

Law of Mongolia

FOOD LAW

7 October 1999

Ulaanbaatar

Revised Edition

Chapter One

General Provisions

Article 1. Purpose of the Law

1.1 The purpose of this Law is to ensure food necessities of the population, food safety and to regulate relations that arise between the government, individuals and legal entities in connection with the food production and services.

Article 2. Food Legislation

2.1 The food legislation shall consist of the Constitution of Mongolia, this Law, and other legislative acts issued in conformity with them.

2.2 The provisions of the international treaties of Mongolia shall prevail if such treaties stipulate otherwise than this Law.

Article 3. Terms used in this Law.

3.1 The terms used in this Law shall be defined as follows:

3.1.1 “Food/Foodstuff” means raw materials, intermediate products, foodstuff, beverages and drinking water that provide nourishment necessary to cover energy losses of a human body, its growth and development.

3.1.2 “Food Safety” means a condition where appropriate norms of food hygiene and quality are satisfied.

3.1.3 “Food hygiene” means a condition where food safety in food production and service is satisfied.

3.1.4 “Food additive” means substances and mixtures used according to the technology to give special qualities to food.

3.1.5 “Specific food item” means food especially made to suit peculiarities of the job and the organism of an individual, or made especially for medical treatment purposes.

3.1.6 “Strategic food” means meat, grains, drinking water and salt that a Mongolian is accustomed to, and required for physiological needs of an individual.

3.1.7 “Food enrichment” means a process of adding crucial for human health microelements, vitamins and amino acids lacking or lost during processing to food in accordance with the standards and special technology,

3.1.8 “Food safety indicator” means permissible levels of bacterial, fungous, physical and chemical pollution allowed for food.

3.1.9 “Primary indicator of food safety” means hygienic levels defined by human senses or by prompt examination methods.

Chapter Two

Powers of State Institutions and local self-governing organisations

Article 4. Powers of the State Ikh Hural

4.1 Regarding food issues The State Ikh Hural shall exercise the following powers:

4.1.1 determine and exercise control over the implementation of the Government policy on food supply and food safety of the population.

4.1.2 support producers of strategic food, upon the Government proposals, by means of State’s fiscal, credit and taxation policies.

4.1.3 determine and amend the assortment of foodstuff of the State reserve.

Article 5. Powers of the Government

5.1 Regarding food issues the Government shall exercise the following powers:

5.1.1 establish procedures on composing; maintaining, renewing, expending and replenishing food items of the State reserve and reflect necessary funds for those in the State budget.

5.1.2 develop and implement the policy on prospecting sources of drinking water, increasing the number of water points and water resources, and on water freshening.

5.1.3 determine the food safety indicators and to establish control procedures on foodstuff crossing the State border.

5.1.4 safeguard the sources and facilities of drinking water, as well as establishing control procedures on them.

5.1.5 place orders with the producers of strategic food and provide them concessional loans and credits.

5.1.6 support and promote food-enriching entities.

5.1.7 conduct surveys and make conclusions on real consumption of food; appropriate ratio of assortment, composition and nutrition; and on implementation of food norms for consumers of specific food.

5.1.8 issue special permissions to produce food that requires such permissions according to the law. – */This provision was annulled by the law of 30 November 2001/*

5.1.9 approve control procedures on food safety.

Article 6. Powers of the State Administrative Authority

6.1 The State administrative authority in charge of food issues shall exercise the following powers:

6.1.1 inform the public on quantity and types of livestock and strategic food to imported or exported that year considering food safety and supply.

6.1.2 establish requirements, procedures and quantities for technology of food production and service, as well as for hygiene and sanitation of raw materials of animal and plant origin.

6.1.3 examine requests for producing food to be produced with special permission, and submit its proposal to the Government. – */This provision was annulled by the law of 30 November 2001/*

6.1.4 implement policies on improving nutritiousness of food, increasing food production, introducing traditional and advanced technologies.

6.2 The State administrative authority in charge of health issues shall exercise the following powers:

6.2.1 approve universal norms, instructions and requirements on hygiene, sanitation and safety of food production and production of its equipment.

6.2.2 establish norms of permissible sanitary levels for pesticides, medicines, fertilisers, radioactive substances, heavy metals, other chemical substances, micro organisms, food additives and other mixtures used in agriculture and food production, and to introduce such norms to the National standards.

