



OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA

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**LAW NO. 04/L-090
ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-098 ON AGRICULTURE AND RURAL
DEVELOPMENT**

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approve:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-098 ON AGRICULTURE AND RURAL
DEVELOPMENT**

Article 1

1. Article 3 of the basic law definition "**Agriculture**" shall be replaced with "**Agricultural activities**".

2. Article 3 of the basic law definition "**Farm**" shall be replaced with "**Agricultural holding**".

3. Article 3 of the basic law definition "**Payment unit**" shall be replaced with the following text:

Agency - the agriculture development agency for supporting agriculture and rural development sector, established by this law.

4. Article 3 of the basic law after definition "**Government**" shall be added the following definitions:

Farmer - natural or legal person responsible for management of the farm. He may be the owner, a family member, the leaser or someone who is entitled to manage the farm.

Local action group - a legal entity consisted of experienced and committed people from all socio-economical sectors of the community registered at the responsible Ministry;

IACS - Integrated Administration and Control System;

Less favoured areas – the unsuitable agro-climatic zones, with difficult terrain to be reached and to work, such as level above the sea and slopes, where the farmers due to natural difficulties face with additional expenditures for their cultivation;

SLPIS - identification system of land parcels and pertinent software to outline the plot of land users and data entry for parcels in the central server.

Irregularity - such action or omission on the part of the applicant or of the beneficiary who infringes the national laws, provisions, stipulations or support decision, and thus it affects the public funds of Kosovo.

Fraud - any intentional act or omission relating to:

1. the use or presentation of false, incorrect or incomplete statements or documents, which has or could have negative effect on the budget of Kosovo;

2. non-disclosure of information in violation of a specific obligation, with the same effect that has a negative impact on Kosovo budget;

3. the use of such funds for purposes other than those for which they are originally granted.

Article 2

Article 4 of the basic law, paragraph 1, after sub-paragraph 1.7 two new sub-paragraphs 1.8 and 1.9 shall be added with the following text:

- 1.8. taking care of having a sustainable food supply;
- 1.9. taking care to have consumer supply with reasonable prices

Article 3

Article 5 of the basic law shall be deleted and replaced by the following text:

Article 5 National Plan for Agriculture and Rural Development

1. The National Plan for Agriculture and Rural Development defines detailed mid term objectives and actions of the Agriculture and Rural development policies.
2. The plan from paragraph 1. of this Article contains:
 - 2.1. strategy for agriculture and rural development that is based on current analysis and medium-term objectives of agriculture and rural development policy;
 - 2.2. programs and activities for achieving the set objectives;
 - 2.3. necessary public funds used for the implementation of agricultural and rural development policies;
 - 2.4. measures needed for monitoring and evaluation of the program implementation.
3. National Plan for Agriculture and Rural Development shall be drafted by the Ministry in co-operation with other relevant institutions
4. Plan shall be drafted by the Ministry and approved by the Assembly of Kosovo for a period of seven (7) years.

Article 4

Article 6 of the basic law shall be deleted and replaced with the following text:

Article 6 Annual Report on Agricultural and Rural Development

1. The Minister shall present to the Government not later than 30th September a report on development and economic situation of agriculture in previous year.
2. The Annual agriculture report shall analyse the economic situation of agriculture holdings according to types of holdings, size and production areas, the relations between agriculture and the overall economic environment, developments of foreign trade in agricultural products and the impacts on evaluation of the support programmes.
3. The Ministry may engage competent professional institutions for elaboration of the annual agriculture report.

Article 5

1. Article 7 of the basic law paragraph 1, after sub-paragraph 1.2 a new sub-paragraph 1.3 shall be added with the following text:

- 1.3. EU funds;

2. Article 7 of the basic law paragraph 1, sub- paragraph 1.3 shall be renumbered as 1.4.

Article 6

Article 8 of the basic law shall be deleted and replaced with the following text:

Article 8

Beneficiaries from supporting measures

1. Beneficiaries from supporting measures, which are undertaken within the policies of agriculture and rural development, are farmers - groups of farmers or local action groups.
2. The ministry with sub-legal act shall define the criteria to be met by beneficiaries for implementation of individual measures in agriculture and rural development.

