LAW OF MONGOLIA

November 15, 2007 Ulaanbaatar city

ON PLANT PROTECTION
/ Revised version /

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of this law is to regulate the relations between the state, citizens and legal entities related to protection, control, quarantine and control of pasture and cultivated plants from plant diseases, pests, rodents and weeds.

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Article 2. Plant protection legislation

Legislation on plant protection 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.

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Article 3. Terms of the law

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

3.1.1. “Pastureland” shall be understood as defined in 3.1.6 of the Law on Land;

3.1.2. “Cultivated plants” means plants, their seeds and seedlings intentionally planted with the participation of human activities;

3.1.3. “Plant protection” means a set of activities to prevent, control and quarantine pasture and cultivated plants (hereinafter referred to as “plants”) from plant diseases, pests, rodents and weeds;

3.1.4. “Plant disease” means that a pathogen infects plants, raw materials and products derived from them, damages their tissues and cells and adversely affects their further growth, development and crop quality;

3.1.5. “Pest insect” means an insect that feeds on plants and causes damage to them;

3.1.6. “Pest rodent” means a rodent that feeds on plants and causes damage to them;

3.1.7. “Plant hygiene inspection” means to check whether plants, raw materials and products derived from them contain residues of diseases, pests, rodents, weeds and chemicals in acceptable amounts;

3.1.8. “Plant protection agent” means a chemical or biological substance used to control plant diseases, pests, rodents and weeds that cause harm to plants.

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CHAPTER TWO
PLANT PROTECTION ACTIVITIES

Article 4. Plant protection activities

4.1. Plant protection activities shall consist of comprehensive measures related to prevention, control, quarantine and lifting of quarantine.

4.2. Preventive measures shall include activities to detect and inform about the spread of plant diseases, pests, rodents and weeds, to determine the causes, extent and scope of their spread, and to disinfect potential foci.

4.3. Control measures shall include activities such as stopping the spread and reproduction of plant diseases, pests, rodents and weeds, destroying foci, and maintaining the natural balance.

4.4. Quarantine means measures to limit, destroy and protect plants from external and internal quarantine diseases, pests, rodents and weeds in order to prevent and control the spread of risks in the territory of Mongolia. depends on.

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Article 5. Organizations implementing plant protection activities

Plant protection activities shall be implemented by central, local, professional and research organizations.

5.2. The central organization shall be the state central administrative body in charge of pastureland and crop protection (hereinafter referred to as "state central administrative body").

5.3. Local organizations shall be governors of aimags, the capital city, soums and districts and their subordinate organizations.

5.4. A research organization shall conduct research, experiment, and design work on the spread, reproduction, and damage of plant diseases, pests, rodents, and weeds, evaluate the results, and evaluate plant protection techniques and technologies (hereinafter referred to as "technology"). / an organization engaged in processing and advance notification activities.

~~5.5. A professional organization shall be a legal entity licensed to engage in plant protection activities.~~

/ This part was repealed by the law in January 20, 2011 /

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CHAPTER THREE
AUTHORITY ON PLANT PROTECTION ACTIVITIES

Article 6. Powers of the State Great Hural

The State Great Hural shall exercise the following powers with respect to plant protection:

6.1.1. To determine the state policy on plant protection and to establish the legal basis for its implementation.

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Article 7. Powers of the Government

7.1 The Government shall exercise the following powers with respect to plant protection:

7.1.1. To organize the implementation of the state policy and legislation on plant protection;

7.1.2. To establish and lift plant quarantine at the regional level based on the conclusion of the state central administrative body in charge of pastureland and crop protection and the central specialized inspection agency;

7.1.3. To conclude cooperation agreements and agreements with foreign countries and relevant international organizations on plant protection and quarantine;

7.1.4.Approve the procedure to be followed when establishing plant quarantine.

