

Consolidated text of the Law on Official Statistics and Official Statistical System includes the legislation as it follows:

1. Law on Official Statistics and Official Statistical System (Official Gazette of Montenegro No 018/12 from 30 March 2012),
2. Law on Amendments to the Law on Official Statistics and Official Statistical System (Official Gazette of Montenegro No 047/19 from 12 August 2019) in which their date of entry into force is indicated.

LAW

ON OFFICIAL STATISTICS AND OFFICIAL STATISTICAL SYSTEM

(Official Gazette of Montenegro No 018/12 from 30 March 2012, 047/19 from 12 August 2019)

I GENERAL PROVISIONS

Subject matter

Article 1

This Law shall regulate organization and affairs of the official statistical system, collection, processing, and storing statistical data, and other issues of importance for official statistics.

Data and information

Article 2

Official statistics system shall ensure figures and representative data, and information on economic, demographic, and social phenomena, as well as on phenomena in the area of environment in Montenegro.

Law application

Article 3

This Law shall not be applied to preparation, collection, processing, production, use, and storage of data for administrative purposes, neither to collection of data through observation and monitoring method for non-statistical purposes, or any purposes other than official statistics.

This Law shall apply to data referred to under paragraph 1 of this Article as of the time when the data are delivered to official statistics producers in accordance with the provisions of this Law.

Definitions

Article 4

Definitions of certain terms used in this Law shall be:

- 1) Official statistics activity shall be any activity regulated by this Law, official statistics programme or special laws regulating censuses;
- 2) Official statistics producer shall be state authority, organization, and institution in charge of collecting, production, and publishing official statistical data in accordance with the official statistics programme;
- 3) Statistical survey shall be a method of systematic data and information collection directly from reporting units, exclusively for statistical purposes;
- 4) Statistical questionnaire shall be a standardised form in hard copy or electronic form used for data and information collection from reporting units in statistical surveys;
- 5) Individual data shall be data related to a legal or natural person, collected for statistical purposes in accordance with this Law;
- 6) Data collection shall be an activity of official statistics producers related to conducting statistical surveys, data take over from administrative data sources, as well as obtaining data by monitoring and observation method in accordance with this Law and laws regulating the data collection relevant for official statistics;
- 7) Reporting units shall be legal persons, or their parts, entrepreneurs, natural persons, households, public administration authorities, local government authorities, and all other units in the territory of Montenegro providing data within statistical surveys only for statistical purposes;
- 8) Statistical unit shall be methodologically defined level in every type of data collection, established in a manner enabling a reporting unit to provide the data under the collection, and official statistics producers to aggregate them under processing the official statistics results;
- 9) Identifier shall be any characteristics (name, address or identification number, etc.) enabling direct or indirect recognising an individual reporting unit;
- 10) Official statistics output shall be any statistical data produced, processed, and disseminated in accordance with provisions of this Law;
- 11) Standardised results shall be all public results of statistical activity prepared for statistical data users in line with the statistical survey timetable programme.
- 12) Producing official statistics results shall be the overall process of statistical activities (collection, processing, use, storage, analysing, and dissemination);
- 13) Disseminating statistical data shall be all activities of official statistics producers which include presenting the official statistics data, as well as manner and type of providing an access to the official statistics results, with the data on sources and methods of data collection;
- 14) Statistical registers shall be databases on reporting units and statistical units used only for statistical purposes;
- 15) Administrative data sources shall be data kept in accordance with the law which shall be used for regulating rights and obligations of natural and legal persons (records, registers, databases, data sets and geospatial data);
- 16) Aggregates shall be observation unit groups, and aggregated data shall be collective data on numerosness of these groups and characteristics of observation units.
- 17) Statistical data user is any natural or legal person using the statistical data.

Use of gender-neutral language

Article 5

Any expression in this Law used for natural persons of male gender shall include the same expressions of female gender.

