

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 1 of the Constitution of Montenegro, the 28th Parliament of Montenegro, at the sixth sitting of the first ordinary (spring) session in 2024, on 31 July 2024, adopted the following

## **LAW ON THE CENSUS OF AGRICULTURE FOR 2024**

### **Scope of the Law**

#### **Article 1**

This Law shall regulate the preparation, organization, and implementation of the census of agriculture in Montenegro in 2024 (hereinafter referred to as the “agricultural census”).

### **Agricultural census period**

#### **Article 2**

The agricultural census shall be conducted from 1 October to 1 December 2024.

### **Agricultural census reference period**

#### **Article 3**

The reference period of the agricultural census from 1 October 2023 to 30 September 2024, shall refer to data on: used agricultural land by categories of use and other land; organic production; irrigation; land management practices; facilities for housing livestock; method of storage manure; application of manure and mineral fertilizers; machines and equipment; labor force; and other gainful activities.

Data on the number of livestock, poultry, rabbits, and the number of beehives shall be collected with the state of play as of 30 September 2024.

### **Units included in the agricultural census**

#### **Article 4**

The agricultural census shall include agricultural holdings that have at least:

- 5 000 m<sup>2</sup> of used agricultural land;
- 3 000 m<sup>2</sup> of arable land;
- 1 000 m<sup>2</sup> of aromatic, medicinal and culinary plants, flowers and ornamental plants, seeds and seedlings;
- 1 000 m<sup>2</sup> of fruits, berries, nuts, vineyards, olive trees, nurseries and other permanent plants;
- 100 m<sup>2</sup> greenhouse;
- 100 m<sup>2</sup> of mushrooms;
- 10 beehives;
- 1 Livestock Unit (LSU).

# **Methodology for the preparation, organization, and implementation of the agricultural census**

## **Article 5**

The agricultural census shall be carried out according to the internationally comparable methodology, and instructions of administration authority responsible for statistics (hereinafter referred to as the “Statistical Office”).

The methodology for preparation, organization, and implementation of the agricultural census (hereinafter referred to as the “Methodology”) shall define preparation, organization, and implementation of the census, as well as processing and dissemination of the data collected by the census.

Dissemination of census data shall be any activity of the official statistical producers, which include the presentation of the official statistics results, as well as the method, and the form of providing access to the official statistical results, with the data on sources, and methods of data collection.

## **Quality principles**

### **Article 6**

In the preparation, organization, and implementation of the agricultural census, as well as the processing and dissemination of the results, the principles of official statistics are applied in accordance with the law regulating official statistics.

## **Use of gender-sensitive language**

### **Article 7**

The expressions used in this Law for natural persons in the masculine gender imply the same expressions in the feminine gender.

## **Meaning of terms**

### **Article 8**

The terms used in this Law shall have the following meaning:

- 1) Used agricultural land** means arable land, kitchen garden and/or gardens, orchards, vineyards, nurseries, meadows, and pastures, which are regularly cultivated (used) by the agricultural holding, regardless of whether the land is owned or leased;
- 2) Person who participates in agricultural production** means a person who is at least 15 years old and is permanently or occasionally engaged in agricultural production;
- 3) Holder of a family agricultural holding** means a person who is the owner or user (lessee for a shorter or longer period) of a family agricultural holding, that is, a person who is responsible for carrying out the agricultural activities of the holding;

- 4) **Manager of a family agricultural holding** is a person who makes daily decisions at the holding, i.e. a person who is responsible for financial and production activities at the holding;
- 5) **Agricultural holding** means a unique technical and economic unit that performs agricultural activity;
- 6) **Agricultural production** means the cultivation of agricultural crops (cereals, potatoes, pulses for dry grain, industrial plants, medicinal, aromatic, and spicy plants, fodder plants, vegetables, flowers, ornamental plants, seeds, planting material, fruits, and vines), mushroom cultivation, raising livestock (cattle, pigs, sheep, goats), poultry and other animals (horses, donkeys, mules, mules, bees, rabbits), processing own grapes into wine and own olives into oil; except stables of riding horses, racehorses, galloping horses (land used for the treatment of racehorses), processing of agricultural products (excluding processing of own grapes into wine and own olives into oil), forestry, hunting, fishing or fish farming and performing agricultural services for others with their machinery;
- 7) **Livestock stock** means the number and type of livestock raised by categories and
- 8) **Conditional head or "livestock unit"** (LSU) means a standard measurement unit used to aggregate or compare the number of different species or categories of animals.