6.2.3 establish appropriate norms for microelements required in food enrichment.

Article 7. Powers of Citizens' Representatives Hurals and governors of the Capital, the aimags, soums and duuregs

7.1 Citizens' Representatives Hurals of the Capital, the aimags, soums and duuregs shall approve and monitor implementation of policies and programs on ensuring food safety of the population of their respective territories.

7.2 Governors of the Capital, the aimags, soums and duuregs shall exercise the following powers:

7.2.1 develop policies and programs on ensuring food safety of the population of their respective territories, and submit them to Citizens' Representatives Hurals of the particular instance.

7.2.2 inform each year the Citizens' Representatives Hurals of the particular instance on the implementation of policies and programs on ensuring food safety of the population of their respective territories, on real performance regarding the consumption of the population and relay related issues to appropriate authorities.

7.2.3 support individuals and legal entities on satisfying conditions to conduct food production and service.

7.2.4 prohibit upon the State inspector's report production and services having pollution effects on the environment around food production and service entities.

7.2.5 organise work on providing the population with drinking water, exercise control over use and protection of drinking water sources, reservoirs, water distribution network and equipment, and other facilities.

7.3 Aimags and the Capital may have certain amounts of food reserves.

Chapter Three

Quality and sanitary safety of food

Article 8. Rights of food production and service entities

8.1 Entities engaged in production and service of food shall have the following rights:

8.1.1 choose the laboratory where the examination of a product sample is to be conducted.

8.1.2 request or to give explanations and make complaints on reports made and measures taken by the State inspector, regarding food production and service.

Article 9. Responsibilities of entities engaged in production and service of food, requirements and prohibitions to them.

9.1 Entities engaged in production and service of food shall have the following responsibilities:

9.1.1 Food production and service activity must comply with the standards, technology and sanitary requirements, and sanitary safety of the product or service must be ensured.

9.1.2 A conclusion from the competent and legitimate authority, certifying that the requirements specified in provision 9.1.1 of this law have been complied with, must be obtained before an entity engaged in production and service of food starts its activity.

9.1.3 An entity engaged in production and service of food must present documents mentioned in provisions 9.2.1, 9.2.3, and 9.6 of this law upon the customer's request.

9.2 Entities engaged in production and service of products and raw materials of animal or plant origin shall comply with the following requirements:

9.2.1 When procuring animal- or plant originated foodstuff, an examination and certification by a veterinary and/or an animal or plant quarantine authority of that area must be conducted, and a conclusion obtained.

9.2.2 If the examination and certification is to be conducted by an internal laboratory of a food-producing entity, an appropriate permission must be obtained from a competent and legitimate authority.

9.2.3 Before selling a newly produced foodstuff a conclusion certifying that it complies with the standards and meets the requirements of sanitation and hygiene must be obtained from a competent control authority.

9.2.4 Micro organisms, chemical substances, medicine, fertilisers, radioactive substances, pesticides to be used in production and service of food must be examined and given a conclusion by the appropriate and competent sanitary, epidemiological, veterinary and animal- or plant quarantine authorities.

9.2.5 Machinery, equipment, tools and packaging, as well as cleaning and disinfecting substances used in production, storage and transportation of food must comply with the quality, sanitary and hygienic requirements.

9.2.6 Food must be wrapped, packed and labelled with nutrition facts, ingredients, usage, terms and conditions of storage and cautions in accordance with the quality, sanitary and hygienic requirements.

9.2.7 Any new construction, extension and rehabilitation of buildings and facilities for food production and services as well as new installation of the equipment must be executed according to plans and drawings agreed upon with the competent control authorities.

9.3 Individuals and legal entities must comply with the following requirements when importing foodstuff:

9.3.1 The quality, the sanitary and safety indicators of food must comply with the international and national standards.

9.3.2 When importing meat, fat, intestines and other by-products of livestock, animals and birds; fish, other raw materials, eggs, plants, seeds, raw materials of plant origin, specific foodstuff and alcoholic beverages, individuals and legal entities must inform the appropriate competent control authorities within 20 working days, and a permission based upon the certificate issued by competent authorities of exporting country and the contract must be obtained beforehand.