II OFFICIAL STATISTICS PRINCIPLES

Official statistics principles

Article 6

Official statistics of Montenegro shall be based on the following principles:

- 1) Professional independence ensuring professional independence of official statistics producers from other policy, administrative or regulatory authorities and bodies, as well as from private sector operators;
- 2) Mandate for data collection according to which official statistics producer must have a clear, legal mandate to collect information and data for official statistics purposes; state administration, enterprises and households and the public at large may be compelled by law to allow access to or deliver data for official statistics purpose at the request of statistical producer;
- 3) Adequacy of resources meaning that the resources available to official statistics producers must be sufficient to meet the official statistics requirements;
- 4) Commitment to quality enabling official statistics producers in Montenegro to work and cooperate in line with the international principles of statistical system quality;
- 5) Statistical confidentiality enabling the protection of data related to a reporting unit (households, enterprises, administrative sources and other respondents), and its use only for statistical purposes;
- 6) Impartiality and objectivity according to which, official statistics producer statistical must produce and disseminate official statistics in an objective, professional and transparent manner, respecting scientific independence, in which all users are treated equitably;
- 7) Sound methodology principle, by which sound methodology must underpin quality official statistics. This requires adequate tools, procedures and expertise;
- 8) Appropriate statistical procedures, by which appropriate statistical procedures, implemented from data collection to data validation underpin quality statistics;
- 9) Non-excessive burden on respondents by which the reporting burden is proportionate to the scope of work and costs necessary for statistical data collection and importance of results as well as optimal use of available resources and reduction of response burden of reporting units;
- 10) Cost – effectiveness according to which the resources must be effectively used;
- 11) Relevance according to which official statistics data must meet the information requirements in accordance with the official statistics tasks;
- 12) Accuracy and reliability, according to which activities and methods related to collection, processing, and dissemination of official statistics data must be compliant with valid professional

standards, scientific methods, and professional ethics principles for the purpose of accurately and reliably portraying reality;

- 13) Timeliness and punctuality according to which the official statistics has an obligation to check regularly the adequacy of official statistics data, and timely recognise new needs of users for appropriate type of data;
- 14) Coherence and comparability according to which the official statistics data should be internally consistent related to contents, terminology, and periodicity, as well as with internationally accepted concepts, nomenclatures, classifications, definitions, and methods, aimed at achieving their comparability, and
- 15) Accessibility and clarity according to which the official statistics should be presented in a clear and understandable form, disseminated in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.

III ORGANISATION OF THE OFFICIAL STATISTICS SYSTEM

Official statistics producers

Article 7

Official statistics system of Montenegro shall cover the following official statistics producers:

- 1) Administration authority responsible for statistics (hereinafter referred to as the “competent authority”);
- 2) Central Bank of Montenegro;
- 3) State administration authority responsible for finances (hereinafter referred to as the “Ministry”), and
- 4) Other official statistics producers defined by the Official Statistics Programme (hereinafter referred to as the “Programme”).

Official statistics producers shall be responsible to collect, produce, process, and disseminate statistical data, to process administrative data and data collected through monitoring and observation method, in accordance with the provisions of this Law.

In collecting, producing, processing, and disseminating statistical data, official statistics producers must apply official statistics principles, as well as methodologies and standards for producing statistics under their responsibility to produce transparent and internationally comparable data, upon the approval of the competent authority, and in accordance with this Law.

Competent authority

Article 8

The competent authority shall be the main holder and disseminator of statistical data, as well as responsible professional authority, organiser and coordinator of official statistics system, and it shall represent the official statistics of Montenegro in the international statistical system.

The competent authority shall be obliged to collect and process data for statistical purposes, and to provide processed statistical data to the Government of Montenegro (hereinafter referred to as the “Government”), local self-government units, general public and international users, as well as to provide comparable statistical data both at national and international level.

Activities of the competent authority

Article 9

The competent authority shall perform the activities relating to:

