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LAW OF MONGOLIA

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Ulaanbaatar city

ON PLANT PROTECTION

/Revised edition/

CHAPTER ONE

GENERAL CONDITION

Article 1. Purpose of the Law

1.1. The purpose of this Law is to regulate relations between the state, citizens, and legal entities in connection with the protection, control, quarantine, and control of pasture and cultivated plants from plant diseases, harmful insects, rodents, and weeds.

Article 2. Legislation on Plant protection

2.1. Legislation on plant protection consists of the Constitution of Mongolia, this Law and other legislative acts issued in accordance with them.

2.2. If an international treaty of Mongolia stipulates otherwise than this Law, provisions of the international treaty shall be followed.

Article 3. Definitions of terms in the law

3.1. The following terms used in this Law shall be understood in the following meanings:

3.1.1. "pasture" has a meaning according to sub-paragraph 3.1.6 of the Land Law;

3.1.2. "cultivated plants" means plants, their seeds and seedlings, which are intentionally grown with the participation of human activities;

3.1.3. "plant protection" means comprehensive activities of preventing, combating and quarantine of pasture and cultivated plants (hereinafter referred to as "plants") from plant diseases, harmful insects, rodents, and weeds;

3.1.4. "plant disease" means plants, raw materials and products derived from them, which are infected with pathogens and damage their tissues and cells, adversely affecting further growth, development, and yield quality;

3.1.5. "harmful insects" means insects that feed on plants and cause damage to them;

3.1.6. "rodents" means rodents that feed on plants and cause damage to them;

3.1.7. "hygienic inspection of plants" means checking whether plants, raw materials and products derived from them contain diseases, harmful insects, rodents, weeds, and chemical substances in the permitted level;

3.1.8. "plant protection substance" means chemical or biological agents used to control plant diseases, harmful insects, rodents, and weeds.

CHAPTER TWO

PLANT PROTECTION ACTIVITY

Article 4. The Plant Protection Activity

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

4.2. Preventive measures include detection and reporting of plant diseases, harmful insects, rodents, and weeds before they cause harm, determining the cause, extent, and scope of their spread and proliferation, and disinfecting areas that may spread.

4.3. Control measures include activities such as stopping the spread and proliferation of plant diseases, harmful insects, rodents, and weeds, destroying the source, and keeping them in their natural balance.

4.4. Prohibition includes measures aimed at preventing and combating the spread of external and internal plant diseases, harmful insects, rodents, and weeds in the territory of Mongolia, limiting and destroying them, and protecting them from the negative effects of plant protection substances.

Article 5. Organization for implementation of plant protection activities

5.1. Plant protection activities will be implemented by central, local, professional and academic organizations.

5.2. The central organization is the state central administrative organization in charge of the protection of grassland and cultivated plants /hereinafter referred to as "the state central administrative body".

5.3. Local organizations are governors of provinces, sums, capitals, and districts, and their affiliated organizations.

/This paragraph was amended according to the law as of April 22, 2022/

5.4. A scientific research organization is an organization that conducts research, experiments, and design work on the spread, multiplication, and damage of plant diseases, harmful insects, rodents, and weeds, and evaluates and concludes as a result of it, develops plant protection methods and technologies (hereinafter referred to as "technology"), and provides advance information.

~~5.5. The professional organization is a legal entity with a special license for plant protection activities.~~

/This paragraph was annulled according to the law as of January 20, 2011/

CHAPTER THREE

POWERS REGARDING PLANT PROTECTION ACTIVITIES

Article 6. Power of the State Great Khural

6.1. The State Great Khural shall exercise the following powers regarding plant protection:

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

Article 7. Power of the Government

7.1. The Government shall exercise the following powers regarding plant protection:

7.1.1. organizing the implementation of state policies and laws on plant protection;

7.1.2. responsible for the protection of pasture and cultivated plants, establishing or canceling plant quarantine at the regional level based on the conclusion of the state central administrative body;

/This paragraph was amended according to the law as of November 11, 2022/

7.1.3. to establish cooperation agreements and agreements with relevant foreign and international organizations on plant protection and quarantine;

7.1.4. to approve the procedure to be followed when plant quarantine is established.

Article 8. Power of the state central administrative body

8.1. The state central administrative body shall exercise the following powers regarding plant protection:

8.1.1. to organize and implement laws and government decisions on plant protection and quarantine;

8.1.2. to develop and approve plant protection policies and plans, costs and budgets required for their implementation;

8.1.3. to provide professional and methodological integrated management of plant protection;

8.1.4. to approve the list of prohibited external and internal plant diseases, harmful insects, rodents, and weeds;

8.1.5. to issue a special permit for the import and sale of substances used for plant protection in accordance with the Law on Permits;

/This sub-paragraph was amended according to the law as of January 20, 2011/

/This sub-paragraph was amended according to the law as of June 17, 2022/

/This sub-paragraph was amended according to the law as of January 6, 2023/

8.1.6. to sign contracts for plant protection activities to be performed by local and academic organizations and monitor their implementation;

/This sub-paragraph was amended according to the law as of January 6, 2023/

8.1.7.to approve procedures for testing and registration of substances other than plant protection chemicals used in Mongolia, and their use;

8.1.8.to approve the procedures for planning, financing and implementation of plant protection measures in cooperation with the state central administrative body in charge of the fund;

8.1.9.to carry out studies to clarify distribution and multiplication of grassland plant diseases, harmful insects and rodents by scientific institutions of the sector and draw conclusions;

8.1.10.to conduct research on the condition of crop farming land plants, harmful insects, rodents, and weeds every 3 years and make a conclusion.