9.3.3 A sample examination of hygienic safety of a foodstuff must be conducted, and a conclusion obtained.

9.4 Entities engaged in production and service of food are prohibited to conduct the following activities:

9.4.1 Selling or using for production and service foodstuff without a conclusion from a competent control authority regarding its compliance with the safety requirements.

9.4.2 Producing or selling food with pollution levels exceeding the norms permissible sanitary and safety levels.

9.4.3 Selling livestock, animals, raw materials of animal origin, plants, seeds, raw materials of a plant origin that a veterinary or a plant quarantine laboratory has not certified to be not contaminated.

9.5 Food production and/or service technologist must be a professional.

9.6 An individual engaged production and service of food must be covered and certified by a health examination.

Article 10. State food reserve

10.1 The State reserve shall be formed for the purpose of using in the event of serious difficulties with food supply as a result of natural disasters, large industrial accidents, extremely dangerous epidemics and other sudden threats as well as during the mobilization of armed forces.

10.2 State reserve foodstuff includes meat, dried meat, compound fodder, oils of animal and plant origin, various grains, grain seeds, flour, refined sugar, tea, milk powder, salt and ethyl alcohol.

10.3 Each year the Government must inform the State Ikh Hural and the National security committee on the quality and movements of the State reserve foodstuff.

Chapter Four

Control over the food safety and its system

Article 11. Control over the food safety.

11.1 The control over the food safety shall aim at complying with the food safety requirements during the procurement, processing, production, packaging, transportation, selling and recycling of the food.

11.2 The control over the food safety includes the following areas:

11.2.1 Implementation of must-to-observe standards, and permissible levels of pollution for food.

11.2.2 Hygienic and sanitary requirements for food production sites, equipment and environment.

11.2.3 Implementation of safety indicators and requirements for imported food.

11.2.4 Veterinary, sanitary and hygienic requirements and their implementation when importing livestock, animal, raw materials and products of their origin to towns and settled areas, butchering, and when engaging in production and service which uses such items.

11.2.5 Plant quarantine requirements and their implementation when transporting and engaging in production which uses seeds, plants, raw materials and products of their origin.

Article 12. System of State control over the food safety.

12.1 The State control over the food safety is exercised and organised on a national level by competent control authority, and by control agencies in localities.

12.2 General State Control Inspector, senior state control inspectors, state control inspectors are appointed and relieved in accordance with paragraphs 2, 3, 4 and 6 of the Article 21 of the State Inspection and Auditing Law.

12.3 The competent control authority shall exercise the following rights:

12.3.1 establish the food security indicators, and to issue permissions for food crossing the State border.

12.3.2 provide aimag, capital city and border control agencies with professional and methodological guidance, organize training for food producers and service providers.

12.3.3 organise the work on preparing, training and retraining professional control personnel.

12.3.4 prohibit the export and import of food and means of food production not complying with the sanitary and quality requirements.

12.3.5 research, make conclusions and develop proposals about the effects of food quality and food hygiene on human health, and submit them to appropriate authorities.

12.3.6 create a database regarding food safety.

12.4 establish and maintain control agencies with a laboratory capable of determining indicators of food safety in permanent border-crossing points and in other border-crossing points – control agencies with a laboratory capable of determining primary indicators of food safety.

Article 13. Powers of the State Inspector in charge of controlling the food safety.

13.1 State Inspector, qualified in food production technology, techniques and sanitation; as well as in seeds, plants, quarantine, veterinary science and hygiene, shall exercise the following rights in control over the food safety.

13.1.1 State Inspector in charge of sanitation and epidemiology shall supervise the health of an individual engaged in food production and service; sites and environment; problem stages of production process; and hygienic safety and cleanliness of a ready-to-consume product.

13.1.2 State Inspector in charge of veterinary control shall supervise the sanitation and hygienic safety of a site, environment and problem stages of production process of an entity engaged in production and service of products that use livestock, animals, their raw meat, fat, intestines and by-products; fish; milk and other dairy products, raw eggs, raw materials and products of animal origin being sold on market, or being used in public catering or in processing production as input.

13.1.3 State Inspector in charge of plant and vegetable quarantine shall supervise the sanitation and hygienic safety of vegetables, fruits and other raw materials of plant origin; vegetable warehouses, vegetable storage areas of public catering places and their sites and equipment.

