

court.

CODE OF CRIMINAL PROCEDURE

December 24, 1963

(Excerpts)

I. GENERAL PART

CHAPTER ONE

GENERAL PROVISIONS

Article 3 Scope of implementation of Code of Criminal Procedure

Procedural administration of criminal cases on the territory of Mongolia shall be conducted in all cases under this Code, notwithstanding where a crime has been committed. While conducting a procedural administration of criminal cases a code of criminal procedure, which is in force at the time of registering or investigating a case or of the trial, shall be followed.

Procedural administration of criminal cases committed by foreign citizens, except those who have diplomatic immunity, or stateless persons on the territory of Mongolia, shall be conducted according to the regulation provided for in this Law.

CRIMINAL CODE OF MONGOLIA

December 5, 1986

(Excerpts)

GENERAL PART

CHAPTER ONE

GENERAL PROVISIONS

Article 3. Scope of Criminal Code

4. Foreign citizens committing crimes outside of the territory of Mongolia shall be subject to liability under this Code if an international agreement of Mongolia provides so.

5. Citizens of Mongolia may not be exiled or extradited to foreign states.

SPECIAL PART

CHAPTER ONE

1. CRIMES AGAINST THE STATE

I. Crimes of especial gravity against the state

Article 61. Espionage

A foreign citizen or stateless person who delivered to a foreign state, organization or citizen information, documents or objects related to the state secrecy, or who misappropriated or collected them with a purpose to deliver, or who, on assignment from a foreign intelligence service, delivered or collected other information, documents or objects with a purpose to use them to the detriment of the interests of Mongolia shall be sentenced to imprisonment for a term of 10 to 25 years.

II. Other crimes against the state

Article 79. Illegal crossing of the Mongolian Border

1. Illegal crossing of the Mongolian border shall be sentenced to imprisonment for a term of up to 3 years or to a penalty of 100000-400000

tugrugs.

2. Repeated or a group commission of this offence by a prearranged plan shall be sentenced to imprisonment for a term of up to 5 years or to a penalty of 100000-500000 tugrugs.

Note: This Article shall not apply to foreign citizens or stateless persons persecuted for their beliefs, or political or other rightful activities, and who illegally crossed the Mongolian border with a purpose to request a political asylum declared in the Constitution of Mongolia.

Article 79/1. Violation of State Frontier Regime

Deliberate destruction or damage of boundary posts or border signs, serious violation of rules for use of roads, bridges or communication structures crossing borderland or border waters, or repeated commitment of the same violation within one year from imposition of an administrative penalty for violation of state frontier regime shall be punishable by imprisonment for up to 3 years or a fine of 40000 to 200000 tugrugs.

CHAPTER TEN

OFFENCES AGAINST ADMINISTRATIVE PROCEDURE

Article 225/1/.Illegal sale and transfer of archive documents

Illegal sale or sale or transfer to foreign citizens or foreign organizations of documents comprising unit of a state archive fund shall be punishable by imprisonment for up to 5 years or fine of 40000 to 200000 tugrugs.

Article 230. Violation of Residence and Transit Procedures in Mongolia by Foreign Citizens and Stateless Persons

Foreign citizens or stateless persons who were subject to administrative liability for residing without a certificate of residence, or with invalid certificate; or for violation of procedures established for registration, residence address record, movement, or selection the place of residence; or for avoiding to leave the territory of this country after expiry of a residence permit; or for violation of procedures established for transiting territory of Mongolia, and who repeatedly committed any of those offences, shall be sentenced to imprisonment for a term of up to 1 year and six months, or to a correctional work for the same term, or to a penalty of 40000-150000 tugrugs.

ENTRAILS OF EARTH LAW

November 29, 1988
(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 9. Users of Entrails of Earth

2. In the circumstances provided in legislation of Mongolia foreign legal

persons, foreign citizen and stateless persons may be allowed to use entrails of earth.

PRIVATIZATION LAW OF THE MPR

May 22, 1991

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 4. Rights to Own Privatized Property

2. Only in case of transferring state property to private ownership on a payment basis (selling, selling of shares and on other grounds as provided for by legislation of the Mongolia), a foreign citizen or stateless person may be a party to the ownership.

LAW OF MONGOLIA ON MILITARY DUTY AND LEGAL STATUS OF SERVICEMEN

May 4, 1992

(Excerpts)

CHAPTER TWO

CALL-UP FOR ACTIVE MILITARY SERVICE

Article 9. Call-up for Active Military Service

7. The Central State Administrative Body in charge of defense matters jointly with the Central State Administrative Body in charge of foreign relations shall conduct call-up for active military service of citizens of Mongolia residing abroad.

8. Citizens of military service age shall be prohibited from travel abroad without permission of the local administrative body in the period from the date of publication of Government resolution on call-up until the date of expiry of call-up.

CHAPTER FIVE

LEGAL STATUS OF SERVICEMEN

Article 29. Limitations of Rights of Servicemen

1. Servicemen shall be prohibited from the following:
 - 5) travel abroad without permission of unit heads or commanders;
 - 6) officers and sergeants employed in positions related to documents, arms and equipment constituting military secrets to travel abroad for permanent residence during three years after resignation from the service into reserve.

STATE SECURITY LAW OF MONGOLIA

May 13, 1992
(Excerpts)

CHAPTER TWO

ACTIVITIES TO BE CONDUCTED BY CITIZENS AND ORGANIZATIONS ON ENSURING STATE SECURITY

Article 9. Activities of Citizens

3. Foreign citizens and stateless persons may address state security organs to get appropriate assistance on protection of their legitimate interests or to render assistance to the said organs.

