

Unofficial translation
Law of Mongolia on Radio Wave
June 04, 1999 Ulaanbaatar

/The Radio Frequency Regulation and Monitoring Office was amended to

the Regulatory Commission by the Law dated on November 30, 2001/

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of this Law

1.1. The purpose of this Law is to regulate relations concerning allocation, use, protection, own and possess radio waves.

Article 2. Legislation on radio wave

2.1. The legislation on radio wave is comprised of the Constitution of Mongolia, Law on Communications, this Law and other relevant legislative acts issued in conformity with them.

2.2. If an international treaty of Mongolia is inconsistent with this Law, then the provisions of the international treaty shall prevail.

Article 3. Definitions of terms of Law

3.1. The following terms used in this Law shall be understood as follows:

3.1.1. "Radio wave" means electromagnetic radiation with frequency up to 3000 GHz spreading in the air;

3.1.2. "Radio frequency band" means a group of radio frequency;

3.1.3. "Radio communication" means transmission and reception of various information in the form of signs, signal, audio, video and other types using radio equipment;

3.1.4. "National radio frequency allocation table" means the allocation of all radio frequency bands to radio communication service types.

3.1.5. "Short-range radio equipment" means a radio transmitter that conducts radio communication in one or both directions, has no interference to other radio communications, does not require protection from interferences and uses a low energy.

/This provision was added by the Law dated on May 30, 2019/

3.1.6. "Radio frequency jamming device" means a device that blocks a signal by deliberately causing noise to radio communication services.

/This provision was added by the Law dated on May 30, 2019/

Article 4. Radio wave ownership

4.1. The radio waves created by the generator in the territory of Mongolia and included in the National radio frequency allocation table are the state property of Mongolia.

4.2. The State shall, as an owner of radio waves, shall issue the right to use radio frequencies and radio frequency band to other person under the terms and conditions specified in this Law.

Article 5. Full powers of Government organization on radio wave

5.1. The Government shall exercise the following powers on radio wave:

5.1.1. To make decision on the use of the location of space communication satellite allocated to Mongolia;

5.1.2. To elaborate issues on the involvement radio frequency allocation into the state confidentiality and determination of the confidentiality level;

/This provision was invalidated by the Law dated on May 30, 2019/

5.1.3. Other powers specified in this Law.

/This provision was added by the Law dated on May 30, 2019/

5.2. The State Administrative Organization in charge of communication matters shall exercise the following powers on radio wave:

/This provision was revised by the Law dated on May 30, 2019/

5.2.1. To develop the state policy on the use of radio frequency band;

5.2.2. To regulate matters on radio wave with the neighboring countries in accordance with the regulations of the International Telecommunication Union, unless otherwise provided in the international treaty of Mongolia;

5.2.3. To approve procedures for use, plan, re-plan, allocate radio frequency bands and to determine radio frequency usage and service fee;

/This provision was amended by the Law dated on November 30, 2001/

5.2.4. To determine and approve the financing amount to be provided cost and equipment of the Regulatory Commission ;

/This provision was modified by the Law dated on November 30, 2001/

/This provision was invalidated by the Law dated on May 30, 2019/

5.2.5. To represent Mongolia in international radio organizations, to study preliminary proposals, conclusions and research outcomes provided by member states and conduct activities in preparation and participation in international and regional meetings;

/This provision was amended by the Law dated on May 30, 2019/

5.2.6. To approve National radio frequency allocation table;

/This provision was added by the Law dated on May 30, 2019/

5.2.7. To approve and ensure the implementation of radio wave planning policy, strategy and policy direction to introduce and develop new technology;

