



LAW OF MONGOLIA

December 21, 2017

Ulaan

ON CERTIFICATION OF STANDARDIZATION, TECHNICAL REGULATION AND ACCORDANCE ASSESSMENT / Revised version /

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of this law is to establish the legal basis for standardization, technical regulation and accreditation of conformity assessment, to regulate relations related to ensuring the quality and safety of products, production, services and management systems, and protecting the interests of consumers and producers.

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

Legislation on standardization, technical regulation and conformity assessment accreditation shall consist of the Constitution of Mongolia, this law and other legislative acts enacted in conformity with these laws.

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.

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

The following principles shall be followed in standardization, technical regulation and conformity assessment accreditation activities:

- 3.1.1. To ensure human life, health, social and environmental safety;
- 3.1.2 be independent;
- 3.1.3 ensure equal participation of stakeholders;
- 3.1.4 be based on accurate information;
- 3.1.5. Not to unreasonably obstruct production and trade.

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Article 4. Definitions of legal terms

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

4.1.1. "Standardization" means the process of establishing procedures for universal and repeated use of products and services for the purpose of ensuring the unified, consistent and safe replacement of information, techniques, measurements and tests;

4.1.2. "Standard" means a document that has been developed and approved by the interested parties in consultation with the general principles and indicators aimed at establishing norms within a certain framework;

4.1.3. "Technical regulation" means a binding document approved by the competent authority with reference to product description, processing, production methods, standards, technical specifications and requirements, or reflecting their content;

4.1.4. "Product" means the result of production and service process;

4.1.5. "Conformity assessment accreditation" means the process by which the competent authority determines and recognizes the professional competence of a conformity assessment body to perform certain activities;

4.1.6. "Conformity assessment" means the process of determining whether a product, staff skills and management system meet the requirements of standards and technical regulations;

4.1.7. "Conformity assessment organization" means an organization authorized to conduct activities specified in 4.1.6 of this law;

4.1.8. "Supplier's statement" means a written statement from the manufacturer or supplier that the product meets the specified requirements;

4.1.9. "Safety mark" means a mark indicating that a product fully meets the requirements set by technical regulations;

4.1.10. "Guarantee of conformity" means a document specifying that a product meets the requirements of standards and technical regulations;

4.1.11. "Certificate of Conformity" means a document certifying that a product meets the specified requirements.

4.2. Terms other than those specified in 4.1 of this Law shall be understood in accordance with the Agreement on Technical Barriers to Trade of the World Trade Organization, ISO / IEC 17000 of the International Organization for Standardization and its 2nd methodology.

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CHAPTER TWO TECHNICAL REGULATION

Article 5. Purpose of technical regulation

The purpose of technical regulation is to ensure human health, environmental, product and industrial safety and to protect the public interest.

5.2. Technical regulations shall be complied with universally.

5.3. The Government shall be responsible for the implementation of technical regulations at the national level, and the organization specified in Article 9 of the Law on State Inspection shall be responsible for monitoring the implementation.

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Article 6. Development, approval and reporting of technical regulations

The technical regulation shall be approved by the Government based on the proposal of the state central administrative body in charge of the issue and the conclusion specified in 6.4 of this law.

Instructions for developing technical regulations shall be approved by the state administrative body in charge of standardization and technical regulation.

6.3. If necessary, the procedure for implementing technical regulations shall be approved by the member of the Government in charge of the issue.

6.4. The state administrative body in charge of standardization and technical regulation shall issue a conclusion on whether the draft technical regulation meets the purpose specified in 5.1 and the requirements specified in 6.2 of this law.

6.5. The state administrative body in charge of standardization and technical regulation shall notify the member countries of the World Trade Organization at least three months prior to the approval of the draft technical regulation to be used by Mongolia in foreign trade.

6.6 The Government shall decide on the acceptance of the technical regulations applicable to foreign trade proposed by the member countries of the World Trade Organization based on the proposal of the Member of the Government in charge of foreign trade.

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CHAPTER THREE STANDARDIZATION

Article 7. Purpose of standardization

7.1. The purpose of standardization is to support the rational use of resources, increase the competitiveness of products and increase trade by ensuring product compatibility, interchangeability and integration of testing and measurement.