GENERAL TAXATION LAW OF MONGOLIA

November 23, 1992
(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 5. Taxpayers

The following citizens, business entities and organizations, which have taxable income and property under the laws, shall be a taxpayer:

- 2) a foreign citizen, person without citizenship and resident who gains profit in Mongolia;
- 3) a foreign and domestic business entity and organization and fund on the territory of Mongolia;
- 4) a representative office of the foreign business entity and organization which gain profit in Mongolia;

LAW OF MONGOLIA ON ADMINISTRATIVE LIABILITY

November 27, 1992
(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 8. Persons Subject to Administrative Liability

1. A citizen of Mongolia who has reached the age of 16 at the time of violation, a foreign citizen and stateless person who have violated administrative order on the territory of Mongolia, shall be subject to administrative liability.

2. If an official, who is in charge of organizing within the organization concerned implementation of administrative rules to be followed by public, fails to perform his/her duty properly, he/she shall be subject to administrative liability.

4. Business entities and organizations, regarded as legal persons according to the Civil Code, shall be subject to administrative liability.

Article 13. Detaining under Administrative Procedure of Persons Guilty of Violation

1. In order to stop violation, to make records of violation, if it is necessary, Governors of Soums, a competent police official, a border officer or his/her deputy or assistant, may detain under administrative procedure a person guilty of violation.
2. Records of detaining under administrative procedure of a person guilty of violation shall meet requirements prescribed in Article 12 of this Law.
3. The term of temporary detaining under administrative procedure of a person guilty of violation shall not be more than 6 hours.
4. If it is absolutely necessary to prevent a person guilty of violation from causing serious harm, he/she may be detained for the term of up to 72 hours upon officially informing the court concerned. If an offender of the State border regime does have no personal identity document, he/she may be detained for the term of up to 10 days by permission of a prosecutor.
5. A person guilty of violation, his/her family, advocates shall be informed on where, at what place and at the disposal of which official the detained person is.
6. The Government shall establish rules and regulations of premises for detained persons.

Article 13'. Specific Detainment of Some Persons under Administrative Procedure

1. If persons guilty of violation are drug and/or alcohol addicted, suffer from mental diseases or have no identification, a competent police official may detain them for the term of up to 72 hours.
2. The competent police official shall, within the time limit prescribed in para. 1 of this Article, arrange medical conclusions on detained persons who are drug and/or alcohol addicted, suffer from mental diseases, and shall compile documents for forced treatment and transmit them to organizations concerned.
3. Premises for detained persons, who are drug and/or alcohol addicted, or suffer from mental diseases, shall have a security and shall meet specifically established rules and requirements.

Article 16. Administrative Preventive Measures

3. Considering the nature of violation, police departments may suspend until the resolution of the violation travel abroad of violators. Official indicated in Article 7 shall submit his/her opinion to the police department if he/she considered that it is necessary to defer travel of violator abroad until the decision to impose a penalty is resolved in case of appeal or complaint of that decision; or until the execution of the penalty.

CHAPTER TWO

ADMINISTRATIVE VIOLATIONS AND LIABILITIES

Article 28. Violation of Procedures for Residence, Transit and Travel of Foreign Citizens and Stateless Persons

1. A foreign citizen or a stateless person without a certificate of residence in Mongolia issued by the competent organization, or with invalid certificate or who resides without proper permission shall be subject to a penalty of 30000-50000 tugrugs;
2. A foreign citizen or a stateless person who violated procedures established for transiting territory of Mongolia shall be subject to a penalty of 4000-40000 tugrugs, if no criminal liability is involved;
3. A foreign citizen or a stateless person who violated procedures established for traveling on the territory of Mongolia, or movement, or registration shall be subject to a penalty of 20000-40000 tugrugs, if no criminal liability is involved;
4. A foreign citizen or a stateless person who violated employment procedures provided for in legislation shall be subject to a penalty of 10000-30000 tugrugs;
5. A foreign citizen or a stateless person who violated visa procedures provided for in legislation shall be subject to a penalty of 4000-40000 tugrugs;
6. Citizens, business entities or organizations who invited or obtained permission to employ foreign citizens or stateless persons for a specific period of time, and who did not register them in accordance with legislation, or allowed them to stay after expiry of their term of residence permit in Mongolia without permission of the competent organization shall be subject to a penalty of 2000-40000 tugrugs in case of citizens, and 60000-150000 tugrugs in case of business entities and organizations;
7. A penalty of 20000-30000 tugrugs shall be imposed, if foreign citizens or stateless persons without or expired residence permit in Mongolia were hidden, accommodated or employed.
8. A penalty of 25000-50000 tugrugs shall be imposed, if procedures for granting permission to foreign citizens or stateless persons to reside, transit or travel in Mongolia were violated.

Article 28'. Violation of Procedures for Overseas Travel and Immigration

1. •A penalty of 1000-10000 tugrugs shall be imposed, if procedures for overseas travel of Mongolian citizens on private purpose, or declining immigration rights were violated, and their rights were illegally restrained.
2. A penalty of 15000-30000 tugrugs shall be imposed, if procedures for overseas travel on private purpose, or obtaining permission for immigration were violated, or forged documents were used to obtain permission.
3. A penalty of 25000-50000 tugrugs shall be imposed, if procedures for granting permission to travel overseas on private purpose, or to immigrate were

violated.