Article 7

1. Article 9 of the basic law paragraph 1 after phrase **“farmers groups”** shall be added the phrase **“or local action group”**, whereas the sentence **“natural or legal persons as foreseen by this law”** shall be deleted.
2. Article 9 of the basic law after paragraph 2 a new paragraph 3 shall be added with the following text:
 3. In case of adverse use from paragraph 2 of the law into force, beneficiaries should return funds according to provisions of this law.

Article 8

Article 10 of the basic law shall be deleted and replaced with the following text:

Article 10

Verification of Selection Criteria

1. Verification of the eligibility criteria shall consist of administrative and on-the-spot checks, undertaken on the sample for control and on the basis of claims for payment.
2. The procedures shall ensure the recording of monitored data, the results of the verification and measures taken regarding the discrepancies between the presented data and factual situation in the field.
3. Where applicable, verification of the eligibility criteria shall take into account the results of verifications carried out by other services, bodies or organisations involved in checks of direct payments and of agricultural subsidies.
4. Ministry by sub-legal act shall define the manner and the level of on the spot checks for individual measures in agriculture and rural development.

Article 9

Article 11 of the basic Law paragraph 1. the phrase **“for a period of four (4) years”** shall be replaced by phrase **“a three (3) years period”**.

Article 10

After Article 11 of the basic Law a new Article 11.A shall be added with the following text:

Article 11.A

Establishment of the Agriculture Development Agency

1. The Agriculture Development Agency shall be established by the Ministry.
2. The Agriculture Development Agency shall be headed by a chief executive officer under the authority of the Minister.
3. Functioning, duties, competences, responsibilities and organization structure of the agency shall be determined by a sub-legal act of the Ministry.

Article 11

Article 12 of the basic law shall be deleted and replaced with the following text:

Article 12 Agriculture Development Agency

1. Agriculture Development Agency is responsible for implementing agriculture and rural development policies.
2. The agency has the following competences:
 - 2.1. implementation of measures of agricultural policies and rural development;
 - 2.2. implementation of payment procedures ensuring, that payment are made only to justified payment applications which fulfil the eligibility criteria;
 - 2.3. assuring full and transparent accounting following accepted accounting procedures;
 - 2.4. drafting reports and analyses in accordance with agricultural development;
 - 2.5. building and functioning of IACS;
 - 2.6. building and implementation of market information system;
 - 2.7. creation and maintenance of necessary data base;
 - 2.8. implementation of control and internal auditing measures;
 - 2.9. inspection of farmers who have benefited from the funds of program for agriculture and rural development;
3. Agency shall implement international supporting programs on agricultural development.
4. Notwithstanding provisions of paragraphs 1. and 2. of this Article, the Agency can delegate certain competences for implementation of support measures of agriculture and rural development policy to other institutions by written contract, but the Agency stays responsible for the delegated tasks.

Article 12

1. The title of Chapter III shall be deleted and replaced with the following text:

CHAPTER III AGRICULTURAL AND RURAL DEVELOPMENT POLICY MEASURES

2. Article 13 of the basic law shall be deleted and replaced with the following text:

Article 13 Principles on which are based measures of agricultural policies

1. Measures of the agriculture and rural development policy shall be based on National Plan of Agriculture and Rural Development.
2. Measures of agricultural and rural development policy shall be implemented on the basis of objective and non discriminatory criteria and in compliance with principles of equality and effectiveness
3. Measures shall be based on the principles of consistency and complimentarily.
4. Any overlap between measures shall be avoided and no expenditure shall be financed under more than one measure.

5. Measures shall be prepared with clear and verifiable objectives.

6. In order to assure sufficient transparency the support criteria shall be publicly announced in media and in the web page of the Ministry.

7. The Agency shall publish annually a list of all beneficiaries, the name, the measure and the amount given to the beneficiary.

Article 13

After Article 13 of the basic law, a new Article 13.A shall be added with the following text:

Article 13.A Agricultural policy measures

1. Measures of agriculture policy shall:

1.1. increase income for farmers and rural population, leading to improved living standards and working conditions in rural areas;

1.2. improve competitiveness and efficiency of primary agricultural production, in order to achieve import substitution and to take advantage of export markets;

1.3. ensure stable economic environment.