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Article 8. Powers of the State Central Administrative Body

8.1. The State Central Administrative Body shall exercise the following powers with respect to plant protection:

8.1.1 organize and implement legislation on plant protection and quarantine and Government decisions;

8.1.2. Develop and approve policies and plans on plant protection, expenditures required for their implementation, and budget proposal;

8.1.3 provide integrated professional and methodological management on plant protection;

8.1.4.Approve the list of plants with external and internal quarantine diseases, pests, rodents and weeds;

8.1.5. To issue a license to import and sell substances to be used for plant protection to a professional organization in accordance with the Law on Licensing of Business Activities;

/ This part was amended according to the law dated January 20, 2011 /

8.1.6. Conclude an agreement to have plant protection activities performed by local and professional organizations and monitor its implementation;

8.1.7. To approve the procedure for testing, registration and use of substances other than plant protection chemicals to be used in Mongolia;

8.1.8.Approve procedures for planning, financing and implementing plant protection measures in cooperation with the state central administrative body in charge of fund matters;

8.1.9. To have the research organization of the sector conduct research to clarify the distribution and reproduction of pasture plant diseases, pests and rodents;

8.1.10. To conduct a survey on plant diseases, pests, rodents and weeds in agricultural lands every 3 years and obtain a conclusion.

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Article 9. Powers of Citizens' Representatives Khurals of aimags, the capital city, soums and districts

9.1. Citizens' Representatives Khurals of aimags, the capital city, soums and districts shall exercise the following powers with respect to plant protection:

9.1.1. To discuss and approve the draft cost of plant protection, quarantine measures and expenditures to be implemented in its territory, and to monitor their implementation;

9.1.2. To discuss the Governor's report on the distribution and reproduction status of plant diseases, pests, rodents and weeds and how measures are organized to control them.

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Article 10. Powers of aimag, capital city, soum and district governors

Governors of aimags, the capital city, soums and districts shall exercise the following powers with respect to plant protection:

10.1.1. To organize measures to implement legislation on plant protection, decisions of authorized organizations and enforce technologies;

10.1.2. To submit to the respective level Citizens' Representatives Khural a draft of plant protection, quarantine measures and expenses to be implemented in its territory, to organize its implementation and to report the results;

10.1.3. To inform the state central administrative body annually about the spread, reproduction and damage of plant diseases, pests, rodents and weeds;

10.1.4. To establish and lift plant quarantine in the territory based on the conclusion of local and specialized inspection agency in case of detection of plant quarantine diseases, pests, rodents and weeds;

10.1.5. To make public announcements on the territory where phytosanitary diseases, pests, rodents and weeds have spread or are likely to spread;

10.1.6. To organize control measures in cooperation with local and professional organizations during plant quarantine and, if necessary, to mobilize citizens and legal entities;

10.1.7 monitor the activities of professional organizations engaged in plant protection activities and eliminate the revealed violations;

/ This part was amended according to the law dated January 20, 2011 /

10.1.8. To monitor how citizens and legal entities possessing and using pastureland and agricultural land are fulfilling their obligations on plant protection and to eliminate violations.

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Article 11. Powers of a research organization

11.1. A research organization shall exercise the following powers with respect to plant protection:

11.1.1. To determine, analyze, reproduce and damage plant diseases, pests, rodents and weeds, to conduct research, experiments and inventions, and to evaluate and conclude on their results;

11.1.2. To determine the toxicity of plant protection substances and their residues in plants, water and soil;

11.1.3 develop recommendations on testing plant protection products, their production, transportation, storage and use;

11.1.4. To develop standards and technologies for protection against plant diseases, pests, rodents and weeds, to introduce scientific achievements into production, and to provide professional and methodological assistance to citizens and legal entities.

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Article 12. Powers of professional organizations on plant protection

12.1. A professional organization shall exercise the following powers with respect to plant protection:

/ This part was amended according to the law dated January 20, 2011 /

12.1.1 enter into agreements with aimag, capital city, soum and district governors, client citizens and legal entities on plant protection activities;

12.1.2. Strictly follow technology in plant protection activities;

12.1.3 report to the customer on the results of plant protection activities, fulfillment of the contract and spent substances.

