

2010 Census of Agricultural Farms in the Republic of Bulgaria Act

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Chapter one GENERAL PROVISIONS

Article 1. (1) This Act is intended to govern the preparation, organization and conduct of the Census of Agricultural Farms in the Republic of Bulgaria in 2010, referred to hereinafter as "Census".

(2) The census shall be conducted with the objective to:

1. Establish the structure of agricultural farms in this country;
2. ensure the statistics, comparable for all European Union Member States, concerning the structure of agricultural farms, required for the development of the Common Agricultural Policy of the Community, using standard classifications and common definitions of the characteristics of the surveys for the said purpose;
3. examine the agricultural production methods and the utilization of resources in the farms;
4. improve state regulation;
5. update the statistical methods in agriculture;
6. introduce a statistical register of agricultural farms.

Article 2. The Census under Article 1 shall be conducted by means of:

1. preparations, including compilation of an exhaustive list of the agricultural farms and the pilot census under Article 20;
2. on-the-spot collection of information concerning each agricultural holding from the list under item 1, using a statistical census report form, including characteristics of the agricultural farms
3. summarizing and distribution of data.

Article 3. (1) The interviewing of agricultural farms shall start at 08:00h on 1 September 2010 and close at 20:00h on 30 November 2010.

(2) Upon proposal from the Central Census Commission the deadline under paragraph 1 may be extended by order of the Minister of Agriculture and Food by two months at the most

(3) Control over the exhaustiveness of collected information and over the accuracy of data capture shall commence on 2 September 2010 and close three months after completion of the interviewing, referred to in paragraph 1, respectively in paragraph 2.

(4) In the course of the Census data shall be collected for the agricultural farms for the 2009-2010 economic year in regard to the characteristics listed in Appendix No 1;

1. Data under items 6 and 17 shall be collected for the 12-month period, ending on 31 August 2010;

2. data under item 12 - by 31 August 2010;

3. data under item 15 - for the three-year period, ending on 31 December 2010.

Chapter two SUBJECT AND SCOPE OF SURVEYING

Article 4. Subject of surveying during the Census shall be the agricultural farms.

Article 5. Subject of surveying shall be all agricultural farms, meeting at least one of the criteria in accordance with Appendix No 2.

Article 6. Data in regard to the agricultural farms shall be collected during the Census as per the characteristics, referred to in Appendix No 1.

Article 7. (1) The Statistics section at the Ministry of Agriculture and Food shall draw up the final lists under Article 2, item 1.

(2) The National Statistical Institute shall make available to the Statistics Section at the Ministry of Agriculture and Food individual information from the registers, maintained in accordance with Article 7, paragraph 1, item 12 of the Statistics Act.

(3) The administrative units at the

Ministry of Agriculture and Food, other state structures and branch organizations shall be obliged to provide at no charge information and/or data from the registers, maintained by them, needed for the compilation of the list under Article 2, item 1 to the Statistics Section at the Ministry of Agriculture and Food.

(4) Central bodies, local self-government bodies and other state institutions shall provide information to the census bodies under the order of Article 20, paragraph 6 of the Statistics Act.

Chapter three CENSUS BODIES

Article 8. The Minister of Agriculture and Food, jointly with the Regional Governors and Municipality Mayors, shall organise and manage the Census of agricultural farms.

Article 9. Census bodies shall be:

1. the Statistics Section at the Ministry of Agriculture and Food;
2. the Agriculture Regional Directorates;
3. the Central Census commission;
4. the Regional Census Commissions;
5. controllers;
6. interviewers.

Article 10. The Minister of Agriculture and Food shall:

1. approve the statistical report form under Article 2, item 2 and the methodology of its completion and of keeping the documents, required for the Census;
2. present to the Council of Ministers a report on the Census completion, containing the main findings thereof, by 31 December 2012.

Article 11. The Statistics Section at the Ministry of Agriculture and Food shall:

1. ensure the overall coordination and methodological guidance in the process of the Census preparation and conduct in all territorial administration units of this country within the meaning of the

Territorial Administration of the Republic of Bulgaria Act;

2. develop the 2010 census of agricultural Farms program, referred to hereinafter as "Census Program" in compliance with the Bulgarian legislation and the European Union;

3. coordinate the Census tools with the National Statistical Institute;

4. manage and implement the activities for publicizing among the population the census objectives and goals;

5. collect information concerning agricultural farms and draft preliminary lists thereof;

6. approve the distribution of agricultural farms among the Census sections and control districts;

7. organise and manage the training of the Census participants;

8. determine the agricultural farms, at which control over the information collected shall be performed;

9. process and circulate the Census findings and prepare the methodological report under Article 12, paragraph 1 of Regulation (EC) No 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey of agricultural production methods and repealing Council Regulation (EEC) No 571/88 (OJ, L 321/14 of 1 December 2008), hereinafter referred to as "Regulation (EC) No 1166/2008".