Article 29. Violation of Rules and Procedures Related to State Frontiers

1. If violation of state frontiers regime does not constitute a criminal offence, the violator shall be subject to confiscation of illegally derived income or other things and a fine of 5000 to 40000 tugrugs.

2. If violation of rules for protection of state frontier, rules for use of roads, bridges or communication structures crossing borderland or border waters, for hunting, carrying out manufacture and other jobs in the vicinity of state frontiers does not constitute a criminal offence, the violator shall be subject to a fine of 3000 to 40000 tugrugs.

3. Persons who have violated rules for or border area or borderland, as well as rules established in border points and border crossing points shall be subject to a fine of 2500 to 25000 tugrugs.

PERSONAL INCOME TAX LAW OF MONGOLIA

December 14, 1992

(Excerpts)

Article 3. Taxpayers

1. Citizens of Mongolia, foreign citizens (hereinafter referred to as "citizens") and stateless persons residing in Mongolia, persons not residing in Mongolia who derive income from Mongolia shall be taxpayers.

2. Citizens and stateless persons who have appropriate working premises in Mongolia at any time during the tax year, residing in Mongolia for 183 days or more during 12 months commencing or finishing in the tax year and citizens of Mongolia working abroad by appointment shall be called permanent residents - taxpayers. Permanent residents - taxpayers shall pay taxes on their income derived from Mongolia and abroad.

3. Foreign citizens and stateless persons residing in Mongolia for period less than 183 days shall be called temporary resident taxpayers.

4. Taxpayers other than permanent and temporary residents shall be called non-resident taxpayers. Temporary residents - taxpayers and non residents - taxpayers shall pay taxes on their income derived from Mongolia.

Article 7. Amount of the Tax

2. State Ih Hural on submission of the Government shall approve the amount of tax to be paid from wages and salaries of citizens of Mongolia that receive from his/her own Government who work abroad .

Article 8. Special Percentages and Amounts of Tax

Taxes shall be imposed in the following special percentages and amounts:

9) unless otherwise provided in international agreements of Mongolia, in an amount of 10% from income derived by citizens of Mongolia by provision of medical, art, performing, scientific, advertising and other intellectual services abroad;

Article 9. Tax Exemption and Tax Incentive

1. The following income of taxpayer shall be exempted from taxes:
 - 10) income of foreign citizens working in Diplomatic and Consular missions in Mongolia, United Nations Organization, its specialized organizations and other international organizations;
 - 11) income of employee listed in part 10 of this para. and of his/her family members derived from sources abroad;

LAW ON GOVERNMENT OF MONGOLIA

May 6, 1993

(Excerpts)

CHAPTER FOUR

COMPOSITION OF THE GOVERNMENT

Article 20. Composition of the Government

4. A member of the Government of Mongolia shall ensure strategic planning and policy guidance, elaborate programs, provide coordination and monitoring, and make evaluation in the following scope:

- 3) Minister of Justice of Mongolia: - legal policy, reforms; methodology of formulating draft legislation, codification, information, legal training, promotion; legal assistance; policy and coordination of police, investigation department, state archives, offices of patent, copyright, carrying out court decisions, and combating crime; monitoring of legal grounds of decision-making of public administration bodies; media, non-governmental organizations, register of immovable property; civil and marital status register, information, citizenship, immigration and emigration; structure of courts, their finance, material and technical support, service; the relationship between the Government and courts, prosecutor's office, notary, advocacy public organizations, and the relationship between the State and religious institutions.

LAW ON GUN TAX

May 11, 1993

(Excerpts)

Article 2. Taxpayers of the Gun Tax

2. Unless otherwise provided in international agreements of Mongolia, foreign business entities, foreign citizens and stateless persons holding guns in the territory of Mongolia in accordance with legislation shall pay gun tax equally with citizens, business entities and organizations of Mongolia.

Article 4. Amount of the Tax

The amount of annual tax imposed on each gun subject to the tax shall be as follows:

Types of gun	Amount of annual tax (in tugrugs)
1. Small shot guns	4000
2. Guns of all types up to 6.4 mm caliber	4000
3. Guns of all types of 6.5 mm caliber and over	6000

FOREIGN INVESTMENT LAW OF MONGOLIA

May 10, 1993

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 3. Definitions

2. "Foreign investor" means a foreign legal person or individual (a foreign citizen or stateless person not residing permanently in Mongolia or a citizen of Mongolia permanently residing abroad) who invests in Mongolia.

3. "Mongolian investor" means a Mongolian legal person or individual (a citizen of Mongolia, foreign citizen or stateless person permanently residing in Mongolia) who invests.

CHAPTER THREE

OPERATIONS OF BUSINESS ENTITIES WITH FOREIGN INVESTMENT

Article 24. Labour and social security relations

1. Business entities with foreign investment shall primarily employ citizens of Mongolia. Foreign citizens may be hired for jobs requiring special or high qualifications. The Ministry of Demography and Labour shall consider and decide on these matters.

3. Foreign citizens who are employed by business entities with foreign investment shall be liable for income tax in accordance with the laws of Mongolia and may transfer their income abroad after paying tax.

LAW ON PRESIDENT OF MONGOLIA

June 5, 1993

(Excerpts)

CHAPTER TWO

POWERS OF THE PRESIDENT

Article 15. Other powers of the President

3. To decide matters related to granting and withdrawing Mongolian citizenship in conformity with legislation.

4. To decide, in conformity with legislation, matters related to granting

asylum to foreign citizens or stateless persons persecuted for their beliefs, or political or other rightful activities on the basis of their well-founded requests.

