



LAW OF MONGOLIA

Date: 19 June, 2015

Ulaanbaatar

GENERAL ADMINISTRATIVE LAW

PART ONE GENERAL RATIONALE

CHAPTER ONE COMMON GROUNDS

Article 1. Goal

1.1. This law aims to create basic legal regulations for actions by which administrative organizations interact with citizens and legal entities, including administrative acts and norms in regard to implementing executive powers and making administrative agreements.

Article 2. Administrative legislations

2.1. Legislation concerning administrative action shall comprise the Constitution of Mongolia [\[2\]](#), this law and any law made in conformity.

Article 3. Scope

3.1. This law shall not apply to the following.

3.1.1. Drafting and making legislation.

3.1.2. International agreements.

3.1.3. Procedures of all courts, including the Constitutional Court, with regards to crimes and legal disputes.

3.1.4. Law enforcement, criminal and infringement investigation processes, the Prosecutor's oversight of such process, and enforcement of court decisions.

3.1.5. Use of armed force and mobilization of troops.

3.1.6. Action in direct implementation of national foreign policy, intelligence and national security action.

3.1.7. Political decision-making processes.

Comment: political decision-making is a process defined as involving the powers of political organizations and officers without criteria, or a process that cannot be judged by court

procedures. Decisions of political officers or organizations alone are not grounds for inclusion in the political decision-making process.

3.2. This law applies to all relations of administration action aside from the Constitutional Court, all courts, prosecutors, agencies implementing court decisions, and actions as in Provisions 3.1.3 and 3.1.4 of this law.

3.3. Relations other than administrative organizations regulated by a designated law shall be regulated by this law.

Article 4. Principles of administrative action

4.1. The supreme principles of state action as specified in Article 1.2 of the Constitution of Mongolia shall apply to administrative action.

4.2. The following special principles shall be adhered to in administrative action.

4.2.1. Action shall be grounded on the law.

4.2.2. Action shall be quick and non-stop.

4.2.3. All action other than that classified by law as confidential/secret shall be open and transparent.

4.2.4. Action shall be effective.

4.2.5. Action shall be driven by goals consistent with the real context, and decisions shall be well grounded.

4.2.6. Action shall be notified in advance and shall ensure participation if an administrative decision affects the legal rights and interests of others.

4.2.7. Action shall avoid all possibility of conflict.

4.2.8. Legal trust shall be protected.

Comment: The principle of legal protection means that any case involving a citizen or a legal entity as party to an administrative action shall have legal consequences expressed in monetary amounts. If a case as in Provision 48.2 of this law takes place, the trust of a citizen and legal entity participating in the administrative action is not protected. Even if such relationship has a negative consequence for a citizen or legal entity, the principle of protecting the trust shall not apply.

CHAPTER TWO ADMINISTRATIVE ORGANIZATION

Article 5. Administrative organization

5.1. The following public legal decision-making entities involving public interest are considered administrative organizations.

5.1.1. All central and local organizations exercising and implementing state executive powers.

5.1.2. Independent agencies not falling under Cabinet and any similar public legal organization complying with legislation and making administrative decisions.

5.1.3. A person who has agreed to perform administrative duty by law or by contract based on public law.

5.1.4. The administration of state-owned or mixed-ownership schools, hospitals, media, communications, transport and energy entities which offer public services.

5.1.5. Local self-governing structure and agencies and organizations for which the law specifies that actions and decisions shall be subject to the jurisdiction of the administrative court.

5.2. Administrative organizations may be established to resolve one-off and non-permanent issues, and the person/entity establishing or decommissioning the organization shall be responsible for all legal consequences

5.3. The State Great Khural (Parliament of Mongolia), the Constitutional Court of Mongolia, all level courts and all prosecution agencies shall be considered as administrative agencies in their administrative functions and decisions, aside from decisions complying with powers vested in them by law to make legislative decisions and resolve crime and legal dispute.

5.4. An authorized officer with the legal power to make independent administrative decisions regarding an issue relating to public law shall be considered the equivalent of an administrative organization.

Article 6. Representing administrative organization

6.1. An administrative organization shall be represented by an officer with full legal power with or without authorization, or by a representative authorized by the officer fully empowered by law.

6.2. No decision shall be made by a single member, minority or unauthorized person of an administrative organization managed/governed collectively.

6.3. An administrative agency that has authorized representatives to exercise rights shall have the right to cancel that authorization at any time.

Article 7. Non-representation of administrative organization

7.1. In representation of an administrative organization in administrative decision-making, limitations and restrictions as in Article 14 of the Law on Regulating Personal Interests in Public Service and Preventing Conflict of Interest [\[3\]](#) shall apply.

7.2. If expeditious circumstances arise in the administrative decision-making process, persons as in Provision 7.1 of this law may participate.

Article 8. Rights transfer of administrative organization

8.1. In cases other than those specified in law, administrative organizations are prohibited from transferring rights specified in law to another.

Article 9. Jurisdiction of administrative organizations

9.1. Functions and territorial jurisdictions of administrative organizations shall be determined based on law, and decisions shall be based upon the law.

9.2. The official address of administrative organizations shall be subject to territorial jurisdiction.

9.3. If an issue is in the ambit of more than one administrative organization, the primary level administrative organization shall resolve the issue; if an issue is in the ambit of similar-level

administrative organizations, the organization that first received the issue shall resolve that issue.

Article 10. Cross assistance duty of administrative organizations

10.1. In the following cases, an administrative organization may receive assistance from another administrative organization by written request.

10.1.1. If the organization cannot perform certain actions due to legal limitation.

10.1.2. If the organization lacks the necessary human resources, structure and system for the operation.

10.1.3. If the organization has no context/reality information for performance of the function, or has no access to information needed without assistance from a respective professional organization.

10.2. An administrative organization is obliged to collaborate with another administrative organization which requests assistance.

10.3. Costs associated with resolution of an issue as in Provision 10.1 of this law shall be borne by the organization that requests the assistance.

10.4. An administrative organization shall not provide assistance to another organization in the following cases.

10.4.1. Prohibited by law.

10.4.2. Potential harm to the public interest.

10.4.3. Assistance is not allowed under the Law on Information Transparency and Right to Access to Information [\[4\]](#), the Law on State and Official Secrets [\[5\]](#), the Law on Organizational Secrets [\[6\]](#), and the Law on Personal Secrets [\[7\]](#).

10.5. An administrative organization may not provide assistance in the following cases.

10.5.1. If another administrative organization can provide the assistance in a timely manner at lower cost.

10.5.2. If the requested assistance exceeds the capacity and ability of the organization.

10.5.3. If providing assistance may cause difficulties in performing its own functions and duties.

10.6. If a request from either an upper or lower level administrative organization, and implementing certain functions, is part of the ambit of the organization by specific law, resolution shall not be considered as provision of assistance.

CHAPTER THREE ADMINISTRATIVE DECISION MAKING

Article 11. Forms of administrative actions

11.1. Administrative action shall have the following forms.

11.1.1. Administrative act.

11.1.2. Administrative agreement.

11.1.3. Administrative norms act.

11.2. Unless the law specifies otherwise, forms used by the administrative organization for administrative action shall be as stated in the law.

11.3. Unless stated otherwise in the law, an administrative organization shall use forms as in Provision 11.1 of this law.

11.4. Unless the law states otherwise and the organization cannot use a form as in Provision 11.1 of this law, the administrative agency shall identify its activity forms itself.

Article 12. Administrative decision-making

12.1. Action relating to decisions as in Provisions 11.1.1 and 11.1.2 of this law shall be considered an administrative decision.

12.2. The decision-making process as in Provision 11.1.3 of this law shall be regulated by Chapter 6 of this law.

Article 13. Participant in administrative decision-making

13.1. A participant in administrative decision-making (hereinafter referred to as participant) may be a person who submits a petition or request to an administrative organization, a person on whom legal application of an administrative act or agreement focuses directly or indirectly, or a person affected by the administrative organization decision-making process.

13.2. A person whose rights and legal interests are affected by administrative decision-making may participate in the administrative decision-making as a third party.