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Article 8. Standardization documents

The following documents shall be included in the standardization document:

8.1.1. Mongolian standard (hereinafter referred to as “national”);

8.1.2. Standards of the organization;

8.1.3. International and regional standards, guidelines, recommendations and foreign standards issued in accordance with them.

Copyright does not apply to standardization documents.

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Article 9. National standards

9.1. The national standard shall be approved by the state administrative body in charge of standardization and technical regulation.

9.2. Indicators and requirements of national standards shall meet the requirements of international and regional standards.

9.3. The draft national standard shall be initiated and developed by the interested parties upon agreement.

9.4. The national standard shall have abbreviated notation and state registration number and shall come into force from the date of its registration, unless otherwise provided in the decision approving it.

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Article 10. Organizational standards

10.1. Business entities and organizations may use the standards of organizations developed in accordance with this law in accordance with the standards and methodologies approved by the state administrative body in charge of standardization and technical regulation.

10.2 Organizational standards shall comply with national standards, technical regulations and requirements.

10.3. It is prohibited to engage in production and services that do not meet the requirements set forth in Article 10.2 of this Law.

Article 11. Technical Committee for Standardization

11.1. There shall be a non-staff Technical Committee for Standardization (hereinafter referred to as “Technical Committee”) in each sector for the purpose of discussing draft national, international and regional standards and making conclusions.

11.2. The Technical Committee shall consist of representatives of the state, citizens, business entities, scientific and other professional organizations.

11.3. The Technical Committee has the following rights and responsibilities:

11.3.1 develop draft standards, obtain comments from relevant organizations and consult with stakeholders;

11.3.2. To analyze and evaluate valid standards and take necessary measures;

11.3.3. To control whether the level and content of development of the standard meets the relevant requirements;

11.3.4. To vote on the draft national, international and regional standards and issue conclusions.

11.4. The Technical Committee and its members shall not represent the interests of citizens, business entities and organizations and shall have no conflict of interest.

11.5. The Technical Committee may, if it deems it necessary, establish and operate a technical subcommittee in a specific area.

Article 12. Application and compliance with standards

Citizens, business entities and organizations shall select and use standardization documents.

Legislation, technical regulations and standards referred to in international agreements shall be valid as well as the document.

12.3. Citizens, business entities and organizations may apply advanced international, regional and foreign standards on the basis of registration with the state administrative body in charge of standardization and technical regulation.

12.4. If it is agreed to apply the standard in whole or in part in the contract concluded by a citizen or business entity, the parties to the contract shall comply with the provisions of the contract.

12.5. It is prohibited to duplicate the documents specified in 8.1.1 and 8.1.3 of this Law.

CHAPTER FOUR CONCLUSION EVALUATION

Article 13. Purpose and scope of conformity assessment

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

13.2 Conformity assessment shall include products that may cause harm to human and animal health, environment, national security and public interest.

13.3. Products other than those specified in 13.2 of this Law may be included in the conformity assessment at the request of producers, suppliers and consumers.

13.4 The Government shall approve the list of products specified in 13.2 of this Law and the procedure for their supply to the Mongolian market and crossing the border with a guarantee of conformity.

Article 14. Conformity assurance

14.1. The guarantee of conformity shall be in the form of a certificate of conformity and a statement of the supplier.

14.2. The state administrative body in charge of standardization and technical regulation shall recognize conformity and equivalent marks and certificates agreed upon by Mongolia with international and regional organizations and trade partner countries.

14.3. The 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 agreed upon by Mongolia in agreements with international and regional organizations and trade partners.

14.5. The procedure for issuing the supplier's statement shall be approved by the state administrative body in charge of standardization and technical regulation.

14.6. The supplier's statement shall be as valid as the certificate of conformity specified in 14.4 of this law.

14.7. Unless otherwise provided by law, control and conformity assessment of products supplied to the market, exported or imported with a valid safety mark recognized in accordance with Article 14.2 of this Law shall not be repeated.

14.8. The safety mark specified in 4.1.9 of this Law shall be issued by an organization appointed in accordance with 23.1.2 of this Law.

14.9. The form, size and procedure for use of safety signs shall be approved by the state administrative body in charge of standardization and technical regulation.