COPYRIGHT LAW OF MONGOLIA

June 22, 1993

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 5. Person Entitled to Copyright

1. The following persons are entitled to enjoy copyright:

1) citizens of Mongolia, foreign citizens and stateless persons having permanent residence in Mongolia and who are authors of a work;

2) foreign citizens whose work has been first published in Mongolia.

A work of a foreign citizen shall be considered as first published in Mongolia if it was published within 30 days from the date of first publication in any other country;

CHAPTER FIVE

NEIGHBOURING RIGHTS OF CREATORS, PRODUCERS OF SOUND AND VISUAL RECORDING AND BROADCASTING ORGANIZATIONS

Article 20. Rights of Authors of Derivative Works

1. Provisions of this Law related to creators shall apply to the following persons:

2) a foreign citizen or a stateless person who are performing on the territory of Mongolia, or whose performance is fixed on a sound recording protected by this Law, or who has taken part in a broadcast or telecast protected by this Law in case the performance was not fixed on a sound recording.

PATENT LAW

June 25, 1993

(Excerpts)

CHAPTER TWO

FILING OF PATENT APPLICATIONS FOR INVENTIONS AND INDUSTRIAL DESIGNS AND APPLICATIONS FOR INNOVATIONS AND EXAMINATION OF APPLICATIONS

Article 6/1/. Filing of International Applications under Patent Cooperation Treaty

2. Intellectual Property Office and World Intellectual Property Organization shall be a receiving office for the international applications that are filed by

citizens of Mongolia or by foreign citizens and stateless persons who reside in Mongolia.

LAW OF MONGOLIA ON CITIZEN'S HEALTH INSURANCE

July 8, 1993

(Excerpts)

CHAPTER THREE

HEALTH INSURANCE

Article 7. Insurance Framework

1. The following citizens of Mongolia are due to compulsory insurance:
 - 1) employees of business entities, organizations and herdsmen grazing citizens' livestock under agreements with them;
 - 2) sole proprietors and owners of business entities;
 - 3) children under 16 years of age (general secondary education school children under 18 years of age);
 - 4) students of professional training institutions;
 - 5) citizens for whom their pension is the only money income;
 - 6) women /men/ taking care of their babies under 2 years of age (twins under 3 years of age);
 - 7) 1st and 2nd category disabled;
 - 8) persons on active military service;
 - 9) self-employed herdsmen;
 - 10) citizens covered by social care under social care legislation.
2. Citizens of Mongolia, other than those specified in para. 1 of this Article, and foreign citizens and stateless persons (insured citizens of Mongolia, foreign citizens and stateless persons shall be hereinafter referred to as "insured") shall be insured on a voluntary basis.

Article 12. Treatment Cost of Insured

6. Treatment costs for the following medical services of insured indicated in para. 1 of Article 7 of this law shall not be covered by the insurance fund and shall be born by insured:
 - 5) the following services of state clinical hospitals and out-patient's clinics:
 - c) preventive injections to tourists, travelers abroad on assignment and on private;

LAW OF MONGOLIA ON STATE STAMP DUTIES

July 15, 1993

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 4. Payers of stamp duty

All Mongolian citizens, business entities, organizations, foreign citizens and stateless persons who receive the services set out in this law shall be required to pay stamp duty.

Article 5. Types of services for which stamp duty shall be collected

Stamp duty shall be collected for the following services:

- 9) to grant authorization to establish business entities with foreign investment and representative offices of foreign organizations;

Article 5/1/.Determination of an amount of duty

Amount of duty listed in para. 3 of Article 8, para. 2 of Article 9 of this Law may be determined by following the principle of reciprocity with the foreign citizen's country concerned.

CHAPTER TWO

AMOUNT OF DUTY

Article 8. Amount of duty for the registration of the status of citizens and for the issue of passports, permits and visas

3.- Duty shall be collected for the issue of permits and visas to and the registration of foreign citizens and stateless persons in the following amounts:

- 1) for the issue of a permit to live permanently in Mongolia — 20,000 tugrugs or the equivalent in hard currency;
- 2) for the issue of a certificate granting permanent residency — 1500 tugrugs;
- 3) for an extension of the validity of a certificate granting permanent residency — 10000 tugrugs;
- 4) for the recording of an address or any other details on a certificate of permanent residency — 50 tugrugs per record;
- 5) for the registration of a foreign citizen undertaking study in Mongolia — 500 tugrugs;
- 6) for the issue of a personal invitation to a foreign citizen — 2500 tugrugs;
- 7) for the issue of an entry visa to a foreign citizen holding a certificate of permanent residency — 2500 tugrugs;
- 8) for the issue of an exit visa to a foreign citizen holding a certificate of permanent residency — 1250 tugrugs;
- 9) for the issue of a permit authorizing a person in transit to stay in Mongolia for a short period of time — 10000 tugrugs;
- 10) for an extension of time to stay in or visit Mongolia — 2000 tugrugs per night.

