

## **11 Annex - Agriculture and rural development**

### **40. Law on the Implementation of Agricultural Census in 2009**

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Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

**Decree on Promulgating the Law on Implementation of the Agricultural Census in 2009**

*(Official Gazette of Montenegro 54/09 of 10 August 2009)*

I hereby promulgate the Law on Implementation of the Agricultural Census in 2009, passed by the Parliament of Montenegro at the third sitting of the first ordinary session in 2009 on 27 July 2009.

No: 01-2306/2

Podgorica, 3 August 2009

The President of Montenegro

Filip Vujanovic, manu propria

**LAW ON THE IMPLEMENTATION OF AGRICULTURAL CENSUS IN 2009**

**Subject Matter of the Law**

**Article 1**

Agricultural census (hereinafter referred to as: the Census) shall be conducted in Montenegro in the period October 1 to 15, 2009.

The Census shall be conducted according to the situation as on September 30, 2009 at 24:00 hours, which shall be considered the cutoff time for the purposes of this Census.

Immediately upon the completion of the Census, the statistical control of the Census shall be carried out on a representative sample, in order to evaluate the scope and the quality of data collected through the Census.

**Census organisation**

**Article 2**

The Census shall be prepared, organised and implemented by the Statistics Bureau (hereinafter referred to as: the Competent Authority).

The Competent Authority shall perform certain activities related to the census preparation, organisation and implementation through the Agency for Appointing and Payment of the instructors, controllers, enumerators and other persons engaged in the Census, in accordance with this Law and the Agricultural Census Methodology.

**Reporting units**

**Article 3**

The Census shall cover the following reporting units:

- 1) family agricultural holdings
- 2) legal and natural persons (hereinafter referred to as: business entity) engaged in agriculture.

**Terms**

**Article 4**

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

- **agriculture** is an economic activity comprising plant and livestock production and related services;
- **agricultural holding** is a single technical and economical unit with a single management, engaged in agriculture and can be either a family agricultural holding or a business entity;
- **holder of a family agricultural holding** is the person who is either the owner or the user (short-term or long-term tenant) of a family agricultural holding, or the person responsible for carrying out agricultural activity on the holding (hereinafter referred to as: the holder of the holding);

- **household** is any family or other community of persons living together and spending their income together in covering their elementary life necessities (housing, food, etc.). Household also means a one-member household, i.e. a single household, as well as a collective household, i.e. a household comprising persons living in apartments for lasting care for children and adults, in monasteries-convents and in hospitals for accommodation of incurable patients;
- **agricultural production** means the growing of field crops, fruit, seeds and seedlings, nurseries (excluding forest nurseries), grapevine and flowers (in open space or in greenhouses);
- **land resources** means the total agricultural area, divided into the following categories by types of use: arable land (ploughland and gardens, orchards, vineyards and meadows) and pastures, as well as forests and other land that, in view of its natural and economic conditions, may be used for agricultural production;
- **livestock resources** means the number and type of livestock by categories;
- **forest** is any area exceeding 500m<sup>2</sup> covered by forest trees and serving for the production of forest products or having a protective or special purpose;
- **fish pond** is a restricted, closed space, in which fish is farmed, including water inflow and outflow channels;
- **Agro-technical measures** are measures applied in agricultural production, aimed at providing optimum conditions for plant growing;
- **on-farm facilities** are structures made of firm material, serving for the accommodation of livestock, poultry, organic fertilisers, agricultural products, machines, equipment etc.;
- **agricultural mechanization and equipment** means all machines and tools used in the application of agro-technical measures;
- **persons participating in agricultural production** are the persons who are permanently or periodically engaged in agricultural production.

### **Use of Gender Sensitive Language**

#### **Article 5**

All terms used in this Law for natural persons in masculine shall also comprise the same terms in feminine.

### **Family agricultural holding**

#### **Article 6**

Family agricultural holding is a holding where the holder, either alone or with other members of his/her household, engages in agricultural activity, regardless of the occupation of other members, provided that at least 1,000m<sup>2</sup> of agricultural land is used for that purpose.

The holding referred to in paragraph 1 of this Article is also a holdings using less than 1,000m<sup>2</sup> of agricultural land if it has at least:

- 1 cow and 1 calf, or
- 1 cow and 1 bullock/heifer, or
- 1 cow and 2 head of small animals (sheep, goats, pigs), or
- 5 sheep or goats, or
- 3 pigs, or
- 4 head of small animals, or
- 50 poultry, or
- 20 bee-hives.

Family agricultural holding is also a household that fails to comply with the conditions referred to in paragraphs 1 and 2 of this Article, where agriculture is the only source of income.

