



LAW OF MONGOLIA

11 April, 1995

Ulaanbaatar

LAW ON NATURAL PLANTS

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose of the law

The purpose of this law is to regulate relations related to the protection, rational use and rehabilitation of plants other than forests and cultivated plants (hereinafter referred to as "plants").

Article 2. Legislation on natural plants

1. The legislation on natural plants shall consist of the Constitution of Mongolia, the Law on Environmental Protection, this law and other legislative acts enacted in conformity with them.

2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

/ This article was re-edited by the Law of December 9, 2010 /

2 Article 1¹. Definitions of legal terms

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

1 / "Natural plant" means a plant or plant that grows naturally without human intervention;

2 / "natural plant resources" means the total amount of plant species in the area of distribution;

3 / "Natural plant distribution and resource study" means a study conducted for the purpose of determining the distribution area and amount of resources of a given species;

4) "Cultivation of natural plants" means the process of planting and propagating natural plants for the purpose of protecting them, preserving their gene pool and using them as raw materials;

5 / "Ecological and economic assessment of a plant" means a monetary value per unit weight calculated in accordance with a special methodology assessed by the living conditions of the species and its ecological, economic, legal and social significance;

6) "foreign plant" means a plant that is intentionally or accidentally transported from the state border and inhabits it.

/ This article was added by the law in 9 December 2010 /

Article 3. Plant fund and its classification

1. Vegetation shall consist of all types of terrestrial and aquatic plants, mosses, algae, lichens, fungi and microorganisms in the territory of Mongolia.

2. Plants are classified according to their resources and regenerative capacity as follows:

1 / very rare;

2 / rarely;

3 / common.

3. Very rare plants include plants that are not able to regenerate naturally, their distribution is very limited, they do not have usable resources, and they are in danger of extinction (set forth in the appendix to this law).

4. Rare plants include plants with limited natural regenerative capacity, low distribution and resources, and endangered species. The list of rare plants shall be approved by the Government.

5. Plants other than those specified in paragraphs 3 and 4 of this Article shall be considered common plants.
/ This part was amended according to the law dated January 16, 1997 /

Article 4. Management of plant protection activities

Management of plant protection activities shall be regulated by the Law on Environmental Protection.

Article 5. Database of plant resources

1. The plant resource database consists of the following indicators:

1 / plant distribution, amount of resources and their assessment;

2 / collection of dried plants, preparations and seeds;

3 / plant research reports and data;

4 / plant monitoring observation and measurement data;

5) information on plant protection, use and rehabilitation measures.

2. Relations related to the establishment of a plant database shall be regulated by the Law on Environmental Protection.

Article 6. Payment for use of plants

1. Citizens, business entities and organizations shall pay a fee for the use of plants in state owned land in accordance with the legislation.

2. The maximum and minimum amount of plant use fee, and the procedure for exemption and discount shall be determined by law.

CHAPTER TWO PLANT PROTECTION AND REHABILITATION

Article 7. Plant protection

1. Governors of all levels shall protect plants from fires, diseases, rodents, pests and human activities at the expense of the state budget and at the expense of citizens, economic entities and organizations possessing and using land in accordance with agreements.

2. In order to protect the gene pool of very rare, native or endemic plants, the State Central Administrative Body shall have a professional organization carry out the cultivation and reintroduction of plants.

3. Procedures for protection and quarantine of plants against diseases, rodents, pests, chemicals and biological substances shall be established by law.

4. It is prohibited to use chemicals to protect plants from diseases, rodents and pests, except with the permission of the state central administrative body in charge of nature and environment (hereinafter referred to as * the state central administrative body *).

/ This part was amended according to the law dated January 16, 1997 /

5. It is prohibited for citizens, business entities and organizations to possess land with very rare plants for purposes other than protection and rehabilitation of such plants.

6. It is prohibited to cultivate foreign plants in nature without the permission of the state central administrative body.

/ This part was added by the law in 9 December 2010 /

7. Restricted and sealed areas shall be used for growing foreign plants in nature.

/ This part was added by the law in 9 December 2010 /

7¹ of züil.Urgamlyn conduct distribution and resource studies and determine the ecological and economic assessment

1. A study on the distribution and resources of plants used for industrial purposes shall be conducted every 5 years in cooperation with the state central administrative body and scientific organizations.

