



## LAW OF MONGOLIA

December 20, 2012

Ulaanbaatar city

### ON FOOD SAFETY

#### CHAPTER ONE GENERAL PROVISIONS

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

1.1. The purpose of this law is to regulate relations related to ensuring the safety of food raw materials and products at all stages of the food chain.

##### **Article 2. Legislation on ensuring food safety**

Legislation on ensuring food safety shall be in accordance with the Constitution of Mongolia, the Law on National Security, the Law on Food, the Law on Water, the Law on Animal Genetic Resources, the Law on Animal Health, and the Law on Animals, Plants and their Raw Materials. The Law on Quarantine Control and Inspection, the Law on Agriculture, the Law on Plant Protection, the Law on State Inspection, the Law on Hygiene, the Law on Agricultural Commodity Exchange, this law and other legislative acts enacted in conformity with these laws. .

*[/ This part was amended according to the law dated February 04, 2016 /](#)*

*[/ This part was amended according to the law dated November 15, 2018 /](#)*

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 to all stages of the food chain, such as primary food production, food production and storage, transportation, sale, service, import, export, food packaging and labeling.

3.2. Relations related to the safety of food raw materials and products other than those regulated by the Law on Plant Protection, the Law on Animal Genetic Resources and the Law on Animal Health shall be regulated by this Law.

*[/ This part was amended according to the law dated November 15, 2018 /](#)*

3.3. This law shall apply to relations arising in connection with ensuring the safety of fodder produced and imported for livestock and used in agricultural production.

3.4. This law shall not apply to the preparation, processing and storage of food for personal use.

##### **Article 4. Definitions of legal terms**

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

4.1.1. "Food product" means bottled water, all types of beverages, chewing gum and food additives in addition to those specified in 3.1.1 of the Food Law;

4.1.2. "Food raw material" means water used for processing of animal, animal, plant, mineral and other raw materials, as well as food products;

4.1.3. "Food supplement" means as specified in 3.1.9 of the Food Law;

4.1.4. "Safety of food raw materials and products" means not to harm or adversely affect human health and life when preparing and consuming food in accordance with its purpose;

4.1.5. "Food hygiene" means all conditions and requirements required to ensure food safety at all stages of the food chain;

4.1.6. "Food chain" means primary food production, food processing, production, processing, processing, packaging, transportation, storage, storage, sale, export, import, food production, purchase and delivery of food with assistance operation;

4.1.7. "Primary production" means sowing, harvesting, preparation of raw materials of plant origin, raising and breeding livestock, animals, fish, preparation and slaughter of livestock, preparation and processing of raw milk, harvesting of natural fruits and plants, supply them to the market;

4.1.8. "Food items to be used and consumed in the food chain" means machinery and equipment, cellars, warehouses, tools, containers and packaging used for processing, production, transportation, storage and sale of food raw materials and products. what is there;

4.1.9. "Pollutant" means chemical, physical and biological factors contained in food raw materials and products or formed during the operation of the food chain, as well as from the contamination of items used and consumed in the food chain;

4.1.10. "Pesticide residue" means the residue of a substance specified in 3.1.5 of the Law on Toxic and Hazardous Chemicals;

4.1.11. "Residues of veterinary drugs and preparations" means residues of veterinary drugs and their contamination in food raw materials and products of animal origin and their compounds that have entered the animal body;

4.1.12. "Shelf life" means the period during which the quality of a food product is at the best level when stored and consumed under appropriate conditions for a given period of time, and the safety of the product is not compromised but the quality indicator deteriorates or changes;

4.1.13. "Expiration date" means the period of time during which a given food product is safe, and after the expiration of that period, the safety of the product is lost;

4.1.14. "Food products for a person with a special diet" means raw materials and products processed in accordance with the diet and requirements of infants, toddlers, young children and sanatoriums;

