



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-098

ON AGRICULTURE AND RURAL DEVELOPMENT

Assembly of Republic of Kosovo,

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

In order to establish legal framework for the development of agriculture and rural development,

Adopts:

LAW ON AGRICULTURE AND RURAL DEVELOPMENT

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

Propose of this Law is determination of the policies for the development of agriculture and rural development.

Article 2
Field of implementation

1. This Law determines objectives, measures and programs of the agriculture policies and rural development based on Agriculture and Rural Development Plan.

2. By this Law will be determined rules for providing agriculture public services, research and professional training, data base and information in field of agriculture policies and rural development.

Article 3 Definitions

The terms or expressions used in this law have the following meanings:

“Agriculture” means an economic activity whose objective is production of food for human consumption, feed for livestock, industrial plants, bio carburant and other products of vegetal and animal origin;

“Farm” means the basic economic unit in agricultural activity and in other economic activities related to agriculture. It is a parcel of land that is mainly utilized in order to produce and manage food or livestock production. The Farm may be owned by an individual, a family, a community or it can be owned by a cooperative or by an enterprise;

“Agriculture product” means vegetal and animal products that are produced in the farm and those coming from the first phase of processing of these products;

“Agro-food Product” means agricultural products and other processed products;

“Agriculture Policy” means the state policy for objectives and measures that act directly in agro-food markets and farm incomes;

“Rural Development Policy” means the state policy focused on the sustainable development of rural areas, to their economic and social convergence, as well as to the environmental protection;

“Agriculture and Rural Development Strategy” means the medium-term objectives of the agricultural and rural development policy, the programming, measures and the way that government plans financial support for the respective period of time for agriculture and rural development;

“Action Plan” means the document adopted, based on the programming that describes, how the government will implement the strategies in rural areas and in different periods of time;

“National Plan for Agriculture and Rural Development” means the plan approved based on this Law which determines agricultural policies and rural development of Kosovo;

“Measure of agriculture and rural development policy” means the actions and instruments by which objectives are to be met as set out in this Law;

“Sustainable Agriculture” means the agriculture that with regards to its economic and social background is sustainable and as such for a long period of time does not degrade the environment. The concept of sustainable agriculture is based on the principle of multi-

functionality, by implying that agriculture, despite economic benefits of its products, also produces public goods related to environment, food security and food safety, as well as regional and social convergence;

“Marginalized Groups” – mean different groups of population in remote areas that have been left aside and that are not included in the general processes of the development of the society;

“Public Service in the field of agriculture and rural development” means government policies in providing services through its programs, in order to further advance the sector of agriculture and rural development;

Payment unit for supporting agriculture and rural development” means organizational unit of Ministry to support sector of agriculture and rural development, established by this law.

“Cooperative” means legal entity or natural person joined on voluntary basis in order to achieve common economic objectives through certain agricultural actions;

“Minister” means the Minister of Agriculture, Forestry and Rural Development;

“Ministry” means the Ministry of Agriculture, Forestry and Rural Development;

“Government” means the Government of the Republic of Kosovo.

Article 4

Objectives of the agricultural and rural development policy

1. With measures for implementation of agriculture and development of the rural areas policy it is aimed to achieve the following general objectives:

1.1. competition in agricultural and rural production that increases its competitive ability in both domestic and foreign market, that is enabled through increase of the productivity and efficiency of the economic activities in rural areas;

1.2. increase of the incomes for rural population by increasing their welfare through improvement of the working and living conditions, as well as creating equal opportunities for all marginalized groups;

1.3. economic stability, by ensuring that agricultural production is sustainable;

1.4. the quality of food products, by ensuring that food chain is of a sustainable quality and that it fulfills determined standards;

1.5. sustainable environment protection;

1.6. convergence that aims to reduce differences between different levels of development of different regions, by developing alternative and complementary activities that generate employment in order to encourage people living in rural areas and support small and medium businesses;

1.7. food safety that does not cause harmful effects in the human health, if it is prepared and consumed in compliance with standards and conditions of production.

CHAPTER II

PROGRAMING, IMPLEMENTATION AND FINANCING OF AGRICULTURE AND RURAL DEVELOPMENT POLICY

Article 5

National Plan for Agriculture and Rural Development

1. The National Plan for Agriculture and Rural Development contains the Strategy for Agriculture and Rural Development that is based on current analysis, medium-term objectives of agriculture and rural development policy, measures, programs and activities in achieving of these objectives, following effective evaluation and necessary public funds used for the implementation of agricultural and rural development policies.
2. The National Plan for Agriculture and Rural Development is drafted by the Ministry of Agriculture in co-operation with other relevant institutions and with Government's proposal is approved by the Assembly of Kosovo.
3. The Plan is approved for a period of seven (7) years.