- 1) Production and dissemination of macroeconomic statistics and national accounts; production of business statistics; production of demographic and social statistics; conduct of censuses; conduct of household surveys; implementation of surveys related to economy, environment and agriculture, as well as other surveys set under the Programme except for surveys under the responsibility of Central Bank of Montenegro, with the exception of certain surveys in the finance sector;
- 2) Statistical system development;
- 3) Coordination, providing professional basis, and cooperation in implementing the Development Strategy of Official Statistics (hereinafter referred to as the “Development Strategy”), Programme and Annual Plan of Official Statistics (hereinafter referred to as the “Annual Plan”), report on implementing the Programme and Annual Plan, as well as professional basis for drafting secondary legislation;
- 4) Monitoring the implementation of the principles referred to under Article 5 of this Law;
- 5) Determining, updating, and maintaining the system of methodology fundamentals, nomenclatures, and classifications, and their compliance in cooperation with other official statistics producers; monitoring their implementation, and providing guidance to other official statistics producers on methodology implementation;
- 6) Meeting obligations stipulated in international agreements and treaties under the scope of work set by the Programme;
- 7) Production of fundamental statistical information and data on cooperation with other official statistics producers in accordance with the Programme; use of data source, administrative sources, and data obtained through monitoring and observation method, collected by official statistics producers;
- 8) Establishing and keeping statistical registers and statistical databases;
- 9) Monitoring and implementing statistical data and information quality control;
- 10) Analyses and interpretations of statistical outcomes;
- 11) Organising exchange of outcomes and methodology fundamentals of the official statistics with other countries and international organisations, unless, in certain cases, another official statistics producer is authorised for this activity, i.e. unless stipulated otherwise by special law, and
- 12) Taking part in all activities related to setting up new or modifying the existing administrative data sources or in activities related to sources whose data are based on continuous monitoring and observation, and which are relevant for the official statistics.

Activities of official statistics producers

Article 10

The Central Bank of Montenegro shall manage monetary statistics, financial statistics, payment balance statistics, international payments, statistics of private external debt, and other statistics of importance for implementation of its functions making clear segregation from statistical activities of other official statistics producers;

The Ministry shall manage the statistics of fiscal expenditures and non-fiscal revenues and activities of other producers in line with the Programme.

The competent authority must be informed by all state administration authorities and the Central Bank of Montenegro on the preparation of new or amendments to the existing laws, and on other relevant activities related to and directly affecting the official statistics.

The Central Bank of Montenegro shall determine methodologies and standards of official statistics within the function it performs, upon obtaining prior opinion by the competent authority.

The competent authority and the Central Bank of Montenegro may conclude an agreement on governing mutual relations related to statistical activities carried out in accordance with this Law.

Independence of the director of competent authority

Article 11

Director of the competent authority shall be obliged to protect professional credibility of the official statistics against unprofessional influence of any kind.

Director of the competent authority must not be a political party member during exercising his/her function.

Director of the competent authority shall be entitled to provide public explanation in case of inaccurate interpretation or misuse of statistical data.

IV COUNCIL OF STATISTICAL SYSTEM

Council of Statistical System

Article 12

With a view to improving statistical culture and knowledge as well as meeting official statistics users' needs, the Government shall establish the Council of Statistical System (hereinafter referred to as the "Council") as an advisory and professional authority.

Tasks of the Council

Article 13

The Council shall provide expert opinions and proposals on:

- 1) Strategic issues of official statistics and statistical system;
- 2) Draft Development Strategy, draft Programme, draft Annual Plan, and draft report on the implementation of the Annual Plan;
- 3) Draft laws and other legal acts related to the official statistics;
- 4) Cases when the bodies keeping the administrative data sources fail to provide data required for statistical purposes compliant with this Law;
- 5) Development and improvement of official statistics system and international cooperation;
- 6) Raising the level of knowledge of both statistical producers and data users;
- 7) Official statistics system functioning;
- 8) Need for conducting the census; introducing, revising or suspending large statistical surveys; infrastructure projects and financial sources for their implementation;
- 9) Guidance for the implementation of official statistics principles, and
- 10) Other issues of relevance for the functioning of the official statistical system.

Composition and appointment of the Council

Article 14

The Council shall have 17 members.

The members of the Council shall be appointed by Minister of Finance.

The members of the Council shall be appointed for a five-year period, with a possibility of being re-appointed.

Director of the competent authority shall be the member of the Council ex officio. The members of the Council shall be appointed among representatives:

- 1) Competent authority – 2 members;

- 2) Central Bank of Montenegro – 1 member;
- 3) Ministry – 2 members;
- 4) State administration authority responsible for internal affairs – 1 member;
- 5) Administration authority responsible for customs affairs – 1 member;
- 6) Administration authority responsible for tax affairs – 1 member;
- 7) Capital Market Authority of Montenegro– 1 member;
- 8) Ministry of Labour and Social Welfare – 1 member
- 9) Ministry of Health – 1 member
- 10) Institute for Public Health of Montenegro – 1 member;
- 11) Business associations – 1 member;
- 12) Non-government organisations – 1 member;
- 13) Scientific and research institutions – 1 member.