Article 12. The Agriculture Regional Directorates shall:

1. provide overall methodological guidance for the Census on the spot;

2. organize jointly with the Regional Census Commissions, with the support of the local self-government bodies, verification and updating of the list of agricultural farms under Article 2, item 1;

3. propose to the Statistics Section at the Ministry of Agriculture and Food the distribution of agricultural farms by census sections and control districts;

4. carry out checks of agricultural farms and at municipalities in regard to the

Census progress and the work performed in accordance with the Census technology and methodology;

5. organise jointly with the Regional Census Commissions and the local self-government bodies education of the population in regard to the Census objectives and goals;

6. allocate the required Census materials by municipalities and settlements;

7. provide training to Census participants in regions, municipalities and settlements;

8. receive and check the Census materials from the controllers;

9. organise the statistics report forms coding, the entering of the individual data onto technical media and their transmission to the Ministry of Agriculture and Food.

Article 13. (1) The Central Census Commission shall be a provisional body, composed of: Chairman - representative of the Ministry of Agriculture and Food, Deputy Chairman - representative of the National Statistical Institute, Secretary - representative of the Ministry of Agriculture and Food and members, who shall be representatives of the Ministry of Agriculture and Food, the Ministry of Interior, the Civil Registration and Administrative Services Directorate General of the Ministry of Regional Development and Public Works; non-governmental sectoral and branch organizations in the agriculture sector and representative organizations of employers and employees.

(2) The nominal list of the Central Census Commission shall be determined by order of the Minister of Agriculture and Food, based on proposals by the heads of the respective agencies and organizations under paragraph 1.

(3) The Minister of Agriculture and Food shall appoint the Commission within one month following the entry into force of this Act.

(4) The commission shall operate under the guidance of the Chairman.

(5) The Central Census Commission shall:

1. discuss and issue opinions concerning the Census Programme, any other documents on the organization, preparation and conduct of the Census and determine criteria for the selection of interviewers and controllers;

2. discuss and propose measures for rectification of omissions and errors in the work of the Census bodies;

3. accept and evaluate the Census findings and announce its closing;

4. prepare by 30 June 2011 a report to the Minister of Agriculture and Food and to the chairman of the National Statistical Institute on the accomplishment of the Census objectives and on the main findings thereof.

Article 14. (1) Within 10 days following the appointment of the Central Census Commission Regional Census Commissions shall be established in each region.

(2) The Regional Census Commissions shall be composed of 5 to 9 members and they shall be appointed and dismissed by the Central Census Commission chairman based on proposals from the heads of agencies and organizations under paragraph 4.

(3) The Director of the respective Agriculture Regional Directorate shall be Chairman of the Regional Census Directorate.

(4) The Regional Census Commissions shall include as members agricultural statistics experts from the Agriculture Regional Directorates, specialists from the Territorial Statistical Bureaus, officials from regional and municipal bodies, officials from the Regional Directorates of Interior and officials from the territorial units of the Civil registration and administrative services Directorate General of the Ministry of Regional Development and Public Works.

(5) The functioning of the Regional Census commission shall be managed by the Chairman.

(6) The Regional Census Commission shall:

1. monitor the correct conduct of the Census in the region in compliance with the Census Programme and with the methodology, approved by the Minister of Agriculture and Food;

2. determine any settlements, where accompanying persons will be assigned;

3. take measures for rectification of omissions and errors in the work performed by the Census bodies in the region;

4. advise the Ministry of Agriculture and Food on the Census preparation and progress in the region;

5. prepare by 31 March 2011 a report to the Central Census Commission on the receipt of the Census materials at the Agriculture Regional Directorate and on the census carried out in the territory of the region.

Article 15. The Minister of Agriculture and Food shall determine by order the interviewers and controllers, based on the proposal by the Regional Census Commissions.

Article 16. (1) Interviewers shall personally complete the statistics report forms. While collecting personal data interviewers shall follow the methodology for completing the statistics report forms, the instructions of controllers and of the Regional Census Commission Chairman.

(2) If required for settlements with specific local conditions in accordance with Article 14, paragraph 6, item 2, where interviewers encounter difficulties in their activity, the mayors shall designate accompanying persons. The accompanying persons shall assist the interviewers and follow their instructions.