Article 6

The action plan for the implementation of agriculture and rural development policy

1. The Government in compliance with the National Plan for Agriculture and Rural Development approves the action plan for one or more years for the implementation of agricultural and rural development policy.
2. The Action plan includes parts or the overall package of measures of agricultural and rural development policy:
 - 2.1. the conditions, criteria and procedures for the presentation and the implementation of the measures of agricultural and rural development policy;

2.2. the financial sources and procedures for implementation and control of implementation of agriculture and rural development policies;

2.3. the procedures for the monitoring and evaluation for agriculture and rural development policy.

Article 7 Financing

1. Financing for agricultural policies and rural development is done by:

1.1. budget of Republic of Kosovo;

1.2. donations; and

1.3. other sources in accordance with the laws in force.

Article 8 Beneficiaries from supporting measures

Beneficiaries from the program fund through measures, which are undertaken within policies of agricultural and rural development, are farmers, groups of farmers, natural and legal persons who develop activities in agricultural field and rural development.

Article 9 Application

1. Application to benefit funds from supporting measures for agricultural policies and rural development may be presented by a farmer, groups of farmers, natural and legal persons as foreseen by this law.

2. Beneficiaries should use funds in accordance with the purpose they are given for.

Article 10 Payment of means

Payment of means for implementation of agricultural policies and rural development is done by Unit of payments for support of agriculture and rural development.

Article 11
Documents to be kept

1. Beneficiaries who received funds from supporting measures should keep documents that have been used for benefit of funds for a period of four (4) years, starting from the date of deliverance of funds.
2. Documents that are kept from beneficiaries shall be determined by sub-legal from the Ministry.

Article 12
Payment unit for supporting agricultural and rural development

1. Payment unit for supporting agricultural and rural development is established within the Ministry and has the following competencies:
 - 1.1. implementation of measures of agricultural policies and rural development;
 - 1.2. drafting reports and analyses in accordance with agricultural development;
 - 1.3. building and functioning of integrated system of administration and control;
 - 1.4. building and implementation of market information system;
 - 1.5. creation and maintenance of necessary data base;
 - 1.6. implementation of control and internal auditing measures;
 - 1.7. inspection of farmers and subjects that have benefited from the funds of program for agriculture and rural development.
2. Payment unit for supporting agricultural and rural development implements international supporting programs on agricultural and rural development.
3. Organization, functioning and work of the unit, is determined with sub-legal act by the Ministry.

CHAPTER III

THE MEASURES OF THE AGRICULTURAL POLICY

Article 13

The principles on which are based agricultural policy measures

Measures of agricultural policy must be harmonized and implemented in compliance with principles of equality and effectiveness.

Article 14

Forms of internal support

Internal support for agricultural and agro food products is implemented through measures for market stabilization.

CHAPTER IV

MEASURES OF THE RURAL DEVELOPMENT POLICY

Article 15

Objective of the measures

1. Measures of the rural development policy support:

1.1. improvement of the competitiveness of agricultural and of the agro-food industry in rural areas;

1.2. land management and protection of the environment;

1.3. improvement of the quality of life and encouragement of diversified economic activities in these areas;

1.4. improvement of the governance and the mobilization of the local development potential in rural areas, as well as creation of local initiatives.

2. Measures are proposed by the National Plan of Agriculture and Rural Development and shall be regulated through Action Plan.

3. The way of implementing these measures and the criteria for support are determined by a sub-legal act of the Ministry.

Article 16

Support for improvement of competitiveness in agricultural and agro-food industry

1. The support to improve competitiveness in agricultural and agro-food industry is based on different investment measures and supporting measures through projects that improve the situation in regards to:

- 1.1. development of professional training for human capacity building in order to fulfill rural needs;
- 1.2. restructuring of physical potential in agro-rural sector;
- 1.3. management of water resources for agriculture; and
- 1.4. improvement of processing and of marketing of agricultural products.

Article 17

Support for improvement of the quality of life and encouragement of diversified economic activities in rural areas

1. Support for improvement of the quality of life and encouragement of diversified economic activities in rural areas helps to maintain and improve the socio-economic conditions in the most remote areas that are facing the phenomenon of population migration.

2. This support is based on different investment measures and support measures through projects that enhance investments in the whole rural economy and improve the situation in regards to:

- 2.1. diversification of farms and of alternative activities in rural areas; and
- 2.2. regeneration and development of villages, maintenance and improvement of rural heritage.

Article 18

Support in establishing of local initiatives

1. Support stimulates establishing of the local initiatives that include farmers, forestry workers and other rural stakeholders that may keep and increase more local natural and cultural heritage, to increase awareness for protection of environment and to promote typical products, tourism and renewable resources of energy.