The Council shall have the president and vice president elected from among the members of the Council.

The Council shall have a secretary appointed from among the employees of the competent authority.

Rules of procedure

Article 15

The manner of work of the Council shall be closely defined by the rules of procedure.

Publicity of the Council Operations

Article 16

Professional opinions and proposals of the Council shall be published on the Council's website.

Expert and administrative activities of the Council

Article 17

Expert and administrative tasks for the Council shall be performed by the competent authority.

For the purpose of dealing with the issues from the scope of its work, the Council may establish commissions, expert groups, and other working bodies.

The Act on establishing working bodies referred to in paragraph 2 of this Article shall define their activities and tasks, composition, and methods of work.

The Council shall have the right to engage domestic or international natural or legal persons on a consultancy basis.

V FUNDING

Funding sources of the competent authority

Article 18

Funds for the competent authority shall be ensured from the budget of Montenegro for carrying out the activities, in accordance with Programme and Annual Plan.

Donations may be a source of funds for financing the competent authority's activities.

The competent authority may carry out additional activities upon special requests based on which it realises income provided that these make no harm to the implementation of its regular activity.

The costs of performing activities referred to under paragraph 3 of this Article shall be covered by the request applicant.

The income referred to under paragraph 3 of this Article shall be financially reported by keeping separate records.

The income referred to under paragraph 2 and 3 of this Article shall be the income of the budget of Montenegro, and used for the settlement of costs incurred in the implementation of those activities, for development of methodology and information solutions, and education and training of the competent authority's employees.

Funding source of the Council

Article 19

Funds for the Council shall be ensured from the funds of the competent authority in the budget of Montenegro for carrying out the activities.

VI DEVELOPMENT STRATEGY OF THE OFFICIAL STATISTICS, PROGRAMME, AND ANNUAL PLAN OF THE OFFICIAL STATISTICS

Development Strategy

Article 20

Development Strategy shall govern development directions and aims of Montenegro official statistics for period of at least three years.

Development Strategy shall be prepared by the competent authority in cooperation with other official statistics producers.

Development Strategy shall be passed by the Government, upon the prior opinion of the Council. Development Strategy shall be published in the Official Gazette of Montenegro.

The Programme

Article 21

Activities of official statistics shall be based on the Programme that is in compliance with the Development Strategy adopted for the five-year period.

Other official statistics producers shall submit to the competent authority proposals for preparing the Programme under their competence, no later than 15 September in a year preceding the year for which the Programme is adopted.

The Programme, upon prior opinion of the Council shall be passed by the Government. The Programme shall be published in the Official Gazette of Montenegro.

The Programme Contents

Article 22

The Programme shall include:

- 1) Overview of development objectives of official statistics;
- 2) Overview of main results of official statistics in each area, data on their periodicity, and degree of compliance with the international standards;
- 3) Overview of the most important activities in development that cannot be allocated per areas;
- 4) Name of the responsible official statistics producer, and
- 5) Information on expected problems.

The Annual Plan

Article 23

For the purpose of implementing the Programme, Annual Plan is adopted for every calendar year. Other official statistics producers shall submit to the competent authority proposals for the compilation of the Annual Plan from their competence, no later than 10 June in a year preceding the year for which the Annual Plan is adopted.

The Annual Plan, upon prior opinion of the Council, shall be passed by the Government.

The Annual Plan shall be passed no later than 1 December of current year for the following year. The Annual Plan shall be published in the Official Gazette of Montenegro.

Contents of Annual Plan

Article 24

The Annual plan shall include:

- 1) List of statistical surveys to be conducted;
- 2) List of administrative sources and list of data obtained through continuous monitoring and observation method used in the official statistics;
- 3) Development activities in accordance with the Programme;
- 4) Funds required for the implementation of every statistical survey referred to in the Annual Plan.