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

4.1.15. "Counterfeit food product" means a product that does not contain, removes or replaces all or part of the food ingredients, as well as corrects the appearance, weight gain or loss of products that have deteriorated or lost their quality. concealed or modified food products;

4.1.16. "Food business operator" means as specified in 3.1.12 of the Food Law;

4.1.17. "Product series" means the quantity of a set of food products produced by a single step of production technology;

4.1.18. "Safety indicator of food raw materials and products" means the maximum allowable level of physical, chemical and biological pollution in food;

4.1.19. "Good agricultural practice" means all conditions and activities required to ensure their safety in the primary production of food raw materials and products of animal and plant origin;

4.1.20. "Good hygiene practices" means hygienic conditions and activities required to ensure the safety of food raw materials and products;

4.1.21. "Good manufacturing practice" means the conditions, control and activities required to ensure the safety of raw materials and products at all stages of production.

#### **Article 5. Principles of ensuring the safety of food raw materials and products**

The following principles shall be followed to ensure the safety of food raw materials and products:

5.1.1 ensure the safety of food raw materials and products at all stages of the food chain;

5.1.2. The food business operator shall be responsible for the safety of its food raw materials and products at the stages of the food chain;

5.1.3. Determine policies, requirements and indicators aimed at ensuring the safety of food raw materials and products on the basis of scientific grounds, research and facts;

5.1.4. Supervision shall be risk based;

5.1.5. Healthy animals, plants and plants to be prepared for food.

## **CHAPTER TWO FOOD ACTIVITIES**

## **Article 6. Information on food business**

6.1. The food business operator shall submit the following information in electronic or paper form to the state organization implementing food control in the respective territory (hereinafter referred to as "inspection body") in accordance with the form:

6.1.1. Name, location, address, telephone, fax number and e-mail address of the food business operator;

6.1.2. The number of the state registration certificate of the legal entity, the civil registration number, the type and form of food activities and the internal control procedure.

6.2. The design of the form specified in 6.1 of this Law shall be approved by the inspection body.

6.3. In cases other than those specified in 6.5 of this Law, a food business operator may start its activities by informing in accordance with 6.1 of this Law.

6.4. The inspection body shall plan risk-based inspections based on the information specified in 6.1 of this Law.

6.5. Within 30 days after receiving the information specified in 6.1 of this law, the inspection body shall conduct a preliminary inspection and issue a conclusion on whether the following new food producers meet the requirements set forth in the Food Law and this law:

6.5.1. Production of meat and meat products;

6.5.2. Production of eggs, milk and dairy products;

6.5.3. Production of food raw materials, products and food for infants, young children, kindergarten and primary school students.

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

6.6. If the inspection body fails to issue a conclusion within the period specified in 6.5 of this Law, the food business operator shall have the right to start production.

6.7. Safety indicators of food raw materials and products specified in 6.5 of this Law, conditions and requirements for their processing and production shall be reflected in the technical regulation.

Article 6.5 of this law shall not apply to traditional milk and dairy processing activities.

6.9. In case of change of information specified in 6.1 of this Law, the food business operator shall notify the inspection body within 15 days.

## **Article 7. Methods and forms of ensuring safety in the food chain**

7.1. Depending on the type of its activity, a food business operator shall introduce the following good practices specified in 4.1.19-4.1.21 of this law:

7.1.1. Good agricultural practice in primary production of raw materials and products of agricultural origin;

7.1.2. Good hygiene practices at all stages of the food chain;

7.1.3. Proper production practices at the stage of production of food raw materials and products.

7.2. Depending on the type, capacity, scope and geographical location of the food business, the state central administrative body in charge of food and health shall jointly approve the instructions to simplify the introduction of good practices specified in 7.1 of this law.

7.3. A food producer may implement a hazard analysis and critical point monitoring system in order to identify, assess and inspect hazards affecting the safety of food raw materials and products.

7.4. The inspection body shall issue methodologies and recommendations for the introduction of good practices, hazard analysis and critical point monitoring system specified in Articles 7.1 and 7.3 of this Law.