/This provision was added by the Law dated on May 30, 2019/

5.2.8. To develop proposals on the use of the location of space communication satellite allocated to Mongolia;

/This provision was added by the Law dated on May 30, 2019/

5.2.9. To approve integrated plan of radio frequency bands for special use;

/This provision was added by the Law dated on May 30, 2019/

5.2.10. Other powers specified in the Law.

/This provision was added by the Law dated on May 30, 2019/

Article 5#zereg#1. Full powers of the Communications Regulatory Commission

/This article was added by the Law dated on May 30, 2019/

5#zereg#1.1. The Communications Regulatory Commission shall exercise the following powers on radio wave:

5#zereg#1.1.1. To develop proposals on the state policies on radio wave, analyze the implementation and provide the authorized organizations with information;

5#zereg#1.1.2. To allocate radio frequencies and radio frequency bands, to approve radio frequency regulation, radio frequency technical requirements and normative documents and to monitor the implementation;

5#zereg#1.1.3. To conduct surveys and create resources for radio frequency bands required for necessity of country and introduction of new technological advancement;

5#zereg#1.1.4. To create integrated monitoring system of radio wave in Mongolia;

5#zereg#1.1.5. To register radio frequencies and radio frequency bands assigned in Mongolia with international telecommunications union;

5#zereg#1.1.6. To develop allocation of radio frequency bands for special use in cooperation with authorized organizations to utilize special radio frequencies;

5#zereg#1.1.7. To approve methodologies measuring safety level of effects electromagnetic fields on human and monitor the implementation;

5#zereg#1.1.8. To issue special licenses, certificates and conformity certificates specified in the Law, extend the duration, suspend, renovate and cancel licenses, approve terms and conditions, and relevant regulations, establish contracts and monitor the implementation;

5#zereg#1.1.9. To approve procedures for radio frequency jamming devices and monitor the implementation;

5#zereg#1.1.10. To approve fees of radio frequency usage and service in accordance with the provision of 5.2.3 of this Law;

CHAPTER TWO

RADIO FREQUENCY USAGE

Article 6. Classification of radio frequency band

6.1. Radio frequency band shall be classified according to the intention of use as follows:

6.1.1. Special use;

6.1.2. Public use.

6.2. Radio frequency bands allocated for needs of state defense, national security, disaster protection and social order shall be considered as for special use.

/This provision was amended by the Law dated on May 30, 2019/

6.3. Radio frequency bands allocated for use of business entities, organizations and individuals shall be considered as for public use.

6.4. Allocation and planning of radio frequencies for public use shall be open to public.

/This provision was added by the Law dated on May 30, 2019/

Article 7. Authorized entity to possess radio frequency band

7.1. To utilize radio frequency bands for public use, legal entities, established and operating in compliance with the legislation of Mongolia, and citizens shall obtain special license and certificate from and be registered to the Regulatory Commission in accordance with this Law.

/This provision was amended by the Law dated on November 30, 2001/

7.2. Radio frequency band for special use shall be registered by the Regulatory Commission.

/This provision was amended by the Law dated on November 30, 2001/

7.3. Diplomatic and consular representative offices, and representative offices of international organization in Mongolia shall utilize radio frequency band for public use as specified in the provision of 7.1 of this Law, unless otherwise provided in the international treaty of Mongolia.

7.4. If organization in charge of state defense, national security, disaster protection and social order will utilize radio frequency bands for public use, it shall comply the provision of 7.1 of this Law.

/This provision was amended by the Law dated on May 30, 2019/

Article 8. Prohibition of usage of radio frequency, radio frequency band and radio equipment

/This provision was amended by the Law dated on May 30, 2019/

8.1. It is prohibited for entity without the special license and certificate to use radio frequency and radio frequency bands.

8.2. Unless otherwise specified by law, citizens and legal entities are prohibited to use radio equipment without conformity certificate.

/This provision was added by the Law dated on May 30, 2019/

8.3. Unless otherwise specified by law, citizens and legal entities are prohibited to use, import, produce and trade radio frequency jamming device.

/This provision was added by the Law dated on May 30, 2019/

Article 9. Special License

9.1. License means a document issued by the Government authorized organization permitting the use of radio frequency and radio frequency band to set up radio communication, provide radio communication service and operate radio equipment for the purpose of public services.