Article 9.Power of Citizens' Representatives' Khural of Aimags, soums, capital city and/or districts

/The title of this Article was amended according to the law as of April 22, 2022/

9.1.The Citizens' Representatives Khural of Aimags, soums, capital city, and districts shall exercise the following powers regarding plant protection:

/This paragraph was amended according to the law as of April 22, 2022/

9.1.1.to discuss and approve plant protection and quarantine measures and expenditure projects to be implemented in the territory, and monitor their implementation;

9.1.2.to discuss the governor's report on the spread and reproduction of plant diseases, harmful insects, rodents, and weeds, and how measures are being taken to combat them.

Article 10.Power of Governors of Aimags, soums, capital city and districts

/The title of this Article was amended according to the law as of April 22, 2022/

10.1.Governors of aimags, soums, capital city, and districts shall exercise the following powers regarding plant protection:

/This paragraph was amended according to the law as of April 22, 2022/

10.1.1.implementation of laws and decisions of authorized bodies on plant protection, organization of technology implementation measures;

10.1.2.submit plant protection and quarantine measures and cost projects to be implemented in the territory to the People's Representative Meeting at that level, organize the implementation, and report the results;

10.1.3.annually report to the state central administrative body about the spread, proliferation, and damage of plant diseases, harmful insects, rodents, and weeds;

10.1.4.establish or cancel plant quarantine in the territory based on the conclusion of the local or authorized inspection body if plant quarantine diseases, harmful insects, rodents, or weeds are detected;

/This sub-paragraph was amended according to the law as of November 11, 2022/

10.1.5.public announcement about areas where prohibited plant diseases, harmful insects, rodents, and weeds have spread or are likely to spread;

10.1.6.organize combat measures in cooperation with local and academic organizations when plant quarantine is imposed, and if necessary, to mobilize citizens and legal entities;

/This sub-paragraph was amended according to the law as of January 6, 2023/

10.1.7.supervise the activities of academic institutions engaged in plant protection activities and to eliminate the detected violations;

/This sub-paragraph was amended according to the law as of January 20, 2011/

/This sub-paragraph was amended according to the law as of January 6, 2023/

10.1.8.monitor how citizens and legal entities who own and use pasture and crop farming land fulfill their obligations regarding plant protection and eliminate violations.

Article 11.Powers of the scientific research organization

11.1.The scientific research organization shall exercise the following powers regarding plant protection:

11.1.1.to establish, analyze, multiply, harm plant diseases, harmful insects, rodents, and weeds, and make research, experiments, and inventions, and make evaluations and conclusions as a result;

- 11.1.2.to determine the toxicity of plant protection substances and their residues in plants, water and soil;
- 11.1.3.to develop recommendations on testing plant protection agents, their production, transportation, storage, and use;
- 11.1.4.to develop standards and technologies for protection against plant diseases, harmful insects, rodents, and weeds, to introduce scientific findings into production, and to provide professional and methodological assistance to citizens and legal entities.

~~Article 12.Powers of the professional organization on plant protection~~

~~/This Article was annulled according to the law as of January 6, 2023/~~

~~42.1.The professional organization shall exercise the following powers regarding plant protection:~~

~~/This paragraph was amended according to the law as of January 20, 2011/~~

~~42.1.1.to work with Governors of provinces, sums, capitals, and districts, clients, citizens, and legal entities regarding plant protection activities;~~

~~/This sub-paragraph was amended according to the law as of April 22, 2022/~~

~~42.1.2.strict application of technology in plant protection activities;~~

~~42.1.3.to report to the client about the results of plant protection activities, the fulfillment of the contract, and the consumed substances.~~

~~42.2.Plant protection activities shall be carried out only by professional organizations.~~

CHAPTER FOUR

RIGHTS AND DUTIES CITIZENS AND LEGAL ENTITIES REGARDING PLANT PROTECTION

Article 13.Rights and obligations of citizens and legal entities

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

13.1.1.to get information about plant protection from central, local, professional and academic organizations;

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

~~/This sub-paragraph was annulled according to the law as of January 6, 2023/~~

13.1.3.to demand an explanation or complain about the conclusions and measures taken in connection with the activity from the academic institution implementing plant protection activities.

~~/This sub-paragraph was amended according to the law as of January 6, 2023/~~

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

13.2.1.If plant diseases, harmful insects, rodents, or weeds are found on the land used, owned or owned, to promptly take measures to prevent their spread to other areas, and notify the governor of that district;

13.2.2.when transporting and selling plants and raw materials derived from them, obtain a certificate of origin of the product from the Office of the Governor of the district.