13.1.4 State Inspector in charge of food production and service control shall supervise the implementation of universal norms of technology to be observed in production and service of food and means of food production.

13.1.5 State Inspector in charge of standards, control and ratification shall supervise the implementation of State standards during all stages of production and service, from designing and processing technical documentation of a food product and production blueprints until consumption of a finished product.

13.2 State Inspector shall exercise the following general powers:

13.2.1 ensure the implementation and compliance with laws, legal acts and decisions made by competent authorities in conformity with them, regarding the safety and quality of food, stop and eliminate violations of them, and impose responsibilities as set forth in laws and regulations on violators

13.2.2 determine causes, eliminate and provide the public with information on food poisoning and poisoning infections.

13.2.3 State Inspector must issue conclusions mentioned in provisions 9.1.2 and 9.2.4 within 5 working days; examine and issue a conclusion on compound foodstuff within 20 working days.

13.3 State Inspector in charge of food safety control is prohibited to conduct the following activities:

13.3.1 issue decisions based on private concerns of individuals and legal entities, or those giving advantage to them.

13.3.2 disclose private information acquired during examination.

13.3.3 use of power and equipment

Article 14. Control and proof over food safety and hygiene.

14.1 Examination of hygiene and safety of a product sample of an entity engaged in production and service of food must be conducted by sanitation, epidemiology, veterinary science and plant quarantine laboratory.

14.2 Senior State Inspectors or the General State Inspector approves and issues conclusions basing on laboratory examination results.

14.3 Central Authority of Standardisation and Measurements shall issue according to the appropriate procedure, warrants to laboratories that conduct food safety examinations.

Article 15. Audit on hygiene, sanitation and safety of food.

15.1 Legal entity that possesses a warrant from a laboratory may audit hygiene, sanitation and safety of food.

15.2 Competent control authority shall issue warrants to food audit organisations. **Article**

16. Internal and public control on sanitary safety of food.

16.1 Entities engaged in production and service shall approve the technological process and sanitation rules in accordance with the general requirements established by a competitive authority, and conduct internal control on the implementation of its standards and sanitary requirements.

16.2 Individuals and non-government organisations shall control the food safety, inform the competent State administrative and control authorities on revealed violations and warn the public through mass media.

Chapter Five

Miscellaneous

Article 17. Amenabilities imposed on a violator of Laws and Regulations.

17.1 If criminal responsibility is not to be imposed on entities that are guilty of violating the food legislation, judges or competent state inspectors shall impose the following penalties:

17.1.1 For an individual found guilty of violating provisions 9.1.1, 9.1.3, 9.2.5, 9.2.6, 9.5 and 9.6 of this law the fine shall be between 8,000 and 10,000 togrogs; for an official – between 10,000 and 20,000 togrogs; and for a legal entity – between 60,000 and 150,000 togrogs.

17.1.2 For an individual found guilty of violating provisions 9.1.2, 9.2.1, 9.2.2, 9.2.3 and 9.2.4 of this law the fine shall be between 15,000 and 30,000 togrogs; for an official – between 20,000 and 40,000 togrogs; and for a legal entity – between 150,000 and 200,000 togrogs.

17.1.3 For an individual found guilty of violating provisions 9.2.7, 9.3 and 9.4 of this law the fine shall be between 30,000 and 50,000 togrogs; for an official – between 40,000 and 60,000 togrogs; and for a legal entity – between 200,000 and 250,000 togrogs.

17.1.4 If a laboratory examination has proved that the food harms human life and health, it shall be confiscated and destroyed, and any illegal income shall be confiscated to the State.

17.2 Violator that has committed violations stated in provision 17.1.2 more than once in one year, because of which the continuation of food production and service has harmful effects on food safety, judges shall suspend the right of individuals, officials and legal entities to engage in food production and service for term of six months.

Article 18. Complaints. 18.1 If individuals and legal entities consider penalties stated in Article 17 of this law to be imposed unreasonably, they may submit complaints according to the appropriate procedure.

Chairman of the State Ikh Hural of Mongolia R. Gonchigdorj

<p>Source: World Intellectual Property Organization http://www.wipo.int</p>