Censuses

Article 25

The implementation of census activities shall be regulated by a special law in dependence of the type of census.

Activities referred to in paragraph 1 of this Article shall be a component part of Programme and Annual Plan.

Report on Implementation of Programme and Annual Plan

Article 26

Within the deadline of 90 days upon the expiry of the last year specified for implementing the Programme, i.e. within the deadline of 45 days upon the expiry of the year specified for implementing the Annual Plan, other official statistics producers shall submit to the competent authority the Report on Implementation of the Programme and the Annual Plan.

Based on the submitted reports referred to in paragraph 1 of this Article, the competent authority shall prepare and submit the integrated report to the Ministry, within the deadline of 15 days from the day of its receiving.

The Report referred to in paragraph 2 of this Article shall be submitted to the Government for consideration, i.e. decision making, within the deadline of 8 days from the day of receiving the Report.

VII DATA COLLECTION

Administrative sources and burden on respondents

Article 27

If administrative data sources are available and may be used for meeting user needs, statistical surveys shall not be undertaken.

When conducting statistical surveys, the burden on respondents shall be considered.

Reporting requirement for reporting units

Article 28

Before the data collection process, every reporting unit must be informed on the following:

- 1) Legal mandate for conducting a survey;
- 2) Purpose of the survey;
- 3) Obligation to provide data;
- 4) Official statistics producer;
- 5) Obligation to use the data only for statistical purposes, and
- 6) Obligation of data protection.

Duties of reporting units

Article 29

Reporting units shall be obliged to supply, free of charge, accurate and complete data in the contents and form specified by the official statistics producer and by deadline set out in the Annual Plan.

Data correction

Article 30

If the data provided by the reporting units are not accurate and complete, the reporting units shall be obliged to correct or amend them in accordance with the guidelines and within the deadline set by the producer of official statistics.

Concluding contracts

Article 31

Official statistics producers may assign carrying out of certain tasks related to official statistics activities to natural persons (interviewer, evaluator, enumerator, supervisor, instructor, etc.) or legal persons registered for performing these activities, by way of contract, and in accordance with the law.

When carrying out these tasks, persons referred to under paragraph 1 of this Article shall be obliged to provide statistical confidentiality, in accordance with this Law.

Official statistics producers shall have the obligation to perform the control of data which are the results of performed activities under paragraph 1 of this Article and shall be responsible for the quality of those data.

Written authorisation

Article 32

Interviewers, evaluators, enumerators, supervisors, instructors and other persons may perform direct statistical data collection only on the basis of written authorisations issued by official statistics producers.

Pilot surveys

Article 33

In cases when it is necessary to assess methodology or quality of data sources to be collected through statistical surveys or census, official statistics producers may also carry out pilot surveys even in cases when these surveys are not defined by the Programme and Annual Plan.

The data collected in the surveys referred to under paragraph 1 of this Article may not be used for producing official statistical results.

Access to individual data

Article 34

The competent authority shall be entitled to access individual data resulting from the statistical surveys conducted by other official statistics producers, if these data are needed for carrying out activities of official statistics or for assessing the quality of official statistics results.

Other official statistics producers shall be entitled to access, without identifiers, individual data collected by the competent authority if they need these data for carrying out tasks of official statistics under their scope of work, in accordance with this Law.

Access to administrative data sources

Article 35

The competent authority shall have the right to use the necessary administrative data sources, including identifiers and the data collected through continuous monitoring and observation method, for the purpose of development, production, and dissemination of official statistics.

Authorities and organizations that manage administrative data sources shall submit appropriate data and metadata to the competent authority in electronic form, in accordance with the laws governing e-government, electronic signature, electronic document, electronic trade, and IT security, for the purpose of development, production, and dissemination of official statistics.

Obligation to supply data free of charge

Article 36

Authorities and organizations managing administrative data sources and the data collected through continuous monitoring and observation method shall supply the data for usage, free of charge, in line with the requirements of official statistics producer and under conditions specified by the Programme and the Annual Plan.

Additional data

Article 37

Reporting units shall be obliged also to provide additional data upon the request of the competent authority, if needed for data quality control and completion of tasks of the competent authority, stipulated by this Law.