## **Article 8. Return and withdrawal of food raw materials and products**

8.1. If a food business considers that food raw materials and products may have a negative impact on human health, they shall withdraw them from the food chain.

8.2. A food business operator shall withdraw food raw materials and products from the food chain by the decision of the inspection organization in the following cases:

8.2.1. Foodborne illness;

8.2.2. The inspection revealed that the food raw material or product did not meet the hygiene requirements and safety indicators, was incorrectly labeled and was counterfeit;

8.2.3. A warning about the danger of the imported food raw materials and products has been reported through the international information network.

8.3. In case of withdrawal or withdrawal of food raw materials and products on the grounds specified in 8.1 and 8.2 of this Law, the food business operator shall immediately notify the inspection body, consumers and the next stage of the food chain receiving the food raw materials and products. notify the editor.

8.4. The food business shall store information and documents on measures taken in connection with the withdrawal and withdrawal of food raw materials and products.

8.5. In case of withdrawal of food raw materials and products in accordance with Article 8.2 of this Law, a food business operator shall record the date of withdrawal of food raw materials and products and store them separately until the decision of the inspection body is made.

8.6. Food raw materials and products of unknown origin, which are dangerous to human life and health, shall be destroyed in accordance with the procedures set forth in Article 8.10 of this Law.

8.7. Returned and withdrawn food raw materials and products may be recycled for animal feed and plant fertilizers in accordance with the procedure set forth in Article 8.10 of this Law.

8.8. In case of processing of food raw materials and products as specified in 8.7 of this Law, permission shall be obtained from the state administrative body in charge of animal health and plant protection.

8.9. The food business operator shall be responsible for the expenses incurred in connection with the implementation of the measures specified in 8.2 and 8.6 of this Law, laboratory test fees and damages caused to others.

8.10. The Government shall approve the procedure for withdrawal, destruction and processing of food raw materials and products in accordance with Articles 8.2, 8.6 and 8.7 of this Law.

8.11. The inspection body shall compile a database on food raw materials and products withdrawn in accordance with Article 8.2 of this Law and inform the public.

#### **Article 9. Registration of traces of food raw materials and products**

9.1. A food business operator shall keep records of traces of food raw materials and products at the relevant stages of the food chain in accordance with the procedures set forth in Article 9.5 of this Law.

9.2. The risk stage in the food chain shall be determined using the registration specified in 9.1 of this Law.

9.3. Traces of food raw materials and products shall be traced as a result of implementation of Articles 9.1 and 9.2 of this Law.

9.4. The food business operator shall keep the registration specified in 9.1 of this Law for at least 30 days after the expiration date of food raw materials and products, or for at least one year after the expiration of the storage period.

9.5. The member of the Government in charge of food shall approve the procedure related to the registration of traces of raw materials and products of animal and plant origin.

*[/ This part was amended according to the law dated November 15, 2018 /](#)*

9.6. The inspection body shall approve the methodology for keeping records of traces of food raw materials and products.

#### **Article 10. Responsibilities of food business**

A food business operator shall have the following responsibilities:

10.1.1. Implement this law, relevant rules and regulations at all stages of the food chain and be liable for damages caused by its wrongful actions;

10.1.2. To implement good practices specified in Article 7 of this Law at all stages of its production;

10.1.3. To keep records on traces of food raw materials and products specified in Article 9 of this Law;

10.1.4. To withdraw and withdraw food raw materials and products in accordance with Article 8 of this law;

10.1.5. To inform before starting its operations in accordance with Article 6 of this Law and to undergo preliminary inspection;

10.1.6. To investigate traces of food raw materials and products and to store information and documents such as internal control, inspection records, notes, reports and laboratory test results;

10.1.7. To involve employees who process, produce, transport, sell or provide services of food raw materials and products in person, who have personal contact with food products and items used in the food chain, to be involved in hygiene and sanitation training and to undergo regular medical examinations;

10.1.8. In each case when an employee specified in 10.1.7 of this Law falls ill with an infectious disease or takes care of such a patient, to include the employee in a medical examination;

10.1.9. To transport and store food raw materials and products in accordance with hygiene and sanitation requirements;

10.1.10 use bar codes for food raw materials and products.

