

# ENVIRONMENTAL PROTECTION LAW OF MONGOLIA

## Chapter One

### General Provisions

#### **Article 1. Purpose of this law**

The purpose of this law is to regulate relations between the State, citizens, business entities and organisations in order to guarantee the human right to live in a healthy and safe environment, an ecologically balanced social and economic development, the protection of the environment for present and future generations, the proper use of natural resources and the restoration of available resources.

#### **Article 2. Legislation on environmental protection**

1. The legislation on environmental protection is comprised of the Constitution of Mongolia, this law, and other relevant legislation which is consistent with them.
2. If an international treaty to which Mongolia is a party is inconsistent with this law then the provisions of the international treaty shall prevail.

#### **Article 3. Resources protected by law and relevant definitions**

1. This law shall protect the following conservation resources from any adverse effects in order to prevent ecological imbalance:
  - (1) land and soil;
  - (2) underground resources and mineral wealth;
  - (3) water;
  - (4) plants;
  - (5) animals;
  - (6) air.

2. For the purposes of this law these terms have the following meaning:

1) the term “environment” shall include the geosphere, water, biosphere, and atmosphere within the territory of Mongolia directly or indirectly affecting the lives and activities of human beings, and the relationships between them;

2) the term “water” shall include surface and ground water resources including rivers, springs, ponds, mineral waters, and glaciers, as well as natural and manmade water courses within the territory of Mongolia;

3) the term “plants” shall include natural and planted forests, trees, and all types of higher and lower plants that grow within the territory of Mongolia;

4) the term “animals” shall include any mammal, bird, amphibian, fish, reptile, crustacean, insect, mollusc, protozoon or other invertebrate that temporarily or permanently inhabits the territory of Mongolia;

5) the term “air” shall mean the air strata above the territory of Mongolia;

6) the term “adverse environmental impact” shall mean the result of any action (or non-action) which has a polluting, detrimental, adverse, hazardous or destructive effect on nature and environment and its resources.

3. All relationships in respect of the ownership, possession, and use of items referred to in paragraph 1 of this article are subject to regulation by the relevant laws of Mongolia.

#### **Article 4. The rights and duties of citizens in protecting the environment**

1. Citizens shall have the following rights in protecting the environment:

- 1) to bring claims for compensation for damage to their property or health resulting from adverse environmental impact against the person responsible for causing the damage;
- 2) to commence legal action against persons whose conduct may cause adverse environmental impact or jeopardise the enforcement of legislation on environmental protection;
- 3) to establish non-Governmental organisations and capital funds for protection of the environment;
- 4) to obtain accurate information about the environment from relevant organisations; and
- 5) to require relevant authorities to restrict or prohibit actions which may cause adverse environmental impacts and to prohibit the establishment of new business entities or organisations whose activities may cause adverse environmental impacts.

2. Citizens shall have the following duties to protect the environment:

- 1) to comply with legislation on environmental protection;
- 2) to acquire and use traditional knowledge and skills to protect the environment and to educate their children on ecology;
- 3) to prevent adverse environmental impacts and to restore or compensate for any damage or loss in the form of adverse environmental impacts arising from their conduct.

### **Article 5. State environmental guidelines and principles**

1. In order to ensure the human right to live in a healthy and safe environment, the State shall prevent adverse environmental impacts and maintain ecological balance.
2. In following its guidelines on environmental protection, the State shall act in accordance with the following principles:
  - 1) the creation of favourable environmental conditions for people to live, work, and rest;

- 2) the development of an ecologically sustainable economy and maintenance of ecological balance;
- 3) the provision of conditions for the proper and scientifically-sound use of natural resources;
- 4) public access to activities and decisions in respect of environmental protection and the use of natural resources.

#### **Article 6. Ownership of natural resources**

1. The land, its underground resources, forests, water, animals, plants and other natural resources shall be protected by the State and the authority of the people and the land, its underground resources, their wealth, forests, water and animals, unless owned by citizens of Mongolia, shall be the property of the State.
2. Unless otherwise provided by law, citizens, business entities, organisations, foreign citizens and legal persons may use natural resources upon the payment and collection of relevant fees in accordance with any contract, special permit, or licence.