### **Information on family agricultural holding**

#### **Article 7**

The following information shall be collected on family agricultural holdings covered by this Census:

- Holder (last name, a parent's name and first name of the person the holding is registered to, unique personal identification number (JMBG), address etc.);
- place (municipality and locality);
- land resources;
- agro-technical measures applied;
- livestock resources;
- type of on-farm facilities;
- agricultural services used (extension services, services in plant production and livestock production, subsidies etc.);
- use of agricultural mechanization and equipment (number, type, age);
- agricultural production;
- organic agriculture (certified area, certified organic livestock production and area of land in transitional period);
- persons taking part in agricultural production (permanently or periodically engaged, education, age etc.);
- records of income and expenses;
- purpose of agricultural products produced;
- energy consumption (quantity and type),
- Supplemental activities (tourism, handicrafts, processing and packaging, forest fruit collection, etc.).

### **Business entity**

#### **Article 8**

Business entity is a company, other legal person and an entrepreneur performing agricultural activity, based in Montenegro, as well as units of a foreign company operating on the territory of Montenegro.

In addition to information referred to in Article 7, paragraph 1, indents 3 to 15 of this Law, the following data on business entities shall be collected:

- name, head office and address, identification number, ordinal number of the corporate unit concerned etc.;
- surface of a fish pond
- capacity of a freshwater fish ponds.

### **Information on land resources**

#### **Article 9**

The following information shall be collected on land resources covered by the Census:

- area of utilised agricultural land (utilised home gardens, ploughland, nursery production, vineyards, orchards, perennial meadows and pastures);
- area of non-utilised agricultural land;
- area under forests,
- area of other, infertile land (land occupied by establishments, roads, swamps and reed, rock etc.).

### **Information on agro-technical measures**

#### **Article 10**

The following information shall be collected on agro-technical measures covered by the Census: use of plant nutrition products, use of plant protection products and irrigation of areas planted.

### **Information on livestock resources**

#### **Article 11**

The following information shall be collected on livestock resources covered by the Census: livestock by species and categories, summer pastures, types (systems) of livestock production, and holdings for identification and registration.

### **Information on facilities covered by the Census**

#### **Article 12**

The following information shall be collected on on-farm facilities covered by the Census: number, age and area of buildings accommodating cattle, poultry, organic fertiliser storages, and other facilities.

### **Information on agricultural production**

#### **Article 13**

The following information shall be collected on agricultural production covered by the Census: area of land under vegetables, flowers and ornamental plants in home gardens, in open space and greenhouses, among crops, combined crops and supplementary crops on ploughland and gardens.

### **Agricultural Census Methodology**

#### **Article 14**

More detailed types and classification of information referred to in Articles 6 to 13 of this Law, which are the subject of the Census, shall be established by the Agricultural Census Methodology. The Methodology referred to in paragraph 1 of this Article shall also specify in more detail the preparation and method of implementation of the Census, enumeration and subsidiary forms and materials needed for conducting the Census.

Enumeration forms referred to in paragraph 2 of this Article are: check list, questionnaire for family agricultural holding and questionnaire for business entities.

### **Competent Authority**

#### **Article 15**

In addition to tasks laid down by the law, the Competent Authority shall:

- 1) define agricultural census methodology;
- 2) cooperate with the Ministry of Agriculture, Forestry and Water Management and the Agency for Appointing and Paying;
- 3) appoint state instructors;
- 4) establish financial plan for the use of funds provided for the Census;
- 5) determine and fees for the participants working on the Census;
- 6) appoint members of Census Bureau;
- 7) Provide training to state and municipal instructors through the Census Bureau;
- 8) provide instruments (forms, instructions etc.) for conducting the Census;
- 9) process the Census materials;
- 10) produce and publish the results of the Census, in accordance with relevant the data processing program;
- 11) perform other tasks in accordance with the law.

The composition and tasks and responsibilities of the Census Bureau shall be laid down in a regulation on its establishing.

### **Agency for Appointing and Paying**

#### **Article 16**

The Agency for Appointing and Paying is a legal entity.

The Agency for Appointing and Paying shall:

- Implement the procedure of appointing and paying municipal instructors, enumerators and persons entering the data;
- Provide space for training and storage of census material;
- perform other duties related to the preparation and implementation of the Census, in

accordance with the instructions from the Competent Authority.

### **Collection of information from family agricultural holding**

#### **Article 17**

Information about a family agricultural holding shall be collected from the holder of such holding or an adult member of the household who is most familiar with such information.

Information about the family agricultural holding shall be collected by the interview method, using the census forms to be completed by the enumerator.