2. Main actions of support in these areas include:

- 2.1. local partnership capacity building, local groups of action and promotion of investment abilities that may help in mobilizing of local potential;
- 2.2. promotion of public-private partnership (PPP);
- 2.3. promotion of cooperation, encouragement of enterprise skills and promotion of included local services offered;
- 2.4. support for the implementation of development strategies of local communities.

CHAPTER V

INSTITUTIONAL STRUCTURE FOR AGRICULTURE AND RURAL DEVELOPMENT POLICY

Article 19

Inter-Ministerial Committee for Agriculture and Rural Development

1. By this Law hereby it is established the Inter-ministerial Committee for agriculture and rural development as an advisory body of the Government.
2. Duties and responsibilities of the Inter-ministerial Committee shall be regulated by a sub-normative act of the Government.
3. The inter-ministerial Committee for agriculture and rural development apart from other duties, delivers the opinion for important decisions in the field of agriculture and rural development in regards to:
 - 3.1. proposals for the National Plan of Agriculture and Rural Development;
 - 3.2. monitoring and implementation of the National Plan of Agriculture and Rural Development;
 - 3.3. proposals for secondary legislation acts in the field of agriculture and rural development;
 - 3.4. international agreements in the field of agriculture and rural development;
 - 3.5. other decisions in the field of agriculture and rural development.

CHAPTER VI

THE DATABASE AND INFORMATION SYSTEM

Article 20 Database

1. The Ministry establishes database which contains:
 - 1.1. a farm register;
 - 1.2. a register of producers and processors of agricultural and food products;
 - 1.3. a register for agricultural land use;
 - 1.4. a livestock register;
 - 1.5. a register of the traders of agricultural products and of agricultural inputs; and
 - 1.6. register for less developed areas.
2. Despite the data listed in paragraph 1 of this Law, if necessary, the Ministry can contain other data in its own information system.
3. The Databases shall be kept in electronic form as well.
4. The terms and the ways for the maintenance of the database maintenance shall be determined by a sub-legal act of the Ministry.

Article 21 Use of information from other databases

1. With the establishment and maintenance of database, the Ministry can also use other databases kept by: institutions, public agencies, and other authorized authorities.
2. The Ministry receives data from other institutions such as: Maps, photos and digital orto - photos according to the procedures set by Law.

Article 22 Financing of the database

The database established and managed by the Ministry as determined by this Law shall be financed from the Budget of Republic of Kosovo.

Article 23
Availability of the data

1. The data produced by the databases in compliance with this Law are public, except other data that are considered as personal data and represent business secret.
2. The data that are considered as personal data must only be accessible for third parties in compliance with the Law for Protection of Personal Data.

Article 24
Information system on market prices

1. The Information system on market prices consists in collecting, applying and publishing of the data on the prices for agricultural and food products.
2. The Ministry shall determine the representative market for the agricultural and food products, natural persons or legal entities that will provide actual data by determining the type, volume and time of data collection.
3. Information system on market prices is established and determined by the Ministry with a sub-normative act.

Article 25
Farm Accountancy

1. For beneficiaries of the measures of the agricultural and rural development policy, accountability is obliged to be kept. Non-beneficiary farms may keep accountability on a voluntary basis.
2. Criteria for selection of the farms that will be part of the farm accountancy system shall be regulated by a sub-normative act of the Ministry.
3. The Ministry is responsible for the technical and organizational implementation of the farm accountancy in the farm.
4. Monitoring and implementation of the accountancy in the farm is carried out by a commission established by a decision of the Ministry.
5. The data produced by the farm accountancy kept in the different farms can only be used in compliance with the Law on Protection of Personal Data.

CHAPTER VII
ORGANIZATIONAL FORM OF PRODUCERS, PROCESSORS AND TRADERS OF
AGRICULTURAL AND FOOD PRODUCTS

Article 26

Organization of producers, processors, and traders of agricultural and food products

1. Producers, processors and traders of agricultural and agro-food products can be organized in different forms in order to get support in agriculture.
2. The forms of the organization of producers, processors, and traders of the agricultural and agro-food products shall be regulated by a sub-normative act of the Ministry.

Article 27

Criteria for supporting the organizations and associations

The Criteria to be met by the organizations and associations of producers and processors of agricultural and agro-food products in order to receive support shall be determined by a sub-normative act of the Ministry.

CHAPTER VIII
PUBLIC SERVICES IN AGRICULTURAL AND RURAL DEVELOPMENT

Article 28

Objectives of public services

1. The Objective of public services in agricultural and rural development shall support the implementation of the National Development Plan of Agriculture and Rural Development by offering long term and permanent services in the field of agriculture and rural development, when the private initiative fails to fulfill public needs.
2. Public services in the field of agriculture and rural development are:
 - 2.1. advisory services in agriculture and rural development;
 - 2.2. agricultural researches and laboratory analyses;
 - 2.3. services regarding the protection of race varieties in agriculture and livestock;
 - 2.4. analyses of agriculture policies;

2.5. infrastructure services of market and marketing.

