



LAW OF MONGOLIA

**LAW ON STANDARDIZATION, TECHNICAL
REGULATION AND ACCREDITATION OF
CONFORMITY ASSESSMENT**

/Revised version/

This Law shall be made effective on 01 July 2018

CHAPTER ONE. GENERAL PROVISIONS

Article 1. Purpose of the law

1.1.Purpose of this law is to establish legal framework for standardization, technical regulation and accreditation of conformity assessment, to ensure quality and safety of products, productions, services and management systems, and to regulate relations concerning protection of interests of consumers and producers.

Article 2.Legislation for standardization, technical regulation and accreditation of conformity assessment

2.1.The legislation for standardization, technical regulation and accreditation of conformity assessment is made up of the Constitution of Mongolia, this law, other laws and legislative acts issued in conformity with this law.

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

Article 3.Objectives and principles of standardization, technical regulation and accreditation of conformity assessment

3.1.The following principles shall be applied to the standardization, technical regulation and accreditation of conformity assessment activities:

3.1.1.safety of human life, health, society and environment;

3.1.2.impartiality and independence;

3.1.3.equality of participation of interested parties;

3.1.4.accuracy of information;

3.1.5.avoidance of creating unjustified obstacles to trade and production;

Article 4. Definitions of terms

4.1.The following terms used in this law shall mean:

4.1.1. “standardization” is a process of establishing procedures for common and repeated use to ensure the interchangeability of products and services, and the integrity, compatibility and security of information, methods, measurements and tests;

4.1.2.“standard” is used on a voluntary basis and developed and adopted by interested parties by consensus to define general principles and characteristics of establishing norms in certain areas;

4.1.3. “technical regulation” is a document used on a mandatory basis, adopted by an authorized body, and which references to or contains the information by product definition, processing or production methods, standards, technical specifications and requirements;

4.1.4. “product” is an end-result of process of production and services;

4.1.5. “accreditation of conformity assessment” is an activity of a competent authority determine and recognize the professional competence of a conformity assessment body to perform specific tasks;

4.1.6. “conformity assessment” is an activity of determining whether a product or professional skills of workers, or management system meet the requirements of standards and technical regulation;

4.1.7. “conformity assessment body” is an organisation authorized to undertake the activities specified in Article 4.1.6 of this Law;

4.1.8. “supplier’s declaration” is a written statement by a producer or a supplier that their products meet the specified requirements;

4.1.9. “safety mark” is a mark certifying that the

product meets the technical regulation requirements;

4.1.10. “conformity attestation” is a document certifying that the product meets the standards and the technical regulations requirements;

4.1.11. “certificate of conformity” is a document certifying that the product meets the specified requirements.

4.2. Terms other than those defined in Article 4.1 of this Law shall be understood as stated in the WTO Agreement on Technical Barriers to Trade and ISO / IEC 17000 and ISO/IEC Guide 2.

CHAPTER TWO. TECHNICAL REGULATION

Article 5. The purpose of technical regulation

5.1. The purpose of technical regulation is to ensure the safety of human health, environment, product, and production, and to protect the public interest.

5.2. Compliance to technical regulation shall be mandatory.

5.3. The Government shall be responsible for

implementation of technical regulations at the national level and the authority, specified in the Article 9 of the Law on State Supervision, shall be responsible for control of the implementation.

Article 6. Development, adoption and dissemination of technical regulation

6.1. The Government shall adopt technical regulations based on the proposal of the state central administrative body* in charge of the particular matter and subject to opinion specified in paragraph 6.4 of this Law.

6.2. The guidelines for the development of technical regulations shall be adopted by the state administrative body** in charge of standardization and technical regulations.¹

6.3. If deemed necessary a member of the government in charge of the particular matter shall adopt regulations on the implementation of the technical regulations.

6.4. The state administrative body in charge of standardization and technical regulation shall provide

**Translator's note: "state central administrative body" means a ministry of the Government of Mongolia*

***Translator's note: "state administrative body" means a regulatory or implementing agency of the Government of Mongolia*

an opinion on whether or not draft technical regulations meet the goals specified in Article 5.1 and requirements specified in Article 6.2 of this Law.

6.5. The state administrative body in charge of standardization and technical regulation shall inform the WTO member states of the draft technical regulation to be used by Mongolia in its international trade at least three months prior to their adoption.

6.6. Decision on whether or not to accept of international trade related technical regulations proposed by WTO member states shall be taken by the Government based on the recommendation of the member of the government in charge of foreign trade.