13.3. An administrative organization shall consider requests from citizens whose rights and legal interests may be affected by the decision-making process, or the administrative organization may take the initiative subject to permission from the participant.

13.4. If a disabled person participates in administrative decision-making, that person may involve interpreters using sign language or special characters.

Article 14. Legal capability for participation in administrative decision-making

14.1. A citizen with a legal capacity as stated in the law; legal entities; and persons authorized by law, shall have the right to participate in administrative decision-making.

14.2. Participants must have legal capacity as specified by law.

Article 15. Rights of participants

15.1. A participant may exercise the following rights in interacting with an administrative organization.

15.1.1. Have access to information on the administrative decision-making process under regulations set by law, and access to copies of relevant documentation.

15.1.2. Have access to information about any officer empowered to make administrative decisions under regulations set by the Law on Information Transparency and the Right to Access to Information and the Law on Regulating Public and Personal Interests in the Public Service and Prevention of Conflict of Interest.

15.1.3. Receive the originals or certified copies of documents submitted by a participant.

15.1.4. A participant wishing to provide evidence for an administrative decision must submit all necessary documentation.

15.1.5. Have access to information on a proposed project, its implementation, action plan, petitions and requests.

15.1.6. Have access to registration, records and archives of administrative organizations complying with regulations set by law.

15.1.7. May demand that the administrative organization perform its functions and duties imposed by law.

15.1.8. Other rights vested by law.

15.2. The right to access to information as in Provision 15.1 of this law shall be restricted by information protected by legislation on state, organization and individual rights to secrecy.

Article 16. Legal and other professional counseling and assistance

16.1. At any stage of administrative decision-making, participants may get legal and other professional counseling and assistance.

Article 17. Representation in the administrative decision-making process

17.1. A participant may take part in administrative decision-making via an authorized representative.

17.2. Unless otherwise stated in law, representation of a participant shall be by authorization meeting requirements as in Provision 64.2 of the Civil Code [\[8\]](#).

17.3. A participant shall determine the scope of rights of a representative.

17.4. A participant with limited capacity may have a legal representative.

17.5. An administrative organization shall interact with an appointed and authorized representative, or with the participant and representative if the participant is obliged to co-participate, in administrative decision-making.

Article 18. Persons in receipt of administrative decisions

18.1. If a participant has no Mongolian domicile address or is not a permanent resident of Mongolia, they may appoint another to receive an administrative decision within a required period.

18.2. If the participant fails to appoint a representative as in Provision 18.1 of this law, documents addressed to the participant shall be sent by registered mail; the document shall be considered as delivered 5 working days after the registered mail is sent to an address in the capital city and 10 working days in a rural area; documents sent by e-mail will be considered delivered 5 working days after the email is sent.

18.3. An administrative organization shall notify a participant in advance about the consequences of not appointing a representative as in Provision 18.1 of this law.

Article 19. Appointing a representative

19.1. The governor of a soum or district where the administrative organization is located shall appoint legal representatives for the following participants, to protect their rights and legal interests.

19.1.1. Participant not definite.

19.1.2. Participant's address is unclear; participant is absent from a permanent address, or repeatedly (two or more times) fails to show up with no reason given.

19.1.3. Participant not residing permanently in Mongolia or has not appointed a representative.

19.1.4. If there is a need to implement rights and duties regarding items with no owners related to administrative decision-making.

Article 20. Multiple participants

20.1. Twenty or more persons who have submitted similar petitions or complaints may jointly appoint a representative for the administrative decision-making process.

20.2. If no representative as in Provision 20.1 of this law is appointed within 14 days of notification of the petition or complaint submission, an administrative organization shall include the first clearly legible name and address in the administrative decision-making process.

Article 21. Presence at the administrative organization

21.1. In cases stated by law, a participant may attend an administrative organization in person and may appoint a representative in other cases.

21.2. If personal appearance is necessary for a participant, notification to the participant shall carry the venue, day, hour, goal and legal consequence for not appearing personally.

21.3. At the request of a participant, the administrative organization shall provide a written statement on presence at the organization.

Article 22. Commencement of administrative decision-making

22.1. At its own initiative, an administrative organization may open administrative decision-making so as to implement functions and duties imposed by law, to fulfil assignments from an upper level organization, or to make decisions on a petition or complaint from a participant.

Article 23. Language of administrative decision-making

23.1. Administration decision-making processes shall be conducted in the Mongolian language.

23.2. If a participant addresses the administrative organization in a foreign language, a translation must be attached, and the participant shall be liable for any consequences resulting from translation quality.

Article 24. Determining context/circumstance

24.1. An administrative organization shall decide upon context/circumstances relating to administrative decision-making processes.

24.2. An administrative organization shall be responsible for conducting necessary operations, collecting evidence and proof, and evaluating context/circumstances as in Provision 24.1 of this law.

24.3. An administrative organization, in defining the form and scope of operations as in Provision 24.1 of this law, shall independently reach decisions on evidence/proof, petitions and requests from a participant.

24.4. An administrative organization is obliged thoroughly to study and analyze each case relevant to administrative decision-making, and shall determine context/circumstances and importance to a participant.

24.5. An administrative organization may not refuse to consider comments, petitions and complaints on issues relating to main functions of the organization.

Article 25. Collecting evidence/proof

25.1. An administrative organization shall collect evidence/proof to determine the context/circumstances of administrative decision-making in the following ways.

- 25.1.1. Collect necessary and important information.
- 25.1.2. Hear participants and receive comments.
- 25.1.3. Involve experts and commission conclusions.
- 25.1.4. Hear comments from witnesses and third persons.
- 25.1.5. Review and copy documents, laws and other decisions.
- 25.1.6. Carry out experiments deemed necessary.
- 25.1.7. Get necessary evidence/proof as requested by participant.

25.2. A participant may be involved in determining the context/circumstances of administrative decision-making within the scope of this law.

25.3. An administrative organization may not require a participant to supply information and evidence if the organization has such material available.

Article 26. Hearing a participant

26.1. Before approving any administrative act or agreement, a person whose legal rights and interests may be affected shall be given the opportunity to comments and offer proposals on the important context/circumstances for an administrative decision.

26.2. The process of hearing comments and proposals from persons as in Provision 26.1 of this law shall be called a hearing.

Article 27. Conducting a hearing

27.1. An administrative organization making administrative decisions shall determine whether a person's rights and legal interests will be affected by the decision.

27.2. Notification on a hearing shall be delivered to a person whose rights and legal interests are affected in the following ways.

- 27.2.1. If the submission is from 20 persons or fewer, notification shall be delivered directly to each person.
- 27.2.2. If there are 21 or more persons with a submission, notification of Participants may be delivered directly to a representative as in Provision 20.1 of this law; be delivered through the media; delivered by postal service that can deliver to the respective area; or delivered by other means.

27.3. Notification of a hearing shall include the following.

- 27.3.1. Regulations for conducting a hearing, with date, venue and agenda.
- 27.3.2. Articles and provisions of the law and administrative acts setting norms entitling administrative decisions.
- 27.3.3. Information on the issue on which an administrative decision will be made and its grounds.

27.4. A hearing shall be conducted in the following forms.

- 27.4.1. Organized hearing.
- 27.4.2. Collection of written feedback and proposals.
- 27.4.3. Personal meeting.
- 27.4.4. Receipt of proposals and feedback by telephone.

27.4.5. Receipt of proposals and feedback electronically.

27.4.6. Receipt of proposals and feedback from representatives.

27.4.7. Other.

27.5. The hearing shall ensure sufficient time for a participant to offer comments and proposals.

27.6. Minutes on the hearing process and outcomes shall be recorded and information on how the proposals were reflected/incorporated in administrative decisions shall be documented.

27.7. An administrative organization is not obliged to include proposals from the hearing, but shall be obliged to provide comments and justifications for not reflecting/incorporating.

Article 28. Not conducting a hearing

28.1.A hearing may be not conducted in the following cases.