#### Chapter Two

#### Environmental Assessments, Databanks, and Research

#### **Article 7. Environmental assessments**

1. Natural resource assessments and environmental impact assessments shall be conducted in order to preserve the natural State of the environment, to develop and carry out activities aimed at sustaining environmental balance, and to regulate the use of natural resources.
2. Citizens, business entities, and organisations which intend to use natural resources for commercial purposes shall conduct the assessments referred to in paragraph 1 of this article at their own expense, or, if such assessment has previously been conducted, then they shall meet the costs incurred.
3. Environmental assessments shall be conducted by business entities or organisations authorised pursuant to paragraph 4 of this

article and approved by the central State administrative body in charge of the relevant natural resource.

4. Business entities and organisations must obtain a licence to conduct natural resource assessments from the central State administrative body in charge of the protection and proper use of the relevant natural resource and authorisation to conduct environmental impact assessments shall be given by the central State administrative body in charge of nature and environment (hereinafter referred to as “central State administrative body”).

5. Business entities and organisations meeting the following requirements shall be authorised to conduct such environmental assessments:

- 1) adequately qualified staff;
- 2) possession of necessary measuring and research tools, instruments, and equipment;
- 3) approved methods and procedures for carrying out environmental assessments;
- 4) possession of databanks for conducting assessments.

6. The Government shall establish procedures for the certification of business entities and organisations that may conduct environmental impact assessments and for the conduct of environmental impact assessments.

### **Article 8. Natural resource assessments**

1. The term “natural resource assessment” shall include quantitative and qualitative assessments and financial valuations of the natural resource in question.

2. Natural resource assessments shall determine the quantity of natural resources and identify measures for the protection, proper use, and restoration of renewable resources and the results of such assessments shall be recorded and entered into the State Environmental Information Databank.

3. The central State administrative body shall establish an economic value for natural resources in co-operation with relevant organisations taking into account the ecological and commercial value of the natural resources.
4. The economic value shall form the basis for determining the level of payments and fees for resource use and the amount of compensation payable in the case of adverse environmental impacts and direct damage.

### **Article 9. Environmental impact assessments**

1. The term “environmental impact assessment” (hereinafter referred to as “impact assessment”) means the prior identification of any possible adverse effects from production and service activities by citizens, business entities and organisations on human health and the environment, as well as measures that would minimise or mitigate those adverse impacts.
2. Impact assessments shall be conducted for the development of proposals and programmes, as well as for establishing contracts for the operation, commencement and expansion of production or services which may have adverse environmental impacts.
3. The body requesting the assessment shall meet the costs of it.
4. Citizens, business entities and organisations implementing proposals, programmes, or contracts shall comply with the requirements determined by the impact assessment.

### **Article 10. Environmental monitoring**

1. The term “environmental monitoring” shall mean written evaluations based on continual observation, measurement and research on the State of and changes to the environment, and the development of measures for the termination and rectification of any adverse changes discovered.
2. In order to provide the function referred to in paragraph 1 of this article, the central State administrative body shall establish and maintain an environmental monitoring network (hereinafter referred to as “monitoring network”).

3. The monitoring network shall conduct the following activities:
  - 1) to regularly conduct surveys on the level of physical, chemical, and biological changes to the environment and of pollution, and to establish and assess the extent of environmental changes;
  - 2) to provide the public and interested business entities and organisations with information on the environment and natural resources;
  - 3) to develop proposals for the prevention of adverse effects on human health and the environment as a result of natural disasters and for the rectification of any damage.

### **Article 11. Environmental research and funding**

1. Research to establish the potential for State and regional development, the restoration, breeding and raising of endangered animals and plants, protection of soil, water, and air, and for humans to live in a healthy and safe environment shall be funded by State and local budgets.
2. The central State administrative body and relevant Governors shall request the appropriate certified organisations to conduct environmental research, and develop proposals and shall fund this by means of the Science and Technology Fund and relevant budgets, and shall encourage interested citizens, business entities, and organisations to conduct research at their own expense.

### **Article 12. Environmental information databank**

1. The State environmental information databank (hereinafter referred to as the “databank”) shall consist of:
  - 1) Soum databanks;
  - 2) Aimag and capital city databanks;
  - 3) the central State databank.
2. The central State databank shall include observations, measurements, research reports, data, and impact assessments on land, underground resources, their wealth, forests, water, animals,

plants, and air conducted by the central State administrative body and research organisations, as well as information and data from the Aimag and capital city databanks.

3. Soum, Aimag, and capital city databanks shall consist of reports, information, and data on the activities referred to in paragraph 2 of this article conducted within their territory.

4. The relevant Governors shall be responsible for Soum, Aimag, and capital city databanks and the central State administrative body shall be responsible for the central State databank.