CHAPTER THREE. STANDARDIZATION

Article 7. The purpose of standardization

7.1. The purpose of standardization shall be to facilitate effective use of resources, increase in competitiveness of products and promote the trade through ensuring the product compatibility, interchangeability and uniformity of testing and measurement.

Article 8. Standardization documents

8.1. The standardization documents shall include the following:

8.1.1. Mongolian /hereinafter referred as “national”/ standards;

8.1.2. a company standard;

8.1.3. international and regional standards, guides, guidelines and standards of other countries developed in compliance therewith;

8.2. Standardization documents shall not be subject to copyright protection.

Article 9. National standards

9.1. The state administrative body in charge of standardization and technical regulations shall adopt national standards.

9.2. The specifications and requirements of national standards shall comply with those of international and regional standards.

9.3. Interested parties acting on the basis of consensus shall propose and develop draft national standards

9.4. A national standard shall have an abbreviated

marking and a state registration number and, unless the decision approving it states otherwise shall be effective from the date of state registration.

Article 10. Company standards

10.1. Entities and organisations can use a company standard developed in compliance with this Law and standards and directives approved by the state administrative body in charge of standardization and technical regulation.

10.2. A company standard must comply with the specifications and requirements of national standards and technical regulations.

10.3. It shall be prohibited to provide service and production using standards not in compliance with Article 10.2 of this Law.

Article 11. Technical Committee for Standardization

11.1. Part-time technical committees for standardization /hereinafter “technical committee”/, shall be established for each sector to review and opine on draft national, regional and international standards.

11.2. Technical committees shall consist of representatives of the government, citizens, entities and

other scientific and professional organisations.

11.3. Technical committees shall have the following rights and responsibilities:

11.3.1. to draft standards, to solicit and receive opinion of related organisations and to reach consensus with interested parties;

11.3.2. to review and evaluate existing standards and to take necessary measures;

11.3.3. to ensure that quality and content of draft standards meet the appropriate requirements;

11.3.4. to provide opinion and recommendations to draft national, international and regional standards;

11.4. Technical committees and their members shall not represent the interests of citizens, entities and organisations, and shall be free of conflict of interest.

11.5. Technical committees can establish, if deemed necessary, technical subcommittees in specific areas.

Article 12. Application of and compliance with standards

12.1. Citizens, entities and organisations shall use the standardization documents on a voluntary basis.

12.2. Standards, which are referred to in legislation, technical regulations and international agreements, shall have equal force as the underlying documents.

12.3. Citizens, entities and organisations can use advanced international, regional and foreign standards after having them registered at the state administrative organisation in charge of standardization and technical regulation.

12.4. If an agreement concluded by citizens and/or entities provides for a standard referred to in whole or in part, then to be applicable, the parties to the agreement shall comply with the provisions of the agreement.

12.5. Duplication of documents referred to in Article 8.1.1 and 8.1.3 of this Law shall be prohibited.

CHAPTER FOUR. CONFORMITY ASSESSMENT

Article 13. Purpose and scope of conformity assessment

13.1. The purpose of conformity assessment shall be to ensure product safety, to increase product competitiveness and to protect consumer rights and interests.

13.2. Products potentially harmful to human and livestock health, environment, national security, and public interest shall be subject to mandatory conformity assessment.

13.3. Products other than those referred to in Article 13.2 of this Law, may be subjected to conformity assessment at the request of manufacturers, suppliers or consumers.

13.4. List of products referred to in Article 13.2 of this Law and regulations on their admission to the Mongolian market and crossing the national borders following attestation shall be adopted by the Government.

Article 14. Attestation

14.1. Attestation shall be in the form of either certificate of conformity or suppliers' declaration.

14.2. Conformity marks and equivalent marks and certificates recognized by agreements between Mongolia and international and regional organisations and trade partners shall be certified by the state administrative body in charge of standardization and technical regulations.

14.3. Certificate of conformity shall be issued by an accredited certification body.

14.4.The certificate of conformity shall be valid in Mongolia and in the countries recognized by the Mongolia’s agreements with international and regional organisations and trade partners.

14.5.Regulations on issuance of suppliers’ declarations shall be adopted by the State administrative body in charge of standardization and technical regulations.

14.6.Suppliers’ declaration shall have equal validity as certificates of conformity referred to in Article 14.4 of this Law.

14.7.Unless otherwise stated in the laws, products with valid safety marks accepted under Article 14.2 of this Law shall not be subject inspection and conformity assessment when imported, exported and supplied to the market.

14.8.A safety mark referred to in Article 4.1.9 of this Law shall be issued by a body designated under Article 23.1.2 of this Law.