2. Ecological and economic assessment of plants shall be determined by the state central administrative body.

3. Expenses for conducting plant distribution and resource research and ecological and economic assessment shall be financed from the state budget based on the proposal of the state central administrative body.

4. The State Central Administrative Body shall annually set the maximum number of plant species, names and dates that can be harvested for industrial purposes.

/ This article was added by the law in 9 December 2010 /

Article 8. Prohibition of use of plants for industrial purposes

1. It is prohibited to use plants for industrial purposes in the following areas that are important to ensure the balance of the environment, regardless of the size of their resources:

- 1 / green zones of cities, villages and other settlements;
- 2 / within 2 km of rivers, streams and lakes and ponds;
- 3 / location of extremely rare animals;
- 4 / narrative;
- 5 / degraded vegetation;
- 6 / areas of importance for protection from sand movement;
- 7 / soil erosion protection strip.

2. Soum and district Citizens 'Representatives' Khurals shall determine the land and its boundaries specified in paragraphs 3, 4, 6 and 7 of paragraph 1 of this article based on the conclusion of a professional organization.

3. Livestock may graze in the areas specified in paragraphs 1-4 of paragraph 1 of this article.

Article 9. Rehabilitation of plants

Citizens, business entities and organizations shall hand over the land used for industrial purposes to the soum or district governor after creating conditions for rehabilitation or rehabilitation with their own funds in accordance with relevant procedures.

CHAPTER THREE USE OF PLANTS

Article 10. Purpose of using plants

Citizens, economic entities and organizations may use very rare plants only for research and analysis, rare plants for household and research purposes, and common plants for research, analysis, household and industrial purposes.

Article 11. Use of plants for research purposes

1. The state central administrative body shall issue permits to citizens, business entities and organizations to use very rare and endangered plants for research and analysis purposes.

/ This part was amended according to the law dated December 09, 2010 /

2. It is prohibited to use plants collected for research, analysis and household use as raw materials for production and to sell them to others for the purpose of earning income.

/ This part was amended according to the law dated December 09, 2010 /

Article 12. Use of plants for domestic purposes

A citizen may use rare plants for the food and other household needs of his / her family with the permission of the soum or district governor.

Article 13. Use of plants for industrial purposes

1. Citizens, business entities and organizations may use abundant plants for the production and sale of food, technical and plant products.

2. Business entities and organizations engaged in drug preparation and services may use rare and abundant plants for drug production purposes.

3. Permission to use abundant plants for industrial purposes shall be issued by soum and district governors based on the conclusion of aimag and capital city environmental departments, and permission to use rare plants for medicinal purposes shall be issued by the state central administrative body.

/ This part was amended according to the law dated December 9, 2010 /

4. In case 50% or more of plant roots, rhizomes and tubers are used for industrial purposes, the plant shall be cultivated.

/ This part was added by the law in 9 December 2010 /

Article 14. Use of pasture and hay plants for animal feed

1. Articles 52 and 53 of the Land Law shall be followed when using plants in pastures and hayfields for grazing and haymaking in the soums and districts where citizens, economic entities and organizations engaged in pastoral animal husbandry reside.

/ This part was amended according to the law dated December 09, 2010 /

2. Soum and district Citizens' Representatives' Khurals, bagh and khoroo Citizens' Public Khurals may prohibit grazing and haymaking on the lands where very rare plants grow for a period of up to 2 years based on the conclusion of a professional organization.

/ This part was amended according to the law dated December 9, 2010 /

3. Governors of soums, districts, bags and khoros shall decide on the use of pastures and hayfields in accordance with their schedule and capacity in order to create and protect conditions for plant rehabilitation or regeneration.

Article 15. Procedure for issuing permission to use plants

1. A project in which an individual, business entity or organization that uses plants for production purposes conducts an environmental impact assessment at its own expense, determines the amount of plant resources, the name and organ of the plant species it intends to use, the purpose, size, duration and rehabilitation measures. shall be developed and reviewed by the relevant professional organization and issued to the authorized organization or official for issuing permission to use the plant.

