

# LAW ON NATURAL FLORA

April 11, 1995

Ulaanbaatar, Mongolia

## SECTION ONE. General Provisions

### Article 1. Purpose of this Law

The Purpose of this Law is to regulate the protection, sustainable use and restoration of natural flora (hereinafter "flora"), other than forest and cultivated plants.

### Article 2. Legislation on Flora

The legislation on flora consists of the *Constitution of Mongolia*, the *Law on the Protection of the Environment*, this Law and other legislative acts issued in compliance with them.

### Article 3. Flora Reserves and their Classification

1. **Flora Reserves** ("*urgamlyn san*") consist of all species of vascular plants, moss, algae, lichens, fungi and other microorganisms on the land and in the water in the territory of Mongolia.
2. Flora is classified, based on reserves and restorative capacity, as follows:
  - 1) **Extremely rare** ("*nen xovor*");
  - 2) **Rare** ("*xovor*");
  - 3) **Common** ("*elbeg*").
3. Extremely rare flora includes plant species with no natural regeneration capacity, very restricted distributions and no usable reserves, and that are in danger of extinction (this classification applies to the plants listed in the Appendix to this Law).
4. Rare flora includes plant species with limited natural regeneration capacities and limited distributions and reserves, and that potentially at risk of extinction. The list of rare flora shall be approved by the Government.

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5. Common flora includes all plant species that do not fall into the categories defined in paragraphs 3 and 4 above. *(This paragraph was amended by the law of 16 January 1997.)*

#### **Article 4. Management of Flora Conservation Activities**

The management of flora conservation activities is regulated by the *Law on the Protection of the Environment*.

#### **Article 5. Plant Reserve Databank**

1. The flora reserve databank consists of the following indicators:
  - 1) Plant distribution and size of reserves and their assessment;
  - 2) Harvesting of plant samples, preparations, and seeds;
  - 3) Reports and data on plant research;
  - 4) Data on plant monitoring and measurements;
  - 5) Data on plant protection, use and restoration measures.
2. Compilation of the plant databank is regulated by the *Law on the Protection of the Environment*.

#### **Article 6. Flora Use Fees**

1. Where citizens and economic entities use flora on state property they must pay a fee as per the legislation.
2. Maximum and minimum fees and the conditions for exemption and discounts are determined by a separate law.

### **SECTION TWO. Flora Protection and Restoration**

#### **Article 7. Flora Protection**

1. Governors at all levels shall, using funds from the state budget, implement measures to protect flora from fire, diseases, harmful rodents and insects and from negative human impacts. The abovementioned measures shall also be implemented at their expense by citizens and economic entities possessing and using land on a contractual basis.
2. Measures to protect the genebank of extremely rare, endemic, and relict flora, including cultivation and reintroduction, must be performed by certified organizations at the request of the central government organization.

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3. The procedures for the protection of flora from diseases, harmful rodents and insects, and the negative impacts of chemicals and biological substances, as well as the procedures on establishing quarantines are determined by a separate law.
4. The use of chemicals for the protection of flora from diseases, harmful rodents and insects is prohibited, except those permitted by the central government organization.
5. The possession of land containing extremely rare flora by citizens and economic entities for any purpose other than plant protection and restoration is prohibited.

#### **Article 8. Prohibited Areas for Commercial Use of Flora**

1. The use of flora for commercial purposes, regardless of the quantity of the flora resources, is prohibited in areas which are important for maintaining environmental and ecological balance, defined as including the following:
  - 1) Green zones in cities, villages, and other settled areas;
  - 2) Areas within 2 km from the source of a river or stream and the bank of a lake or pond;
  - 3) Extremely rare animal habitat;
  - 4) Oases;
  - 5) Areas with degraded plant cover;
  - 6) Areas important for protection from sand movement;
  - 7) Soil erosion protection strips.
2. Sum and düüreg Citizens' Representative Assemblies shall establish and define the borders of the areas designated in subparagraphs 3, 4, 6, and 7 of paragraph 1 of this article, based on the recommendations of competent authorities.
3. The areas designated in subparagraphs 1, 2, 3, and 4 of paragraph 1 of this article may be used as pasture.

#### **Article 9. Flora Restoration**

Citizens and economic entities shall return land they have employed for the commercial use of flora to sum and düüreg governors after restoration of the land or creation of conditions for restoration at their own expense according to the appropriate procedures.