Article 9. Amount of duty for consular services

1. Duty shall be collected for the issue of foreign passports and for re-entry and travel permits in the following amounts:

- 1) for the issue of an ordinary foreign passport to a Mongolian national - 500 tugrugs;
- 2) for the issue of a diplomatic or an official passport - 300 tugrugs;
- 3) for the issue of a permit to re-enter Mongolia - 2,000 tugrugs or the equivalent amount in hard currency;
- 4) for an extension of the validity of a foreign passport - 20 tugrugs;

2. Duty shall be collected in the following amounts for the issue of visas to foreign citizens intending to visit Mongolia:

- 1) for the issue of an entry or exit visa — US\$20.00 or the equivalent amount in another currency;
- 2) for the issue of an entry/exit or exit/entry visa — US\$25.00 or the equivalent amount in another currency;
- 3) for the issue of a transit visa — US\$15.00 per transit or the equivalent amount in another currency;
- 4) for the issue of a 6 month multiple entry visa — US\$65.00 or the equivalent amount in another currency;
- 5) for an extension of the validity of a visa — US\$15.00 for the first seven nights and US\$2.00 per night thereafter or the equivalent amount in another currency;
- 6) for the issue of a supplementary visa — US\$5.00 or the equivalent amount in another currency.

Article 11. Amount of duty for the registration of guns

Duty shall be collected for the registration of guns in the following amounts:

- 2) for the registration of guns of foreign owners - US\$10.00 or the equivalent in tugrugs.

Article 14. Amount of duty for the issue of permits to operate a branch or representative office of a foreign business entity or to establish a business entity with foreign investment

1. Duty shall be collected for the issue of a permit to operate a branch or representative office of a foreign business entity in the following amounts:

- 1) for the issue of a permit to establish and operate a foreign branch or representative office — US\$500.00 or the equivalent in tugrugs;
- 2) for an extension of the term of a permit to operate a foreign branch or representative office — US\$200.00 or the equivalent in tugrugs.

2. Duty shall be collected for the issue of a permit to establish a business entity with foreign investment in the following amounts:

- 1) for the initial issue of a certificate and its reissue — 6000 tugrugs;

- 2) for an extension of the term of the certificate — 3000 tugrugs.

LAW ON FRONTIERS OF MONGOLIA

October 21, 1993

(Excerpts)

CHAPTER TWO

REGIME OF STATE FRONTIERS

Article 23. Frontier Officer of Mongolia

5. A frontier officer or his/her deputy or assistant shall detain foreign citizens or stateless persons guilty of violation of the frontier for the term until they are delivered to the frontier authorities of the border countries.

CHAPTER THREE

REGIME OF STATE FRONTIER AREA

Article 26. State Frontier Area and its Regime

2. The following regime shall be followed in the state frontier area:

5) unless otherwise provided by law, it shall be prohibited for foreign citizens and stateless persons to reside permanently in the state frontier area.

6) if a foreign citizen crossed the state frontier with a legally valid papers to travel on the territory close to the state frontier, it shall be prohibited to travel to places other than the territory of that certain Soum.

LAW OF MONGOLIA ON RELATIONS BETWEEN STATE AND CHURCH

November 11, 1993

(Excerpts)

CHAPTER FOUR

OTHER PROVISIONS

Article 12. Application of the Legislation on Relations between State and Church to Foreign Citizens and Stateless Persons

Legislation on relations between state and church shall apply to foreign citizens and stateless persons as well.

**LAW ON PERSONAL TAX OF CITIZENS ENGAGING IN JOBS
AND SERVICES INCOME FROM WHICH CANNOT BE DETERMINED
EACH TIME**

November 29, 1993
(Excerpts)

Article 2. Taxpayers

1. Citizens of Mongolia, foreign citizens (hereinafter referred to as "citizens") and stateless persons residing in Mongolia engaging on private in all kinds of jobs and services without relation to labour relations with business entities, organizations and citizens shall be taxpayers.

THE POLICE LAW OF MONGOLIA

December 2, 1993
(Excerpts)

CHAPTER TWO

FUNCTIONS OF THE POLICE

Article 20. Administrative Functions of the Police

The police shall exercise the following administrative functions:

2) to register foreign citizens and stateless persons (except those released from registration with police) coming to Mongolia on permission from competent authorities, to keep unified register thereof and supervise implementation of legislation on foreign citizens and stateless persons residing in Mongolia;

**LAW OF MONGOLIA
ON PREVENTION OF ACQUIRED IMMUNODEFICIENCY
SYNDROME (AIDS)**

December 24, 1993
(Excerpts)

Article 9. Duties of Citizens

1. Citizens of Mongolia shall have the following duties in relation to prevention from and combat of AIDS:

1) to obey to official demands of Governors and medical institutions to undergo medical checks and examinations on HIV detection and AIDS verification;

2) persons falling into the category indicated in para. 3, Article 4 to undergo medical checks and examinations in prescribed periods;

3) to participate in measures on prevention from and combat of AIDS organized by state organs, medical institutions and other organizations;

4) not to violate rights and legitimate interests of HIV-infected and ill with AIDS persons;

- 5) to get correct and objective information on AIDS, to learn methods of HIV prevention.
2. Provisions of this Article shall apply to foreign citizens and stateless persons residing in or passing through the territory of Mongolia as well.

Article 12: Compulsory Measures on Prevention of and Combating Acquired Immunodeficiency Syndrome

5. If a foreign citizen and a stateless person, who are determined as infected by or taken with acquired immunodeficiency syndrome, refuse to fulfil the official requirements of the health organizations of Mongolia, they shall be deported from the country as provided for by legislation.

LAW ON PREVENTION FROM HARMS OF TOBACCO SMOKING

December 27, 1993

(Excerpts)

Article 3. Scope of Legislation on Prevention from Harms of Tobacco Smoking

Legislation on prevention from harms of tobacco smoking shall apply to all citizens of Mongolia as well as to foreign citizens and stateless persons permanently or temporarily residing in the territory of Mongolia.