The member of the Government in charge of health shall approve the health requirements and procedures for medical examination of employees specified in 10.1.7 of this Law.

10.3. The following activities are prohibited for food business operators:

10.3.1. To supply to the market raw materials and products that do not meet food hygiene and sanitation requirements, have or may have adverse effects on human health, are incorrectly labeled, and are counterfeit;

10.3.2. To admit to the workplace employees who do not meet the health requirements specified in 10.1.7, 10.1.8 and 10.2 of this law;

10.3.3. To carry out activities in case of temporary or permanent suspension of the inspection body.

### **CHAPTER THREE REQUIREMENTS FOR RAW MATERIALS AND PRODUCTS**

#### **Article 11. Food raw materials and products that may adversely affect human health**

11.1. Food raw materials and products shall be considered to have adverse effects on human health in the following cases:

11.1.1. Contains pollutants in excess of the maximum permissible level;

11.1.2 used non-food packaging, vehicles, tools and equipment;

11.1.3. Issued in the next stage of the food chain in violation of hygiene and sanitation procedures;

11.1.4. Derived from GMOs that have not been registered in Mongolia or internationally and have not been subjected to risk assessment;

11.1.5. Manufactured using unregistered fortifiers, food additives and pure microbial culture assets specified in Article 16 of the Food Law;

11.1.6. Contaminated with radiation other than ionizing radiation treatment in accordance with internationally accepted safety requirements;

11.1.7. The expiration date has expired.

#### **Article 12. Packaging and labeling of food raw materials and products**

Food raw materials and products shall be packaged in food containers made of materials that do not adversely affect human health.

Members of the Government in charge of food and health shall jointly approve regulations related to the types and labeling of food raw materials and products that must be used in packaging and labeling due to the risk of food raw materials and products.

12.3. Necessary information on food raw materials and products that can be identified by their appearance other than those specified in 12.2 of this Law shall be included in the accompanying sheet.

Labels of food raw materials and products shall contain the following information:

Names of food raw materials and products;

12.4.2. Name and address of the manufacturer;

12.4.3. Size, quantity and product serial number;

12.4.4. Date of manufacture;

12.4.5. Shelf life or expiration date;

12.4.6. Storage conditions;

12.4.7. Nutritional value, ingredients and composition;

12.4.8. Method of application;

Side effects and prohibitions.

12.5. Labels and accompanying pages of food raw materials and products shall contain the following information in addition to those specified in Articles 12.3 and 12.4 of this Law:

12.5.1. The purpose, composition and instructions for use of food raw materials and products for people with special diets;

12.5.2. Methodology for complete processing of semi-finished products;

12.5.3. Labels and markings used in Mongolia and internationally shall be placed on the labels of food additives, organic food and food raw materials and products originating from GMOs.

12.6. The information contained in the label of imported food raw materials and products shall be written in Mongolian or English or Russian.

12.7. Food raw materials and products shall be deemed to be incorrectly labeled in the following cases:

12.7.1. The label contains false information;

12.7.2. The food raw material or product is written under another food name;

12.7.3. Forged the label by using other food raw materials and product packaging;

12.7.4. The requirements for the label specified in Articles 12.4 and 12.5.2 of this Law have not been met;

12.7.5. The information specified in 12.5.1 of this Law has not been written in Mongolian and the signs and markings used in Mongolia and internationally as specified in 12.5.3 of this Law have not been labeled;

12.7.6. Unreadable or incomprehensible words, sentences, date are written;

12.7.7. Ionizing radiation treatment is not marked.

12.8. The manufacturer and trader of the food raw material or product shall be responsible for the label on the packaged and retail packaging of the food raw material and product.