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## **SECTION THREE. Flora Use**

### **Article 10. Purpose of Flora Use**

Citizens and economic entities may use extremely rare flora only for research purposes, rare flora only for household and research purposes, and common flora for research, household, and commercial purposes.

### **Article 11. Flora Use for Research Purposes**

1. The central government organization may issue permits to citizens and economic entities to use extremely rare flora for research purposes. Permits to use rare flora must be issued by sum and düüreg governors.
2. It is prohibited to use flora harvested for research purposes as raw material for commercial purposes or to sell such flora for profit.

### **Article 12. Flora Use for Household Purposes**

Citizens may use rare flora for the purposes of providing for family food and other household needs, with authorization from the sum or düüreg governor.

### **Article 13. Flora Use for Commercial Purposes**

1. Citizens and economic entities may use common flora for food and technical purposes, as well as for the sale of products derived from flora.
2. Economic entities engaged in pharmaceutical production and services may use Rare and Common Flora for the purposes of producing medicine.
3. A permit to use Common Flora for commercial purposes must be issued by sum and düüreg governors. A permit to use Rare Flora for commercial purposes must be issued by central government organization.

### **Article 14. Flora Use for Pasture and Hayfields for Feeding Livestock**

Citizens and economic entities engaged in livestock activities shall comply with article 51 and 52 of the *Law on Land* when using flora in pastures and hay fields within the sum and düüreg territories where they reside.

2. To protect extremely rare flora, sum and düüreg Citizens' Representative Assemblies and bag and xoroo Citizens' General Assemblies may prohibit the use of pasture land and hayfields with such flora for a period of up to two years.
3. Measures to distribute and properly manage the carrying capacity of pasture and hayfields must be planned and implemented by sums, düüregs, bags and xoroo

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governors for the purposes of flora protection and restoration and to meet the necessary conditions for restoration.

#### **Article 15. Flora Use Licensing Procedures**

Citizens and economic entities requesting to use flora for commercial purposes shall have an environmental impact assessment conducted at their own expense and, after defining the relevant flora reserves, develop and submit proposals to a certified organization for review and to the organization or officer authorized to grant permission on flora use which will include the name and parts, purposes, quantity and duration of use for the intend species, as well as the restoration measures.

2. An application and request from citizens and economic entities, including the proposal and conclusions from certified organizations concerning such proposal, must be considered and decided by the authorized organization or officer within 14 days of its receipt.
3. A permit to use flora must be in the form of a license. It is prohibited to transfer a license to another person.
4. The license shall include the name and address of the citizens and economic entities harvesting flora, the species name and parts, the quantity to be harvested, duration and location.
5. The Local ranger shall direct citizens and economic entities with the appropriate license to the licensed area for flora harvesting.

#### **Article 16. Flora Harvesting Procedures, Quantity, and Duration**

1. Citizens and economic entities with a license to use flora shall harvest flora according to flora harvesting procedures, permitted quantity and duration.
2. The central government organization shall establish flora-harvesting procedures, quantities, and duration based on the recommendations of the certified organizations.

#### **Article 17. Flora Export and Flora Harvesting by Foreign Citizens**

1. A license to export flora must be issued by the central government organization.
2. Foreign citizens are prohibited from harvesting extremely rare and rare flora.

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## **Article 18. Possession and Use of Land for Flora Use Purposes**

1. Land may be possessed and used by citizens, economic entities, and organizations for a certain period for commercial purposes according to the conditions and procedures set forth in the *Law on Land*, upon entering a contract with sum and düüreg the governors based on the recommendations of the central government organization.

2. A contract for the possession or use of land corresponding to the distribution of flora species for the purpose of exploiting the latter must, in addition to the elements indicated in paragraph 6 of article 34 of the *Law on Land*, include the following elements: *(This paragraph was amended by the law of 7 June 2002.)*

- 1) Name and quantity of the flora to be used in the licensed area;
- 2) Conditions for flora use;
- 3) Rights, duties, and responsibilities of contract parties related to flora use, protection, and restoration.

3. The possessor or user of land for flora use purposes shall assume the obligation to protect and restore the flora and its growing environment, in addition the rights and obligations described by article 35 of the *Law on Land*. *(This paragraph was amended by the law of 7 June 2002.)*

4. Citizens and economic entities possessing and using land on a contractual basis for purposes other than flora use may use flora growing on their land with the appropriate permit. A fee must be paid for using flora for commercial purposes; however a fee will not be required for household flora use. An appropriate license to use flora must be acquired for either household or commercial purposes.