Article 15. Conformity assessment body

A conformity assessment body shall include a laboratory, technical inspection and certification body.

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

A conformity assessment organization may be accredited.

15.4. Only accredited conformity assessment organization shall conduct conformity assessment of products specified in 13.2 of this Law.

15.5. If a conformity assessment organization accredited by a foreign accreditation body conducts conformity assessment activities in the territory of Mongolia, it shall register with the accreditation body.

15.6. The conformity assessment organization has the following rights and responsibilities:

15.6.1. To issue reports based on the results of conformity assessment, issue and revoke certificates of conformity;

15.6.2. To conduct conformity assessment within the scope determined by the power of attorney and to notify the accreditation body in case of changes in organization, jurisdiction, direction and technical equipment;

15.6.3. To ensure accreditation criteria on a regular and stable basis and to follow relevant rules and regulations;

15.6.4. Involve relevant professionals in conformity assessment work;

15.6.5. To inform the relevant authority about the results of the conformity assessment and the revealed violations;

15.6.6. Not to abuse the reputation of the accreditation.

15.7. It is prohibited to conduct conformity assessment activities in violation of Articles 15.4 and 15.5 of this Law.

CHAPTER FIVE ACCREDITATION OF CONFIRMATION EVALUATION

Article 16. Purpose of conformity assessment accreditation

16.1. The purpose of conformity assessment accreditation is to eliminate technical barriers to trade, facilitate trade, increase consumer confidence in products, and create conditions for international, regional, foreign and national acceptance of conformity assessment results.

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

The accreditation system for conformity assessment shall consist of the Board of Accreditation (hereinafter referred to as the "Board"), the accreditation body, the technical committee, the dispute resolution commission, the accredited conformity assessment body and the accreditation expert.

Article 18. Board of Directors

A non-staff Board of Directors with 15 members responsible for defining the strategy and policy of the conformity assessment accreditation system and monitoring its implementation shall work under the Cabinet member in charge of conformity assessment accreditation.

The members of the Board of Directors shall be appointed by the member of the Government in charge of conformity assessment accreditation.

18.3. The following organizations shall nominate members for the Board of Directors:

18.3.1. One from the state central administrative body in charge of food, agriculture, mining and health;

18.3.2. One from the state administrative body in charge of standardization and technical regulation, one from the accreditation body and one from the state administrative body in charge of nature and environment;

18.3.3. One from each accredited conformity assessment organization for testing, certification and technical inspection;

18.3.4. One from a consumer protection organization and one from a non-governmental organization specializing in food and construction;

18.3.5. One from each higher education institution of natural and technical sciences and one from the academy of sciences.

18.4. A member of the Board shall be a citizen of Mongolia who has worked in the field of conformity assessment for at least three years and the term of office of the member shall be three years.

18.5. The rules of procedure of the Board shall be approved by the Government member in charge of conformity assessment accreditation.

Article 19. Accreditation body

The accreditation body shall work under the Government member in charge of conformity assessment accreditation.

The accreditation shall be performed by the organization specified in 19.1 of this Law and the charter of the accreditation body shall be approved by the Government.

19.3. The accreditation body shall implement the accreditation policy and has the following full rights:

19.3.1. To determine the capacity of the conformity assessment organization, to issue a power of attorney, to suspend or revoke it;

19.3.2. To set requirements for accredited experts, to select experts, to grant and revoke the rights of experts;

19.3.3. To compile and maintain a unified state database of accreditation inquiries and information;

19.3.4. Approve relevant rules, regulations and instructions and monitor their implementation;

19.3.5. To provide professional and methodological assistance and conduct training;

19.3.6. Recognize the results of accreditation with international and regional organizations and foreign countries, join agreements and make proposals to join international organizations;

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

19.4. The head of the accreditation body shall be selected in accordance with the Civil Service Law and appointed and dismissed by the member of the Government in charge of accreditation.

19.5. The accreditation body shall be represented by the head of the organization at home and abroad.

Article 20. Dispute Resolution Commission

Disputes raised by the conformity assessment body on accreditation shall be resolved by the Dispute Resolution Commission (hereinafter referred to as the "Commission").