CODE OF CIVIL PROCEDURE

May 9, 1994

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 13. Jurisdiction of Case

2. Dispute arising between foreign citizens or legal persons, or involving them shall be solved by an arbitrator, if law and international treaties of Mongolia provide so or if parties have agreed upon.

CHAPTER SEVENTEEN

PROCEDURE FOR RESOLUTION OF MATTERS RELATED TO INTERNATIONAL PRIVATE LAW

Article 236. Exemption from the Jurisdiction of Courts of Mongolia

Citizens enjoying diplomatic powers and immunity representing foreign countries in Mongolia shall not be subject to jurisdiction of courts of Mongolia unless they agree so voluntarily.

LAW OF MONGOLIA ON CURRENCY SETTLEMENTS

May 12, 1994

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 3. Definitions

7. Permanent residents involved in currency settlements (hereinafter referred to as "permanent residents ") shall be:

1) individuals who permanently reside in Mongolia and persons who are permanent residents of Mongolia but who are presently residing in a foreign country for no more than 183 days;

2) legal entities in Mongolia established in accordance with the legislation of Mongolia and located in Mongolia, and their branches and representative offices in foreign countries; and

3) Diplomatic representative offices of Mongolia in foreign countries;

CHAPTER THREE

CURRENCY OPERATIONS

Article 13. Authorisation for the flow of currency in and out of Mongolia

1. Citizens of Mongolia, foreign citizens and stateless persons are permitted to bring foreign currency declared at the customs office through the State borders of Mongolia.

2. Permanent and temporary residents in Mongolia and stateless persons are permitted to take foreign currency beyond the State borders of Mongolia in the following circumstances:

1) by providing a document verifying that freely convertible foreign currencies have been purchased from commercial banks;

2) by providing a declaration from the customs office establishing that such foreign currency entered from outside Mongolia;

3) by providing a certificate from the State notary office certifying that such foreign currencies constitute a gift or inheritance; and

4) by any other means provided by the law of Mongolia.

3. A citizen of Mongolia may take freely convertible foreign currencies outside Mongolia in such quantities as declared to the customs office unless otherwise prohibited by law.

Article 14. Foreign currency accounts, transactions and the provision of credit

9. Permanent and temporary residents may hold foreign currency accounts in commercial banks authorised by the Bank of Mongolia to be involved in foreign currency transactions or may hold accounts in the branches of foreign banks

operating in Mongolia.

LAW OF MONGOLIA ON PROTECTION OF HISTORIC AND CULTURAL MEMORIALS

May 24, 1994

(Excerpts)

CHAPTER FIVE

RIGHTS AND DUTIES OF OWNERS AND HOLDERS OF HISTORIC AND CULTURAL MEMORIALS

Article 15. Limitation of Rights to Own Historic and Cultural Memorials

1. It shall be prohibited to transfer to foreign citizens or stateless persons the right to ownership of historic and cultural values or valuable memorials by way of sale, present or hand down.

CIVIL DEFENCE LAW

May 24, 1994

(Excerpts)

CHAPTER SIX

MISCELLANEOUS

Article 23. Foreign Business Entities, Joint Ventures, Organizations and Foreign Citizens, Stateless Persons

Unless otherwise provided in international agreements of Mongolia, this law shall apply to international organizations, foreign business entities, joint ventures, organizations, foreign citizens and stateless persons which conducting activities in the territory of Mongolia.

LAW OF MONGOLIA ON SOCIAL INSURANCE

May 31, 1994

(Excerpts)

CHAPTER ONE

GENERAL PROVISIONS

Article 4. Forms and Scope of Social Insurance

4. Legislation on social insurance shall relate to foreign citizens and stateless persons who have permanent residence in Mongolia and work for one of organizations of the country, and citizens of Mongolia who work for foreign organizations or business entities which conduct their activities within the territory

of the country, if international treaties of Mongolia do not provide differently.

Article 16. Rules for Payment of Insurance Premium

5. International and foreign organizations and business entities operating in the territory of Mongolia employing citizens of Mongolia shall pay for their social insurance premium in amounts and in accordance with rules prescribed in para. 1 of article 15 and para. 1, 2, 3, and 4 of Article 16 of this law to local social insurance organs of respective territories.

LAW ON PENSIONS PAID FROM THE SOCIAL INSURANCE FUND

June 7, 1994

(Excerpts)

CHAPTER EIGHT

MISCELLANEOUS

Article 31. Establishing Pensions to Citizens of Mongolia Coming from Abroad and to Foreign citizens

Matters of establishing and paying pensions to citizens of Mongolia coming from abroad to home country for permanent residence after residing abroad on private permanently and to citizens of Mongolia residing abroad, as well as to foreign citizens who have not been employed since coming to Mongolia for permanent residence shall be decided in accordance with social insurance agreements concluded with respective countries and international agreements.

LAW ON DEMONSTRATIONS AND MEETINGS

July 7, 1994

(Excerpts)

Article 4. Right to Organize Demonstrations and Meetings

2. Unless otherwise provided for in law and international agreements of Mongolia, foreign citizens and stateless persons shall have the right to participate in demonstrations and meetings organized in accordance with legislation of Mongolia.

CIVIL CODE OF MONGOLIA

November 1, 1994

(Excerpts)

PART I

GENERAL PRINCIPLES

CHAPTER ONE

GENERAL PROVISIONS

Article 5. Civil Law Protection

4. The procedures for and means of protection by arbitration bodies of rights which have arisen out of contracts and relations involving property with the participation of foreign nationals and legal persons shall be determined by the Law.