5. The Government shall establish procedures for creating the central State databank.

6. Citizens, business entities and organisations shall submit reports, information and data on research funded from the central State or local budgets to the relevant databank free of charge.

7. The central State administrative body and relevant Governors may purchase research reports, maps, and other information collated by citizens, non-State owned enterprises and organisations at their expense.

8. Soum Governors shall complete a databank report by 15 November each year and submit it to their Aimag or capital city Governor by 1 December of the same year. Aimag and capital city Governors shall submit a databank report to the central State administrative body by 31 December each year, and the central State administrative body shall submit a consolidated State report to the Government by 31 January of the following year.

9. The Government shall report annually to the spring session of the State Ih Hural on the State and condition of the environment and shall deal with the following matters:

1) State and non-budget expenditure allocated for the conservation and restoration of natural resources;

2) changes and trends in the State and quality of the environment and natural resources;

- 3) use of natural resources and their restoration;
- 4) sources and levels of environmental pollution, mitigation measures, and results.

## Chapter Three

### Plenary Rights of State Organisations on Environmental Protection

#### **Article 13. Plenary rights of the State Ih Hural**

The State Ih Hural shall have the following plenary rights in respect of environmental protection:

- 1) to formulate a national policy for protection of the environment and the proper use and restoration of its natural resources;
- 2) to approve a national programme for environmental protection and ecological safety at the request of the Government;
- 3) to pass legislation on environmental protection and to supervise its implementation;
- 4) to establish maximum and minimum levels for payments and fees for the use of natural resources and for pollution of the environment;
- 5) to approve and amend a list of endangered animal and plant species and to give particular natural resources State protection;
- 6) to have other plenary rights provided by law.

#### **Article 14. Plenary rights of the Government**

1. The Government shall have the following plenary rights in respect of environmental protection:

- 1) to organise the development and implementation of a national programme for environmental protection and ecological safety;
- 2) to limit the amount of natural resources that can be used, imported or exported in accordance with any restrictions imposed by law;

- 3) in accordance with any recommendations of the central State administrative body and Aimag and capital city Governors, to prohibit citizens, business entities and organisations from conducting production and other activities which would have an adverse effect on human health and the environment regardless of the form of ownership;
- 4) to administer customs and quarantine control over the export and import of animals, plants and other natural products;
- 5) to develop procedures for the creation and allocation of funds from the Environmental Protection Fund;
- 6) to organise education and training programmes on ecology for citizens;
- 7) to have other plenary rights provided by law.

#### **Article 15. Plenary rights of the central State administrative body**

1. The central State administrative body in charge of nature and the environment shall have the following plenary rights in respect of environmental protection:
  - 1) to organise implementation of national policy and legislation on environmental protection and the proper use and restoration of natural resources, and to ensure environmental balance;
  - 2) to make decisions and to approve rules and procedures to be followed by other central State administrative bodies and Aimag and capital city administrations in respect of specific issues of environmental protection and to ensure their implementation;
  - 3) to co-ordinate interdisciplinary and interregional activities to protect and restore the environment and properly use its resources, to develop and adopt standards for environmental carrying capacity and to administer their implementation by means of authorised organisations or in co-operation with other central State administrative bodies;
  - 4) to establish limits in accordance with legislation on the annual use of forest resources, plants or animals, and to restrict the use of

certain kinds of natural resources, taking into account ecological requirements and reserves;

5) to make a State request for environmental protection research and to conduct mapping, as well as to supervise the research and mapping activities of certified organisations and their subsidiaries;

6) to provide citizens, business entities and organisations with environmental information;

7) to provide methodological assistance to the central State administrative body and local self-governing organisations on issues related to environmental protection and the proper use and restoration of natural resources;

8) to co-operate with foreign and international organisations on environmental protection;

9) to monitor the implementation of environmental protection legislation, and to organise activities in respect of the rectification of damage caused to the environment as a result of breach of legislation;

10) to provide the State General Inspector, State chief inspectors and State inspectors at the central State administrative body with defensive weapons, equipment, and means of transport;

11) to have other plenary rights provided by law.

2. Other central State administrative bodies shall have the following plenary rights in respect of environmental protection:

1) to incorporate measures to protect the environment and on the proper use and restoration of natural resources in their sectoral policies and to administer implementation of those measures;

2) to administer the implementation of environmental legislation at the sectoral level and to report annually to the Government on that implementation.

