

LAW ON THE IMPORT, EXPORT AND CROSS-BORDER TRANSPORT OF HAZARDOUS WASTES

3 November 2000

Ulaanbaatar

Article 1. Purpose of this Law

1. The purpose of this Law is to regulate relations associated with the protection of the territory of Mongolia from hazardous wastes.

Article 2. Legislation on the Import and Cross-Border Transport of Hazardous Wastes

1. The legislation on the import, export and cross-border transport of hazardous wastes consists of the *Law on the Protection of the Environment*, the *Law on Protection against Toxic Chemicals*, this Law, and other legislation that is consistent therewith.

2. If an international treaty to which Mongolia is a party is inconsistent with this Law, the provisions of the international treaty shall prevail.

Article 3. Definitions

1. As per the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, wastes that present a negative impact on the health or offspring of humans or animals, that cause disease or that lead to a loss of natural balance are considered hazardous.

2. Hazardous wastes include explosives; flammable liquids and solids; combustible or radioactive substances; substances that have toxic reactions with the soil, air or water or that produce combustible gases; oxidants; corrosives and organic peroxides.

3. Detailed definitions of hazardous wastes presenting the characteristics listed in article 3.2 of this Law shall be established by the central government organization responsible for nature and environmental, in association with the relevant professional services.

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Article 4. Prohibition of the Import and Cross-Border Transport of Hazardous Wastes

1. The import of hazardous wastes to Mongolia for the purposes of use, storage, temporary holding or destruction is prohibited.
2. The transport of hazardous wastes across the borders of Mongolia is prohibited.

Article 5. Authorization to Export Hazardous Wastes

1. Citizens (including citizens of Mongolia, foreign citizens and stateless persons) and legal persons may export hazardous wastes.
2. Authorization to export hazardous wastes shall be granted by the central government organization responsible for environmental issues, based on the evaluation of a professional organization, under the following conditions:
 - 1) There is no technology or special equipment for the processing and use of the hazardous wastes;
 - 2) The destination country has authorized the import of hazardous wastes.
3. A party wishing to export hazardous wastes shall submit a written request for authorization, to which the following documents must be appended:
 - 1) A contract with the party importing the hazardous wastes, and a written request from the importing party;
 - 2) An authorization granted to the importing party by the competent authorities in that country.

Article 6. Regulations for the Collection, Transport and Storage of Hazardous Wastes

1. Regulations for the collection, packaging, temporary holding, transport, neutralization and storage of hazardous wastes shall be established by the Government of Mongolia.

Article 7. Liability for Breach of Legislation

1. Violators of the legislation concerning the import, export and cross-border transport of hazardous wastes shall, if not held criminally liable, be subject to a fine of 35 000-50 000 MNT in the case of citizens, 30 000-60 000 MNT in the case of public officials, or 150 000-250 000 MNT in the case of economic entities, for breach of the provisions in articles 4.1, 4.2, 5.2 and 5.3 of this Law.

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2. Administrative liability for breaches indicated in article 7.1 of this Law shall be decided by the following authorized officials:

- 1) A judge in the case of infractions of articles 4.1 or 4.2 of this Law;
- 2) An authorized state inspector in the case of infractions of articles 5.2 or 5.3 of this Law.
- 3) Parties guilty of infractions of the legislation on the import, export and cross-border transport of hazardous wastes are criminally liable under the *Criminal Code*.

Article 8. Compensation for damage

1. Damage caused to the health or property of others or to the natural environment, caused by illegal activities that infract the regulations on the collection, packaging, temporary holding, transport, sanitization and storage of hazardous wastes must be compensated by the guilty party.

Chairman of the State Great Hural of Mongolia

L. Enebish

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