20.2. The Board of Directors shall establish and operate a Commission consisting of qualified experts in each case of a dispute related to the power of attorney decision.

20.3. The rules of procedure of the Commission shall be approved by the Board of Directors.

Article 21. Technical Committee

21.1. The Technical Committee shall be responsible for setting accreditation criteria, making conclusions on whether the conformity assessment organization meets the accreditation requirements and criteria, and providing technical advice.

The Technical Committee shall be non-staff and shall ensure equal participation of stakeholders.

Article 22. Accreditation expert

An accreditation expert (hereinafter referred to as "Expert") shall assess whether the capacity of a conformity assessment organization complies with the criteria of the law, standards and technical regulations and issue a conclusion.

The expert shall meet the following requirements:

22.2.1. To have obtained and appointed the right of an expert from the competent authority specified in 19.1 of this Law;

22.2.2. Not have a conflict of interest with the organization applying for accreditation.

22.3. The accreditation expert shall report the evaluation results to the Accreditation body.

CHAPTER SIX

POWERS OF GOVERNMENT ORGANIZATIONS ON STANDARDIZATION, TECHNICAL REGULATION AND ACCORDANCE ASSESSMENT

Article 23. Powers of a member of the Government

A member of the Government shall exercise the following powers with respect to standardization, technical regulation and conformity assessment:

23.1.1. To develop standards and technical regulations and monitor their implementation;

23.1.2. To appoint an accredited and specialized organization to be responsible for conformity assessment of the sector based on the proposal of the organization specified in 25.1 of this law.

23.2. Non-staff branches and committees may be established for the purpose of implementing the activities specified in 23.1.1 of this Law and operating expenses shall be financed from the state budget.

A member of the Government in charge of foreign trade shall certify the documents specified in Articles 13.4 and 14.2 of this Law and issue a statement to the World Trade Organization on behalf of Mongolia.

23.4. The member of the Government in charge of standardization and technical regulation shall exercise the powers specified in Article 23.1 of this Law and provide policy management to the organization specified in Article 25 of this Law.

Article 24. System of standardization and technical regulatory organizations

24.1. The system of standardization and technical regulation organization shall consist of the state administrative body in charge of standardization and technical regulation and its affiliated aimag and capital city organizations.

Aimag and capital city governors shall ensure the implementation of the legislation on standardization, technical regulation and accreditation of conformity assessment in their respective territories and support the activities of conformity assessment organizations.

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

The state administrative body in charge of standardization and technical regulation shall develop and implement the state policy on standardization, technical regulation and conformity assessment, and provide professional and methodological guidance within the scope of its responsibilities.

25.2 The Head of the State Administrative Body Responsible for Standardization and Technical Regulation shall be selected, appointed and dismissed by the Government in accordance with the Civil Service Law.

The state administrative body in charge of standardization and technical regulation shall exercise the following powers:

25.3.1. To develop and approve standardization, technical regulation, conformity assessment program, rules, procedures and instructions;

25.3.2. Approve and register the national standard, keep its official source, inform and disseminate it to the public;

25.3.3 conduct conformity assessment in accordance with this law and monitor the quality of gemstones;

25.3.4. To propose membership in international organizations on issues of responsibility, develop cooperation with relevant international, regional and foreign organizations, and mutually accept the results of conformity assessment;

25.3.5 establish technical committees for standardization, coordinate their activities and provide support;

25.3.6. To engage in paid work, services and conduct training on matters of responsibility;

25.3.7. To conduct scientific and technological research and analysis in the field of standardization, technical regulation and conformity assessment, and to have the works and services specified in 25.3.6 of this law performed by business entities, organizations and non-governmental organizations on a contractual basis;

25.3.8. To provide international organizations with inquiries and information related to standards, technical regulations and conformity assessment.

25.4. The state administrative body in charge of standardization and technical regulation may organize national quality awarding activities in order to reward producers of quality products and increase public awareness on quality.