**Article 16. Plenary rights of Aimag and capital city citizens' representative Hural and Governors**

1. Aimag and capital city citizens' representative Hural shall have the following plenary rights in respect of environmental protection:

- 1) to approve measures and budgets for environmental protection in their territory and to administer their implementation;
- 2) in accordance with the provisions of this law and procedures, to establish maximum limits on the use of natural resources in their territory;
- 3) to make decisions on putting items not under special State environmental protection under local protection and to establish boundaries and protection regimes and to supervise their implementation;
- 4) to establish the boundaries of special zones to meet sanitary requirements and protect the environment of cities, villages and other settled areas, resorts and treatment centres, the sources of lakes, rivers, mineral water, springs, ponds, and other water sources;
- 5) to consider their Governor's information and report on the State of the environment and the environmental information databank.

2. Aimag and capital city Governors shall have the following plenary rights in respect of environmental protection:

- 1) to administer the implementation of environmental protection legislation and Government decisions;
- 2) to develop measures for environmental protection and the proper use and restoration of natural resources in their territory, to submit them to the Citizens' Representative Hural and to administer the implementation of any decisions made;
- 3) to submit information and data to the central State administrative body and the environmental information databank in a timely manner;
- 4) to supervise the activities of local business entities and organisations in respect of environmental protection and the restoration and use of natural resources in their territory regardless of their jurisdiction, and to take measures to eliminate breaches and if

necessary, to bring temporary injunctions against the activities of business entities and organisations which have adverse environmental impacts or to inform organisations authorised to make decisions;

5) to co-ordinate the environmental protection activities of organisations responsible for State control of environmental protection and in accordance with the provisions of this law, to provide State chief inspectors and State inspectors with the required distinctive badges, defensive weapons, equipment, and means of transport.

### **Article 17. Plenary rights of Soum and Duureg Citizens' Representative Hural and Governors**

1. Soum and Duureg Citizens' Representative Hural shall have the following plenary rights in respect of environmental protection:

- 1) to approve measures and budgets for environmental protection in their territory and to supervise their implementation;
- 2) in accordance with the provisions of this law and procedures, to establish limits on the use of natural resources in their territory;
- 3) to comment on their Governor's report on environmental protection.

2. Soum and Duureg Governors shall have the following plenary rights in respect of environmental protection:

- 1) to administer the implementation of environmental protection legislation and the decisions of Citizens' Representative Hural and higher level organisations in their territory;
- 2) to issue licences to citizens, business entities and organisations for the use of natural resources in accordance with legislation;
- 3) to monitor the use of natural resources by citizens, business entities and organisations and to approve the forests, plants, cultivated plants, and animals bred and raised as well as land and bodies of water improved and maintained by them;

- 4) to supervise the activities of local business entities and organisations in respect of environmental protection and the restoration and use of natural resources in their territory regardless of their jurisdiction, and to take measures to eliminate breaches and if necessary to bring temporary injunctions against the activities of business entities and organisation which have adverse environmental impacts and to inform organisations to make decisions;
- 5) to direct the work of rangers and to provide them with required distinctive badges, defensive weapons, equipment and means of transport, to include these costs in local budgets and to provide other assistance as required;
- 6) to designate garbage and waste disposal locations for business entities and organisations and to take measures to mitigate pollution.

**Article 18. Plenary rights of Bag and Horoo citizens' representative Hurals and Governors**

1. Bag and horoo Citizens' Representative Hurals shall have the following plenary rights in respect of environmental protection:
  - 1) to develop and administer schedules for the protection and use of hayfields, pasture and water sources not designated for possession or use by others;
  - 2) to supervise the protection and use of natural resources in common use;
  - 3) to obtain their Governor's report on environmental protection.
2. Bag and horoo Governors shall have the following plenary rights in respect of environmental protection:
  - 1) to administer implementation of environmental protection legislation and decisions made by their representative Hurals and other higher organisations;
  - 2) to direct local environmental protection efforts and to involve citizens in the annual cleaning of environmental pollution and wastes;
  - 3) to issue licences for the use of natural resources as provided by law;

4) to ensure the implementation of hygienic and sanitary requirements in their territory and to designate public waste disposal areas.

## Chapter Four

### General Measures on Environmental Protection, Use and Restoration of Natural Resources

#### **Article 19. General methods and forms of environmental protection**

1. Mongolia shall have a financially secure national programme for environmental protection and ecological safety.

2. The State, its organisations and their officials shall protect the environment by means of the following general methods and forms:

- 1) the prohibition of hunting and trapping very rare animals and the collection and preparation of very rare plants;
- 2) the registration and protection of very rare and rare animals and plants by entry in the Redbook of Mongolia;
- 3) the establishment of limits on and standards for adverse environmental impacts and assurance of their implementation;
- 4) the conduct of ecological education programmes and education on national traditions and customs;
- 5) the rewarding of the introduction and use of environmentally sound, clean, and non-waste technologies;
- 6) the establishment of hygienically sound areas to ensure a healthy and safe environment for cities, villages, and settled areas and protection of the sources of rivers, lakes, mineral water, springs, ponds, and other bodies of water.

#### **Article 20. Environmental carrying capacity**

1. In order to ensure the human right to live in a healthy and safe environment and to ensure protection of the environment, the contents of hazardous substances discharged into the environment

and the extent of adverse environmental impacts (hereinafter referred to as “environmental carrying capacity”) shall be controlled by the following indicators:

- 1) the permissible amounts of toxic and biological chemicals in the air, water and soil;
- 2) the permissible maximum levels of toxic substances in waste effluent;
- 3) the permissible maximum levels for noise, sound, vibrations, electric and magnetic pulses and other adverse environmental impacts;
- 4) the permissible limits for radiation;
- 5) the permissible maximum limits for agricultural chemicals used for the protection of agricultural and pastoral land;
- 6) the permissible maximum levels of chemicals in food products;
- 7) the permissible maximum levels for environmental carrying capacity.

2. The limits referred to in sub-paragraphs 1, 3, 4, and 6 of paragraph 1 of this article shall be set by the standardisation organisation.

3. Citizens, business entities and organisations who discharge toxic substances into the environment or adversely affect the environment by exceeding established limits for environmental carrying capacity shall, if necessary, rectify damage caused to the environment at their own expense or eliminate the damage through a certified organisation and meet all expenses incurred.

## **Article 21. Protection from environmental pollution**

1. The term “environmental pollution” shall mean the disposal of commercial or household wastes in an amount exceeding established limits for environmental carrying capacity.

2. The central State administrative body shall maintain a unified State register of pollution sources.

3. Citizens, business entities and organisations shall have the following obligations in respect of the prevention of environmental pollution by commercial or household wastes:

- 1) to dispose of and discharge toxic, flammable and other wastes only in specially designated sites and to only use permitted methods for waste disposal and discharge;
- 2) before disposal, to classify garbage and to put it in special containers and to deliver it to specially designated sites by specially equipped transport;
- 3) to keep residential areas clean and, if necessary, to clean and sterilise sites before moving to other places;
- 4) to remove garbage around houses and residential areas regularly.

4. Procedures for the production, storage, transportation, use and disposal of radioactive and toxic chemicals shall be established by law and procedures for the collection, transportation, decontamination, disinfection, treatment, dumping and discharge of commercial and household wastes shall be established by the Government.

## **Article 22. Natural disaster and emergency areas**

1. The term “natural disaster and emergency area” shall mean an area where adverse impacts and changes have occurred which pose a potential threat to the environment, human health, livestock, animals, plants, and their gene pools as a result of human activity or natural occurrence.

2. The Government shall establish natural disaster and emergency area zones based on recommendations of the central State administrative body.

3. The central State administrative body, the Civil Defence Department, Governors of all levels and other relevant organisations shall jointly take measures to prevent and mitigate the effects of natural disasters and emergencies, rectify any damage, enhance the environment, and restore natural resources.

4. All costs in respect of the rectification of damage caused by natural disasters and emergencies shall be paid from the State budget. After investigations of causes, the body responsible shall be assessed for full compensation of damage.

### **Article 23. Protection of the environment during states of emergency**

In accordance with the Constitution of Mongolia, measures for the mitigation of natural disasters and emergencies, the rectification of damage caused by them, and the protection of the environment and its natural resources in the area where there is a State of emergency shall be established pursuant to the provisions and procedures provided by the Law on States of Emergency.

### **Article 24. Maximum level of natural resource use**

1. The term “maximum level of natural resource use” shall mean the potential amount of natural resources that may be used for a certain period of time, depending on their carrying and restoration capacity.
2. The total maximum level for the use of natural resources shall be determined in accordance with the relevant provisions in any laws addressing the protection and proper use of those natural resources.