Article 17. (1) Controllers shall manage, control and assist the interviewers in their district. Controllers shall be responsible for the completeness of data, entered into the statistics report forms by the interviewers.

(2) In their work controllers shall follow the methodology of completion of statistics report forms and where necessary shall request assistance from the Regional Census Commission Chairman.

(3) Controllers shall collect the Census documents from the interviewers and prepare summarized data tables on the control district according to the preliminary schedule, prepared by the Agriculture Regional Directorate and approved by the Statistics Section at the Ministry of Agriculture and Food.

Article 18. The persons, appointed as interviewers and controllers, shall attend training courses, organised by the Agriculture Regional Directorates.

Chapter Four CENSUS FINANCING

Article 19. (1) The funds, required for the Census, shall be earmarked from the national budget specifically and under the conditions of Article 13 of Regulation (EC) No 1166/2008.

(2) The resources under paragraph 1 shall be expended in conformity with an account-plan, proposed by the Minister of Agriculture and Food and approved by the Minister of Finance.

Chapter five ORDER AND WAY OF CONDUCTING THE CENSUS

Article 20. (1) The Minister of Agriculture and Food, assisted by the Regional Governors and Municipality Mayors, shall organise a pilot census as an initial phase of the Census process. The pilot census objective shall be to test the Census organisation, conduct and instruments.

(2) The Minister of Agriculture and Food shall designate the settlements, where the pilot census is to be conducted.

(3) The pilot census shall be conducted during the period from 1 April 2010 to 1 May 2010.

(4) The pilot census findings and conclusions shall be taken into account

while finalizing the census organisation, conduct and instruments.

Article 21. (1) While discharging their duties in the process of the Census the interviewers, alone or jointly with the accompanying persons, shall visit the agricultural farms in their census sections on any calendar day from 08:00h to 20:00h. The respondents may request that the visit be conducted at other times, stating the reasons for such request.

(2) Agricultural farmers and agricultural farm managers shall be bound to afford census bodies access to their offices and/or farm buildings during the hours referred to in paragraph 1.

(3) Agricultural farmers and agricultural holding managers shall be bound to provide information under Appendix No 1 in accordance with Article 20, paragraph 1 and 3 and Article 21 of the Statistics Act.

Article 22. The Census bodies shall obtain data on agricultural farms personally from the owner, from the agricultural farm manager or from persons, authorised in written form by the owner or the manager.

Article 23. (1) The Ministry of Agriculture and Food may engage outside persons under service contracts for the purposes of conducting the Census.

(2) The Directors of Agriculture Regional Directorates, following assignment by the Minister of Agriculture and Food, shall enter into contracts under paragraph 1 with interviewers, controllers and accompanying persons.

(3) Each interviewer, controller or accompanying person shall be issued an official numbered card, containing his/her names, photo and validity period. A sample official card shall be publicized in the mass media. On completion of the Census the official cards shall be returned to the Agriculture Regional Directorates together with the Census materials.

(4) The individuals under paragraph 3 shall be obliged to identify themselves by their official cards when visiting the agricultural farms.

Article 24. The data concerning the agricultural farms under Appendix No 1 shall be collected using a statistics report form.

Article 25. While performing control field-work, poll cards shall be used to verify:

1. the accuracy of the registered data;
2. the completeness of the list of agricultural farms.

Article 26. The Statistics Section at the Ministry of Agriculture and Food shall summarise the data, received from the Agriculture Regional Directorates under Article 12, item 9.

Article 27. (1) The Minister of Agriculture and Food, based on the summarized data under Article 26, shall submit to the Council of Ministers a report on the Census completion, containing the main findings thereof, by 31 December 2011.

(2) The Census findings, included in the report under paragraph 1, shall be published in special issues of the Ministry of Agriculture and Food and posted at the Ministry website

(3) The validated Census findings and any related national methodological reports under Regulation (EC) No 1166/2008, shall be submitted in electronic form to the Commission by the Minister of Agriculture and Food within the deadlines, specified in the Regulation.

Chapter six

CONFIDENTIALITY OF DATA AND PRESERVATION OF SECRECY

Article 28. (1) The statistical information, obtained after the processing of statistics report forms, shall be used only for statistical purposes.

(2) Any disclosure in whatever way of personal data, obtained during the Census, shall be prohibited.

Article 29. (1) The personal data, obtained from the Census, shall be protected in compliance with the

requirements of this Act and of the Statistics Act.