12.9. Additional information contained in food labels may be regulated by international and Mongolian technical regulations and standards.

### **Article 13. Imported and exported food raw materials and products**

13.1. Risk-based inspections shall be carried out on imported and exported food raw materials, products and items used and consumed in the food chain.

13.2. Safety indicators of imported food raw materials and products shall meet the requirements recognized in Mongolia, internationally and regionally.

13.3. Imported food raw materials and products shall be stored in accordance with the conditions specified on the label.

13.4. The state inspector authorized to monitor food safety shall inspect and use food raw materials, products and products in the food chain to be imported and exported in accordance with the Law on Quarantine Control and Inspection of Animals, Plants and their raw materials and products. conduct related inspections of items.

13.5. In case of importing raw materials and products of animal, plant and animal origin for the first time, the name, type, region, country and manufacturer shall be notified to the inspection body at least 30 days prior to shipment.

13.6. The inspection body shall conduct pre-import risk assessment of food raw materials and products specified in 13.5 of this Law and, if necessary, conduct pre-shipment inspection.

13.7. The inspection body may conduct pre-shipment inspections of high-risk food raw materials and products specified in 6.5 of this Law with foreign loans and assistance.

13.8 The Government shall approve the pre-shipment inspection procedure specified in Articles 13.6 and 13.7 of this Law.

### **Article 14. Food raw materials and products of GMO origin**

The state central administrative body in charge of health, food and environment shall jointly approve the procedure for risk assessment and registration of food raw materials and products originating from GMOs.

14.2. The inspection body shall inspect food raw materials and products originating from first-time imported and domestically produced GMOs.

14.3. It shall be prohibited to supply food raw materials and products originating from GMOs that have not been assessed or registered in accordance with the procedures set forth in Article 14.1 of this Law.

## **CHAPTER FOUR**

### **GOVERNMENT ROLE AND CONTROL OVER SAFETY OF FOOD RAW MATERIALS AND PRODUCTS**

#### **Article 15. National reference laboratory**

15.1. The National Reference Laboratory shall be attached to the inspection body to manage the unified database of laboratory tests on food raw materials and product safety indicators and to coordinate the activities of the laboratories specified in Article 15.3 of this Law.

15.2. The National Reference Laboratory shall have the following functions:

15.2.1. Carry out surveillance, evaluation and analysis on the safety of food raw materials and products, and submit conclusions and recommendations to relevant state organizations from time to time;

15.2.2. To compile and manage the database by summarizing the test results submitted in accordance with Article 15.4 of this Law;

15.2.3. To determine safety indicators for food raw materials and products and have them approved by the state central administrative body in charge of health matters;

15.2.4. Approve guidelines for risk assessment, have the risk assessment carried out by the risk assessment team (hereinafter referred to as "the team") specified in Article 16.1 of this Law, provide assistance to the team's activities and deliver the assessment results to relevant government agencies;

15.2.5. To develop a new methodology for laboratory analysis, to organize proficiency testing of laboratories specified in 15.3 of this law, and to certify methods;

15.2.6. Coordinate the activities of the laboratories specified in Article 15.3 of this Law, provide professional and methodological guidance, organize professional development and standard training;

15.2.7. To submit proposals on technical regulations on food safety, hygiene and sanitation measures, and safety indicators for food raw materials and products;

15.2.8. To advise on methods of analysis of food raw materials and products, samples, methods of sampling, analysis, to analyze disputes related to analysis, and if necessary, to analyze samples taken during emergencies and disasters.

15.3. Accredited state, local and private laboratories shall participate in safety surveillance and analysis of food raw materials and products.

15.4. The laboratory specified in 15.3 of this Law shall submit its test results to the unified database from time to time.

15.5 The Government shall approve the procedure for the operation of the National Reference Laboratory and the team specified in Article 15.1 of this Law.