CHAPTER TWO

CITIZENS AND LEGAL PERSONS

Article 23. Establishment of Legal Persons and Founding Documents

2. Citizens, the state and its competent authorities, other legal persons, and, if it is permitted by law, foreign citizens and organizations, including stateless persons, may found a legal person in accordance with the procedures prescribed by law.

PART TWO PROPERTY LAW

CHAPTER SIX

GENERAL PROVISIONS

Article 75. Ownership

2. Foreign states, their citizens and legal persons as well as international organizations and stateless persons may be owners unless otherwise provided by the Mongolian law and international treaties of Mongolia.

CHAPTER TWELVE

PROPERTY OF FOREIGN CITIZENS, LEGAL PERSONS, FOREIGN STATE AND INTERNATIONAL ORGANIZATIONS

Article 149. Property of Foreign Citizens.

1. Foreign citizens are entitled to own objects of ownership within the territory of Mongolia in the same way as Mongolian citizens, unless otherwise provided by the law of Mongolia or international treaties to which Mongolia is a party.

2. The provisions of para. 1 of this Article shall also apply to stateless persons.

Article 152. Imposition of Payment on Property of Foreign Citizens, Legal Persons and International Organizations.

1. The procedure for the imposition of payments on the property of foreign citizens, legal persons and international organizations shall be determined by the law of Mongolia and the international treaties to which Mongolia is a party.

2. The provisions of para. 1 of this Article shall also apply to stateless persons.

PART THREE GENERAL PRINCIPLES OF OBLIGATIONS

CHAPTER FIFTEEN

REMEDIES

Article 181'. Pledge of Immovable Property

7. It shall be prohibited to pledge a land to foreign citizens and legal persons, and stateless persons.

PART SEVEN

INTERNATIONAL PRIVATE LAW

CHAPTER FIFTY EIGHT

LEGAL CAPACITY OF FOREIGN CITIZENS AND LEGAL PERSONS AND STATELESS PERSONS, IMPLEMENTATION OF FOREIGN LAWS AND INTERNATIONAL TREATIES

Article 428. Civil Law Capacity and Legal Capacity of Foreign Citizens and Stateless Persons

1. Foreign citizens and stateless persons shall have similar civil law capacity to that of citizens of Mongolia. Their civil status may be restricted by Mongolian law.

2. The legal capacity of foreign citizens shall be determined by the law of the State of which those citizens are nationals.

3. The legal capacity of stateless persons shall be determined by the law of the State where they have permanent residence.

4. The legal capacity of foreign citizens in respect of their contractual obligations and torts occurring in the territory of Mongolia shall be determined by Mongolian law.

5. The deprivation of legal capacity or the limitation of legal capacity of any persons in the territory of Mongolia shall be determined by Mongolian law.

6. The declaration of a person to be missing or to have died on the territory of Mongolia shall be determined by Mongolian law.

Article 429. Legal Capacity of Foreign Legal Persons

1. The determination of the legal capacity of foreign legal persons under the law of the State of which such persons are nationals shall be recognized by Mongolia.

2. A foreign legal person entering into transactions may not refer to restrictions which are not provided by Mongolian law.

Article 430. Reciprocal Restriction of the Legal Capacity of Citizens

If there is any special restriction by a foreign state of the civil law capacity of citizens and legal persons of Mongolia, the Government of Mongolia may establish a reciprocal restriction in respect of the civil law capacity of the citizens and legal persons of that State.

Article 434. Rights and responsibilities of parties to foreign trade

transactions

4. A joint venture agreement involving foreign legal entities and citizens shall be governed by the law of the State where the joint venture enterprise has its place of business.

THE MONGOLIAN LAW ON LAND

November 11, 1994

(Excerpts)

CHAPTER ONE

GENERAL PROVISION

Article 1. Purpose of this Law

The purpose of this Law is to regulate the possession, use, and other related issues of land by citizens, business entities, and organizations.

Article 5. Land Ownership

1. Land, other than that owned by citizens of Mongolia, shall be the property of the State.

2. Only citizens of Mongolia may own land, other than pastures, and areas under public utilization and special use.

3. Land ownership by citizens of Mongolia shall be regulated by a appropriate law.

Article 6. Land Possessor and User

2. Land may be used by foreign legal entities, citizens, and stateless persons pursuant the fees, terms, and other conditions established by law.

Article 7. Land Fees

1. Citizens, business entities and organizations possessing and using land shall pay a land fee pursuant to legislation and contract.

2. The maximum and minimum amount of the land fee, as well as the procedures for land fee discounts and exemptions shall be established by law.

3. Land fee revenues shall be deposited in the local budget and an appropriate part of the revenues shall be spent on land protection and restoration.

CHAPTER FOUR

STATE AND LOCAL SELF-GOVERNING ORGANIZATIONS PLENARY RIGHTS ON LAND RELATIONS

Article 21. Plenary Rights of the Government

1. The Government shall exercise the following plenary rights on land relations:

5/ in agreement with the State Ih Hural, make decisions on land to be used by foreign legal entities;

8/ make decisions on the temporary use of land close to the border

by foreign business entities and organizations for pasture and haymaking purposes.