(2) The personal data, obtained from the Census, may not be used as evidence before bodies of the executive and judicial branches.

Article 30. (1) Persons collecting, controlling, entering and processing Census data, shall be prohibited to disclose or to make available to other persons and organisations any personal or summarized data they became aware of during the Census.

(2) The prohibition under paragraph 1 shall also apply after the completion of the processing of the data.

Article 31. (1) The Minister of Agriculture and Food shall be obliged to ensure protection of the personal data by applying the required organisational and technical measures and by allowing access to data only to persons having signed confidentiality affidavits.

(2) The interviewers, controllers and accompanying persons shall sign the affidavits under paragraph 1 at the time of receiving their official cards under Article 23, paragraph 3.

Article 32. (1) The statistics report forms, completed in the course of the Census, shall be destroyed upon expiry of three years as of the date of validation of the results, but not prior to 2016.

(2) The order and procedure concerning the destruction of the statistics report forms shall be determined by order of the Minister of Agriculture and Food.

Chapter Seven ADMINISTRATIVE PENALTY PROVISIONS

Article 33. Any person, failing to provide to the interviewers the data under Article 6 or providing untrue data, shall be sanctioned by a fine from BGN 1,000 to BGN 2,000.

Article 34. Any interviewer, controller or any other person from the census bodies under Article 9, failing to fulfil its obligations under this Act, shall be sanctioned by a fine from BGN 500 to BGN 1,000.

Article 35. Any person, who enjoys access to personal data and provides or uses it for purposes other than those indicated in Article 28 or who violates the prohibition under Article 30, shall be sanctioned by a fine from BGN 2,000 to BGN 6,000, in the event the act does not constitute a criminal offence.

Article 36. (1) Offences shall be established by acts, prepared by officials.

(2) The Minister of Agriculture and Food shall determine by order, based on proposals by the Regional Census Commissions, the persons under paragraph 1, who shall establish the offences by acts.

(3) On the basis of the acts drawn up the Minister of Agriculture and Food or the officials, authorized by him, shall issue penalty decrees.

(4) The preparation of acts, the issuance, appeal and execution of penalty decrees shall conform to the procedures set out in the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. For the purposes of this Act:

1. "Agricultural farm" or "farm" shall mean a single unit, both technically and economically, which has a single management and which turns out agricultural produce or maintains agricultural lands, no longer used for production purposes, in sound agricultural and environmental condition within the meaning of Article 2, letter (a) of Regulation (EC) No 1166/2008.

2. "Agricultural farmer" shall mean a private individual or a legal entity - farm-holder, lessee or farm-user on whose behalf and/or at whose expense the agricultural farm performs its business.

The agricultural farmer shall bear the legal and economic responsibility for the business of the farm and shall take the economic risk.

3. "Agricultural farm manager" shall mean an individual, performing directly the day-to-day management of the holding.

4. "Economic year" shall mean the period from 1 October to 30 September of the following year or to the completion of the harvesting.

5. "Census section" shall mean the territory, allocated to one interviewer.

6. "Personal data" shall mean individual data, obtained for statistical purposes, referring to any economic or other subject, performing activities on the territory of the Republic of Bulgaria.

7. "Instruments" shall mean a combination of all required documents and technical media for the preparation, organisation and conduct of the Census.

8. "Census findings" shall mean the collated information, obtained from data processed concerning agricultural farms and the subsequent analyses thereof.

9. "Statistics report form coding" shall mean the assignment of an individual number to each holding.

§ 2. A statistical register of agricultural farms shall be established in accordance with Articles 28 and 29 of the Statistics Act.

§ 3. By virtue of this Act conditions shall be established for the application of Regulation (EC) No 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey of agricultural production methods and repealing Council Regulation (EEC) No 571/88.

§ 4. The notification of the European Commission under Article 7, § 3 of Regulation (EC) No 1166/2008 shall be performed by the Minister of Agriculture and Food.

FINAL PROVISIONS

§ 6. The Veterinary Practices Act (Promulgated, State Gazette No 87 of 2005; as amended, Nos 30, 31, 55 and 88 of 2006, Nos 51 and 84 of 2007, Nos 13, 36 and 100 of 2008 and Nos 27, 35 and 74 of 2009) shall be amended and supplemented as follows:

1. In Article 298 a new paragraph 4 shall be introduced, reading:

"(4) The requirements of paragraph 1, item 2 and paragraphs 2 and 3 shall not apply to consignments of VMP, manufactured in Member States or in third countries, which have been examined in a Member State, and holding an analytical certificate under Article 357, which accompanies the respective consignment.