## **Article 19. Flora User Obligations**

A flora user shall assume the following obligations:

- 1) Complying with the legislation on flora;
- 2) Following the regulations on flora harvesting and restoration;
- 3) Harvesting flora according to the quantities and duration permitted by the relevant regulations and license;
- 4) Harvesting only mature plants whose seeds have ripened;
- 5) Using flora for commercial purposes only after having an environmental impact assessment and determination of the extent of flora reserves conducted

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at their own expense, and having established conditions for the restoration of flora;

6) Complying with the conditions and procedures included in the land possession and use contract for flora use purposes.

## **SECTION FOUR. Miscellaneous**

### **Article 20. Plants with Narcotic Properties**

1. The list of plants with narcotic properties must be approved jointly by the central government organizations responsible for nature and environment and for health.
2. Permit for the preparation of drugs using plants with narcotic properties shall be issued to economic entities by the central government organization responsible for health. Those economic entities must be registered in a special registry.
3. The harvesting, cultivation and use of plants with narcotic properties by citizens and economic entities, except those economic entities designated in paragraph 2 of this article, is prohibited.

### **Article 21. Liability for Violations of Legislation**

1. A judge, state environmental inspector or ranger may impose the following penalties for any violation of the legislation on natural flora:
  - 1) Confiscation of illegally harvested items and illegal income and a fine of 500 to 5 000 MNT for citizens or 50 000 MNT for economic entities guilty of a violation of harvesting regulations or of exceeding the quantities set in the relevant regulations and license;
  - 2) Confiscation of illegally harvested items and illegal income and a fine of 5 000 to 15 000 MNT for citizens or 50 000 to 75 000 MNT for economic entities guilty of harvesting flora in an area designated under paragraph 1 of article 8 or of harvesting for commercial purposes in an area designated in paragraph 2 of article 14;
  - 3) Confiscation of illegally harvested items and illegal income and a fine of 10 000 to 20 000 MNT for citizens or 75 000 to 100 000 MNT for economic entities guilty of the use of extremely rare flora other than for research purposes or the use of rare flora for commercial purposes other than the preparation of medicines;

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4) Confiscation of illegally harvested items and illegal income and a fine of 10 000 to 20 000 MNT for citizens or 100 000 to 150 000 MNT for economic entities guilty of using flora without obtaining the required permit according to the procedures stated in this Law.

2. The violator shall compensate for the damages to flora reserves caused by violation of the natural plant legislation.

**Article 22. Effective Date of This Law**

This law takes effect on June 5, 1995.

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## List of Extremely Rare Plant Species

LATIN NAME	ENGLISH NAME
1. <i>Arnica Iljinii</i>	1. Iljin's arnica
2. <i>Zygadenus sibiricus</i>	2. Siberian zygadenus
3. <i>Blebersteinia odoura</i>	3. Fragrant Biebersteinia
4. <i>Dictamnus dasycarpus</i>	4. Feather-fetal dictamny
5. <i>Tofildia coccinea</i>	5. Red tofildia
6. <i>Tulipa uniflora</i>	6. Single flowered tulip
7. <i>Cistanche deserticola</i>	7. Desert cistanche
8. <i>Juniperus sabina</i>	8. Creeping juniper
9. <i>Anabasis aphylla</i>	9. Aphyllous anabasis
10. <i>Anabasis eripoda</i>	10. Lanose anabasis
11. <i>Valeriana saichanensis</i>	11. Saikhan valerian
12. <i>Saussurea involucrata</i>	12. Wraaped saussurea
13. <i>Lancea tibetica</i>	13. Tibetan lancea
14. <i>Dasiphora lactiflora</i>	14. White flowered dasiphora
15. <i>Nymphaea candida</i>	15. White water-lilly
16. <i>Iljinia Regelii</i>	16. Regelian Iljinia
17. <i>Chesneya mongolica</i>	17. Mongolian chesney
18. <i>Viburnum mongolicum</i>	18. Mongolian arrow-wood
19. <i>Viburnum Sargentii</i>	19. Sargent's white rod
20. <i>Limonium aureum</i>	20. Golden limonium
21. <i>Arnebia guttata</i>	21. Yellow arnebia
22. <i>Sambucus manshurica</i>	22. Manjurian elder
23. <i>Vicia Tsydenii</i>	23. Tseden's vetch
24. <i>Rheum uninerve</i>	24. Rhubarb
25. <i>Acorus calamus</i>	25. Sedgerush
26. <i>androsace longifolia</i>	26. Longleafed androsace
27. <i>Gentiana macrophylla</i>	27. Macrophyllous gentian
28. <i>Gentiana pulmonaria</i>	28. Swelt gentian
29. <i>Typha minima</i>	29. Smaller cat's tail
30. <i>Malva Mauritiana</i>	30. Mauritanian mallow
31. <i>Trollius sajanense</i>	31. Syanian trollflower
32. <i>Elaeagnus Moorcroftii</i>	32. Moorcroft's eleagnus
33. <i>Abies sibirica</i>	33. Siberian fir
34. <i>Clematia glauca</i>	34. Glauous leatherflower
35. <i>Majanthemum dilatatum</i>	35. Wide beadruby
36. <i>Cardamine parviflora</i>	36. Small-flowered bitter-cress
37. <i>Sertia Banzaragczii</i>	37. Banzgrach's swertia