28.1.1. A hearing may have a negative impact on the public interest.

28.1.2. Immediate conditions have occurred which require urgent action in the public interest.

28.1.3. The process is ongoing of reviewing and resolving a petition/complaint from a citizen/legal entity.

28.1.4. An administrative decision is made using equipment and technology.

28.1.5. Administrative decisions are still being implemented.

28.1.6. The issue relates to information protected by law on state organizational and individual secrets and such information may not be passed on to others.

28.2. The burden of justification for not conducting a hearing as in Provision 28.1 of this law shall be on the administrative organization.

Article 29. Files for administrative decisions and checklist

29.1. An administrative organization shall maintain a file on administrative decisions, which shall include grounds for a decision, steps in the process, proposals and comments from participants, related documents, minutes of hearings, meetings and sessions, decisions, documents on delivery of notification and statements; the file shall be archived.

29.2. All administrative decisions shall have an attached checklist, with details of the full name, position, degree of involvement and performance of officers involved in formulating an administrative decision. This checklist shall note the officer's degree of participation and performance level.

29.3. The checklist in Provision 29.2 of this law shall be reviewed and considered in awarding and paying bonuses, imposing disciplinary sanctions or terminating the employment of an officer.

29.4. Provisions 29.1, 29.2 and 29.3 of this law shall apply to administrative decisions made in written form.

Article 30. Confidentiality

30.1. A participant shall have the right to demand that an administrative organization shall not break the confidential status of state, organization or individual.

30.2. An administrative organization shall be responsible for non-disclosure of confidentiality as in Provision 30.1 of this law; there shall be punitive consequences for disclosure.

Article 31. Providing counseling and information

31.1. An administrative organization shall be obliged to provide information related to administrative decision-making.

31.2. If a request, comment or information from a participant is found incomplete or incorrectly written during an administrative decision-making process, the administrative organization shall be responsible for the provision of relevant counseling to the participant.

Article 32. A participant's right to access to documents

32.1. An administrative organization shall allow a participant or representative access to relevant documents, justifying the validity of the organization's decision beforehand and how the rights and legal interests of a participant are protected.

32.2. In cases aside from public planning as in Part 7 of this law, a participant or representative shall have the right of access to documents relating to an administrative decision upon the decision coming into effect.

32.3. An administrative organization making a decision shall be responsible for allowing access to such documents.

Article 33. Determining the period

33.1. The period for an administrative decision-making process shall be determined by calendar year, month, weekday, day, working day, hour and minute.

33.2. The period can be defined by the length of action as stated by law.

33.3. In setting this period, the calculation shall start from a stipulated date (YY/MM/DD) or may be defined by the day and hour that the period expires or the day after an event occurs.

33.4. If the last day of the period is not a working day, the next/nearest working day shall be the end date.

33.5. If a duty/assignment is to be performed by an administrative organization, it shall be completed before the organization's last working hour according to relevant regulations.

33.6. If documents are handed over to postal/communications entities within 24 hours of the last day, it shall be considered that the function has been performed in time.

33.7. In calculating the period, a calendar year shall have 12 months, a half-year shall have 6 months, a quarter shall have 3 months and a day shall have 24 hours.

33.8. If extending the period, the new period shall be effective from the time that the previous period ended.

33.9. The period set by year, half-year, quarter and month shall expire on the last weekday of the last month; if no day is set for the last month, the final day will be the last day of the month.

33.10. A calendar year shall start on 1 January and finish on 31 December.

33.11. A period set by week and day shall end on the same hour of the last day.

33.12. A period set by weekdays shall end on the last hour of the weekday set as the final day.

33.13. A period set by hour shall end at the last minute of the final hour.

33.14. The period of prescription for a retrospective period during which a citizen/legal entity may complain about an administrative act shall be as in Provision 94 of this law; the period of prescription for submitting a claim to the Administrative Court shall be as in the Law on Administrative Procedures [\[9\]](#).

33.15. If a citizen/legal entity submits a complaint under set regulations and the administrative organization accepts that complaint, the prescribed period shall be suspended.

33.16. If a prescribed period is suspended, past time shall not be counted, and the period shall start again.

33.17. Provision 33.16 of this law shall not apply to an illegal administrative act by an administrative organization giving rights and powers to a person that the legal effect concerns, or whom it benefits.

~~33.18. In calculating the prescription period when administrative organizations and officers impose administrative sanctions, the Law on Administrative Sanctions [\[10\]](#) and other laws shall apply.~~

Article 34. Legal consequences of the period

34.1. No hearing shall be conducted after the expiration of the period for the administrative decision-making process.

Article 35. Extension of period

35.1. Unless it affects rights and legal interests of persons otherwise stated in law, an administrative organization may extend the eligible period for one time only, which may be no longer than the initially set period, at the request of a participant.

35.2. An administrative organization shall in writing notify the period extension to a participant.

Article 36. Restoration of period

36.1. If a participant has an acceptable reason for providing comments and proposals after expiry of the period specified in Provision 27.5 of this law, an administrative organization may restate the eligible period.

PART TWO ADMINISTRATIVE DECISIONS

CHAPTER FOUR ADMINISTRATIVE ACT

Article 37. Administrative act

37.1. An administrative act means an organization's instructive decision and action to regulate certain cases/issues, other than investigation of infringements, made within the framework of public law, with direct legal consequences and made either in writing or orally.

37.2. Instructive or directive action refers to an act or negligence giving permission, putting in order, instructing or refusing.

37.3. Negligence refers to when an administrative organization does not perform, or neglects, its duty to resolve a citizen's/legal entity's petition and complaint submitted to protect their legal rights and interests.

37.4. An administrative act with positive impact means the administrative act gives rights or powers or creates favorable conditions to a person on whom the legal effect focuses.

37.5. An administrative act with negative impact means an administration imposing duties or limiting legal interests of a person on whom it has legal effect.

37.6. An illegal administrative act means an administrative act with legal violation.

37.7. An administrative act that may affect a person can be defined in common characteristics or relate to defining the public law status and use of items.

Article 38. Additional regulation of administrative act

38.1. To ensure that legal requirements of an administrative act are complied with, even when clearly stated in the administrative norms act, an administrative act may have additional regulation.

38.2. In making an administrative act, an administrative organization shall use the following regulations in addition to those in Provision 38.1 of this law.

38.2.1. Administrative acts with negative and positive impact must start and end at a prescribed time, or may continue only for a certain time.

38.2.2. Administrative acts with positive and negative impact must define whether an event to happen or not happen depends on subsequent processes.

38.2.3. Conditions must be defined for any annulment of the administrative act.

38.2.4. An administrative act with positive impact must carry out or suspend certain acts, or carry out certain acts in advance.

38.2.5. There must be clarification of the grounds of duties to be created, changed or retrospectively performed by administrative act.

38.3. Additional regulations shall be consistent with goals and content of the administrative act.

Article 39. Content and form of administrative act

39.1. Content of an administrative act shall be clear and understandable.

39.2. An administrative act may be in electronic form or with the help of equipment aside from forms as in Provision 37.1 of this law.

39.3. An administrative act in electronic or other format using equipment shall meet all requirements of Provision 40.2 of this law, and the signature of an authorized officer shall comply with requirements in the Law on Electronic Signatures [\[11\]](#).

Article 40. Making administrative act in writing

40.1. In cases other than those in Provision 41 of this law, an administrative act shall be issued in writing.

40.2. A written administrative act shall meet the following requirements.

40.2.1. Name, address and seal of the administrative organization; name of authorized officer, with signature, name, date and reference number of the act stated clearly.

40.2.2. If the addressee of the act is an individual, it must carry full name, address and contact details; if the addressee is a legal entity, it must carry name, address, registration number and contact details; if the addressee is a person without the rights of a legal entity, a representative's name, address and contact details shall be included.

40.2.3. Explanation of context and situation requiring issuance of an act, and the legal grounds.

40.2.4. Statement of whether the administrative decision-making is in response to a petition or complaint.

40.2.5. State the person to whom the complaint will be addressed if the addressee does not accept the act.

40.3. The administrative act shall clearly state the legal provisions and clauses enabling the issue of the act.

40.4. The administrative act shall clearly state the actual conditions and situation necessitating the act.

40.5. Requirements as in Provision 40.4 of this law shall not apply in the following cases.

40.5.1. An administrative organization has resolved the petition and complaint from others or the act does not affect the rights of others.