14.9.The State administrative body in charge of standardization and technical regulations shall adopt regulations on the form, size and usage of safety marks.

Article 15. Conformity assessment bodies

15.1. Conformity assessment bodies shall consist of laboratories, technical inspection and certification bodies.

15.2. Conformity assessment body shall be a legal entity of Mongolia and operate in accordance with the relevant legislation, technical regulations, standards, rules and regulations.

15.3. A conformity assessment body can be accredited.

15.4. Products referred to in Article 13.2 of this Law shall be attested by accredited conformity assessment bodies only.

15.5. Conformity assessment body, accredited by foreign accreditation body and conducting conformity assessment activities within the territory of Mongolia, shall be registered by the national accreditation body.

15.6. Conformity assessment body shall have the following rights and obligations:

15.6.1. to issue reports following conformity assessment, issue and withdraw certificates of conformity;

15.6.2. to conduct conformity assessment in accordance with accreditation, inform the accreditation body of changes in organisational scheme, jurisdiction,

directions and technical supply of operation;

15.6.3.to comply with accreditation criteria continuously and consistently, and to follow applicable rules and procedures;

15.6.4.to engage relevant experts/professionals in conformity assessment activities;

15.6.5.to report conformity assessment results and any violations to relevant organisations;

15.6.6.to not abuse accreditation reputation.

15.7.It shall be prohibited to conduct any conformity assessment activities, in violation of Articles 15.4 and 15.5 of this Law.

CHAPTER FIVE. ACCREDITATION OF CONFORMITY ASSESSMENT

Article 16.The purpose of accreditation of conformity assessment

16.1.The purpose of accreditation of conformity assessment is to eliminate technical barriers to trade, to facilitate trade, to increase consumer confidence

in products, and to enable bilateral and multilateral recognition of conformity assessment results at international, regional and national levels.

Article 17. Accreditation system of conformity assessment, management and organisation

17.1. The accreditation system of conformity assessment comprises from Accreditation Council (hereinafter referred to as the “Council”), accreditation body, technical committee, appeal settlement commission, accredited conformity assessment body and accreditation experts.

Article 18. Accreditation Council

18.1. Part-time Council with 15 members shall be responsible for determination of strategy and policy of the accreditation system of conformity assessment, overseeing its implementation, and shall operate under the member of the government in charge of accreditation of conformity assessment.

18.2. Members of the Council shall be appointed by the member of the government in charge of accreditation of conformity assessment.

18.3. The following organisations shall nominate

candidates to the Council

18.3.1. the state central administrative organisations in charge of food and agriculture, mining and health each one;

18.3.2.the state administrative organisations in charge of standardization and technical regulation, accreditation body and environment each one;

18.3.3.accredited conformity assessment bodies for testing, certification and technical inspection each one;

18.3.4.consumer right protection organisations one, one of each from non-governmental organisations specialized in food and construction;

18.3.5.the higher educational and scientific organisations in the fields of natural and technical sciences one and, one from the Academy of science.

18.4.A member of Council shall be a citizen of Mongolia with at least three-year experience in the field of conformity assessment and the term shall be three years.

18.5.Regulations on the work of the Council shall be adopted by the member of the government in charge of accreditation of conformity assessment.

Article 19. Accreditation body

19.1. Accreditation body shall operate under the member of the government in charge of the accreditation of conformity assessment.

19.2. Accreditation shall be performed by the body referred to in Article 19.1 of this Law and the Government shall adopt its rules of operation.

19.3. Accreditation body shall implement accreditation policy and have the following authorities:

19.3.1. to determine the proficiency of conformity assessment bodies, to issue, suspend and withdraw accreditation;

19.3.2. to establish requirements for accreditation experts, to select experts, to grant and terminate expert rights;

19.3.3. to establish and maintain the national inquiry and information database on accreditation;

19.3.4. to approve relevant rules, procedures and guides and to monitor their implementation;

19.3.5. to provide professional support and trainings;

19.3.6.to enter into bilateral, international and regional recognition agreements on mutual recognition of accreditation results, to propose membership to international organisations;

19.3.7.develop cooperation with international, regional and foreign accreditation bodies.

19.4.The chair of the accreditation body shall be selected according to the Law on Public Service and appointed by the member of the government in charge of accreditation.

19.5.The chair of accreditation body shall represent it in abroad and nationally.

Article 20.Appeal Settlement Commission

20.1.Appeal Settlement Commission (hereinafter referred to as “the Commission”) shall settle disputes regarding accreditation decisions submitted to it by conformity assessment bodies.

20.2.Council shall create a Commission comprised of specialized experts every time a dispute regarding an accreditation decision arises.