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38. <i>Ephedra equisetina</i>	38. Horsetailed ephedra
39. <i>Ephedra Fedtschenkoae</i>	39 Fedchencko ephedra
40. <i>Solidago dahurica</i>	40. Dahurian solidago
41. <i>Asterthamnus cnetrali-asiaticus</i>	41. Central Asian asterthemny
42. <i>Sophora flavescens</i>	42. Yellow sophora
43. <i>Sedum Pallescens</i>	43. Plume stonecrop
44. <i>Helichrysum arenarium</i>	44. Sand strawflower
45. <i>Ammopiptanthus Mongolicus</i>	45. Mongolian ammodipthanthu
46. <i>Polygonatum Humile</i>	46. Seal Solomon's
47. <i>Salvia deserta</i>	47. Desert Sage
48. <i>Rhodiola Rosea</i>	48. Roseroot
49. <i>Scheuchzeria Palustris</i>	49. Paludal Scheuchzeria
50. <i>Viola Brachychera</i>	50. Brachycerous Violet
51. <i>Plantanthera Bifolia</i>	51. Two-leafed greater butterfly
52. <i>Anemarrhena asphodeloides</i>	52. -
53. <i>Gymnocarpos Przewalskii</i>	53. Przewalsky Gymnocarpos
54. <i>Vaccinium Myrtillus</i>	54. Bilberry
55. <i>Dryopteris dilatata</i>	55. Wide dryopteria
56. <i>Epipogium ephyllum</i>	56. Aphyllous epipogium
57. <i>Oxytropis acanthacea</i>	57. Acicular oxytrope
58. <i>Oxytropis fragilifolia</i>	58. Fragile-leaved oxytrope
59. <i>Oxytropis Grubovii</i>	59. Grubov's oxytrope
60. <i>Peganum harmala</i>	60. Common pegania
61. <i>Cypripedium macranthum</i>	61. Grand lady's-slipper
62. <i>Cypripedium calceolus</i>	62. Yellow lady's-slipper
63. <i>Nuphar pumila</i>	63. Small candock
64. <i>Gueldenstaedtia monophyla</i>	64. Monophylous gueldenstaedtia
65. <i>Lilium martagon</i>	65. The Crisped lily
66. <i>Lilium pensylvanicum</i>	66. Candlestick lily
67. <i>Rosa Kokanica</i>	67. Kokand Rose
68. <i>Rosa laxa</i>	68. Friable Rose
69. <i>Allium macrosternon</i>	69. Macrandrous onion
70. <i>Allium obliquum</i>	70. Wild garlic onion
71. <i>Sanguisorba alpina</i>	71. Alpian sanguisorbia
72. <i>Sagittaria natans</i>	72. Floating arrow head
73. <i>Saxifraga hirculus</i>	73. Yellow marsh saxifrage
74. <i>Mitella nuda</i>	74. Naked miterwort
75. <i>Chrysanthemum sinuatum</i>	75. Emarginate chrysanthemia
76. <i>Brachanthemum gobicum</i>	76. Gobi brachanthemia
77. <i>Brachanthemum Mongolorum</i>	77. Mongolian's brachanthemia