40.5.2. An addressee is clear about the grounds of the act, or was already aware of the legal grounds.

40.5.3. If the same or similar administrative acts not requiring further grounds have been issued or the act has been issued with equipment assistance.

Article 41. Administrative act in a non-written form

41.1. In the following cases, an administrative act may be made orally or in non-written form.

41.1.1. The administrative act must be made immediately.

41.1.2. The law and administrative norms act states a specific form.

41.1.3. The issue to be resolved has minor legal consequences.

41.1.4. It is impossible or inconsistent to issue the act in writing.

41.2. If a person who claims rights and legal interests have been violated/affected requests it, an administrative organization may verify that the act has been issued orally or in non-written form.

Article 42. Option to choice

42.1. Option to choice refers to when an administrative organization, in resolving certain issues, opts to use or not use an option permitted by the administrative norms act.

42.2. Unless otherwise stated in law, an administrative organization, using vested powers, may use an option consistent with requirements in the law.

Article 43. Notification about the administrative act

43.1. An administrative act shall be notified to a person to whom the act is addressed or the person whose legal rights and interests may be affected, according to the regulations. The administrative organization responsible for the act shall notify all relevant persons.

43.2. Unless the law states otherwise, an administrative organization shall notify the act to the relevant person by phone, fax, post or electronic form and shall document such delivery.

43.3. Within five working days of sending the act by registered mail in the capital city and ten working days in rural areas, formal notification of relevant persons shall be considered complete.

43.4. Unless the law states otherwise, the person receiving the act shall verify receipt by signature. Formal handover of the act shall be considered as notified.

43.5. If the addressee of an administrative act has no address, has failed to notify an address change to the administrative organization, or has intentionally avoided receipt of the act, the act shall be considered formally notified 10 days after the act has been announced in the media.

43.6. If the total number of persons to be notified exceeds 20, the notification will be made to their representative; if there is no representative, the act can be notified through the media.

43.7. Unless the law specifies otherwise, the public shall be notified of an administrative act; the act shall be considered notified 10 days after the act is publicized under normal rules in the relevant territory covered by the act.

Comment: publicity under normal rules means disseminating information on formal information boards, website of an administrative organization, and local and national media.

43.8. In any dispute as to whether the administrative act was notified or not, the administrative agency issuing the act shall have the burden of proof of notification.

Article 44. Commentary on the administrative act

44.1. If a participant requests detail on rights and duties established by an administrative act, an administrative organization is obliged to provide oral or written commentary.

Article 45. Correcting explicit errors of an administrative act

45.1. An administrative organization, itself or at the request of a participant, shall be obliged to correct calculations or other similar errors in writing and in the administrative act without changing the main regulations, content and meaning, followed by notifying all corrections to the participant.

45.2. Any person who believes their legal rights and interests have been violated may demand correction of explicit errors in the act.

Article 46. Administrative act coming into effect

46.1. An administrative act shall come into effect after notification under the regulations in this law.

46.2. Until an administrative act is cancelled or terminated by an authorized organization, or until the expiry of the period stated in the act, or implementation is completed, the act shall remain valid.

Article 47. Administrative act being evidentially illegal

47.1. An administrative act shall be considered evidentially illegal in the following cases.

47.1.1. Clear mistakes in content and meaning.

47.1.2. Unclear authority for those approving/endorsing the written act.

47.1.3. The act is not related to key functions of the administrative organization making the act.

47.1.4. The person subject to performance of the act is unclear.

47.1.5. The act demands illegal acts or negligence.

47.1.6. There are no legal grounds for violating the legal rights and interests of citizens and legal entities.

47.1.7. The act cannot be realistically implemented.

47.2. Evidentially illegal administrative acts shall have no legal effect upon its issuance.

47.3. If part of the administrative act is evidentially illegal and that part serves as grounds for issuance of the act, the act shall be considered wholly illegal.

47.4. Persons who claim their legal rights and interests are affected may address an administrative organization at any time for determination of whether the act is evidentially illegal.

Article 48. Terminating an illegal administrative act

48.1. Notwithstanding the prescription period, an administrative agency may terminate wholly or partly an illegal administrative act with negative impact.

48.2. Administrative acts with positive impact shall be terminated in the following cases.

48.2.1. The law, administrative norm acts or administrative acts call for termination of the act.

48.2.2. The act affects legal rights and interests of other persons or the public interest.

48.2.3. Failure to implement rights given by the administrative act.

48.2.4. The administrative act was made deceitfully, with blackmail, bribery or in any illegal way.

48.2.5. The act contravenes commonly accepted moral norms.

48.3. In cases involving Provisions 48.2.1, 48.2.2, 48.2.3 and 48.2.5 of this law, an administrative organization may terminate an administrative act within 5 years of the day of issuance.

Article 49. Terminating an administrative act without legal violation

49.1. Whether or not the retrospective period for an administrative act has expired, the act may be terminated wholly or partly.

49.2. If an administrative act as in Provision 49.1 of this law is re-endorsed with similar meaning without legal grounds, the act may be terminated.

49.3. Administrative acts with positive impact may be terminated in the following cases, regardless of whether it is impossible to complain about the act.

49.3.1. If conditions for termination are stated in the law, administrative norms acts, or the administrative act itself.

49.3.2. If an administrative act contains additional regulations, and has not been performed within the legally stipulated period.

49.3.3. If the public interest is violated by new conditions.

49.3.4. If under amendment to laws and administrative norms act, the administrative organization does not have the right to make such an administrative act and the person entitled by the act has not commenced to exercise granted rights.

49.3.5. To prevent or eliminate serious potential negative impact on the public interest.

49.4. If a retrospective period for pecuniary aid or designated service for a specific purpose has expired, the administrative act shall be terminated wholly or partly in the following cases.

49.4.1. The aid or service stated in the administrative act is not used for the designated purpose.

49.4.2. The administrative act stipulates additional regulations but the additional duties have not been performed, or not performed within the period stated in the administrative act.

49.5. Unless otherwise stated, the administrative act shall become invalid when the respective organization terminates the act.

49.6. If an administrative act is terminated under Provisions 49.3.3, 49.3.4 and 49.3.5, any damage incurred shall be paid in response to application of a relevant person.

Article 50. Amending the process of making administrative act

50.1. Regardless of the expiration of the retrospective period for complaints/claims on an administrative act, the administrative act may recur at the request of an addressed person in the following cases.

50.1.1. Realistic or legal conditions on which the administrative act is grounded are later changed positively for the addressed person.

50.1.2. New evidence/proof beneficial for the addressed person has been found.

50.2. The addressed person shall apply within three months after identification of new grounds for amending an administrative decision about a petition/complaint.

Article 51. Returning documents and items

51.1. If an administrative act of seizure of documents and items is annulled or becomes invalid, the relevant person has the right to demand the return of those items.

51.2. If the items have been destroyed or damaged, the damage and loss shall be recompensed according to the Civil Code.

CHAPTER FIVE ADMINISTRATIVE AGREEMENT

Article 52. Administrative agreement

52.1. An administrative organization may make an administrative agreement under the law to create, amend or end public law affairs.

52.2. An administrative agreement may be used in the following.

52.2.1. Administrative law affairs, including public service, education, health, environmental protection and other subjects.

52.2.2. When an administrative organization transfers some rights and duties to another person.

52.2.3. Affairs related to creation and sustainable use of basic infrastructure and social services.

52.2.4. Concessions.

52.2.5. Other affairs as stated in law.

Article 53. Form of administrative agreement

53.1. An administrative agreement shall be made in writing.

Article 54. Permission from other organizations

54.1. If relevant laws require permission/approval from another organization, or require engagement with another administrative organization for administrative agreement, the agreement shall be subject to performance of these requirements.

54.2. For a draft agreement between an administrative organization and a similar administrative organization of a foreign country, the organization shall seek comment from an upper level organization responsible for the matter and the central state administrative organization responsible for foreign affairs.