Article 26. Aimag and capital city standardization and technical regulation organizations

Aimag and capital city standardization and technical regulation organizations shall have the following full rights:

26.1.1. To conduct conformity assessment in accordance with this law;

26.1.2. To operate the state database of standards and technical regulations;

26.1.3 provide methodological advice to citizens, business entities and organizations on developing standards;

26.1.4. To engage in activities specified in 25.3.6 of this law.

26.2. The head of the aimag and capital city standardization and technical regulation organization shall be selected in accordance with the Civil Service Law and appointed and dismissed by the head of the state administrative body in charge of standardization and technical regulation in consultation with the aimag and capital city governors.

Article 27. Citizens, business entities and organizations

Citizens, business entities and organizations shall have the following rights regarding standardization, technical regulation and conformity assessment:

27.1.1. Introduce advanced standards and management systems to improve the quality of products and services, and participate in conformity assessment;

27.1.2 participate in the development of standards;

27.1.3. To vote on the draft standardization and standardization program.

Citizens, business entities and organizations shall have the following responsibilities regarding standardization, technical regulation and conformity assessment: 27.2.

27.2.1. To ensure product safety in accordance with the requirements set by standards and technical regulations;

27.2.2. To develop standards, to include products in conformity assessment and to finance related expenses;

27.2.3. Capacity building of staff in the development of relevant rules, regulations and documents on standards, technical regulations and conformity assessment.

27.3. Draft standards developed by citizens, business entities and organizations shall not contradict legislation, technical regulations and the interests of producers and consumers, and shall not harm the public interest, human health, the environment or the security of the country.

Article 28. Database

28.1. To create a unified state database of standards and technical regulations (hereinafter referred to as "Database"), to register, store, protect, inform and publish documents, and to sell documents specified in Articles 8.1.1 and 8.1.3 of this Law. The Information and Reference Center of the state administrative body in charge of standardization and technical regulation shall be in charge of the operation.

28.2. The official original or a copy of standardization documents, technical regulations, conformity assessment procedures, agreements and related technical documents shall be kept in the database.

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

28.4. The technical regulation shall be announced to the public through mass media within 10 days after its placement in the database.

CHAPTER SEVEN GOVERNMENT CONTROL AND FINANCING

Article 29. State control

State control over standardization, technical regulation and accreditation of conformity assessment shall be exercised by the organization specified in Article 9 of the Law on State Inspection.

29.2. The inspection body specified in Article 29.1 of this Law shall implement the following inspections in addition to those specified in Article 10.9 of the Law on State Inspection:

29.2.1 monitor the implementation of legislation and technical regulations on standardization, technical regulation and accreditation of conformity assessment;

29.2.2. To monitor whether the products specified in 13.2 of this Law are included in the conformity assessment.

29.3. The state inspector implementing the control specified in 29.1 of this Law shall be trained and certified in the field of standardization, technical regulation and conformity assessment.

29.4. The organization authorized to implement state control over standardization, technical regulation and conformity assessment shall annually report the results of the inspection to the organization specified in 25.1 of this Law.

29.5. The control specified in 29.1 of this Law shall apply to the stage after the product is supplied to the market.

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

30.1. Expenses related to the implementation of the powers of the state administrative body in charge of standardization and technical regulation, its affiliated aimag, capital city organization and accreditation body, related to the activities of the accreditation board, standardization and accreditation technical committee, accreditation dispute resolution commission and accreditation expert Expenses and membership fees of

international organizations shall be financed from the state budget, and the expenses for scientific and technological research and analysis specified in Article 25.3.7 of this Law shall be financed from the Science and Technology Fund.

30.2. The Government member in charge of standardization and technical regulation shall finance the costs of standardization, technical reform of technical regulation and human resource capacity building from additional operating income in accordance with the procedure set forth in Article 46.2 of the Budget Law.

30.3. Financing of conformity assessment accreditation activities shall consist of the following sources in addition to those specified in 30.1 of this Law:

30.3.1. Conformity assessment accreditation work and service fee;

30.3.2. Donations and assistance from international organizations and donor countries.

30.4. The standard amount of payment for paid works and services specified in this law shall be determined by the Government member in charge of standardization, technical regulation and accreditation of conformity assessment.

CHAPTER EIGHT OTHERS

Article 31. Liability for violation of the legislation on standardization, technical regulation and conformity assessment accreditation

31.1. 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.

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

Article 32. Entry into force of the law

This law shall enter into force on July 1, 2018.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA M.ENKHBOLD