20.3.The Council shall adopt regulations on rules of operation of the Commissions.

Article 21. Technical committee

21.1. Technical committee shall be responsible for establishing accreditation criteria and deciding on whether the conformity assessment bodies meet the accreditation criteria and requirements, and providing technical advice.

21.2. Technical committee shall operate on a part-time basis and provide interested parties with opportunities for equal participation.

Article 22. Accreditation assessor

22.1. Accreditation assessor (hereinafter referred to as “Assessor”) shall determine whether conformity assessment bodies comply with legislation and criterias of standards and technical regulations, and provide assessment.

22.2. Assessor shall meet the following requirements:

22.2.1. to be recognized as assessor and appointed as such by the competent authority specified in Article 19.1 of this Law;

22.2.2. not be in a conflict of interest with the applicant organisation for the accreditation.

22.3. The accreditation assessor shall submit its report of the evaluation to the accreditation body.

CHAPTER SIX. AUTHORITY OF STATE ORGANISATIONS IN CHARGE OF STANDARDIZATION, TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT

Article 23. Authority of Cabinet Member

23.1.A Cabinet member shall have the following competence regarding standardization, technical regulations and conformity assessment:

23.1.1.to develop standard and technical regulations within his/her scope of responsibility and oversee their implementation;

23.1.2.to designate an accredited professional organisation in charge of conformity assessment for the particular sector based on the proposal from the organisation referred to in article 25.1 of this Law.

23.2.Part-time branches and committees may be established to implement activities referred to in Article 23.1.1 of this Law and they shall be financed from the state budget.

23.3.Cabinet member in charge of international trade

shall submit a notification to the World Trade Organisation on behalf of Mongolia confirming the documents referred to in Articles 13.4 and 14.2 of this Law.

23.4. Cabinet member in charge of standardization and technical regulation shall have the authority referred to in Article 23.1 of this Law and provide policy direction to the organisation referred to in Article 25 of this Law.

Article 24. System of organisations for standardization and technical regulations

24.1. The system of organisation for standardization and technical regulations shall consist of the state administrative body in charge of standardization and technical regulations and its affiliated organisations at the aimag and capital city level.

24.2. Governors of aimags and the capital city shall ensure the compliance with the legislation on standardization, technical regulations and accreditation of conformity assessment within their respective jurisdictions, and support the functioning of conformity assessment bodies.

Article 25. State administrative body in charge of standardization and technical regulations

25.1.State administrative body in charge of standardization and technical regulations shall define and implement the state policy on standardization, technical regulations and conformity assessment, and provide professional and methodological guidance within the scope of its responsibilities.

25.2.Head of the state administrative body in charge of standardization and technical regulations shall be selected in accordance with the Law on Public Service, and appointed and dismissed by the Cabinet.

25.3.State administrative body in charge of standardization and technical regulations shall have the following competence:

25.3.1.to develop and approve programs, rules, procedures and instructions for standardization, technical regulations and conformity assessment;

25.3.2.to adopt national standards and maintain their register, to safe-keep their official original copies, and to inform the public and disseminate information;

25.3.3.to carry out conformity assessment in accordance with this Law and to conduct the state inspection on gemstone quality;

25.3.4.to propose to become a member of relevant international organisations, develop cooperation with relevant international, regional and foreign organisations and mutually recognize the results of conformity assessment;

25.3.5.to establish the standardization technical committees, coordinate and support their activities;

25.3.6.to conduct commercial activities, services and training within its scope of responsibilities;

25.3.7.to conduct scientific and technological research and development on standardization, technical regulations and conformity assessment, to contract activities and services specified in Article 25.3.6 of this Law, to commercial entities, organisations and non-governmental;

25.3.8.to provide international organisations with relevant references and information on standards, technical regulations and conformity assessment.

25.4.The state administrative body in charge of STANDARDIZATION and technical regulations may organize national quality awards, competitions to recognize producers of quality products and improve public awareness of quality.

Article 26. Affiliated aimag and capital city organisations for standardization and technical regulation

26.1. Affiliated aimag and capital city organisations for standardization and technical regulations shall have the following competence:

26.1.1. to conduct conformity assessment in accordance with this Law;

26.1.2. to operate a branch office of information centers for standards and technical regulations;

26.1.3. to provide methodological advice for citizens, commercial entities and organisations on development of standards;

26.1.4. to conduct activities referred to in Article 25.3.6 of this Law.

26.2. The heads of aimags and the Capital City organisations for standardization and technical regulations shall be selected according to the Law on Public Service and appointed or dismissed by the Head of the State Administrative Body in charge of Standardization and Technical regulations in consultations with the Governors of aimag and the Capital city.