54.3. Within 14 days of reaching agreement as in Provision 54.2, an agreement shall be submitted for registration with the central state administrative organization responsible for foreign affairs.

54.4. The Cabinet shall approve regulations revising and registering agreements as in Provisions 54.2 and 54.3 of this law.

Article 55. Administrative agreement being evidentially illegal

55.1. An administrative agreement shall be considered evidentially illegal in the following cases.

55.1.1. An administrative agreement violates laws and administrative norm's acts.

55.1.2. An agreement regulates something not subject to regulation by agreement.

55.1.3. It is unclear which administrative organization should make the agreement.

55.1.4. An administrative organization makes an agreement on issues not relevant to its rights and scope.

55.1.5. An administrative organization makes impossible promises on agreement issues.

55.1.6. An administrative organization makes illegal demands on agreement parties.

55.1.7. An agreement has clear errors and negative/harmful consequences.

55.1.8. An unauthorized person has affected the agreement.

55.1.9. One party has no legal capability.

55.1.10. An agreement violates requirements for permission from underage persons.

55.1.11. Incomplete expression of will.

55.1.12. Parties were seriously misled, cheated or forced.

55.1.13. Legal forms are violated.

55.1.14. The agreement has been made by persons unauthorized to represent.

55.2. That part of an administrative agreement is evidentially illegal, is not grounds for considering the whole agreement as illegal.

Article 56. Exclusive cases for amendment and annulment of administrative agreement

56.1. If key affairs in the content of an administrative agreement are significantly altered after agreement is reached or one party to the agreement considers it unnecessary to comply with initial affairs/regulation of the agreement, the party shall have the right to demand amendment to the agreement.

56.2. If it is not possible to amend or if one party disagrees with an amendment, the administrative agreement shall be cancelled.

56.3. If an agreement poses potentially serious harm to the public interest, an administrative organization may itself terminate the agreement to prevent or eliminate such harm.

56.4. Grounds for cancellation of administrative agreement shall be clearly expressed in writing.

Article 57. Fulfillment of administrative agreement

57.1. An administrative organization shall be obliged to ensure fulfillment of the administrative agreement and shall apply regulations in Provision 8 of this law.

Article 58. Supplemental application of legal norms

58.1. In addition to regulations in Chapter Five of this law, basic agreement Civil Code regulations shall apply; in the absence of administrative norms, the Civil Code shall be used as supplemental regulation.

Comment: supplemental application means using Civil Code regulations if there is no regulation for specific issues in the law, and shall be applied consistent with public law principles by examining whether the selected regulation is compatible with administrative actions and agreement.

**CHAPTER SIX
ADMINISTRATIVE NORMS ACT**

Article 59. Administrative norms act

59.1. An administrative norms act refers to a decision, outward and with repetitive characteristics, issued by an exclusively authorized administrative organization for public compliance.

59.2. An authorized administrative organization is prohibited from transferring its right to make an administrative norms act to others except as stated in law.

Article 60. Requirements on the administrative norms act

60.1. An administrative norms act shall meet the following requirements.

60.1.1. Be consistent and compliant with the Constitution of Mongolia, this law and other legislation.

60.1.2. Be consistent and compliant with the content, goal and scope of the law giving exclusive rights.

60.1.3. The Notes section must state legal provisions upon which the act is grounded.

60.1.4. Provisions of the decision must not conflict with each other or with provisions of decisions by others.

60.1.5. Must use terminologies as stated in the Constitution of Mongolia and other legislation in key and commonly accepted meanings.

60.1.6. Must not apply prohibitive regulation of issues not prohibited by law.

60.1.7. Must clearly state relevant provisions if the decision terminates or amends a previous decision.

60.1.8. Must not repeat provisions of other laws, and use references where necessary.

60.1.9. Must name the organization, officer approving the act, act name, date and reference number to be stated clearly.

60.1.10. Other requirements as in law.

60.2. This regulation shall not apply to documents as in Provision 4.1.2 of the Law on Standardization [\[12\]](#).

Article 61. Drafting an administrative norms act

61.1. An administrative norms act shall be drafted by an authorized administrative organization.

61.2. If the affairs for which the regulation is sought apply simultaneously to functions of another administrative organization, formal comment and feedback from the other administrative organization shall be obtained.

61.3. If comment and feedback are not obtained, there shall be explanation of the grounds and requirements for not obtaining such comment and feedback.

61.4. In drafting an administrative norms act, impact analysis shall be made according to methodology as in 61.6 of this law, including the following, and a briefing shall be prepared.

61.4.1. Grounds, demands and goals for the act.

61.4.2. General structure of the act, regulating affairs and scope.

61.4.3. Determination of any rights and legal interests that may be affected in any way.

61.4.4. Does the draft contain or potentially contain regulations limiting freedom and competition, impeding economic, social and other activity and creating bureaucracy?

61.4.5. Are there legally valid laws or administrative norms acts regulating the same issue?

61.4.6. Study is needed of human, technical and economic resources for implementation.

61.5. Impact assessment as in Provision 61.4 of this law refers to a comprehensive study and forecast of economic and social impacts and consequences of an administrative act.

61.6. A Cabinet member responsible for justice shall approve the regulation of tools of any impact analysis.

Article 62. Feedback on a draft administrative norms act

62.1. A draft administrative norms act shall be posted on information boards and the website of the organization for at least 30 days, for comment and feedback.

62.2. If the draft act affects the public interest, human rights or legal interests, discussion shall be organized to incorporate public opinions and feedback; every possibility for participation shall be ensured, especially for any group whose rights and legal interests may be affected.

62.3. Aside from Provision 62.2 of this law, the following discussions may be organized.

62.3.1. With any group which claims their rights and legal interests may be affected.

62.3.2. With professionals such as scholars, researchers and experts.

62.3.3. With those in any affected area or specific territory.

62.3.4. With government and non-government organizations in the field.

62.4. Discussions may be in the following forms.

62.4.1. Meetings and dialogues.

62.4.2. Newspapers offering comments and feedback.

62.4.3. Comments and feedback through websites and other communication forms.

62.4.4. Other.

62.5. Minutes shall be kept on the progress and outcomes of all discussion and information briefing shall be prepared on how comments and feedback are incorporated in the administrative norms act.

62.6. An administrative organization shall submit impact analysis, draft administrative act and information on discussions for checking and revision by its law department or officer.

Article 63. Not collecting comments and feedback

63.1. When it is urgent that an administrative norms act should be approved quickly, comments and feedback collection as in Article 62 of this law is not required.

Article 64. Approval and delivery of administrative norms act

64.1. An administrative organization which is exclusively authorized shall endorse the administrative norms act.

64.2. An administrative norms act approved by Cabinet Resolution shall be submitted to the State Great Khural (Parliament of Mongolia).

64.3. The central state administrative organization responsible for justice shall review and register the administrative norms act.

64.4. Within five working days of approval of an administrative norms act, the act shall be submitted for registration by an authorized organization.

64.5. Soum and district governors shall submit their administrative norms act to the central state administrative organization responsible for justice within 10 days through the upper level governor.

Article 65. Registering an administrative norms act

65.1. In registering an administrative norms act, the central state administrative organization responsible for justice shall check whether the act complies with Articles 60, 61 and 62 of this law and shall register it in the state registration log.

65.2. An administrative norms act not complying with Articles 60, 61 and 62 shall not be registered in the state registration log.

Article 66. Revision and registration

66.1. Revision and registration of the administrative norms act requires the following documentation.

66.1.1. If an administrative organization exclusively authorized by law has approved the act alone, the central state administrative organization responsible for justice must receive three copies of the administrative norms act (the formal act and two certified copies), an electronic version, an introduction on impact analysis and information on discussions held.

66.1.2. If an administrative organization exclusively authorized by law has approved the act in cooperation with another organization, the organization whose name is written first shall be responsible to deliver documentation as in Provision 66.1.1 of this law and certified copies of the act in the same number as the partner organization.