Article 14

1. Article 14 of the basic law shall be deleted and replaced as follows:

Article 14 Forms of Internal Support

1. Support measures for agriculture and agro food products shall be implemented to increase the agricultural product, incomes and market stabilisation.

2. Agriculture policy measures shall be implemented on the whole territory of the Republic of Kosovo in order to assure the same conditions for farmers and preventing distortion of competition.

Article 15

Article 15 of the basic law paragraph 2. and 3. shall be deleted from the text of the law, whereas paragraph 1 remains effective.

Article 16

1. After Article 16 of the basic law a new Article 16.A shall be added with the following text:

Article 16.A Support to improve land management and protection of environment

1. The support to improve land management and the protection of environment shall concern measures targeting the sustainable use of agricultural land through:

1.1. payments for farmers on the basis of identified less favoured areas, which can be granted only as compensation for additional production costs;

1.2. agro-environmental payments, including payments to support organic production that can be granted to farmers who make voluntary agro-environmental commitments meeting the relevant obligatory standards.

2. Less favoured areas shall be determined by a sub-legal act of the Ministry on the basis of objective and non

discriminatory criteria.

Article 17

Article 18 of the basic law, after paragraph 2., a new paragraph 3. shall be added with the following text:

3. Ministry by a sub-legal act shall define the criteria for support of local action groups.

Article 18

1. Article 19 of the basic Law, paragraph 2. shall be deleted and replaced with the following text:

2. Government by sub-legal act shall define composition, duties, responsibilities and organization of the Inter-ministerial Committee for Agriculture and Rural Development.

Article 19

1. Article 20 of the basic law paragraph 1. after sub-paragraph 1.6. three new sub-paragraphs 1.7.; 1.8. and 1.9. shall be added, with the following text:

1.7. beneficiary register;

1.8. SLPIS register; and

1.9. registers for less favoured areas.

2. Article 20 of the basic law paragraph 4. shall be deleted and replaced with the following text:

4. Ministry by sub-legal act shall determine the terms and the ways for maintenance, security and administrative procedures of database.

Article 20

1. Article 37 of the basic law paragraph 1., the phrase “**the appropriate inspection leaders** “ shall be replaced by phrase “**Executive chief of agency**”

2. Article 37 of the basic law paragraph 2. shall be deleted and replaced with the following text:

2. Against decision of the executive chief of the agency, the respondent may submit a complaint to the competent Court within thirty (30) days.

Article 21

1. After Article 37 of the basic law a new Article 37.A shall be added with the following text:

Article 37.A Procedures

For the implementation of measures of agricultural and rural development policy the Law No 02/L-28 on Administrative Procedure, (Official Gazette No.08/2007 dated 01.01.2007) shall apply, unless otherwise provided by this Law or relevant sub-legal acts for implementation of this law.

Article 22

1. After Article 38 of the basic law a new Article 38.A shall be added, with the following text:

Article 38.A

1. Infractions in case of irregularities are as follows:

1.1. the whole amount of the support shall be repaid according to the law;

1.2. beyond the repayment obligation according to Article 7 of this law, the beneficiary may be excluded from the support programs for a maximum of three (3) years based on the decision of the Agency for Agriculture Development if at least one of the conditions listed below exist when:

- 1.2.1. beneficiary has not fulfilled the obligations included in the decision;
- 1.2.2. beneficiary has not implemented purposes as defined in the decision;
- 1.2.3. beneficiary has presented false data on the project;
- 1.2.4. beneficiary hindered the official control of the project of the Ministry;
- 1.2.5. beneficiary did not repay totally or partially the unjustly received support.

2. The exclusion from the support program includes also the exclusion from all support programs granted by the Ministry.

Article 23 Implementation

For implementation of this law, the Ministry shall be obliged to issue sub-legal acts within terms of twelve (12) months.

Article 24 Entry into force

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

**Law No. 04/L-090
13 September 2012**

Promulgated by Decree No.DL-044-2012, dated 28.09.2012, President of the Republic of Kosovo Atifete Jahjaga