### **Data collected by agricultural census**

#### **Article 9**

The agricultural census shall collect data on: name and surname of the holder of the agricultural holding; gender; date of birth and unique registration number; residential address; registered office of the agricultural holding; telephone number; registration of agricultural holding name and surname of the registered person, unique identity number of the person with whom the agricultural holding is registered; used agricultural land by categories of use, as well as other land; organic production; livestock; poultry; rabbits; number of beehives; labor force, and other gainful activities, also including the data classified by sex to improve gender analysis in the agricultural sector; facilities for housing livestock; method of storing manure; application of manure and mineral fertilizers; irrigation; land management practices; machinery and equipment.

### **Bodies implementing the agricultural census**

#### **Article 10**

The Statistical Office shall prepare, organize, and implement the agricultural census, in cooperation with authorities referred to in Article 15 of this Law.

The Statistical Office, shall carry out certain tasks for the preparation, organization, and implementation of the Census in the territory of local self-government unit, through local self-government units and Census Committees, in accordance with this Law.

Ministries and other administrative authorities, as well as other bodies, organizations, and institutions, shall participate in the preparation, organization, and implementation of the agricultural census, within their level of competence.

### **Tasks of the Statistical Office**

## **Article 11**

The Statistical Office shall perform the following tasks:

- 1) Ensure timely and complete implementation of this Law;
- 2) Perform all the necessary preparatory activities for the implementation of the agricultural census;
- 3) Establish methodological and organizational rules and instructions for the preparation, organization, and implementation of the agricultural census and control their unique application;
- 4) Coordinate and implement a public campaign on the purpose, importance, and contents of the agricultural census;
- 5) Determine the contents and form of the electronic questionnaire for the agricultural census, other census forms, authorizations, and other material for the preparation and implementation of the agricultural census;
- 6) Determine state instructors for the agricultural census;
- 7) Select instructors and enumerators according to public invitation;
- 8) Conclude employment contracts with instructors and enumerators;
- 9) Define the contents of the training for all participants in the agricultural census, and control the professional-methodological training of the participants in the agricultural census;
- 10) Conduct methodological and organizational training of state instructors, members of census commissions, instructors, and enumerators;
- 11) Establish the Committee for Management, Preparation, and Implementation of the Agricultural Census (hereinafter referred to as the "Committee") as a special committee of the Statistical Office with the task of coordinating the preparation and implementation of the agricultural census,
- 12) Establish other commissions, teams, and working groups for the preparation and implementation of certain census activities: drafting of normative acts; methodological rules; organizational rules; communication; processing and dissemination of data collected by the census, and other specific census activities;
- 13) Form census commissions in local self-government units, and define their obligations in accordance with this Law and the Methodology;
- 14) proposes and assigns members of the Census Commission in cooperation with representatives of local self-government units and ministries, organizes meetings with members of census commissions, and presides over meetings;
- 15) Assigns state instructors as a member of each of the census commissions;
- 16) Perform the calculation of compensation for the work of the participants of the agricultural census and take care of the correct allocation and rational use of the financial resources designated for the agricultural census, prepare the calculation of the spent funds, and prepare the final report;
- 17) Determine and apply a unique logic-calculation control for data processing;
- 18) Process data in accordance with the Law and international documents, including data classified by sex, and publish the preliminary and final results of the agricultural census according to the agricultural census activity plan;
- 19) Transmit data of the agricultural census to the statistical office of the European Union - Eurostat at the microdata and metadata level, in accordance with the activity plan of the agricultural census;

- 20) Submit a request for initiation of misdemeanor proceedings in accordance with the Law, and
- 21) Perform other tasks related to the agricultural census in accordance with the Law.

### **Tasks of local self-government units**

#### **Article 12**

The local self-government unit shall:

- 1) Provide premises, use of equipment, and other resources necessary for the work of the Census Committee, in accordance with the guidelines of the Statistical Office;
- 2) Provide premises and other necessary conditions for organization the trainings for instructors and enumerators in accordance with the guidelines and instructions of the Statistical Office;
- 3) Provide adequate premises for reception and storage of census material in compliance with the prescribed security measures in accordance with the guidelines and instructions of the Statistical Office, and
- 4) Assist authorities in implementing the Census on its territory, and carry out other tasks in accordance with the rules of the Statistical Office.