66.2. If the submission of the administrative norms act for revision and registration does not include all required documentation as in Provision 66.1.1 and 66.1.2 of this law, the central state administrative organization responsible for justice shall return the documentation with a formal letter demanding comprehensiveness of documents.

66.3. Other than as in Provision 66.2 of this law, the central state administrative organization responsible for justice shall review and revise the administrative norms act and other necessary

documentation submitted in compliance with Provision 66.1 of this law within 5 working days and take one of the following measures.

66.3.1. If the administrative norms act complies with requirements as in Provisions 60, 61 and 62 of this law, the original copy of the act shall be marked as registered, the act shall be entered into state registration, and a formal letter verifying registration and assigned state registration number, along with a certified copy of the act, will be supplied to the administrative organization.

66.3.2. If the administrative norms act does not satisfy requirements of Provisions 60, 61 and 62 of this law, a decision with clear grounds and comments shall be made requiring remedial action and submitted in a formal letter.

66.3.3. If the act does not show the characteristics of an administrative norms act as in Provision 59.1 of this law, a formal reply stating there is no need to register shall be delivered and documentation returned.

66.3.4. Measures as in Provisions 66.3.1, 66.3.2 and 66.3.3 of this law shall be notified by a formal letter from the Cabinet member responsible for justice.

66.4. An administrative organization that receives a formal conclusion (Provision 66.3.2) from the Cabinet member responsible for justice shall review the legal grounds of its decision and may resubmit for registration within 10 working days if legal violation is remedied or required amendments are made.

66.5. If the registered administrative norms act is amended, documentation as in Provision 66.1 of this law shall be submitted for review and state registration.

66.6. If an administrative organization as entitled by law considers it impossible to accept a conclusion as in Provision 66.3.2 of this law, it shall notify this in writing to the central state administrative organization responsible for justice within 10 working days.

66.7. If it is considered that the notification has been delivered according to Provision 66.6 of this law, the Cabinet member in charge of justice shall submit the issue to a Cabinet meeting within 10 days.

66.8. The Cabinet shall discuss the conclusion according to Provision 66.7 of this law and decide whether to terminate the administrative norms act.

Article 67. Administrative norms act coming into effect

67.1. The central state administrative organization responsible for justice shall publish the administrative norms act in the Administrative Norms Act Bulletin within 10 days of registration of the act.

67.2. An administrative norms act shall come into effect only after it is entered in state registration and published in the Administrative Norms Act Bulletin.

67.3. If requirements of Provision 67.2 of this law are contravened, an administrative act shall have no legal effect, and shall not impose duties and responsibilities on citizens/legal entities.

67.4. An administrative organization exclusively entitled to make an administrative act shall be liable for any consequences arising from compliance with an invalid administrative act.

67.5. An administrative norms act logged in state registration and in effect shall be posted on the legal database and website of the organization approving the act.

67.6. In referring to an administrative act as grounds, publishing part of it, or posting it on an organization's website or information board, the date of state registration shall be specified.

Article 68. Amending the act, registration and annulment

68.1. If an administrative norms act is amended or annulled, such decision shall be recorded in the state registration under Article 65 of this law, and the decision shall be published in the Administrative Norms Act Bulletin.

68.2. If a registered act becomes invalid in compliance with a legal violations regulation in this law, the administrative agency exclusively authorized by law shall submit a formal letter notifying such annulment, with a copy of the administrative norms act, to the central state administrative organization responsible for justice, within three working days.

Article 69. Monitoring and evaluation

69.1. An administrative organization exclusively authorized by law shall conduct annual monitoring and evaluation of the administrative norms acts, and submit a report, implementation status report and outcome, together with proposals for future action, to the central state administrative organization responsible for justice.

69.2. The central state administrative organization responsible for justice shall provide technical and professional guidance on monitoring and evaluation.

69.3. The central state administrative organization responsible for justice shall study monitoring and evaluation reports, implementation status reports and outcomes, together with proposals for future action, as submitted by an administrative organization, and submit proposals for future action to Cabinet.

69.4. The central state administrative organization responsible for justice will present for a final decision any administrative norms act lacking responsible organization/ownership due to changes in government structure and systems.

69.5. If government structure has changed and the structure of an administrative organization has been amended, the central state administrative organization responsible for justice shall take all necessary measures in partnership with the relevant organizations within six months of the change as regards administrative norms acts.

69.6. The central state administrative organization responsible for justice may monitor and evaluate administrative norms acts from authorized administrative organizations in the specific sector.

Article 70. Special regulation

70.1. When there is an urgent need for prompt passage of an administrative norms act, the authorized administrative organization shall approve the act, which shall come into effect upon publicizing.

70.2. An administrative organization exclusively authorized by law shall deliver an act as in Provision 70.1 of this law to the central state administrative organization responsible for justice within 3 working days.

70.3. The central state administrative organization responsible for justice shall receive an administrative act as in Provision 70.2 of this law, check whether the act meets requirements as in Provision 60.1 of this law, register according to Article 65 and Provision 67.1 of this law, and publish it in the Administrative Norms Act Bulletin.

Article 71. Sectoral administrative norms act database

71.1. A database officer of an administrative organization authorized to issue an administrative norms act shall enter amendments to the act in the database.

71.2. The sectoral administrative norms act database shall comprise all administrative norms acts recorded in unified state registration.

Article 72. Unified national database of administrative norms act

72.1. A unified national database of administrative acts shall comprise all administrative norms acts recorded in unified state registration.

72.2. The Cabinet member responsible for justice shall approve the regulation for a unified national database of administrative norms.

72.3. The central state administrative organization responsible for justice shall update the list of legally valid administrative norms acts in the unified database and publish the updated list in the Administrative Norms Act Bulletin no later than 1 February every year.

**PART THREE
OTHER ADMINISTRATIVE ACTION**

**CHAPTER SEVEN
PLANNING**

Article 73. Planning

73.1. Planning refers to action to plan an administrative decision that may affect the legal rights and interests of citizens and legal entities on the following themes, conducting hearings according to this law, revision of comments and approval of the act.

73.1.1. Build, change, repair and move airports and facilities, railways and railway stations.

73.1.2. Urban development and land management.

73.1.3. Build and repair international, national and local highways.

73.1.4. Build hydrologic facilities and hydro power stations.

73.1.5. Establish, change or move waste collection points.

73.1.6. Establish, change or move public facilities such as roads, squares, fountains etc.

73.1.7. Other issues that may affect the public interest as stated in the law.

Article 74. Hearings on a plan

74.1. An administrative organization developing a plan shall be responsible for organizing hearings.

74.2. For organized hearings on the plan, Article 27 of this law shall apply.

74.3. Within 30 days of plan presentation, an administrative organization is obliged to provide comments on its functions and the respective governor is responsible for comment and feedback.

74.4. Depending on the plan scope and specificity, the period as in Provision 74.3 of this law may be extended one time only for up to 60 days; the administrative act extending the period shall clearly state the legal and situational grounds for doing so.

74.5. If persons as in Provision 74.3 of this law fail to provide comment within the set period, or if the plan has already been presented, further comment shall not be sought.

Article 75. Counter comment on the plan

75.1. Persons who claim their legal rights and interests may be contravened by the plan, have the right to offer counter comment within 30 days of expiration of the period as in Provision 74.3 of this law, or if the plan has been formally notified, to the administrative organization developing the plan.

75.2. The period as in Provision 75.1 of this law may be extended one time only for up to 60 days; the administrative act extending the period shall clearly state the legal grounds for the extension.

75.3. If the opposing comments are not incorporated in the plan, the administrative agency shall have the duty to explain and justify.

Article 76. Discussion

76.1. If opposing comments are submitted, an administrative organization shall hold discussions after notifying all those who agree or disagree, giving at least 10 days' notice.

76.2. In notice of a discussion as in Provision 76.1 of this law, the regulation in Provision 76.1 of this law shall apply.

76.3. An administrative organization developing a plan shall submit opposing comments and suggestions from persons as in Provision 75.1 of this law to the administrative organization that is responsible for approving the plan.

76.4. If the organization developing the plan and the organization approving the plan are the same organization, provision 76.3 shall not apply.