13.3.Relations between citizens and legal entities related to the introduction of plants, raw materials and products derived from them through the border of Mongolia shall be regulated in accordance with the law on quarantine control and inspection during the introduction of animals, plants, raw materials and products derived from them through the state border.

13.4.Applicants for a license to import and sell substances used for plant protection must prepare the following documents and submit them to the state central administrative body in charge of plant protection:

13.4.1.application for a special license /clearly mention the type of eligible activity/;

13.4.2.a copy of the state registration certificate of legal entity;

13.4.3.a proof of no tax debt;

13.4.4.an evidence of connection to an electronic payment receipt system specified in Article 28 of the General Tax Law;

13.4.5.for chemical substances used in plant protection, a risk assessment report made in accordance with paragraph 17.1 of Article 17 of the Law on Toxic and Hazardous Chemical Substances;

13.4.6.for chemical substances used in plant protection, an agreement with a recycling plant for the disposal and packaging of the chemical substance.

~~/This paragraph was added according to the law as of January 6, 2023/~~

13.5. In case of extension of the period of the special license for importing and selling substances used for plant protection, the holder of the special license shall prepare the documents specified in paragraph 13.4 of this Law and submit them to the state central administrative body in charge of plant protection.

/This paragraph was added according to the law as of January 6, 2023/

CHAPTER FIVE

ACTION TO ESTABLISH PLANT QUARANTINE

Article 14. Plant quarantine

~~14.1. Based on the opinion of the local and professional inspection organization, the Governor of the relevant level shall establish a plant quarantine in the territory if plant quarantine diseases, harmful insects, rodents, or weeds are detected.~~

/This paragraph was annulled according to the law as of November 11, 2022/

~~14.2. If prohibited plant diseases, harmful insects, rodents, and weeds are detected in the pastures and crop farming lands of several provinces, the Government will impose a quarantine based on the conclusions of the state central administrative body in charge of the protection of pastures and cultivated plants and the central professional inspection organization.~~

/This paragraph was annulled according to the law as of January 20, 2011/

14.3. Requirements for entering and exiting the restricted territory, conditions and methods of sterilization and disinfection shall be regulated in accordance with the procedures specified in sub-paragraph 7.1.4 of this Law.

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

- 14.4.1. to release and transit of plants, raw materials and products derived from them;
- 14.4.2. preparation of plants and raw materials derived from them;
- 14.4.3. to sale, transfer, cultivation of infected seeds and seedlings;
- 14.4.4. to use premises, warehouses, fences, and areas with slaughterhouses without sterilization or disinfection.

CHAPTER SIX

CONTROL OF PLANT PROTECTION ACTIVITIES

/The title of this Chapter was amended according to the law as of November 11, 2022/

Article 15. Control of plant protection activities

/The title of this Article was amended according to the law as of November 11, 2022/

15.1. The control of plant protection activities shall be carried out by the state central administrative body in charge of plant protection, authorized inspection bodies, and state inspectors.

/This paragraph was amended according to the law as of November 11, 2022/

15.2. In addition to the common powers specified in paragraph 10.9 of the Law on State Inspection, state inspectors and authorities authorized to carry out inspections shall exercise the following powers when carrying out the supervision of plant protection activities:

/This paragraph was amended according to the law as of June 10, 2010/

/This paragraph was amended according to the law as of November 11, 2022/

- 15.2.1. to monitor and ensure implementation of standards and technological requirements for plant protection activities;
- 15.2.2. to perform plant hygiene inspection during the production, processing, transportation, storage, and sale of plants, raw materials and products derived from them;
- 15.2.3. if plants, raw materials and products derived from them are found to have diseases, harmful insects, and rodents that have a negative impact on human health and the environment, prohibit supply, production, and services for public use, and when necessary, take measures to destroy and disinfect them;
- 15.2.4. to control during the production, storage, transportation, sale, and use of cultivated plant seeds, seedlings, and plant protection agents.

/This sub-paragraph was amended according to the law as of November 12, 2021/

CHAPTER SEVEN

MISCELLANEOUS

Article 16. Financing of plant protection activities

16.1. Cost of plant protection activities shall be financed from the state budget and from citizens and legal entities.

16.2. The following costs of plant protection activities shall be financed from the state budget:

16.2.1. expenses required for conducting research and drawing conclusions specified in sub-paragraphs 8.1.9 and 8.1.10 of this Law;

16.2.2. cost of combating plant diseases, harmful insects, and rodents when they spread and cause harm to pasture plants;

16.2.3. cost of prevention and control when prohibited plant diseases, harmful insects, rodents, and weeds spread and cause harm.

16.3. Citizens and legal entities owning and using crop farming land shall finance the costs of plant protection activities with their own funds.

Article 17. Liabilities to be imposed on the violators of the Law

17.1. If the act of an official who violates this Law is not a crime, he shall be held accountable in accordance with the Law on the Civil Service.

17.2. Any person or legal entity who violates this Law shall be held liable as provided for in the Criminal Code or the Law on Violations.

/This Article was modified according to the law as of December 4, 2015/

THE CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA D.LUNDEEJANTSAN