VIII STATISTICAL QUALITY

Statistical quality

Article 38

To guarantee the quality of official statistics results, official statistics shall be developed, produced and disseminated on the basis of the following:

1) Methodology consistency and it means the prohibition of entering any data reached by the implementation of internal methodologies, and which is not in compliance with the international standards and classifications, in the official statistics system;

2) Legal consistency means the compliance of official statistics activities with this Law and regulations promulgated based on this Law;

3) Information consistency means the establishment of information system that supports the concept of official statistics system.

Official statistics producers shall be responsible for establishing databases under their competence to manage them, and shall be obliged to make all data available to other producers and data users in accordance with this Law, in the most efficient form.

Official statistics producers shall have an obligation to incorporate source database in its own database, and to indicate the producer of source database, and they shall not develop their own new database out of the data produced by other official statistics producers.

IX DATA PROCESSING AND STORAGE

Removal of identifiers

Article 39

Official statistics producers shall be obliged to remove the identifiers from the contents variables after entering, processing and, coding the data collected or taken over from administrative sources, and after their use for updating statistical registers.

Destroying statistical forms

Article 40

Official statistics producers shall be obliged to destroy the statistical forms that include the data obtained through statistics surveys after entering, coding, and processing data in accordance with the valid regulations governing storage register and archive material and its own general regulations.

Electronic data

Article 41

The competent authority shall be obliged to store the electronic data in information system or on media that enable the permanence of electronic records.

Manner of storing statistical forms

Article 42

The data referred to under Articles 41 of this Law shall be stored in the way to prevent their destruction, misuse, alienation and unauthorised use.

Manner of storing, period, technical requirements and organization for the storage of statistical data referred to under paragraph 1 of this Article shall be regulated by the Ministry.

X STATISTICAL CLASSIFICATIONS AND NOMENCLATURES

Statistical classifications and nomenclatures

Article 43

The methodological bases for conducting all statistical surveys shall be laid down by the competent authority and other official statistics producers.

The methodological bases referred to under paragraph 1 of this Article cover determining contents and characteristics of statistical surveys, definitions, nomenclatures, classifications, and standards used in carrying out statistical surveys and determining reporting units covered by an individual statistical survey.

The competent authority shall be responsible for the implementation of statistical classification and nomenclature system.

The competent authority shall prepare proposals for statistical classification and nomenclature, and shall submit them to the Government for the adoption.

XI STATISTICAL REGISTERS

Types of statistical registers

Article 44

On the basis of data collected from administrative sources, census, statistical surveys or data collected by constant monitoring and observation method, the competent authority shall have the obligation to establish and maintain statistical registers as it follows:

- 1) Statistical business register;
- 2) Statistical farm register, and
- 3) Statistical register of spatial units.

Contents and manner of keeping registers, as well as usage of data from the registers referred to under paragraph 1 of this Article shall be regulated by the Ministry.

Maintenance and usage of statistical registers

Article 45

The competent authority, for the purpose of carrying out its tasks, shall have the right to modify the data obtained from administrative data sources to make them harmonised with definitions and classifications used for statistical registers it keeps.

The data from statistical registers shall be used only for statistical purposes, i.e. for preparing collective (aggregated) data.

Indicator lists

Article 46

The data from statistical registers shall not be provided to users in the form and in the manner to enable recognising a provider to which the data refer.

The competent authority shall define for every statistical register a list of indicators, i.e. characteristics on data types and rules based on which the data may be used from statistical registers.

XII DISSEMINATION

Statistical data dissemination

Article 47

Official statistics producers shall disseminate statistical data in accordance with terms and conditions specified by the Programme and this Law.

The statistical data referred to under paragraph 1 of this Article must be at the same time and equally available to all users.

Correction of incorrectly published data

Article 48

Official statistics producers shall publicly announce on the Internet page of the competent authority the information on the corrections of incorrectly published data.

Standardised results

Article 49

All standardised results obtained through statistical surveys financed from the Budget of Montenegro shall be free of charge.

Statistical Release Calendar

Article 50

Official statistics producers shall prepare and maintain the Statistical Release Calendar (hereinafter referred to as the "Calendar") with the data on type of survey and dates of statistical data release, no later than 20 December of the current year for the following year.