Article 77. Not holding hearings

77.1. If a plan does not affect the public interest or anybody's legal rights and interests, or if the plan has already been presented to these persons, action under Article 74 and 76 of this law is not required.

Article 78. Approving a plan

78.1. Regulations on administrative acts as in Chapter Four of this law shall apply to an administrative act approving a plan.

Article 79. Legal effects and validity of planning

79.1. Public legal affairs between an administrative organization responsible for planning and persons whose legal rights and interests are affected shall be regulated by this law.

79.2. Complaints about public and private conflict of interest shall be resolved under regulations on complaint as in Chapter Nine of this law.

79.3. All relevant organizations must act to ensure public interest and eliminate negative impacts that may affect the legal rights and interests of a third person.

79.4. If it is impossible to comply with Provision 79.3 of this law or to change the plan, compensation shall be paid.

79.5. If an unexpected negative impact occurs due to the plan, the administrative organization obliged to make decisions shall take steps to mitigate or eliminate negative impacts in response to demands from those who claim their legal rights and interests are affected.

79.6. If negative impacts as in Provision 79.5 of law cannot be mitigated or eliminated, compensation shall be paid. This provision shall not apply to any loss due to force majeure.

Article 80. Changing the plan

80.1. If a plan is changed before being finalized and approved, hearings shall again be held.

80.2. If a change does not breach public or individual legal rights and interests, no further hearing is required.

Article 81. Terminating the administrative act approving the plan

81.1. If an administrative organization responsible for plan implementation wishes to abort the plan, the authorized administrative organization may terminate the administrative act.

81.2. If plan implementation may seriously threaten the public interest, the administrative act may be terminated.

81.3. If the administrative act approving the plan is terminated, the administrative organization responsible for implementation may restore and rehabilitate conditions prior to re-approval.

81.4. A relevant administrative organization may terminate the administrative act if the plan is not implemented within 5 years of approval.

**PART EIGHT
ENFORCEMENT OF ADMINISTRATIVE DECISIONS**

Article 82. Implementation/enforcement of administrative decisions

82.1. This regulation shall apply to enforcement of an administrative decision by an administrative organization within the framework of the public law.

82.2. Enforcement action shall take place in the following cases.

82.2.1. The period for submission of complaints has expired.

82.2.2 A decision to suspend the administrative act has been annulled.

Article 83. Requirements for enforcement/implementation of administrative decisions

83.1. Enforcement/implementation of an administrative decision shall meet the following requirements.

83.1.1. Needs a decision that verifies the right to enforce.

83.1.2. The duty-bearer has failed to meet demands.

83.1.3. 14 days have expired after a decision of a demand was notified, unless otherwise stated in law.

83.1.4. Notification of implementation of an administrative decision has been sent to the duty bearer no less than 14 days prior.

Article 84. Organization responsible for enforcement/implementation of administrative decisions

84.1. The following organizations shall implement and enforce administrative decisions.

84.1.1. The administrative organization that approved the act.

84.1.2. A primary level administrative organization which implements administrative decisions made by an upper level organization.

84.1.3. Police and professional agencies entitled exclusively by law.

84.2. An administrative organization may receive assistance from another administrative organization for implementation/enforcement.

Article 85. Use of force

85.1. Other than cases where immediate force is required, notification of the use of force shall be given to the duty bearer in writing, stating by when the duty must be implemented.

85.2. An administrative organization may use force on persons who fail to implement duties imposed by administrative decision, according to rules set by law.

Article 86. Forms of use of force

86.1. The use of force for enforcement/implementation of an administrative decision shall be in the following forms.

86.1.1. Imposition of a fine.

86.1.2. Decision enforced by others.

86.1.3. Compulsion.

86.2. Enforcement shall be consistent with the aim of the decision, with minimal loss to the person on whom enforcement focuses.

Article 87. Imposing fines

87.1. A fine may be imposed when an administrative decision is not implemented on a voluntary basis.

87.2. For suspending or ceasing certain actions, a fine may be applied.

Article 88. Enforcement by others

88.1. If a person is tasked to carry out a certain action and fails to do so, and the work can be carried out by someone else, the action shall be performed by another person and the cost incurred shall be paid by the person who should have done it.

Article 89. Enforcement

89.1. If action such as imposing a fine or using someone else should fail, an organization for enforcement of administrative decisions shall enforce implementation.

Comment: enforcement refers to implementing/enforcing a person to do the work, or using other special techniques.

89.2. Enforcement shall take place according to regulations set by law.

Article 90. Making decisions on enforcement

90.1. If a person fails to perform duties as stated in the notification, an administrative organization responsible for enforcement of administrative decisions shall issue an administrative act permitting enforcement, and this decision may be enforced immediately.

90.2. Complaints regarding enforcement of administrative decisions can be received under administrative acts as in Provision 90.1 of this law; regulations for issuing an administrative act shall not apply.

Article 91. Implementation of force/enforcement

91.1. Enforcement shall be in a form as in the administrative decision.

91.2. Police and other professional agencies shall assist an administrative organization to enforce an administrative decision.

**PART SIX
SUBMITTING COMPLAINTS REGARDING THE ADMINISTRATIVE ACT AND
RESOLVING/REDRESSING COMPLAINTS**

**CHAPTER NINE
REGULATION ON MAKING COMPLAINTS**

Article 92. Submitting complaints about the administrative act

92.1. Unless otherwise stated in law, citizens and legal entities believing that an administrative act violates their legal rights and interests shall be entitled to request revision and confirmation that the administrative act is incompatible with the law and the designated goals.

92.2. A complaint as in Provision 92.1 of this law must meet requirements under Article 10 of the Law on Resolving Petitions and Complaints Made by Citizens to Public Agencies and Officers.

Article 93. Administrative organization responsible for resolving/redressing a complaint

93.1. Citizens and legal entities may submit a complaint to an upper level organization of the agency that made the act or to an administrative organization with supervisory functions.

93.2. If there is no organization as in Provision 93.1 of this law, the complaint may be addressed to the organization that issued the act.

Article 94. Period for making and resolving complaints

94.1. A complaint must be made within 30 days of an administrative act and notified according to regulations in this law.

94.2. If it is shown that the complaint is outside the prescription period for an acceptable reason, the organization to resolve the complaint may extend the period to three months after expiration; a request for extension of period must be made to the administrative organization that is entitled to resolve/redress complaints.

94.3. A complaint shall be received under the Law on Resolving Petitions and Complaints by Citizens to Public Agencies and Officers and resolved within 30 days, with notification to the plaintiff, unless otherwise stated in the law.

94.4. When necessary, a senior officer of the administrative organization may extend the period for up to 30 days and shall notify the extension to the citizens and legal entity that have lodged complaints.

Article 95. Regulations on checking and resolving complaints

- 95.1. An administrative organization shall carry out the following actions to resolve a complaint.
- 95.1.1. Check whether the administrative act meets its designated goal.
 - 95.1.2. Check whether the administrative organization used its opportunities for choice.
 - 95.1.3. If necessary, notify in advance the date and venue for complaint resolution to the plaintiff, advocates and third parties whose legal interests may be threatened, and ensure their presence at the resolution.
- 95.2. The complaint may be resolved whether or not the person as in Provision 95.1.3 of this law attends.
- 95.3. If a citizen requests or an administrative organization deems it necessary, an expert will be appointed for review and conclusions.
- 95.4. Minutes shall be recorded for the complaint resolution process and the following shall be recorded in the minutes.
- 95.4.1. Name and address of the organization issuing the administrative act, with full name/s of relevant staff.
 - 95.4.2. Date, time and venue of issuance of the act and complaint resolution.
 - 95.4.3. Name of plaintiff, defendant and other participants.
 - 95.4.4. Content and demand of the complaint.
 - 95.4.5. Conclusions by professional agencies and experts, witness statements and other evidence.
 - 95.4.6. Name and signature of minutes-keeper and officer resolving the complaint, with signature of senior manager.
- 95.5. If the complaint is accepted, Provision 95.4 of this law shall not apply and the organization addressing the complaint may directly issue an administrative act.
- 95.6. When necessary, revision and resolution may not involve Provisions 95.1, 95.2, 95.3 and 95.4 of this law.
- 95.7. An administrative organization may accept and resolve the complaint.
- 95.8. If an administrative organization with collective management discusses the complaint, an administrative act may be made to comply with the general complaint resolution procedure.
- 95.9. It is prohibited for an administrative organization responsible for complaint resolution to transfer this duty to others.