Article 29
Obligations of the public services

1. Public services in agriculture and rural development include:
 - 1.1. execution of the determined service in a permanent and continuous way;
 - 1.2. execution of this service for each farmer, group of farmers, natural person or legal entity engaged in agricultural activity in compliance with this Law;
 - 1.3. delivery of service in accordance with the approved program;
2. The prices of the services offered by the public service in the field of agriculture are determined in compliance with applicable legislation.

Article 30
Programmes of public service

1. Programmes of public service in the field of agriculture and rural development are drafted and approved by the Ministry in compliance with Kosovo Development Plan and should specify:
 - 1.1. type and the volume of the public service that is offered by this service;
 - 1.2. manner, procedure and dynamism of execution of the public service.

Article 31
Supervising of the public service

1. The Technical and professional supervision of offering of the public service is accomplished by the Ministry, which can authorize another natural or legal entity to carry out the technical supervising.
2. The Technical and professional supervision in case of public authorization is accomplished by the persons that are authorized to carry out the control in a specific field of the public service.
3. The Criteria applied and required for the professional qualification of supervision shall be determined by a sub-normative act of the Ministry.

CHAPTER IX SUPPORT FOR RESEARCH, EDUCATION AND TRAINING

Article 32 Agriculture research

In accordance with National Development Plan, the Ministry in cooperation with line ministries and in cooperation with high education institutions and their scientific structures co-finances research of the developing projects in agriculture and rural development and respective infrastructure.

Article 33 Education and training for the needs of agriculture and rural development

1. The Ministry proposes and undertakes different initiatives of education and training for the needs of agriculture, agro-industry and rural areas in cooperation with universities and other education institutions specialized in agriculture.
2. The Ministry may co-finance initiatives for providing of the equipment for practical implementation of education and training for the needs of agriculture and rural development.
3. Beneficiaries of the training are farmers, workers and specialists of agriculture and agro-industry.

Article 34 Analytical and development studies

1. The Ministry carries out analytical and development studies in cooperation with high education institutions and their scientific structures, mainly in:
 - 1.1. performing economic and other analyses regarding the impact in field of agriculture, rural development and agro-industry;
 - 1.2. performing analyses and planning activities in the field of agriculture, rural development and agro-industry;
 - 1.3. fulfilling of important responsibilities for training and monitoring of development issues in the field of agriculture, rural development and agro-industry.

CHAPTER X INSPECTION

Article 35 Supervision

1. Implementation and inspection of this law is conducted by the Ministry.
2. According to the provisions of this law the inspection shall be conducted by agricultural inspectors, inspector of veterinary and food safety within the responsibilities defined by the law.

Article 36 Administrative violation cases and administrative sanctions

1. Violations below, when not including the criminal act, include administrative violation:
 - 1.1. non-keeping the used documents for benefits of the fund for a period of four (4) years.
 - 1.2. inspectors shall set fine in amount from one hundred (100) to three hundred (300), for administrative violation according to sub-paragraph 1 of this article.

CHAPTER XI COMPLAINING

Article 37 Complaining procedure

1. Against decision of the Inspector, the respondent may submit a complain in written form to the respective Manager of Inspection within fifteen (15) days, whereas he must response in written form to the respondent of a complain within thirty (30) days.
2. The party may appeal against the decision of the respective Manager of Inspection in the competent court within thirty (30) days.

CHAPTER XII PUNITIVE PROVISIONS

Article 38 Violations

1. For violation with fine from one thousand (1000) to five thousand (5000) shall be punished the person who:

1.1. does not use the funds for purposes designated as beneficiary in compliance with article 8 of this law;

1.2. does not keep and does not present to the authorized person the document for period of four (4) years according to article 11 of this law;

1.3. prohibits authorized person in carrying out the inspection, according to article 35 of this law;

Article 39

All payments deriving from implementation of punitive provisions of this law and other incomes from taxes, shall be deposited in Budget of Republic of Kosovo.

CHAPTER XIII FINAL PROVISIONS

Article 40

1. Sub-legal acts for implementation of this law shall be adopted within twelve (12) months after the day the law enters into force.

2. Plans and Programs provided by this Law shall be approved within twelve (12) years.

Article 41

1. When the legal conditions and possibilities will be created, hereby by this Law will be established Paying Agency as public budgetary organization with the statute of legal entity in supporting farmers in agriculture and rural.

2. The Paying Agency will be created to be compatible with the EU agriculture policy for disbursing and accounting for the use of EU structural funds.

Article 42
Entry into force

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-098
11 June 2009

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI