



## LAW OF MONGOLIA

November 7, 2002 Ulaanbaatar city

### ON THE REGULATION OF FOREIGN TRADE OF ENVIRONED ANIMALS, PLANTS AND THEIR ITEMS

#### CHAPTER ONE General grounds

##### **Article 1 The purpose of the law**

1.1. The purpose of this law is to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Convention") and to provide citizens, economic entities and organizations with the animals, plants and their derivatives included in the Annex to the Convention. to regulate relations related to the issuance of a trade permit.

##### **Article 2. Legislation regulating foreign trade in endangered animals, plants and their derivatives**

2.1. The legislation on regulating foreign trade in endangered animals, plants and their derivatives shall consist of the Law on Fauna, the Law on Natural Plants, the Law on Hunting, the Law on Customs, 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.

##### **Article 3 Scope of the law**

3.1. This law shall apply only to the international trade in animals, plants, their derivatives and products made from them (hereinafter referred to as "items") listed in the annex to the Convention endangered in the world.

#### CHAPTER TWO Implementing Agency

##### **Article 4. Institutions implementing the Convention**

4.1. The part-time Management and Scientific Council, which is responsible for implementing the Convention, shall work under the state central administrative body in charge of nature and environment.

4.2 The member of the Government in charge of nature and environment shall approve the procedure for appointing and dismissing the members of the Management Board and the Science Council, and the rules of procedure of the council.

4.3. The composition of the Steering Committee shall be representative of the state central administrative bodies in charge of environment, industry, trade, food and agriculture, the state administrative body in charge of customs and professional inspection and non-governmental organizations in the field of environment.

##### **Article 5 Board of Directors**

The Board of Directors shall exercise the following rights and responsibilities:

- 5.1.1. To organize the implementation of the Convention in Mongolia;
- 5.1.2. To submit to the relevant authorities the issue of approving, rejecting or amending the amendments to the annex to the Convention;
- 5.1.3. Develop and submit to the Government proposals for new amendments to the annex to the Convention, issues to be discussed at the Conference of the Parties and draft resolutions;
- 5.1.4. To issue a permit for export and import of animals, plants and their derivatives included in the annex to the Convention and to revoke the permit;

5.1.5 Re-export and import from sea the animals, plants and their derivatives included in the annexes to the Convention, and the issuance of certificates for the export of animals, plants and their derivatives acquired prior to accession to the Convention;

5.1.6. to submit to the Scientific Council for conclusion and definition specified in 6.1 of this law;

5.1.7. Submit an annual report on the implementation of the Convention to the Secretariat of the Convention;

5.1.8. to organize the sale, destruction and return of animals, plants and their derivatives confiscated in accordance with relevant legislation;

5.1.9. to cooperate with other organizations on issues related to the implementation of this law.

5.1.10. Develop a list of species of animals and plants to be included in Annex 3 to the Convention in cooperation with the Scientific Council and have it approved by the Government member in charge of nature and environment.

[/ This part was added according to the law dated October 28, 2011 /](#)

#### **Article 6. Scientific Council**

The Scientific Council is obliged to make the following conclusions and definitions:

6.1.1. An opinion on whether the export of animals, plants and their derivatives included in Annexes 1 and 2 to the Convention and their extraction from the sea will harm the survival of the animals and plants;

6.1.2. A reference confirming that the person importing the animal listed in Annex 1 to the Convention has created appropriate conditions for the care and herding of the animal;

6.1.3. Conclusions obtained prior to accession to the Convention, domestication of animals listed in Annex 1 to the Convention, cultivation of plants and proof of their origin;

6.1.4. A conclusion on whether the trade in animals, plants and their derivatives listed in Annexes 1 and 2 to the Convention will cause harm to the environment.

6.2. The Scientific Council shall make recommendations to the Board of Directors on the following issues:

Whether it is necessary to restrict exports, taking into account the number of animals and plants listed in Annexes 2 and 3 to the Convention;

[/ This part was amended according to the law dated October 28, 2011 /](#)

6.2.2. Analysis of activities related to the issuance of export and import permits for animals, plants and their derivatives included in Annexes 2 and 3 to the Convention.

[/ This part was amended according to the law dated October 28, 2011 /](#)

6.3. If the Board of Directors does not accept the recommendation specified in 6.2 of this Law, the Scientific Council shall, if it deems it necessary to accept the recommendation, pass it on to the Cabinet member in charge of nature and environment.

### **CHAPTER THREE**

#### **Foreign trade regulation of endangered animals, plants and their derivatives**

##### **Article 7 Foreign trade in animals, plants and their derivatives included in the annexes to the Convention**

The sale of animals, plants and their derivatives listed in Annex 1 to the Convention for the purpose of profit shall be prohibited.

7.2. Animals, plants and their derivatives listed in Annex 1 to the Convention may be traded internationally only for the purpose of research, placement in museums, zoos and circuses.

7.3. Animals, plants and their derivatives listed in Annexes 2 and 3 to the Convention may be traded for profit.

[/ This part was amended according to the law dated October 28, 2011 /](#)

7.4. The international sale of animals, plants and their derivatives included in the annexes to the Convention in accordance with paragraphs 2 and 3 of this Article shall be carried out in accordance with special procedures in order to ensure that they do not endanger the survival of animals and plants.

7.5. The procedure set forth in Article 7.4 of this Law shall be jointly approved by the Government member in charge of environment and Customs.

7.6. The international sale of animals, plants and their derivatives included in the annexes to the Convention in violation of this Law shall be prohibited.

#### **Article 8 Permits and certificates**

Citizens, business entities and organizations shall apply to the Board of Directors for a permit to export or import animals, plants and their derivatives included in the annexes to the Convention, and to obtain a certificate for re-export or import from the sea.

8.2. The Board of Directors shall receive the request and decide on the issuance of the permit and certificate.

The member of the Government in charge of nature and environment shall approve the procedure and model for issuing permits and certificates.

[/ This part was amended according to the law dated October 28, 2011 /](#)

8.4. Permits and certificates shall be valid within 6 months from the date of issuance.

8.5 It is prohibited to transfer permits and certificates to others.

#### **Article 9. Issuance or refusal to issue permits, certificates**

9.1. The Board of Directors shall issue permits and certificates taking into account the following conditions:

9.1.1. Whether the conclusion and definition specified in Articles 6.1.1, 6.1.2 and 6.1.3 of this Law have been obtained;

9.1.2. Whether the conclusion specified in Article 6.1.4 of this Law has been obtained if it deems it necessary to issue an export permit for the animals, plants and their derivatives included in Annexes 1 and 2 to the Convention;

9.1.3. a reference from the relevant local administrative body or official confirming that the animals, plants and their derivatives have been obtained in accordance with the legislation;

9.1.4. whether the animals, plants and their derivatives to be re-exported have been imported in accordance with this law and relevant permits;

9.1.5. whether the transportation of animals and plants has been carried out in accordance with relevant procedures and created the necessary conditions;

9.1.6. Whether the permission to export the animals, plants and their derivatives listed in Annex 1 to the Convention has been obtained in advance from the competent authority of the importing country;

9.1.7. Documents on payment of fees and charges specified in the Law on Fees for the Use of Hunting Resources, Fees for Permits for Hunting, and the Law on Fees for the Use of Natural Plants for the acquisition of animals, plants and their derivatives.

9.2. The Board of Directors shall refuse to issue permits and certificates on the following grounds:

9.2.1. failure to meet the conditions specified in 9.1 of this Article;

9.2.2. If false documents are found to have been used.

9.3. Transfers, expired licenses and permits shall be considered invalid.

#### **Article 10. Discount**

10.1. If a citizen, business entity or organization has domesticated animals and plants listed in Annex 1 to the Convention, they shall be considered as animals and plants listed in Annex 2 to the Convention and licenses for international trade shall be issued in accordance with this Law.

10.2. A citizen of Mongolia, a foreign citizen or a stateless person shall not obtain a permit for the importation of personal consumption items related to animals, plants and their derivatives included in the annexes to the Convention, or for export, except with the permission of the importing country.

10.3. The state central administrative body in charge of nature and environment shall determine the list of animals, plants and items of personal use included in the annexes to the Convention specified in paragraph 2 of this Article in consultation with the state administrative body in charge of customs matters.

10.4. No permit shall be obtained for the transit of animals, plants and their derivatives included in the annexes to the Convention.

10.5. Animals, plants and their derivatives listed in the annexes to the Convention shall be imported without permission between scientists and research institutions registered with the Secretariat of the Convention for the purpose of temporary use, gift, donation, exchange and storage in a museum.

**CHAPTER FOUR**  
**Other**

**Article 11 Permitted port**

11.1. Ports for the entry of animals, plants and their derivatives included in the annexes to the Convention shall be determined by the state administrative body in charge of customs based on the proposal of the Board of Directors.

**Article 12 Amendments to the Convention and its Annexes**

~~12.1. The Governing Body shall prepare and submit to the Government within 14 days a proposal to approve, disapprove or amend the amendments to the Convention and its annexes.~~

~~12.2. The Government shall discuss the issue within 30 days and submit the relevant draft decision to the State Great Hural.~~

~~12.3. The Governing Body shall prepare and submit to the Government proposals for amendments to the Convention and its Annexes.~~

~~12.4. The Government shall discuss the matter and notify the Secretariat of the Convention in consultation with the relevant Standing Committee of the State Great Hural.~~

[/ This article was repealed by the law in October 28, 2011 /](#)

**Article 13 Monitor the implementation of legislation**

13.1. The state central administrative body in charge of nature and environment, customs and relevant local authorities shall monitor the implementation of this law in accordance with their respective powers.

**Article 14 Incentivize citizens who report violations and provide information**

14.1. The State Administrative Center in charge of nature and environment shall charge a fine of up to 20 percent of the amount of fines and compensation imposed on the offender to the person who identified or provided information on the person who violated the legislation on regulation of foreign trade in endangered animals, plants and their products. provided by the organization.

**Article 15. Liability for violators**

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 /*

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA S.TUMUR-OCHIR