### **Establishment of census commission**

#### **Article 13**

A census commission shall be established for each local self-government unit.

The members of the census commission shall be assigned by the director of the Statistical Office, namely:

- 1) a representative of the local self-government unit from the office or secretariat for agriculture;
- 2) a representative of the Directorate for Advisory Services in Crop Production and/or the Directorate for Advisory Services in Livestock for the aforementioned local self-government units, the Ministry of Agriculture, Forestry and Water Management; and
- 3) a representative of the Statistical Office.

Exceptionally, from paragraph 2 of this Article, and depending on the number of agricultural holdings, with a particular explanation at the request of the local self-government unit, the director of the Statistical Office may determine additional members of the census commission.

### **Tasks of census commissions**

#### **Article 14**

In accordance with the Methodology, the census commission shall directly organize the agricultural census on the territory of local self-government units, and perform the following tasks:

- 1) Timely undertake the necessary measures in order to ensure all activities for the preparation, organization, quality, and timely implementation of the census on the territory of local self-government units, in accordance with the Methodology;
- 2) Provide premises for the work of participants in the agricultural census;

- 3) Organize duty in the premises of the census commission for the duration of the agricultural census;
- 4) Attend meetings organized by the Statistical Office;
- 5) Take care of the correct application of organizational rules and other instructions prescribed by the Methodology;
- 6) Assist instructors and enumerators and undertake appropriate activities to resolve emerging problems in the field, and
- 7) Perform other tasks concerning the preparation, organization, and implementation of the agricultural census in accordance with the Methodology.

### **Participation of other authorities in the agricultural census**

#### **Article 15**

In preparation, organization, and carrying out of individual agricultural census-related tasks, in accordance with their competences and needs of official statistics, there shall participate representatives of:

- 1) Ministry of Agriculture, Forestry and Water Management;
- 2) Biotechnical Faculty, and
- 3) Other bodies, organizations and institutions as needed.

### **Access to administrative data sources**

#### **Article 16**

The authorities keeping the administrative data sources shall have the obligation to enable the Statistical Office, at its request, to access data required for the agricultural census, including identifiers, in accordance with the law governing the official statistics and official statistical system.

The Statistical Office shall undertake all measures for protection of data taken over from administrative sources in accordance with the law.

### **Participants in the agricultural census**

#### **Article 17**

Participants in the agricultural census shall be enumerators, instructors, state instructors, controllers, and other persons.

The director of the Statistical Office shall determine the participants for carrying out activities in the agricultural census.

Enumerators and instructors shall be hired through a public invitation issued by the Statistical Office.

### **Obligations of participants in the agricultural census**

#### **Article 18**

Enumerators, instructors, state instructors, controllers, and other persons performing tasks related to the Census, shall be obliged to carry out the agricultural census activities

in timely and comprehensive, in accordance with the rules and instructions of the Statistical Office.

The persons referred to in paragraph 1 of this Article must:

- Have a written authorisation for their work and when performing their tasks shall be obliged to present such authorisation when entering an agricultural holding.
- Shall be obliged to take strict account of accuracy of data entered.
- Keep as official secrets all data on enumerated agricultural holdings obtained during performing tasks assigned to them, and for such reason they shall sign a statement on statistical confidentiality in accordance with the law, and
- Not abuse the enumeration process in such manner as to in presence of persons being enumerated record, or photograph the interview or filled in census forms and questionnaire, and publish via internet or media outlets the recording or photography.

## **Data collection method**

### **Article 19**

The data shall be collected by the interview method, and directly in the field, enumerators shall enter the data through an application model installed on electronic devices.

In case of special circumstances which refer to events or certain conditions which cannot be envisaged and which cannot be influenced, but which can endanger life and health of citizens and property or infringe agricultural production, the data collection shall be done by acceptable methods depending on the given circumstances (by phone or via email).

Data in the agricultural census shall be provided by the person who is the holder, owner/user of the family agricultural holding, or an adult member of the holding who is most familiar with the data.

Information about the company shall be provided by the responsible person or other authorized person in the company.