Article 96. Suspending the performance of an administrative act

- 96.1. In cases other than Article 97 and specific provisions of other laws, an authorized administrative organization entitled to redress the complaint may suspend the administrative act at the request of a citizen or legal entity claiming their legal rights and interests are affected.
- 96.2. An administrative act suspended under Provision 96.1 of this law shall remain valid whilst the complaint is being resolved.

Article 97. Cases where an administrative act cannot be suspended

- 97.1. An administrative act shall not be suspended in the following cases.
- 97.1.1. If suspension of implementation of the administrative act may pose a danger to human health, lives and property or incur loss to a legal entity.

97.1.2. If the act involves collecting taxes from citizens and legal entities.

~~97.1.3. If the act imposes sanctions on a person who violates administrative rules or on violation by an administrative supervisory organization or officer.~~

97.1.4. If an issue must be resolved on a non-dispute basis under legislation.

Article 98. Administrative act made in response to the claim

98.1. An administrative organization as in Article 93 of this law may revise the complaint and take the following administrative action.

98.1.1. Accept that administrative act is evidentially illegal.

98.1.2. Terminate the administrative act wholly or partly because the act violates the legal rights and interests of a plaintiff.

98.1.3. If an act or negligence of an administrative organization violates legal rights and interests, assign the relevant administrative organization to issue an appropriate administrative act.

98.1.4. Amend the administrative act.

98.1.5. Retain the administrative act as is.

98.2. A relevant administrative organization shall implement the administrative act as in Provision 98.1 of this law.

Article 99. Notifying the administrative act resolving/redressing the complaint

99.1. An administrative organization that has resolved/redressed a complaint shall notify the plaintiff in writing within 5 working days of the relevant administrative act, and document the notification.

99.2. Regulation as in Article 43 of this law shall apply to notification of the administrative act that resolves/redresses the complaint.

CHAPTER TEN

HOLDING HARMLESS/COMPENSATING LOSSES

Article 100. Right to demand absolution from responsibility

100.1. A citizen or legal entity shall have the right to demand compensation for losses due to illegal action or negligence of an administrative organization's public law affairs.

Article 101. Compensation for loss

101.1. Under Provision 4.2.7 of the Public Service Law [\[14\]](#) and Provision 498.2 of the Civil Code, the state shall be liable for any loss due to mistakes of an administrative organization.

101.2. A citizen or legal entity may claim compensation for loss from the administrative organization that caused the loss and be absolved of responsibility by the organization.

Article 102. Regulation on resolving disputes related to loss

102.1. A claimant regarding an administrative act may also claim for loss incurred due to the administrative act.

102.2. Disputes on the amount of loss shall be resolved by the Civil Court if the administrative organization does not agree to the claimed loss.

Article 103. Administrative organization absolved from responsibility

103.1. An administrative organization may be absolved of responsibility for loss and damage if a claim is not upheld under Provision 498.5 of the Civil Code.

103.2. Internal auditors of an upper level organization may declare the organization not responsible for loss if an officer is responsible as in Provision 103.2 of this law.

103.3. If the upper level organization as in Provision 103.2 of this law has no internal auditor, state auditors shall be responsible for repayment of loss by the responsible officer.

103.4. An upper level organization or court resolving a complaint shall deliver to the relevant auditors a copy of the decision that the responsible person shall compensate for loss.

Article 104. Compensation and determining the amount of compensation

104.1. If a person or legal entity incurs loss and damage from illegal action by an administrative organization that has violated legal rights and interests, the state shall declare them not responsible for compensation.

104.2. Regulations on paying compensation shall be separately regulated by law.

104.3. An administrative organization may negotiate agreement with a citizen or legal entity on the amount of compensation.

104.4. Any dispute on the amount of compensation shall be resolved by the Administrative Court or the Civil Court.

**PART FIVE
MISCELLANEOUS
CHAPTER ELEVEN
RESPONSIBILITIES/SANCTIONS**

Article 105. Sanctions imposed on officers for violation of law

105.1. If the decision-making process of an administrative organization and an administrative act was formally considered as being in legal violation and having no legal force, the appropriate sanctions for an intentional or unintentional act of a responsible officer shall be imposed.

105.2. The organization that appointed the officer, or the relevant upper level organization, shall impose one of the following sanctions on the officer responsible for violation as in Provision 105.1 of this law, or other administrative violation, or for negligence if the case condition is not subject to criminal sanction.:

105.2.1. Warning to comply with the law (open and closed warnings).

105.2.2. Reduction in salary by up to 20% for up to 6 months.

105.2.3. Dismissal.

105.2.4. Dismissal and restriction on the right to work in the public service for 1-10 years.

Comment: a closed warning is an individual warning to the officer responsible for the violation as in Provision 105.2.1 of this law; an open warning is declared publicly.

105.3. If an administrative act that violates the law is cancelled, the officer responsible shall be asked for an apology if the act affected an individual, or he may receive one of the sanctions in

Provision 105.2 of this law and be made to apologize through the media for violating legal rights and interests.

105.4. Officers violating provisions and clauses of this law, other than Provisions 105.1 and 105.2, shall be sanctioned under the Law on Public Service and other legislation with detailed regulations on the issue.

Article 106. Conditions to consider in imposing sanctions

106.1. In imposing sanctions for violation, the following conditions shall be considered.

106.1.1. Consequences of the violation.

106.1.2. Whether the violation was intentional or unintentional.

106.1.3. Whether the violation was repeated.

106.1.4. Failure to fulfill duties and responsibilities accepted as part of the job and profession description.

Article 107. Litigation in court on sanctions

107.1. If a sanction as in Provision 105.2 of this law is not imposed on an officer who has violated the law, or if the sanction imposed is unsatisfactory, a person whose legal interests and rights have been violated may address a claim to the Administrative Court.

107.2. The Administrative Court may impose sanctions as stated in the law on officers who fail to carry out decisions of the administrative organization and the court.

107.3. Conditions and regulations set by other laws shall not apply to dismissal from jobs under Provision 105.2.4 of this law.

Article 108. Law coming into effect

108.1. This law shall come into effect on 1 July 2016.

Z. ENKHBOLD

SPEAKER OF THE STATE GREAT KHURAL
(PARLIAMENT OF MONGOLIA)

[1] This law shall come into effect on 1 July 2016.

[2] The Constitution of Mongolia was published in edition 1 of the State Information Gazette, 1992.

[3] The Law on Regulation of Public and Private Interests in the Public Service and Prevention of Conflict of Interest was published in edition 8 of the State Information Gazette, 2012.

[4] The Law on Information Transparency and Right to Access to Information was published in edition 26 of the State Information Gazette, 2011.

[5] The Law on State Secrets was published in edition 7 of the State Information Gazette, 1995.

[6] The Law on Organization Secrets was published in edition 7 of the State Information Gazette, 1995.

[7] The Law on Private Secrets was published in edition 7 of the State Information Gazette, 1995.

[8] The Civil Code was published in edition 7 of the State Information Gazette, 2002.

[\[9\]](#) The Law on Administrative Procedures was published in edition 3 of the State Information Gazette, 2003.

[\[10\]](#) The Law on Administrative Sanctions was published in editions 4-5 of the State Information Gazette, 1992.

[\[11\]](#) The Law on Electronic Signatures was published in edition 1 of the State Information Gazette, 2012.

[\[12\]](#) The Law on Standardization was published in edition 21 of the State Information Gazette, 2003.

[\[13\]](#) The Law on Resolving Complaints and Petitions Submitted by Citizens to Government Agencies and Officers was published in edition 7 of the State Information Gazette, 1995.

[\[14\]](#) The Law on Public Service was published in edition 28 of the State Information Gazette, 2002.