



LEGAL ALERT: MONGOLIA HAS SHIFTED TO PUBLIC EMERGENCY READINESS REGIME

According to the Law of Mongolia on Disaster Protection, Disaster Preparedness regime have the following levels:

- Daily readiness;
- Enhanced readiness;
- **Public emergency readiness (completely or partially).**

The Government of Mongolia has decided to shift from Enhanced Readiness Regime to Public Emergency Readiness Regime nationwide for five days from 12 November to 17 November 2020 under the Decree No178 dated 11 November, 2020 after a local citizen tested positive for coronavirus.

The term of the Public Emergency Readiness Regime has been extended until 06:00 AM on 1 December 2020 under resolution No 181 of the Government dated 15 November 2020.

Actions to be undertaken under the Law on Disaster Protection during Public Emergency Readiness Regime:

- To transfer the operation of public and private entities to special regime;
- To enforce quarantine and restriction regime and confiscate disaster and local sources;
- To restrict, cancel and prohibition of cultural and public events;
- To restrict completely or partially operation of trading, manufacturing, public performance, educational organizations except telecommunications, power, food supply, gas stations and other strategies activities and temporarily close the border or restrict entry traffic;
- To undertake measures for smooth operation and safety of state special and strategic buildings and organizations;
- To make a decision for sustainable economics and enforces the decisions;
- To define special regime to the legal entity which provides service for social-economic safety, sustainability and normal conditions for the population;
- To give direction and monitor on prevention activities on deficiency of strategic foods, goods, price increase and public riot;
- To define and adhere special regime at border points during disaster and disastrous conditions with collaboration of the state border protection authority;
- To suspend transportation of toxic and harmful chemical substances if required etc.

Obligations of business entities and organizations during COVID19:

In accordance with Article 13 of Law on Prevention, Combating of COVID19 pandemic and Reduction of its Adverse Social and Economic Impacts dated 26 April 2020, business entities and organizations have the following obligations:

1. To adhere resolution, procedure, demand, warning and recommendation on quarantine, traffic and hour restriction regime of competent authority instruction;
2. To prepare required resources in order to prevent from and fight with the pandemic;
3. To have frequent ventilation, disinfection and decontamination;
4. To create condition to prevent citizen and employee from infection in accordance with instruction and recommendation of the competent organizations;
5. To maintain workplace of employee who is in quarantine, traffic restriction and isolation regime;
6. Not to organize public events and meetings in form of breaching procedure on quarantine, traffic or hourly restriction, and communicating from distance etc.;
7. To create an environment to operate by using IT means or online form;
8. Not to increase leasing fee, goods and service fee and create artificial deficiency.

Potential penalty:

1. In accordance with Article 5.13.2 of the Offence Law, in the event of violation and obstruction of the quarantine, traffic restrictions and its regime established by the competent authority or official during a disaster, catastrophic disease, infectious disease, accident, or danger, the legal entity shall be imposed fine in the amount of 5,000,000 MNT (app 1,754.7 USD) and the individual shall be imposed fine in the amount of 500,000 MNT (app 175 USD), or shall be arrested for 7 to 30 days.
2. In accordance with Article 15.6.1 of the Criminal Code, if a person caused the spread of infectious disease or transmitted it to others by deliberate violation of quarantine, restriction regime, and other related procedures, instructions and requirements established by the competent authority or official in the event of an infectious disease that may endanger the lives or health of others, such person shall be punishable by a fine of MNT 2,700,000 (app USD 947) up to 14,000,000 (app USD 4,912), or by restriction of the right to travel for 6 months to 3 years, or by imprisonment for 6 months to 3 years.
3. In accordance with Article 15.6.2 of the Criminal Code, if person intentionally transmits an infectious disease and immunodeficiency virus that may endanger the lives of others, such person shall be punishable by restriction of the right to travel for 1 to 5 years or imprisonment for 1 to 5 years.

As a result of the Public Emergency Readiness Regime, normal activities of the public and private enterprises have been suspended temporarily.

