction of toxic and hazardous chemicals by citizens, business entities and organizations . and take remedial measures at its own expense.

Citizens, business entities and organizations engaged in activities specified in 8.1 of this Law shall comply with relevant legislation, safety rules and technological procedures.

8.3. It is prohibited to export, import , transport, produce, store, sell, purchase, transport, use and transfer toxic and hazardous chemicals and their compounds for the purpose of chemical weapons and sabotage activities .

Article 9. Basic requirements for export, import , cross-border transportation and production of toxic and hazardous chemicals

9.1. In obtaining a permit for export, import , production and use of hazardous and toxic chemicals specified in Article 5.1 of this Law, the following information on the substance shall be compiled:

9.1.1. substance name and formula;

9.1.2. trade and technical names;

9.1.3. international registration number;

9.1.4. place, purpose, time and quantity of use;

9.1.5. physical, chemical and hazardous properties;

9.1.6. measures to be taken in case of potential accidents and risks;

9.1.7. conclusion of the place of business;

9.1.8. Methods of disposal and transportation of the substance, its mixtures and wastes.

9.2 . The procedure approved in accordance with Article 6.1.1 of this Law shall be followed when exporting, importing , transporting and producing toxic and hazardous chemicals across the border.

Article 10. Basic requirements for storage of toxic and hazardous chemicals

The location of the warehouse for storing toxic and hazardous chemicals shall be determined by the Governor of the appropriate level based on the conclusion of the relevant professional organization.

Toxic and hazardous chemicals shall be stored in a special purpose warehouse taking into account their specific properties in accordance with the procedure approved in accordance with Article 6.1.2 of this Law.

10.3. Packaging of toxic and hazardous chemicals stored shall have a label with the name of the substance, warning signs and hazardous characteristics clearly and in large letters.

In case of leakage of toxic and dangerous chemicals, citizens, business entities and organizations possessing them shall notify the police, intelligence and other relevant organizations within 24 hours and provide all possible assistance in carrying out investigative measures.

Article 11. Sale of toxic and hazardous chemicals

basic requirements

11.1. When selling toxic and hazardous chemicals, a licensed citizen, business entity or organization shall certify in 2 copies the address, name, type, amount and intended use of the purchaser, and keep one copy for the buyer and the other copy for himself / herself.

11.2. Toxic and hazardous chemicals shall be sold separately from food and other products through special points in accordance with the procedures approved in accordance with Article 6.1.1 of this Law.

Article 12 Transportation of toxic and hazardous chemicals

basic requirements

12.1. Toxic and hazardous chemicals shall be transported by vehicles that meet technical and safety requirements in accordance with the procedures approved in accordance with Article 6.1.2 of this Law, and warning signs and warnings on the nature of hazards shall be placed on such vehicles. .

12.2. After transporting toxic and hazardous chemicals, the vehicle will be detoxified and made safe.

12.3. It is prohibited to transport toxic and hazardous chemicals with people, animals and goods.

12.4. It is prohibited to send toxic and hazardous chemicals by mail, public transport or ordinary vehicles.

Article 13 When using toxic and hazardous chemicals

basic requirements

13.1. Activities related to the use of toxic and hazardous chemicals shall be carried out in designated premises and areas that fully meet labor protection and safety conditions and requirements.

13.2. During the use of toxic and hazardous chemicals, it is prohibited to exceed the permissible levels of toxic and hazardous chemicals set by the competent authority in the workplace and the environment.

13.3. Business entities and organizations using toxic and hazardous chemicals shall develop their own safety rules and have them inspected and enforced by the state environmental and hygiene inspectors of their territories.

13.4. Persons over 18 years of age with appropriate professional knowledge and experience in dealing with toxic and

hazardous chemicals shall be employed.

13.5. Pregnant and lactating women are not allowed to work with toxic or hazardous chemicals.

13.6. Business entities and organizations shall organize training on safety, prevention of potential accidents, risks and first aid for employees dealing with toxic and dangerous chemicals at their own expense.

13.7. Citizens, business entities and organizations shall keep records of the use and consumption of toxic and hazardous chemicals for industrial purposes and submit reports to soum and district governors by November 15 of each year and to the state central administrative body by January of the following year. .

13.8. It is prohibited to use toxic and hazardous chemicals of unknown type, nature and instructions for use without the conclusion of an authorized professional organization.

13.9. Citizens, business entities and organizations shall follow the procedure approved in accordance with Article 6.1.2 of this Law when using toxic and hazardous chemicals.

Article 14 Dispose of toxic and hazardous chemicals

basic requirements

Disposal of toxic and hazardous chemical wastes shall be carried out in accordance with the legislation on waste.

/ This part was amended according to the law dated May 12, 2017 /

~~14.2. The Commission specified in Article 14.1 of this Law shall draw up an act on the destruction of toxic and hazardous chemical wastes and submit it to the soum or district governor.~~

/ This part was repealed by the law in 5 May 2017 /

Article 15 Toxic and hazardous chemicals

to cross the state border

15.1. The Border Inspection Service shall monitor the entry of toxic and hazardous chemicals across the state border.

15.2. Toxic and hazardous chemicals crossing the border shall be registered by the Specialized Border Inspection Service and the information shall be submitted to the state central administrative body in charge of nature and environment on a quarterly basis.

15.3. The Government shall determine the ports for the transit of toxic and hazardous chemicals across the state border.

15.4. It is prohibited to smuggle toxic and hazardous chemicals across the state border without proper permission.

Article 16 Tolerance to toxic and hazardous chemicals

set the size

16.1. The permissible level of exposure of toxic and hazardous chemicals to human health and the environment shall be determined by standards.

Article 17 Risk assessment

17.1. Citizens, business entities and organizations engaged in the production, storage and use of hazardous and toxic chemicals shall be required to conduct a risk assessment of such substances in accordance with the Law on Environmental Impact Assessment.

17.2. The risk assessment shall include the study of the toxicity and hazardous nature of the hazardous and toxic chemicals,

the identification of potential risks, measures to prevent them, and the detoxification of the waste.

CHAPTER THREE
Other

Article 18 Contact with toxic and hazardous chemicals

control over operations

18.1. The State Specialized Inspection Agency shall monitor the implementation of the legislation on toxic and hazardous chemicals.

18.2. Citizens and non-governmental organizations have the right to submit proposals and requests on violation of the legislation on toxic and hazardous chemicals to the relevant state administrative body for resolution.

18.Z. Business entities and organizations shall have internal control over the use and consumption of toxic and hazardous chemicals.

Article 19. Liability for violators

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.

/ This article was amended according to the law dated December 04, 2015 /

Article 20 Compensation for damages

20.1. Damage caused to the health, environment, livestock and property of others as a result of violation of the legislation and illegal activities related to toxic and hazardous chemicals shall be compensated by the guilty person.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA Ts. Nyamdorj