### **Written notification**

#### **Article 18**

If the person referred to in Article 17 of this Law is not found on the family agricultural holding by the enumerator, the enumerator shall leave a written notification stating that such person is obliged to contact the Competent Authority, within 3 days after leaving the notification, in order to give the information related to the Census.

The notification referred to in paragraph 1 of this Law shall indicate the working hours and the address of the authority in charge of the Census.

### **Collection information from a business entity**

#### **Article 19**

Information about the business entity shall be completed by an authorised person and certified by a responsible person in the business entity.

The completed forms shall be forwarded to the competent authority by mail.

### **Obligation to provide and enter information**

#### **Article 20**

The persons referred to in Articles 17 and 19 of this Law shall, directly and within the prescribed time, and at no cost, provide accurate and complete information about the questions asked through the Census.

The enumerator shall enter into the census forms the information as given by the person covered by the Census.

### **Obligations of other persons in the Census**

#### **Article 21**

Enumerators, instructors, controllers and other persons performing duties in relation to the Census shall perform such duties in a timely and proper manner.

The persons referred to in paragraph 1 of this Law shall have a proper written authorisation for their work and they shall present it while performing their tasks.

### **Agricultural Census Committee**

#### **Article 22**

For the purpose of providing technical assistance in the process of preparation, organisation and implementation, as well as dissemination of the Census, Agricultural Census Committee (hereinafter: the Committee) shall be established.

The Committee shall be established by the Government of Montenegro upon proposal of the Competent Authority.

### **Responsibilities of the Committee**

#### **Article 23**

The Committee shall:

- give opinion on the census methodology and census forms;

- give proposals and suggestions for the preparation of instruments for the Census;
- participate in activities aimed at making the public aware of the importance of the Census;
- consider issues of relevance to the Census implementation;
- give opinion on the program for data processing and publishing results of the Census; and
- perform other tasks of relevance to the Census.

### **Composition of the Committee**

#### **Article 24**

The Committee shall have a chairman and 12 members.

The head of the Competent Authority shall be chairman of the Committee.

The mandate of Commission members shall last until the publication of final census results.

The Committee members shall be representatives of:

- |   |            |
|---|------------|
| 1) Competent Authority                                    | 2 members; |
| 2) Ministry of Finance                                    | 1 member;  |
| 3) Ministry of Agriculture, Forestry and Water Management | 1 member;  |
| 4) Real Estate Agency                                     | 1 member;  |
| 5) Biotechnical Institute                                 | 1 member;  |
| 6) Veterinary Administration                              | 1 member;  |
| 7) Marine Biology Institute                               | 1 member;  |
| 8) Forest Administration                                  | 1 member;  |
| 9) Secretariat for European Integration                   | 1 member;  |
| 10) Parliament of Montenegro                              | 1 member;  |
| 11) NGO civil sector                                      | 1 member.  |

### **Method of work of the Committee**

#### **Article 25**

Administrative and technical tasks for the Committee shall be performed by the Competent Authority.

More detailed method of work of the Committee shall be laid down in its rules of procedure.

### **Use of information**

#### **Article 26**

Information received through the Census shall be used for setting up and maintaining the register of agricultural holdings, for macro-economic planning purposes, scientific and other researches, and statistical purposes.

### **Publication of Census results**

#### **Article 27**

The preliminary results of the Census shall be published by the Competent Authority within 30 days upon the completion of the Census.

The results of the Census, established through the data processing program, shall be published by the Competent Authority successively, until the end of December 2010.

### **Financing**

#### **Article 28**

The funds necessary for the implementation of the Census shall be provided from the Budget of Montenegro.

### **Penalty provisions**

#### **Article 29**

A fine ranging from ten to three hundred minimum wages in Montenegro shall be imposed against any legal person that fails to provide, within the prescribed period of time and free of charge,

accurate and complete information about the questions asked in the Census (Article 20 paragraph 1).

A fine ranging from a half to twenty minimum wages in Montenegro shall be imposed against natural person and responsible person in the legal person, for the misdemeanour referred to in paragraph 1 above.

**Article 30**

A fine ranging from a half to twenty minimum wages in Montenegro shall be imposed against natural person who fails to perform the duties related to the Census in a timely and proper manner (Article 21 paragraph 1).

**Establishing of the methodology**

**Article 31**

The methodology for the agricultural census shall be established by the Competent Authority within 30 days following the entry into force of this Law.

**Appointing of Committee members**

**Article 32**

The Committee members shall be appointed within 15 days following the entry into force of this Law.

**Entry into force**

**Article 33**

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

SU-SK No 01-56/20  
Podgorica, 27 July 2009  
Parliament of Montenegro  
President  
Ranko Krivokapic