### **Article 25. Restoration of natural resources**

1. In order to ensure environmental balance, citizens, business entities and organisations using natural resources for commercial purposes shall implement the following measures:
  - 1) to limit the use of endangered animals and plants species and to increase their stock through breeding, reintroduction, and extensive fodder supply;
  - 2) to maintain and enhance the land and environment if natural resources are used.
2. Efforts to breed or reintroduce animals, cultivate plants, and culture protozoa non-native to Mongolia shall be conducted only with

the approval of and under the supervision of the central State administrative body and other authorised organisations.

## Chapter Five

### Environmental Monitoring

#### **Article 26. Environmental monitoring**

1. The central State administrative body shall organise supervision of environmental protection and the proper use and restoration of natural resources and provide professional guidance.
2. Inspectors exercising the control of State borders, customs, veterinary, hygienic and disease services and mining and other officials required by law to exercise that control may be authorised to exercise the powers of State environmental inspectors and shall carry out inspection duties on the order of the Minister of Nature and Environment.
3. The general State environmental inspector, State chief inspectors and State inspectors shall work in the central State administrative body; State chief inspectors and State inspectors shall work in Aimags and the capital city, and State inspectors (hereinafter referred to as “State inspectors”) and rangers shall work in Soums and Duuregs.
4. In relation to the appointment and dismissal of State inspectors:
  - 1) the Government shall have the power to appoint and dismiss the general State environmental inspector on the recommendation of the Minister of Nature and Environment;
  - 2) the Minister of Nature and Environment shall have the power to appoint and dismiss State chief inspectors and State inspectors in other central State administrative bodies, and Aimag and capital city State inspectors;
  - 3) Aimag and capital city Governors shall have the power to appoint and dismiss Soum and Duureg State inspectors on the recommendation of State chief inspectors;

4) Soum and Duureg Governors shall have the power to appoint and dismiss rangers on the recommendation of Soum and Duureg State inspectors in accordance with rules established by the Government.

### **Article 27. Rights and duties of State inspectors**

1. State inspectors shall have the following rights:

- 1) to supervise compliance with environmental legislation by citizens, business entities and organisations regardless of their jurisdiction;
- 2) to obtain information and data required for supervision from the appropriate citizens, business entities, and organisations;
- 3) to require citizens, business entities and organisations to eliminate adverse impacts or to suspend their activities if they adversely affect the environment in breach of environmental legislation, standards and permissible maximum levels;
- 4) to have free access to business entities and organisations to carry out supervision, take samples and have samples analysed under their control;
- 5) in the event of natural disasters and States of emergency, to have priority in the use of public transport or rental of other means of transport;
- 6) to inspect the identification cards of citizens who breach legislation and to confiscate items illegally hunted, collected, or manufactured, as well as weapons and tools used, and, if necessary, to inspect vehicles and to temporarily confiscate documents;
- 7) to impose administrative penalties on those in breach of environmental legislation as provided by law;
- 8) to supervise and instruct environmental rangers.

2. State inspectors shall have the following duties:

- 1) to comply strictly with environmental legislation and regulations and procedures established in conformity with them;

- 2) to keep records of environmental breaches (name of person in breach, address, action, damage caused, mitigating circumstances and matters of aggravation) signed by the person in breach, and, in the event of refusal, to make a written record of reasons for the refusal;
- 3) on imposing administrative penalties and suspending illegal activities by citizens, business entities, and organisations in breach of environmental legislation, to outline the means of calculating the penalty in accordance with legislative provisions and to fill out the standard official form and penalty sheet;
- 4) on taking measures to suspend or rectify breaches, to respect the right to privacy and legal interests of citizens, business entities and organisations and to maintain trade secrets;
- 5) to make inventories and to ensure the safety of confiscated items, weapons, tools and temporarily confiscated documents in accordance with legislative provisions, to provide the owners with copies and to transfer these items to authorised organisations within specified periods.

## **Article 28. Rights and duties of rangers**

1. Environmental rangers shall have the following rights:
  - 1) to exercise the rights of State inspectors within their territory in accordance with subparagraphs 1, 4, and 5 of paragraph 1 of article 27 of this law;
  - 2) The rights of State inspectors under subparagraphs 6 and 7 of paragraph 1 of article 27 of this law shall be exercised only if permitted by law.
2. Rangers shall have the following duties in addition to those specified under paragraph 2 of article 27 of this law:
  - 1) to take measures to prevent possible adverse environmental impacts and to protect natural resources in the area for which they are responsible;

- 2) to issue licences for the use of natural resources if provided by law;
- 3) in accordance with contracts and licences, to show citizens, business entities and organisations areas for natural resource use;
- 4) to conduct observations of changes to natural resources in their territory and to enter these records into databanks;
- 5) to inform the relevant Governor promptly of the occurrence of natural disasters or emergencies and to take measures to rectify any damage;
- 6) to organise the restoration of natural resources in their territory.