2. In § 9 of the Transitional and Final Provisions:

a) the existing text shall become paragraph 1;

b) a new paragraph 2 shall be introduced, reading:

"(2) The holders of use permits and VMP registration certificates under paragraph 1 may, prior to expiry of their validity terms, apply for issuance of licence for use of such VMP under the procedure of this Act. In such cases Article 289 shall not apply."

This Act was adopted by the 41st National Assembly on 9 December 2009 and the State Seal has been affixed thereto.

Appendix No. 1 to Article 3, paragraph 4

List of the main characteristics to be monitored during the Agricultural Farms Census in the Republic of Bulgaria of 2010

1. Administrative and geographical data about the agricultural farm:

a) location of the farm;

b) registered address of the farm;

c) identification code of the holding - Personal Identification Numbers in respect of natural persons or UIC under BULSTAT - in respect of legal

- entities;
- d) legal status of the holding;
 - e) account entry forms.
2. Data on the agricultural farm manager:
 - a) full names;
 - b) age;
 - c) agricultural education.
 3. Agricultural area used (operated) - type of ownership and manner of operation.
 4. Organic farming - by individual types.
 5. Purpose of the farm's output.
 6. Breakdown of areas by crops:
 - a) cereals;
 - b) grain legumes and protein crops;
 - c) technical crops;
 - d) oleaginous crops;
 - e) fibre crops;
 - f) medical and essential oil crops;
 - g) fodder crops;
 - h) potatoes;
 - i) fresh vegetables, watermelons, melons and strawberries;
 - j) flowers and ornamental plants;
 - k) seeds and planting material;
 - l) fallow lands;
 - m) permanently grassed areas, including those maintained in sound agricultural and environmental condition;
 - n) perennial plants;
 - o) family gardens;
 - p) total agricultural area used.
 7. Unused agricultural lands, forest and other areas.
 8. Growing of cultivated mushrooms.
 9. Irrigated areas.
 10. Energy crops (for production of biofuels or other renewable energy).
 11. Genetically modified crops.
 12. Live-stock in the agricultural farm.
 - a) cattle;
 - b) buffaloes;
 - c) equines;
 - d) sheep;
 - e) goats;
 - f) swine;
 - g) fowl;

- h) hare;
 - i) honeybees;
 - j) silkworms;
 - k) others.
13. Machinery and equipment:
 - a) machinery;
 - b) equipment, used for renewable power generation by types of energy sources;
 14. Other income-generating activities:
 - a) directly related to the farm;
 - b) work, other than agricultural and work outside the holding.
 15. Rural development assistance - farms, which have benefited - by types of rural development assistance measures.
 16. Survey of agricultural production methods:
 - a) soil tillage methods;
 - b) soil conservation;
 - c) characteristics of the surrounding environment;
 - d) live-stock pastures;
 - e) live-stock farm buildings;
 - f) usage of animal manure;
 - g) animal manure storage and handling facilities;
 - h) irrigation.
 17. Data on the agricultural farm workers:
 - a) workers permanently employed - family and non-family workforce;
 - b) workers hired temporarily, seasonally or for services.

Appendix No. 2
to Article 5

The Census shall cover all agricultural farms, meeting at least one of the following criteria:

1. a) Cultivation (management of) at least:
 - a) 0.5 ha of agricultural area used;
 - b) 0.3 ha of arable land;
 - c) 0.5 ha of natural meadows;
 - d) 0.1 ha of orchard (pure culture);

- e) 0.1 ha of vineyard;
 - f) 0.1 ha (net) of specialised crops (vegetables, hops, tobacco, spices, medical and essential oil crops, flowers, ornamental plants, berries, mushrooms, nurseries etc.);
 - g) 0.05 ha of greenhouses.
2. Keeping of at least:
- a) 1 cow;
 - b) 1 buffalo-cow;
 - c) 2 cattle;
 - d) 2 buffaloes;
 - e) 1 female for reproduction (equine);
 - f) 2 working animals (equine);
 - g) 5 swine;
 - h) 1 breeding-sow;
 - i) 5 breeding-ewes;
 - j) 2 breeding she-goats;
 - k) 50 laying hens;
 - l) 100 chicken for fattening;
 - m) 10 honey-bee colonies;
 - n) 10 doe-hares;
 - o) 1 reproductive male animal used for natural mating - bull, stud, boar;
 - p) special animal and fowl species - 1,000 quails, 30 other birds (turkeys, geese, ducks etc.), ostriches, angora goats, angora rabbits, minks, nutrias, silkworms etc.