9.2. License shall specify information on location and coverage of radio equipment, radio frequency and capacity of usage, start and end date and purpose of use.

Article 10. Applying for license

10.1. The following documents shall be submitted to apply for license, in addition to the documents specified in Article 13.2 of

the Law on Communications:

10.1.1. Copy of certificate;

10.1.2. Architecture, geographic location and coverage of radio equipment, radio frequency, radio frequency band and technology to be used;

10.1.3. Document issued by an authorized organization certifying the radio equipment;

10.1.4. Reference letter from Governor of aimag, capital city, soum or district

(This provision was amended by the Law dated on November 30, 2001)

/This provision was invalidated by the Law dated on May 30, 2019/

10.2. License request letter shall include information of applicant's name, contact address, telephone and fax number, and position and name of the authorized person to make decision.

Article 11. Issuing license

11.1. The Regulatory Commission shall review the application and submitted documents for compliance with requirements specified in Article 10.1 of this Law upon the receipt of the application for license.

(This provision was amended by the Law dated on November 30, 2001)

11.2. The Regulatory Commission shall issue any of the following decisions and notify the applicant within 30 working days upon receipt of the application for license to use radio frequency and radio frequency band:

(This provision was amended by the Law dated on November 30, 2001)

11.2.1. To issue a license to use radio frequency and radio frequency band;

11.2.2. To decline to issue a license to use radio frequency and radio frequency band, with basis of Article 14.2 of the Law on Communications or in case of the radio frequency is classified for special use, or being used with a valid license or certificate, or overlapped with a range of radio frequency, or have interference.

/This provision was amended by the Law dated on May 30, 2019/

11.3. In case of radio frequency usage is regulated by an international organization, a license of the radio frequency shall be issued in accordance with Article 11.1 of this Law based on comments and recommendations of that international organization.

/This provision was amended by the Law dated on May 30, 2019/

11.4. In case of number of interested persons applied for license to use the same radio frequency, the license shall be issued subject to competitive selection basis.

/This provision was amended by the Law dated on May 30, 2019/

11.5. The entity who received the decision to issue a license shall pay the fee for first year of the license within 10 working days from the date of its receipt. Failure to pay the annual fee will the subject to decline to issue a license.

Article 12. Duration of license and extension

12.1. The Regulatory Commission shall issue a license for period up to 20 years within 5 working days upon the payment for first year of the license by the applicant.

/This provision was amended by the Law dated on November 30, 2001/

/This provision was amended by the Law dated on May 30, 2019/

12.2. License holder shall submit an application to extend the license to the Regulatory Commission not less than 60 days prior to the expiration of the license.

/This provision was amended by the Law dated on November 30, 2001/

12.3. The license shall be extended, recorded to integrated registry and returned to the license holder after reviewing fulfillment of its obligation under this Law and contract within 10 working days from the date of receipt of application to extend.

Article 13. Certificate

13.1. Persons and legal entities shall be issued with a document certifying the right to use radio frequency (hereinafter referred to as "Certificate") to set up radio communication for private and internal communication usage or to use all other type of radio equipment for research and experimental activities for non-public services.

13.2. The application for certificate shall include information of applicant's name, contact address, telephone and fax number, geographic location, coverage and technical specifications of the radio equipment to be used.

13.3. The Regulatory Commission shall decide on the transfer, extension and revocation of the certificate in accordance with procedures approved by the State Administrative Organization in charge of communication matters.

/This provision was amended by the Law dated on November 30, 2001)

/This provision was amended by the Law dated on May 30, 2019/

13.4. The certificate shall specify location and territory coverage of radio equipment, radio frequency, call name, capacity of usage, start and end date and purpose of use.

13.5. In case of number of interested persons applied for certificate to use the same radio frequency, the certificate shall be issued subject to first-applied, first-accepted basis.