CHAPTER SIX

LAND POSSESSION AND USE

Article 30. Writing and Receiving Land Possession Requests

1. Citizens, business entities, and organizations shall submit their land possession requests to Soum and Duureg Governors.
2. Citizens shall include the following in their land possession requests:
 - 1/ family name, name, address of permanent residence, passport and registration number;
 - 2/ a map showing the size, location, and administrative and territorial jurisdiction of the land to be possessed;
 - 3/ purposes and duration of the land possession.
3. Business entities and organizations shall include the following in their land possession requests:
 - 1/ name, jurisdiction, address, and residence of the business entity or organization;
 - 2/ a copy of the business entity's contract, status, and state registration certificate;
 - 3/ production capacity and main technical and economic statement indicators;
 - 4/ a map showing the size, location, and administrative and territorial jurisdiction of the land to be possessed;
 - 5/ type of production or service, purpose of land possession, duration and proposal on land use and protection;
 - 6/ a location scheme for the production facility of the business entity.
4. Citizens, business entities, and organizations shall attach payment ability guarantee to the land possession request.
5. Upon receipt of a land possession request, the Soum and Duureg Governors shall immediately determine if there is any other person interested in the possession and use of the land by publishing the request.

Article 31. Making Decisions on Land Possession.

1. Upon reviewing the condition described in the para. 2, 3, 4 and 5 of the Article 30 of this Law, Soum and Duureg Governors shall make a decision on the possession of state owned land by citizens, business entities, and organizations.
2. The decision shall give a detailed description of the name and address of the land possessor, the size and location of the land to be possessed, and state whether there shall be single or joint possession of the land. In the event of refusal of the land possession request, the justification and reason for it shall be clearly stated.
3. In the event two or more persons request possessing of the same land, then Soum and Duureg Governors choose between them after consideration of

the administrative and territorial jurisdiction in which the legal entities reside, their payment ability, the purpose for land use, the efficiency of the use, and the impact on the environment and land.

4. Any dispute arising in connection with the decision on land possession shall be settled according to subpara. 1 of para. 1 of Article 56 of this Law.

Article 32. Land Possession Contract and Procedures for its Conclusion.

1. Based on the land possession decision, the official appointed by the Soum and Duureg Governors shall enter into a contract on land possession with citizens, business entities, and organizations, and then grant a certificate and register the contract with the State Registry.

2. The following shall be included in the land possession contract:

- 1/ justification on land possession (appropriate decision);
- 2/ purpose of land possession;
- 3/ a map showing the size, location and boundary of the land
- 4/ land characteristics and quality;
- 5/ duration of land possession;
- 6/ land fee amount and payment deadline;
- 7/ rights, responsibilities, and obligations of the contracting parties;
- 8/ agreement on construction and other properties upon expiration of land possession right;
- 9/ conditions and procedures for altering or taking the land possessed with compensation;
- 10/ other issues considered necessary.

3. A State certificate on characteristics and quality for land allocated for possession shall be attached to the land possession contract.

4. Implementation of the land possession contract shall be evaluated annually by the parties.

Article 45. Land Use by Foreign and International Organizations or Legal Entities

1. Where necessary, the principle of mutual treatment shall be observed in establishing the land size and fee amounts for land use by foreign diplomatic representative offices, consulates, or representative offices of international organizations.

2. Conditions and procedures for land use by foreign diplomatic representative offices or consulates, and representative offices of international organizations shall be established by international treaties to which Mongolia is a signatory.

3. The Government shall make a decision on land use by foreign legal entities pursuant to the procedures described in subpara. 5 of para. 1 of Article 21 of this Law.

Article 46. Land Use by Business Entities with Foreign Investment

1. Land use by business entities with foreign investment shall be regulated by the relevant provisions of this Law unless otherwise indicated in the Foreign

Investment Law.

2. Land fees for land used by business entities with foreign investment shall be equal to the fees for similar land possessed by Mongolian business entities. Where necessary, land fee standards followed in the region or in the investing country may be used.

3. Exemptions from land fees for a certain period of time and discounts for business entities with foreign investment engaged in land protection and restoration, or are using environmentally safe technology shall be established according to the conditions described in para. 2 of Article 7 of this Law.

4. In the event two or more business entities with foreign investment request to use the same land, the selection shall be made upon consideration of the following criteria:

- 1/ land use purposes;
- 2/ ability to guarantee financial assets for production;
- 3/ technical and technological production improvements to be implemented;
- 4/ impacts to the environment and land;
- 5/ proposed land fee amounts.

Article 47. Land Use by Foreign Citizens and Stateless Persons

1. Land may be used by foreign citizens and stateless person permanently (more than 183 days) residing in Mongolia for household or production purposes for a specific period upon payment of fees and subject to other conditions and procedures stipulated by Law.

2. Land may be used by foreign citizens and stateless persons pursuant to contract for a period of up to 5 years. Extension the land use contract term shall not exceed 5 years at a time.

3. Land may not be used by foreign citizens and stateless persons for livestock husbandry or crop cultivation purposes.

4. Foreign citizens and stateless persons shall, prior to requesting land for use, obtain a recommendation from the authorized organization in charge of foreign citizen's affairs.

5. The procedures described in the Articles 30 and 31, para. 1, 3 and 4 of Article 32 and subpara. 1 - 8 and 10 of para. 2 of Article 33 shall be followed by foreign citizens and stateless person when making land use requests, when reviewing and making decisions on their requests, and when entering into and establishing the terms and conditions of the land use contract.

6. In the event two or more foreign citizens or stateless persons request to use the same land, the selection shall be made pursuant to the criteria described in para. 4 of Article 46.

7. Other relations on land use by a foreign citizens and stateless persons shall be regulated by the relevant provisions of this Law.