12.2 Plant protection activities shall be performed only by professional organizations.

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CHAPTER FOUR
RIGHTS AND OBLIGATIONS OF CITIZENS AND LEGAL ENTITIES ON PLANT PROTECTION

Article 13. Rights and obligations of citizens and legal entities

Citizens and legal entities shall have the following rights regarding plant protection:

13.1.1. To receive information on plant protection from central, local, professional and research organizations;

13.1.2. To choose a professional organization to perform plant protection activities;

13.1.3. To demand explanations and complaints from professional organizations implementing plant protection activities on conclusions and measures issued in connection with such activities.

13.2. Citizens and legal entities shall have the following obligations regarding plant protection:

13.2.1. To take immediate measures to prevent the spread of plant diseases, pests, rodents and weeds in the land used, possessed or owned, and to inform the Governor of the respective soum or district;

13.2.2. To obtain a certificate of origin from the Governor's Office of the respective soum or district when transporting and selling plants and their raw materials.

13.3. Relations of citizens and legal entities related to the importation of plants and their raw materials and products across the border of Mongolia shall be regulated by the Law on Quarantine Control and Inspection at the importation of animals, plants and their raw materials and products.

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CHAPTER FIVE
PLANNING PROHIBITION ACTIVITIES

Article 14. Establishment of plant quarantine

14.1. In case of detection of plant quarantine diseases, pests, rodents and weeds, the Governor of the respective level shall establish a plant quarantine in the territory based on the conclusion of the local and specialized inspection agency.

~~If the quarantine diseases, pests, rodents and weeds are found in the pastures and agricultural areas of several aimags, the Government shall establish a quarantine based on the conclusion of the state central administrative body in charge of pasture and crop protection and the central specialized inspection agency.~~

/ This part was repealed by the law in January 20, 2011 /

14.3. Requirements for entering and leaving the quarantined territory, conditions and methods of disinfection shall be regulated in accordance with the procedure set forth in Article 7.1.4 of this Law.

14.4. The following activities are prohibited in the quarantined territory:

14.4.1. To export and transit plants and their raw materials and products;

14.4.2. To prepare plants and raw materials derived from them;

14.4.3. To sell, transfer and sow infected seeds and seedlings;

14.4.4. To use premises, warehouses, fences and areas with hotspots without disinfection.

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CHAPTER SIX
PROFESSIONAL INSPECTION IN PLANT PROTECTION ACTIVITIES

Article 15. Professional control over plant protection activities

15.1. Professional control over plant protection activities shall be implemented by the specialized inspection center and local organizations specified in Articles 9.2 and 10.1 of the Law on State Inspection.

15.2. In addition to the general powers specified in Article 10.9 of the Law on State Inspection, the senior state inspector and state inspector of the Specialized Inspection Agency shall exercise the following powers in exercising professional control over plant protection activities: 15.2.

/ This part was amended according to the law dated June 10, 2010 /

15.2.1.Monitor the standards and technological requirements on plant protection activities and ensure their implementation;

15.2.2. To conduct plant hygiene inspection during production, processing, transportation, storage and sale of plants and their raw materials and products;

15.2.3. In case of detection of diseases, pests and rodents that have a negative impact on human health and the environment in plants and their raw materials and products, supply them for public use, prohibit production and services, and take measures to destroy and disinfect if necessary;

15.2.4. To monitor the production, import, storage, transportation, sale and use of seeds, seedlings and plant protection products.

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CHAPTER SEVEN
MISCELLANEOUS

Article 16. Financing of plant protection activities

Expenses for plant protection activities shall be financed from the state budget and from citizens and legal entities.

The following expenses for plant protection activities shall be financed from the state budget:

16.2.1. Expenses required for conducting the research specified in Articles 8.1.9 and 8.1.10 of this Law and obtaining a conclusion;

16.2.2. Expenditures for control of plant diseases, pests and rodents in pasture plants;

16.2.3. Expenses for prevention and control of plant quarantine diseases, pests, rodents and weeds in case of their spread and potential damage.

Citizens and legal entities possessing and using agricultural land shall finance the costs of plant protection activities with their own funds.

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Article 17. Liability for violators

17.1. 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 /

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CHAIRMAN OF THE PARLIAMENT OF MONGOLIA D. LUNDEEJANTSAN