The Government has determined the types of activities of State organizations and legal entities that shall not be subject to restrictions in regard to the Public Emergency Readiness Regime (*the Appendix 1 of the Decree No 178 on List of Activities of the State organizations and legal entities that are not subject to restrictions, dating 11 November 2020*). The following activities of state organizations and legal entities shall be maintained normally:

1. Energy supply activity;
2. Food production, trade and distribution activities/hypermarket, supermarket, mini-market, grocery store, wholesale center, warehouse, food market, animal feed/;

3. Petroleum products and fuel supply, distribution and transportation;
4. Urban water supply and sewerage activities;
5. Supply of medical institutions, medicines and medical devices;
6. Bank payment and settlement activities;
7. Media, communication and postal activities;
8. Activities of organizations with specific functions/state specialized inspection, police, armed forces, customs, taxation, environmental protection and state registration, etc./;
9. Activities of objects and organizations with particular importance and strategic importance /Ulaanbaatar Railway, Chinggis Khaan International Airport, National Data Center and Biocombinat, etc./;
10. Judicial and prosecutorial activities;
11. Funeral activities.

Restrictions during Public Emergency Readiness Regime until 01 December, 2020

The Governor of the Capital City issued an Order on “Measures to be taken in connection with the shift to Public Emergency Readiness Regime” (*No A/1242*). According to the Order:

1. All activities have been ceased on the territory of the Capital City except for those conducted by state organizations and legal entities that are not subject to restrictions. For instance:
 - a. Activities of all levels of educational organizations and educational center have been suspended;
 - b. The activities for community meetings, training, sports competitions, trips, art, culture, cinemas, driving courses and all kind of gaming centers etc., have been suspended.
2. Traffic at the entry and exit points of vehicles except for those used for activities conducted by state organizations and legal entities that are not subject to restrictions has been restricted.
3. The working hours of food stores with license to sell alcohol /hypermarket, supermarket, minimarket, grocery/ has been set between 07:00-21:00, while the opening hours of wholesales food stores, warehouses and food markets has been set between 06:00-19:00. Sales of alcoholic drinks are prohibited during such periods.
4. Public and private enterprises which are in operation shall conduct internal supervision on letting customers, citizens, and their employees in to their building upon checking their body temperatures, sanitization of hands, strict adherence to infection control regimes, cleaning, maintenance and disinfection.
5. Public and private enterprises are advised to allow their employees work online from home.
6. All residents are challenged not to leave their home unless it is necessary.

Under the Order, public transportation services have been shifted to a special schedule between 06:00-10:00 AM in the morning, and 17:00-22:00 PM in the evening until 21 November 2020 when the working group of the State Emergency Commission of Mongolia stated that public transportation was shifted to normal schedule between 06:00-22:00.

There is no publicly available procedure on obtaining permit to commute within UB city.

For more information or any queries, please feel free to contact V.Bolormaa, Partner, and T.Buyanjargal, Lawyer, of GRATA International Law Firm by bvolodya@gratanet.com, btungalag@gratanet.com or +976 70155031.

Sources:

1. The Law of Mongolia on Disaster Protection - <https://www.legalinfo.mn/law/details/12458>;
2. The Law of Mongolia on Prevention, Combating of COVID19 pandemic and Reduction of its Adverse Social and Economic Impacts - <https://www.legalinfo.mn/law/showPrint/15312>;
3. The Offences Law of Mongolia - <https://www.legalinfo.mn/law/details/12695>;
4. The Criminal Code of Mongolia - <https://www.legalinfo.mn/law/details/11634>;
5. The Government Decree No178 - <https://nema.gov.mn/wp-content/uploads/2020/11/%D0%97%D0%93-%D1%8B%D0%BD-2020-%D0%BE%D0%BD%D1%8B-178-%D1%80-%D1%82%D0%BE%D0%B3%D1%82%D0%BE%D0%BE%D0%BB.pdf>;
6. The Government Decree No181 - <https://nema.gov.mn/wp-content/uploads/2020/11/Doc2-2.pdf>;
7. The Order No A/1242 by the Governor of the Capital City on “Measures to be taken in connection with the shift to Public Emergency Readiness Regime” - <https://ulaanbaatar.mn/Home/Docdetail?dataID=51835>; amendments to the Order: <https://ulaanbaatar.mn/Home/Docdetail?dataID=51962>.
8. Statement by the working group of the State Emergency Commission - <http://www.mnb.mn/i/223040>