### **Article 29. Weapons and defensive weapons for use by State inspectors and rangers**

1. State inspectors and rangers may carry offensive and defensive weapons when supervising implementation of environmental legislation in the field.
2. State inspectors and rangers may use weapons in the following situations if there is no way to prevent an external attack:
  - 1) if a person in breach of environmental protection legislation clearly refuses to comply with lawful requirements and uses weapons or threatens the life of an inspector or ranger in any other way;
  - 2) in the event of a life-threatening attack by a wild animal.
3. If a person in breach of environmental protection legislation refuses to comply with lawful requirements and uses force, State inspectors or rangers may use special tools including rubber clubs, electric prods, tear gas, mace, and guns with rubber or plastic bullets.
4. Instructions on the use of guns and other special tools shall be approved by the central State police administrative body upon consultation with the General Prosecutor and on consideration of recommendations made by the central State administrative body.

Chapter Six

## Duties of Business Entities and Organisations in Protecting the Environment and Natural Resources

### **Article 30. Certified organisations**

1. The term “certified organisation” shall mean a business entity or organisation regulating the protection and proper use of natural resources such as forests, animals, water and mineral resources pursuant to authorisation from the central State administrative body or by law.

2. Certified organisations shall carry out the following activities within the territory for which they are responsible:

- 1) to make contracts with citizens, business entities and organisations for the use of natural resources and to designate land accordingly on the authority of decisions made by the central State administrative body and the Governor;
- 2) to develop proposals and plans for the protection, proper use, and restoration of natural resources, to organise their implementation, and to conduct impact assessments if authorised to do so;
- 3) to make requests to conduct natural resource reserve research;
- 4) to protect natural resources from natural disasters and emergencies such as disease, rodents, harmful insects and fire and to implement measures to combat such disasters and emergencies;
- 5) to conduct the technical education of citizens, business entities and organisations on the protection, proper use and restoration of natural resources and to provide professional and methodological assistance;
- 6) to conduct observations of changes to natural resources in their territory and to enter the data into databanks;
- 7) to submit proposals for research on the protection, proper use and restoration of natural resources for consideration to Citizens’ Representative Hurals and Governors, and, if necessary, to submit them to the central State administrative body;

8) to engage in production and services using natural resources and to protect, restore, properly use and maintain natural resources in accordance with procedures established by law.

### **Article 31. Duties of business entities and organisations**

Business entities and organisations shall have the following duties in respect of environmental protection:

- 1) to comply with environmental legislation, decisions by the Government, local self-governing organisations and Governors, and the requirements of State inspectors and rangers;
- 2) to comply with environmental standards, limits, legislation and procedures approved by authorised organisations and to supervise their implementation within their internal organisation;
- 3) to keep records on toxic substances, adverse impacts and wastes discharged into the environment while engaged in production or services and to write reports and collect data on the measures taken to reduce or eliminate toxic chemicals, adverse impacts and wastes, as well as on any monitoring equipment and its operation and to submit these to the relevant organisation on time;
- 4) if engaged in environmentally adverse production and services, to include and implement in their annual budget the amounts necessary to restore soil erosion, purify polluted soil and water, and reintroduce plants and animals;
- 5) in accordance with contracts and punctually, to reforest, cultivate plants, breed animals, improve water sources, maintain land, and obtain approval of Soum and Duureg Governors;
- 6) to keep the ecological passport of the area in accordance with procedures approved by the central State administrative body.

### **Article 32. Participation of non-Governmental organisations in environmental protection**

1. Non-Governmental organisations whose purpose is the protection of the environment and its natural resources may conduct the following environmental protection activities:

- 1) to conduct public supervision and inspection of implementation of environmental protection legislation, to demand the rectification of breaches and to submit matters to authorised organisations for decision;
- 2) to submit proposals on environmental protection to the central State administrative body and relevant Hural and Governors;
- 3) to organise ecological training and education independently or in co-operation with other concerned organisations;
- 4) to develop proposals, recommendations, and methodologies for environmental protection and restoration and submit them to the relevant organisation for decision.