#### **Article 16. Conducting risk assessment**

The team shall conduct a risk assessment based on research and development for the following purposes:

16.1.1. To assess the danger caused by the violation of the principle of ensuring the safety of food raw materials and products;

16.1.2. To determine the impact of potential risks on the economy, environment, human health, livestock and animals and to determine the level of risk.

16.2. The National Reference Laboratory shall consist of experts and specialists in the field of food, agriculture, health and other sciences who do not have a conflict of interest and have experience in the field specified in Article 16.1 of this Law.

The team shall perform the following functions:

16.3.1. Conduct a risk assessment of potential contamination of food raw materials and products in a transparent and independent manner using scientifically proven information and using internationally accepted methods and techniques;

16.3.2. To take appropriate measures based on available information from international organizations and other countries in case of insufficient research and analysis evidence for risk assessment, as well as in case of a situation endangering human health;

16.3.3. To make recommendations on eliminating the danger and reducing the consequences of the risk;

16.3.4. Other functions specified in the legislation.

Based on the results of the risk assessment, the risk management and organization shall be implemented by the relevant government organization.

#### **Article 17. Duties of the state central administrative body to ensure the safety of food raw materials and products**

The state central administrative body in charge of food shall perform the following functions to ensure the safety of food raw materials and products:

17.1.1. To organize training on introduction of good practices in food chain;

17.1.2. To set the maximum allowable residues of veterinary drugs, bio-preparations and pesticides in food raw materials and products in accordance with international standards;

17.1.3. To set requirements for the safety of fodder produced and imported for livestock and animals, and fertilizers used in agricultural production.

The state central administrative body in charge of health shall perform the following functions to ensure the safety of food raw materials and products: 17.2.

17.2.1. To set requirements for food products for persons with special diets, food raw materials, products and food production specified in 6.5.3 of this law;

17.2.2. To set maximum permissible levels of pollutants in food raw materials, products and food additives in accordance with international standards;

17.2.3 determine the level of safe use of food additives and determine the conditions for their use;

17.2.4. Carry out regular surveillance and research on food-related illnesses, plan and organize urgent measures to be taken, and report the results to the international information network and the public.

#### **Article 18. State control over activities to ensure safety of food raw materials and products**

18.1. The inspection body shall monitor the safety of food raw materials and products as follows:

18.1.1. Carry out risk assessment during the stages and operations of the food chain, identify and stop the causes of risks, provide prompt information to the public, provide advice on risk reduction, plan and implement inspections;

18.1.2. To inspect the items, facilities and workplaces to be used and consumed in the food chain to ensure that they meet the hygienic and sanitary requirements;

18.1.3. To determine whether imported and domestically produced food meets the relevant technical conditions, hygiene and other sanitary requirements, and to organize risk-based surveillance;

18.1.4. To introduce good practices and monitor the registration of traces of food raw materials and products;

18.1.5. To make decisions on food safety issues based on risk assessment and technical recommendations issued by the team;

18.1.6. To create a unified registration database of food business operators, make appropriate changes and movements, and provide necessary information to governmental and non-governmental organizations and consumers.

18.2. The frequency of risk-based inspections specified in 5<sup>4</sup>.3 of the Law on State Inspection shall be consistent with the specifics of the industry, field of activity and risk classification.

18.3. The inspection body shall have a safety inspection unit for food raw materials and products.

### **CHAPTER FIVE OTHERS**

#### **Article 19. Liability for violators**

19.1. If the actions of an official violating this Law are not of a criminal nature, he / she shall be subject to liability specified in the Civil Service Law.

A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

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

**Article 20. Entry into force of the law**

20.1. This law shall enter into force on March 1, 2013.

Article 7.1 of this Law shall enter into force on January 1, 2014.

**CHAIRMAN OF THE PARLIAMENT OF MONGOLIA Z.ENKHBOLD**