Article 14. The use of radio frequency without license or certificate

14.1. The use of the following types of radio equipment shall not require license or certificate to use radio frequency:

14.1.1. All types of television, radio and radio receivers;

14.1.2. Radio equipment for therapy and diagnosis;

14.1.3. Short-range radio equipment that meets with technical requirements and has a certificate of conformity.

/This provision was amended by the Law dated on May 30, 2019/

Article 15. Registry

15.1. Integrated registry shall include information on classification and purpose of radio frequency, user's name and address, radio frequency band allowed to use, its width, service range, geographic location, duration of operation, capacity and payment status by each administrative and territorial unit.

15.2. Integrated registry shall be conducted by the Regulatory Commission and reported to the State Administrative Organization in charge of communication matters in annual basis.

/This provision was amended by the Law dated on November 30, 2001/

/This provision was amended by the Law dated on May 30, 2019/

15.3. Regulation for integrated registry of licenses and certificates to use radio frequency and radio frequency band shall be approved by Head of State Administrative Organization in charge of communication matters.

/This article was added by the Law dated on May 30, 2019/

16. Service fee

16.1. Applicant shall pay the service fee in accordance with the procedure specified in Article 5.2.3 of this Law to apply for certificate and license, transfer, extend their duration, register or resolve interference issues.

CHAPTER THREE

TERMINATION OF LICENSE OR CERTIFICATE

Article 17. Grounds for termination of license and certificate

17.1. License holder shall be prohibited to transfer the license and its rights and duties to others without permission of the organization issued the license, or enter into an agreement changing its rights and duties.

17.2. In case of the ownership is changed through transferring or selling radio equipment with a certificate to others, the certificate shall be newly registered to the Regulatory Commission.

/This provision was amended by the Law dated on November 30, 2001)

17.3. The duration of license or certificate shall be terminated on the basis specified in Article 15.1 of the Law on Communications.

/This provision was amended by the Law dated on May 30, 2019/

17.4. In case of termination of license or certificate, a new license or certificate to use this radio frequency may be issued to others in accordance with this Law.

Article 18. Revocation of license or certificate

/The title of this article was amended by the Law dated on May 30, 2019/

18.1. License or certificate shall be revoked on the basis of the grounds specified in Article 15.1 of the Law on Communications along with the followings:

18.1.1. License or certificate holder is unable to exercise its rights in accordance with this Law;

18.1.2. License or certificate holder failed to pay the license and radio frequency service fee in full on time;

18.1.3. Radio frequency band used for special use has been utilized, intentionally caused noise or listened.

18.2. The Regulatory Commission shall give notice to the license or certificate holder in case of proven ground to revoke the license or certificate. The notice shall state the ground for revoking the license or certificate along with the evidence.

/This provision was amended by the Law dated on November 30, 2001/

/This provision was amended by the Law dated on May 30, 2019/

18.3. In case of the license or certificate holder considers that there are no grounds stated in the notice, the holder may submit its request and complaint along with evidence to the Regulatory Commission for review, within 30 working days after receiving the notice.

/This provision was amended by the Law dated on November 30, 2001/

18.4. The Regulatory Commission shall review and respond to the request and complaint submitted by the license or certificate holder.

/This provision was amended by the Law dated on November 30, 2001/

18.5. In case of the Regulatory Commission deems that evidence submitted by license or certificate holder is not acceptable, it shall notify the license or certificate holder on its conclusion and revoke the license or certificate respectively.

/This provision was amended by the Law dated on November 30, 2001/

/This provision was amended by the Law dated on May 30, 2019/

18.6. License or certificate holder is entitled to claim to Court within 30 days after the decision of revoke.

/This provision was modified by the Law dated on May 30, 2019/

18.7. In case of the license or certificate holder has claimed to Court, new license or certificate on the radio frequency shall not be issued until the Court decision.