Article 27. Citizens, commercial entities and organisations

27.1. Citizens, commercial entities and organisations shall have the following rights regarding standardization, technical regulations and conformity assessment:

27.1.1. to introduce advanced standards and management systems to improve the quality of products and services, and to undergo conformity assessment;

27.1.2. to take part in the development of standards;

27.1.3. to comment on draft standards and standardization programs;

27.2. Citizens, commercial entities and organisations shall have the following responsibilities regarding standardization, technical regulations and conformity assessment:

27.2.1. to ensure product safety as specified in standards and technical regulations;

27.2.2. to develop standards, to apply for bear the costs related to product conformity assessment;

27.2.3. to build its human resources capacity regarding development of relevant rules, procedures and documents on standards, technical regulations and

conformity assessment.

27.3.The draft standards developed by citizens, commercial entities and organisations shall not contradict with the legislation and technical regulations, and compromise with producers’ and consumers’ interests, and shall not be harmful to the public interest, human health, environment and national security.

Article 28.Information database

28.1.Establishment of national integrated database (hereinafter referred to as “the database”) of standards and technical regulations, document registry, storage, protection, dissemination and publishing, and the sale of documents referred to in Articles 8.1.1 and 8.1.3 of this Law shall be the responsibility of the Information and Inquiry Center of the State administrative body in charge of standardization and technical regulation.

28.2.The database shall contain the original or duplicated copies of standardization and technical regulations documents, conformity assessment procedures, agreements and other relevant technical documents.

28.3.The database shall be in paper and electronic forms.

28.4. Technical regulations shall be made through mass public media within 10 days of its registered in the database.

CHAPTER SEVEN. STATE SUPERVISION AND FINANCING

Article 29. State supervision

29.1. The body referred to in Article 9 of the Law on State Supervision shall be responsible for state supervision on standardization, technical regulations and accreditation of conformity assessment.

29.2. The supervision body referred to in Article 29.1 of this Law shall implement, in addition to those referred to in Article 10.9 of the Law on State Supervision the following duties:

29.2.1. to oversee the implementation of legislation on standardization, technical regulations and accreditation of conformity assessment and compliance with technical regulations;

29.2.2. to oversee whether products referred to in Article 13.2 of this Law have been subjected to conformity assessment.

29.3.State inspectors responsible for supervision referred to in Article 29.1 of this Law shall be trained on standardization, technical regulation and accreditation of conformity assessment and hold certificate of attendance.

29.4.The authorised body responsible for State supervision on standardization, technical regulation and accreditation of conformity assessment shall report annually on the results of the supervision to the organisation referred to in Article 25.1 of this Law.

29.5.The supervision referred to in Article 29.1 applies only products already put on to the market.

Article 30.Financing of standardization, technical regulations and accreditation of conformity assessment activities

30.1.Expenses related to implementation of the authority referred in this Law by the state administrative body in charge of standardization and technical regulations, its affiliated aimag and capital city organisations, accreditation body and operational expenses of accreditation council, standardization and accreditation technical committees, accreditation appeal settlement commission, accreditation assessors, membership fees to international organisations shall be financed by the state

budget, while expenses for scientific and technological research and development referred to in Article 25.3.7 of this Law shall be financed by the Science and Technology Fund.

30.2. Cabinet member in charge of standardization, technical regulations and accreditation of conformity assessment shall finance the expenses for the technical innovation of technical regulation and human resource capacity building from additional income from basic activities, in accordance with the procedure referred to in Article 46.2 of the Law on Budget.

30.3. Financing of accreditation of conformity assessment activities shall be done from the following sources in addition to those referred to in Article 30.1 of this Law:

30.3.1. service fees for accreditation of conformity assessment activities and services;

30.3.2. do nations and technical assistance from international organisations and donor states.

30.4. Cabinet member in charge of standardization, technical regulations and accreditation of conformity assessment shall adopt reference fee structure for the services to be rendered for fee under this Law.

CHAPTER EIGHT. OTHERS

Article 31. Sanctions to be imposed on violations of the legislation on STANDARDIZATION, technical regulations and accreditation of conformity assessment

31.1. Public officials whose actions do not constitute a criminal offence shall be held responsible under the Law on Public Service.

31.2. Individuals or legal entities in breach of this Law shall be held responsible under the Criminal Code and/or Misdemeanour Code.

Article 32. Entry into force

32.1. This law shall come into force on 1 July 2018.

M.ENKHBOLD SPEAKER OF
PARLIAMENT OF MONGOLIA