The Calendar shall be posted on the Internet page of the competent authority.

Any deviation from the deadlines set out in the Calendar must be announced and explained.

Presenting the official statistics

Article 51

Data and information of official statistics shall be presented to the public in a clear and understandable manner, i.e. in a manner to enable the comparability of data.

Users of statistical data, when using them, must refer to the source of those data.

Special processing and surveys upon user request

Article 52

Upon user request, official statistics producers may provide information and data obtained through special processing which are not included in the Programme and Plan.

The costs of special processing referred to under paragraph 1 of this Article shall be covered by the user of those data.

Provisions of this Law on confidentiality shall apply on data and information referred to under paragraph 1 of this Article.

Data confidentiality and dissemination

Article 53

All types of data dissemination must be in compliance with the provisions of this Law related to the confidentiality.

XIII CONFIDENTIALITY AND PROTECTION OF DATA FOR NEEDS OF OFFICIAL STATISTICS

Confidential data

Article 54

The data collected, processed, and stored for the purpose of official statistics shall be considered confidential if they allow reporting units to be identified, either directly or indirectly, thereby disclosing individual information.

The reporting unit directly identified means the identification of a reporting unit from its name or address, or from assigned identification number.

Indirect identification means the identification of a reporting unit by the deduction, having into account all measures to identify a reporting unit.

Data for the use of which reporting units gave the explicit approval shall not be considered confidential.

Confidentiality

Article 55

The provisions of this Law on the confidentiality shall refer to the data provided by reporting units, but also to the data collected from other sources for needs of official statistics from the moment of their delivery to official statistics producers.

Individual data

Article 56

Individual data on natural, legal persons, and households shall be confidential and shall represent an official secret.

Usage of individual data

Article 57

Individual data may be used only for the statistical purposes and presented in cumulative (aggregated) form, in accordance with the provisions of this Law.

Official statistics producers shall not use data and information collected within the official statistics activities for the purpose of determining rights and obligations of the reporting unit to which those data and information refer.

Providing individual data with no identifier

Article 58

Official statistics producers may provide, upon written request, individual statistical data, without identifiers, to scientific-research institutions for the purpose of carrying out scientific and research activities as well as to international statistical organisations and statistics producers from other countries.

The scientific and research organisations referred to under paragraph 1 of this Article are Montenegrin Academy of Sciences and Arts, scientific and research institutions of high education, and other legal and natural persons carrying out scientific and research activities in accordance with the special law.

The request referred to under paragraph 1 of this Article must clearly specify the purpose of statistical data use.

The use of statistical data referred to under paragraph 1 of this Article shall be set out in the contract by which the user shall be committed under material and criminal liability, to use statistical data only for the purpose specified in the request and not to provide them for review and use to unauthorised persons and to destroy them after processing.

Official statistics producers shall keep records on the users referred to under paragraph 4 of this Article, and on the purpose for which statistical data are provided for the use.

Contents and manner of keeping the records referred to under paragraph 5 of this Article shall be stipulated by the Ministry.

Restriction of access to confidential data

Article 59

The access to confidential data of official statistics shall be restricted to persons engaged in activities and tasks at official statistics producer, and to the extent to which the data are necessary for official statistics production.

Persons referred to under paragraph 1 of this Article:

- 1) Shall conform to the provisions of this Law related to confidentiality and protection of statistical data;
- 2) Shall not use individual statistical data about which they learn while carrying out tasks of official statistics for own purposes or carrying out tasks for other person;
- 3) Must sign a special statement on respecting the principle of confidentiality.

The obligation of adhering to the confidentiality principle shall be valid even after the termination of carrying out activities and tasks referred to under paragraph 1 of this Article.

Protection of confidential data

Article 60

Official statistics producers shall be obliged to take all measures of administrative, technical or organisational nature required for the protection of confidential data against illegal access, disclosure or use.

Official statistics producers by their regulations shall stipulate in details measures and procedures for ensuring and protecting confidential data in accordance with this Law and special law regulating the data protection.

Data dissemination on small aggregates

Article 61

Official statistics producers may disseminate data on individual aggregates, upon obtaining a written approval of entities to which those data refer.