CHAPTER FOUR

RIGHTS AND DUTIES OF LICENSE OR CERTIFICATE HOLDER

Article 19. Rights and duties of license or certificate holder

19.1. License or certificate holder to use radio frequency shall have the following rights:

19.1.1. To select and use certified radio equipment that meets standards and technical requirements;

19.1.2. To require to use, protect and eliminate interference of authorized radio frequency in accordance with terms and conditions specified in this Law;

19.1.3. To extend the duration of license or certificate to use radio frequency and to transfer certificate to others in accordance with the procedures specified in this Law;

19.1.4. To obtain information on the use radio frequency from the Regulatory Commission unless otherwise stated in law.

/This provision was amended by the Law dated on November 30, 2001/

19.2. License or certificate holder to use radio frequency shall have the following duties:

19.2.1. An entity interested in importing, manufacturing or selling radio equipment shall agree prior with the Regulatory Commission on radio frequency except as provided in Article 14 of this Law;

/This provision was amended by the Law dated on November 30, 2001/

19.2.2. To use radio equipment in accordance with terms and conditions, duration and purpose specified in the license or certificate;

19.2.3. To pay license or certificate fee for next year annually before the date that license or certificate was issued;

19.2.4. To resolve to make changes in the technical and operational conditions specified in license or certificate by authorized organization

19.2.5. To not to interfere to other radio communications and radio equipment;

19.2.6. In case of an international emergency signal (SOS, MAYDAY etc.) received, to inform and transmit to the relevant organization immediately;

19.2.7. In case of termination or revocation of license or certificate, to remove antenna of the radio station;

/This provision was amended by the Law dated on May 30, 2019/

19.2.8. To operate only on the permitted radio frequency and radio frequency band and to monitor output capacity and frequency of the radio equipment regularly.

CHAPTER FIVE

MISCELLANEOUS

Article 20. Monitoring

20.1. The monitoring of the legislation on radio wave in the territory of Mongolia shall be implemented by the Regulatory Commission and state communication inspector.

/This provision was amended by the Law dated on November 30, 2001/

20.2. The Regulatory Commission shall organize the measures to eliminate interferences, search and detect the persons violating the legislation without any disturb or loss occurred to the operation of radio frequency owner.

/This provision was amended by the Law dated on November 30, 2001/

20.3. The Regulatory Commission shall conduct type approvals in accordance with international standards and may have type-approval laboratory.

/This provision was amended by the Law dated on November 30, 2001/

/This provision was amended by the Law dated on May 30, 2019/

20.4. Penalty equal up to 0.3% per late day on the amount not paid shall be imposed to the radio frequency user.

20.5. The Regulatory Commission shall be entitled to terminate or prohibit the operation and run of radio equipment in the following cases of violation of the legislation on of radio wave:

/This provision was amended by the Law dated on November 30, 2001/

20.5.1. Radio equipment does not meet with standard, quality specifications and technical requirements;

20.5.2. No license or certificate issued or registered;

20.5.3. No payment paid or not fulfilled the obligations;

20.5.4. Caused interference to operation of other users or disturbed to their normal operation;

20.5.5. Changed technical specifications and frequency or operating schedule of radio equipment without informing the Regulatory Commission;

/This provision was amended by the Law dated on November 30, 2001/

20.5.6. Not fulfilled the requirement of state inspector;

20.5.7. Used the radio equipment out of its purpose.

20.6. Procedures for operating, suspending and prohibiting of radio equipment shall be approved and enforced by the Regulatory Commission.

/This provision was added by the Law dated on May 30, 2019/

Article 21. Liabilities to be imposed for violation of law

21.1. In case of actions of an official violating this Law are not criminal nature, he/she shall be subject to liability specified in the Law on Civil Service of Mongolia.

21.2. Person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or Law on Violation.

/This article was amended by the Law dated on December 04, 2015/

CHAIRMAN OF STATE GREAT KHURAL OF MONGOLIA GONCHIGDORJ.R