2. The Government of Mongolia may delegate special functions of the State executive body for environmental protection by way of contract to non-Governmental organisations whose purpose is environmental protection and shall fund their implementation.

## Chapter Seven

### Miscellaneous

#### **Article 33. Funding**

1. The costs of environmental protection, restoration of natural resources and implementation of environmental protection legislation conducted by State and local self-governing organisations shall be paid out of the central State and local budgets.
2. Unless otherwise provided by law, all revenue from fees and payments for the use of natural resources shall be allocated to local budgets.

#### **Article 34. Economic incentives to protect the environment**

1. The State shall reward citizens, business entities and organisations for the introduction of modern non-polluting and non-waste technology, progressive methods for environmental protection, the use and restoration of natural resources, and the reduction of adverse environmental impacts.

2. The central State administrative body shall establish an environmental protection fund to include appropriate revenue from fees and payments for environmental pollution and adverse environmental impacts, licence fees for travel and tourism in State special protected areas, donations and assistance from citizens, business entities and organisations and other sources of income and the fund shall be allocated for ecological education, environmental protection, and natural resource restoration.

3. In accordance with the provisions of paragraph 1 of this article, procedures for rewarding citizens, business entities and organisations and establishing the environmental protection fund shall be established by the Government.

### **Article 35. Fees and payments for use of natural resources**

1. Fees and payments for the use of natural resources shall include fees for the issue of licences to use natural resources, payments for the use of natural resource reserves, and payments for discharging permissible levels of wastes and pollutants.

2. Compensation must be paid for the use of natural resources which exceeds the limits permitted by contract and licence and for the discharge of wastes and pollutants in amounts exceeding permitted limits.

3. Ninety percent (90 percent) of the compensation referred to in paragraph 2 of this article shall be allocated to the environmental protection fund and the remaining ten percent (10 percent) to the local budget.

4. The maximum and minimum limits and payment procedures for the fees and payments referred to in paragraph 1 of this article shall be established by law.

### **Article 36. Ecological training and education**

1. The Government shall adopt and organise the implementation of a programme of ecological training and education and the development of environmental protection methods and skills within the framework of formal and informal educational systems.

2. Activities on ecological training and education shall be organised in the following ways:

- 1) the teaching of basic courses and skills on environmental protection at pre-school education institutions and secondary schools;
- 2) the teaching of scientific and legal courses on environmental protection and proper use of natural resources at colleges, universities, institutes and vocational training schools, taking account of their professional orientation;
- 3) the publication in the mass media of ecological education, traditions and customs related to environmental protection and environmental legislation.

### **Article 37. Compensation for damage caused to the environment**

1. Citizens, business entities and organisations shall compensate for direct damage caused to the environment and natural resources as a result of their unlawful conduct.
2. Citizens, business entities and organisations may bring a claim in court against those in breach of environmental legislation requiring compensation for expenses incurred in restoring destroyed ecological balance and natural resources, evacuation of people, and moving animals and livestock from an area.
3. The fact that compensation has been paid by a person in breach, as provided in paragraphs 1 and 2 of this article, shall not constitute grounds for release from criminal or administrative liability pursuant to relevant legislation.

### **Article 38. Liability for breach of environmental protection legislation**

1. Persons in breach of environmental protection legislation shall be liable to criminal or administrative penalties in accordance with the nature of the breach and the amount of damage.
2. A judge or State inspector shall impose the following administrative penalties against a person in breach if the breach is not punishable under the Criminal Code:

- 1) business entities and organisations which fail to fulfil obligations under paragraphs 3, 4, 5, and 6 of article 31 of this law shall be liable to a fine of 50,000 to 100,000 togrogs;
- 2) officials using funds budgeted and allocated for environmental protection and restoration of natural resources for other purposes shall be liable to a fine of 10,000 to 20,000 togrogs and business entities and organisations shall be liable to a fine of 75,000 to 150,000 togrogs;
- 3) citizens who do not comply with the requirements of paragraph 4 of article 9 and paragraph 3 of article 20 of this law shall be liable to a fine of 10,000 to 20,000 togrogs and business entities and organisations to a fine of 150,000 to 200,000 togrogs.

**Article 39. Date of law coming into force**

This law shall come into force on 5 June 1995.

Chairman of the State Ih Hural of Mongolia

N Bagabandi

Ulaanbaatar

30 March 1995