## **Rights and obligations of persons providing data**

### **Article 20**

A person covered by the agricultural census shall be obliged to participate in it, precisely to answer all questions, and to provide accurate and complete answer to each question in accordance with the Methodology.

In order to determine the accuracy of data referred to Article 9 of this Law, the enumerator may request from a person covered by the Census to present public identification based on which the identity of the person and stated data could be ascertained.

The enumerator must enter into the census questionnaires data in the way the person covered by the Census has provided.

The person covered by the Census must not abuse the enumeration process and presence of the enumerator in such manner as to record, or photograph the interview or filled in census questionnaires, and publish via internet or media outlets the recording or photography.

## **Data confidentiality**

### **Article 21**

Data collected in the agricultural census for official statistics shall be considered confidential.

Data confidentiality shall also apply to data collected from other sources from the moment they are submitted for the purposes of official statistics.

Individual data on agricultural holdings may be only used for statistical purposes, they are reported at the aggregate level, and shall represent an official secret.

## **Protection of data collected by the agricultural census**

### **Article 22**

The Statistical Office shall take all measures of an administrative, technical, or organizational nature to protect confidential data collected by the agricultural census from unauthorized access to that data, their disclosure, or misuse.

## **Protection of data collected by the agricultural census**

### **Article 23**

The Statistical Office shall store data collected through the applicative model installed on electronic devices in the information system or on the media in a manner that shall ensure the durability of the electronic record.

Data shall be stored in accordance with the valid standards in a manner that prevents their destruction, alienation, and unauthorized use.

## **Dissemination of agricultural census results**

### **Article 24**

The Statistical Office shall publish the preliminary results of the agricultural census no later than 90 days after the end of the agricultural census, at the aggregate level for the territory of Montenegro.

The Statistical Office shall publish the final results of the agricultural census according to the activity plan of the agricultural census.

## **Data processing**

### **Article 25**

The Statistical Office shall process the agricultural census data to provide the results of official statistics on the structure of agricultural holdings.

Data processing shall be carried out in compliance with the principles of official statistics.

Special processing upon request of the user shall be carried out in accordance with the law regulating official statistics.

## **Financing of agricultural census**



### **Article 26**

The funds needed to finance the agricultural census shall be provided from Montenegro's budget.

The amount of funds and their distribution from paragraph 1 of this article, is determined by the Government of Montenegro, at the proposal of the Statistical Office.

### **Remuneration for work**

#### **Article 27**

Persons who take part in the preparation, organization, and implementation of the agricultural census and all other census activities shall be entitled to compensation for tasks performed in accordance with the law regulating the salaries of employees in the public sector.

### **Penal provisions**

#### **Article 28**

A fine in the amount ranging from 500 euro to 20 000 euro shall be imposed on a legal entity for a violation if does not perform activities related to the agricultural census in a timely manner and in the prescribed manner (Article 18, paragraph 1).

A fine in the amount ranging from 30 euro to 2 000 euro shall be imposed on an authorized person of the legal entity for the offence from paragraph 1 of the Article.

A fine in the amount ranging from 30 euro to 2 000 euro shall be imposed on a natural person for the offence referred to in paragraph 1 of the Article.

#### **Article 29**

A fine in the amount ranging from 30 euro to 2 000 euro shall be imposed on an authorized person of local self-government unit (Article 12 paragraph 1 item 3).

#### **Article 30**

A fine in the amount ranging from 30 euro to 2 000 euro shall be imposed on a natural person who performs activities related to the agricultural census if:

1) Does not strictly take account of the accuracy of the entered data (Article 18, paragraph 2, indent 2);

2) Does not keep as officially confidential all data on enumerated agricultural holdings (Article 18 paragraph 2 indent 3);

3) Abuses the enumeration procedure in such a way that, in the presence of the person included in the census, they will record or photograph the course of the interview or the completed census forms and publish the recording or photograph via the Internet or the media (Article 18, paragraph 2, indent 4).

### **Secondary legislation**

#### **Article 31**

Secondary legislation referred to in Article 26 of this Law shall be adopted within six months from the day of entry into force of this Law.

### **Entry into force**

#### **Article 32**

This Law shall enter into force on the day of its publication in the Official Gazette of Montenegro.

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Podgorica, 31 July 2024

The 28th PARLIAMENT OF MONTENEGRO

PRESIDENT

Andrija Mandić