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78. <i>Phlomis oreophila</i>	78. The Mountain phlomy
79. <i>Zizania latifolia</i>	79. Platyphyllous rice
80. <i>Calypso bulbosa</i>	80. Clovy calypso
81. <i>Vince toxicum sibiricum</i>	81. Siberian vince toxic
82. <i>Rhododendron aureum</i>	82. Golden Rhododendron
83. <i>Rhododendron Adamsii</i>	83. Adam's rhododendron
84. <i>Rhododendron Dahuricum</i>	84. Dahurian rhododendron
85. <i>Rhododendron Ledebourii</i>	85. Ledebour rhododendron
86. <i>Rhododendron Pravifolium</i>	86. Microphyllous rhododendron
87. <i>Sorbaria sorbifolia</i>	87. Sorbiphyllous sorbaria
88. <i>Aquilegia Ganboldii</i>	88. Ganbold's columbian
89. <i>Incarvillea Potaninii</i>	89. Potanin's incarvillea
90. <i>Populus diversifolia</i>	90. Swamp cottonwood
91. <i>Drosera rotundafolia</i>	91. Round-leaved sundew
92. <i>Drosera anglica</i>	92. English sundew
93. <i>Ferula ferulaeodes</i>	93. -
94. <i>Carragana gobica</i>	94. Gobi pea shrub
95. <i>Carragana brachypoda</i>	95. Brachypodous pea shrub
96. <i>Carragana tibetica</i>	96. Tibetan pea shrub
97. <i>Nematonostoc flagelliforme</i>	97. Algae
98. <i>Olgaea leucophylla</i>	98. White-leaved olgaea
99. <i>Potatinia Mongolica</i>	99. Mongolian potininia
100. <i>Centaurea pulchella</i>	100. Beautiful knapweed
101. <i>Rhaponticum carthamoides</i>	101. Maral root
102. <i>Convallaria Keiskei</i>	102. Keiski's lily-of-the-valley
103. <i>Codonopsis clematidea</i>	103. Asian bellflower
104. <i>Halimodendron halodendron</i>	104. Salt tree
105. <i>Aconitum Kusnezoffi</i>	105. Kuznetsov's monkshood
106. <i>Zygophyllum Potaninii</i>	106. Potanin's zygophyllia
107. <i>Pedicularis altaica</i>	107. Altai lousewort
108. <i>Pedicularis abrotanifolia</i>	108. Wornwood-leafed lousewort
109. <i>Adonis mongolica</i>	109. Mongolian adonis
110. <i>Physochlaina albiflora</i>	110. White-flowered physochlaina
111. <i>Oxycoccus microcarpus</i>	111. Bog cranberry
112. <i>Orchis militaris</i>	112. Galeated orchis
113. <i>Orchis Fuchsii</i>	113. Fuchs' orchis
114. <i>Neottianthe cucullata</i>	114. Cucullated neottianthe
115. <i>Neottia camtschatea</i>	115. Kamchatka neottia
116. <i>Paeonia lactiflora</i>	116. White-flowered peony
117. <i>Paris verticillata</i>	117. Whorled paris

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118. *Glycyrrhiza squamulosa*  
119. *Jurinea Mongolica*  
120. *Gagea heensis*  
121. *Tugarinovia mongolica*  
122. *Artemisia lithophilia*  
123. *Artemisia tomentella*  
124. *Artemisia xanthochroa*  
125. *Aspicilia osculenta*  
126. *Hedysarum fruticosum*  
127. *Hedysarum sanilense*  
128. *Botrychium lanceolatum*  
129. *Corrallorhiza trifida*  
130. *Lycopodium clavatum*  
131. *Lycopodium alpinum*  
132. *Rhamnus parvifolia*  
133. *Rhamnus ussuriensis*

118. Barunkhurain licorice  
119. Mongolian jurinea  
120. Heensi gagea  
121. Mongolian tugarinovy  
122. Quarred wormwood  
123. Finefilimented wormwood  
124. Yellow wormwood  
125. Lichene  
126. Friticose tick trefail  
127. Tsengel's tick trefail  
128. Lanceolated botrychium  
129. Trifid coralroot  
130. Clavoted club-moss  
131. Alpian club-moss  
132. Microphyllous buckthorn  
133. Ussurian buckhthorn

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