XIV INTERNATIONAL STATISTICAL COOPERATION

Coordination role of the competent authority in international cooperation

Article 62

In the official statistics system of Montenegro, the competent authority shall be the main coordinator in the international statistical cooperation.

In implementing international obligations, the competent authority and other official statistics producers, must accomplish comparability of statistical data with other countries, achieve cooperation with international organizations and official statistics producers from other countries with obligation to follow and implement international standards.

XV SUPERVISION

Inspection supervision

Article 63

The supervision over implementation of this Law and other regulations promulgated based on this Law shall be carried out by the Ministry in accordance with the Law governing inspection supervision.

The competent authority shall initiate the offence procedure.

XVI PENALTY PROVISIONS

Article 64

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000 if it does not follow the principles of official statistics as well as methodologies and standards for statistics production in its competence in collection, production, processing, and dissemination of statistical data, upon previously obtained approval of competent authority for the production of transparent and internationally comparable data, pursuant to this Law (Article 7, paragraph 3).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state administration authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

Article 65

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000, if it does not inform the competent authority on preparations of new laws or amendments to the current laws and other relevant activities considering and directly influencing the official statistics (Article 10, paragraph 3).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

Article 66

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000, if:

- 1) It does not provide free of charge accurate, complete data, and in contents and in the manner defined by official statistics producer, and by deadline determined by the Annual Plan (Article 29);
- 2) Data from reporting units are not accurate or not complete, and are not corrected or amended by reporting units in accordance with the guidelines and by the deadline defined by the official statistics producer (Article 30).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

For the violation referred to in paragraph 1 of this Article, an entrepreneur shall be liable to a fine ranging from EUR 150 to EUR 6 000.

For the violation referred to in paragraph 1 of this Article, a natural person shall be liable to a fine ranging from EUR 30 to EUR 2.000.

Article 67

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000, if it does not provide an access to individual data obtained through statistical survey it conducts, and which are needed to the competent authority for performing tasks of official statistics or for estimating quality of results (Article 34, paragraph 1).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

Article 68

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000, if it does not provide, free of charge, the data as requested by the producer of official statistics data for the use, compliant with the defined Programme and Annual Plan (Article 36).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

Article 69

A legal person shall be liable to a fine ranging from EUR 500 to EUR 20 000, if:

- 1) It does not remove identifiers from contents variables, after having entered, processed and coded collected data or the data obtained from the administrative sources and after having used these data for updating the statistical registers (Article 39);
- 2) It does not destroy statistical questionnaires containing data obtained through statistical surveys, after the entry, coding and processing of data are completed (Article 40);
- 3) It provides to users the data from statistical registers maintained by the competent authority in a form and in a manner enabling the identification of the provider that the data refer to (Article 46).
- 4) It provides direct or indirect identification of reporting unit by the data collected, processed, and stored for needs of acts on official statistics (Article 54, paragraph 1).

For the violation referred to in paragraph 1 of this Article, a responsible person in the legal person, a responsible person in state authority, administration authority, local self-government body or local government body shall be liable to a fine ranging from EUR 30 to EUR 2 000.

XVII TRANSITIONAL AND FINAL PROVISIONS

Harmonisation of methodological bases

Article 70

Methodological bases shall be harmonised with this Law by official statistics producers within one year following the entry into force of this Law.

Deadline for adopting the Council establishment act

Article 71

Ministry of Finances shall nominate members of the Council within 60 days following the entry into force of this Law.

After the day of entry into force of the act referred to in paragraph 1 of this Article, the termination of office shall be ended for members of the Council of Statistical System, established on the basis of Law on Statistics and Statistical System of Montenegro (Official Gazette of the Republic of Montenegro 69/05).

Deadline for adopting the secondary legislation

Article 72

Secondary legislation for the implementation of this Law shall be adopted within one year from the day of entry into force of this Law.

The secondary legislation adopted on the basis of the Law on Statistics and Statistical System of Montenegro (Official Gazette of the Republic of Montenegro 69/05) shall apply until the acts referred to in paragraph 1 hereof is adopted.

Repeal

Article 73

The Law on Statistics and Statistical System of Montenegro (Official Gazette of the Republic of Montenegro 69/05) shall be repealed on the day of entry into force of this Law.

Entry into force

Article 74

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