2. An organization or official issuing a permit for the use of plants shall resolve a request for the use of plants by a citizen, business entity or organization within 14 days after receiving the request based on the project developed by the person and the conclusion of a professional organization.

3. Permission to use plants shall be issued by a voucher. It is prohibited to transfer the voucher to others.

4. The certificate shall indicate the name and address of the citizen, business entity or organization that collects the plants, the name of the plant species, the organ, the amount, time and place of the collection.

5. The ranger of the respective territory shall indicate the place of collection and preparation of plants to citizens, business entities and organizations on the basis of the plant use permit.

Article 16. Procedure, amount and time of plant harvesting

1. Citizens, business entities and organizations licensed to use plants shall collect and prepare plants in accordance with the procedure for collecting and preparing plants, and the amount and time permitted for use.

2. The procedure, amount and time for collecting and preparing plants shall be determined by the state central administrative body based on the proposal of a professional organization.

Article 17. Export of plants abroad, collection and preparation by foreign citizens

1. Permission to export plants abroad shall be issued by the state central administrative body.

2. It is prohibited for foreign citizens, business entities and organizations to collect and prepare natural plants for any purpose.

/ This part was amended according to the law dated December 09, 2010 /

3. It is prohibited to export perennial roots, rhizomes and tubers of plants without the permission of the state central administrative body.

/ This part was added by the law in 9 December 2010 /

4. It shall be prohibited to export very rare and endangered plants and their derivatives for purposes other than research and analysis, or as a final product.

/ This part was added by the law in 9 December 2010 /

5. The amount of plants to be exported for research purposes shall be determined by the Government.

/ This part was added by the law in 9 December 2010 /

Article 18. Land possession and use for the purpose of using plants

1. Soum and district governors may, for the purpose of using plants for industrial purposes, lease their land to citizens, business entities and organizations for a certain period of time based on the conclusion of the state central administrative body in accordance with procedures specified in the Land Law.

2. In addition to those specified in paragraph 6 of Article 34 of the Law on Land, the contract on possession and use of land for the use of plants shall include the following:

/ This part was amended according to the law dated June 7, 2002 /

1 / the name of the plant to be used in the area and the amount to be used;

2 / conditions and conditions of plant use;

3 / rights, duties and responsibilities of the contracting parties related to the use, protection and rehabilitation of the plant.

3. In order to use a plant, the possessor or user of its distribution area shall be obliged to protect and rehabilitate the plant and its growing environment, and shall have the rights and responsibilities specified in Article 35 of the Land Law.

/ This part was amended according to the law dated June 7, 2002 /

4. Citizens, business entities and organizations possessing and using land for purposes other than the use of plants in accordance with the agreement shall obtain permission from the plants in their possession and use land in accordance with relevant procedures and use it for industrial purposes for a fee and for household purposes free of charge.

Article 19. Obligations of plant users

The plant user has the following responsibilities:

1 / to comply with the legislation on plants;

2 / to follow the procedure for collecting, preparing and rehabilitating plants;

3 / to collect and prepare plants in the amount and within the time specified in the regulations and permits;

4) to collect and prepare annual plants after their seeds have matured;

5) to determine the environmental impact assessment and amount of resources for the use of plants for industrial purposes at its own expense, and to create conditions for plant rehabilitation or regeneration;

6) to comply with the terms and conditions specified in the land possession and use agreement for the purpose of using the plants.

Article 20. Plants with drugs

1. The list of medicinal plants shall be approved jointly by the state central administrative body in charge of environment and health.

2. The state central administrative body in charge of health shall issue a permit to a business entity or organization preparing drugs using narcotic plants based on the conclusion of a professional organization and register them in a special register.

/ This part was amended according to the law dated December 9, 2010 /

3. It is prohibited for citizens, as well as business entities and organizations other than those specified in paragraph 2 of this article, to collect, use and plant narcotic plants.

Article 21. Liability for violators

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.

2. 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 re-edited by the Law of December 4, 2015 /

Article 22. Entry into force of the law

This law shall come into force on June 5, 1995.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA N. BAGHABANDI