LAW ON 2023 CENSUS OF AGRICULTURE

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I. INTRODUCTORY PROVISIONS

Subject matter of the law

Article 1

This Law stipulates the preparatory / preliminary activities, organization and implementation of 2023 Census of Agriculture in the Republic of Serbia (hereinafter: Census), the period of enumeration, the method of data collection, the coverage and the contents of the Census, the obligations of the government authorities and other public bodies in the course of the Census preliminary activities, organization and implementation, the obligations of persons covered by the Census, the duties of direct participants implementing the Census related operations, the Census funding, the publication of the Census results, and the terms of usage and protection of the data collected through the Census.

Definitions

Article 2

Certain terms and expressions related to and used in this Law shall have the meaning as follows:

1. **Enumeration** is a single procedure and all-encompassing collection of data on the units covered by the Census, in accordance with this Law;

2. **Agricultural holding/holding/farm** is a production unit where a company, farm cooperative, institution or other legal entity, unincorporated enterprise or farmer carries out agricultural production;

3. **Family agricultural holding** is an agricultural holding where a physical person – farmer jointly with the members of their household carries out agricultural production;

4. **Head of agricultural holding** is a physical person – farmer and entrepreneur who carries out agricultural production and is entered in the Register of farms/agricultural holdings as the head of agricultural holding;

5. For the purpose of the Census, **agricultural production** includes the following activities defined in the Regulation concerning European Statistical Classification of Economic Activities (NACE Rev. 2):
   - Growing of non-perennial and perennial crops;
   - Plant propagation;

- Animal production (included are only the activities of “raising of semi-domesticated and other animals” (except insects) and “bee-keeping and production of honey and beeswax”;
- Mixed farming; and
- Maintaining agricultural land in good agricultural and environmental condition.

6. **Utilized agricultural area (UAA)** comprises agricultural area used for kitchen garden, arable land (including fallow land), permanent crops, grassland, and pastures that the holding regularly cultivates, i.e., uses.
7. **Kitchen garden** is the area devoted to the cultivation of agricultural products intended for own consumption of the holding members, while occasionally surplus products from the kitchen garden may be sold off; the area is normally separated from the rest of the agricultural land and commonly located close to the house;
8. **Livestock unit (LU)** is a standard measurement unit by which the number of heads of various species and categories is reduced to a comparable value. For calculating livestock, the Census methodology is applicable;
9. **Questionnaire for agricultural holding** (hereinafter: census questionnaire) is a form used for collecting data through the Census;
10. **Web questionnaire** is the census questionnaire for self-interviewing in electronic form.

All terms and expressions used in this Law relate to male and female persons, regardless of their grammatical gender expression.

Post-census activities

Article 3

Promptly after the enumeration has been finalized, the representative sample-based quality control of the data compiled shall be carried out with the aim to assess the coverage and quality of the collected data.

II. CENSUS IMPLEMENTATION

Period of enumeration

Article 4

The enumeration is envisaged to be carried out in the period from 1 June to 31 December 2023,

The Director of the Statistical Office of the Republic of Serbia shall determine precisely the date when the enumeration will start.

The enumeration process shall last 75 days from its beginning, and exceptionally, in case of emerging circumstances that significantly impede the implementation, the enumeration may be extended by the decision of the Director of the Statistical Office of the Republic of Serbia.

The precise date of the start of enumeration procedure shall be released on the SORS internet page minimum three months before the day defined as the date of the enumeration start that is specified in paragraph 2 hereof.

Exceptionally, in case holdings with the status of legal entities opt for self-interviewing through web questionnaire, the enumeration of these holdings may be carried out starting from 1 May 2023.

The data collected through the census questionnaire refer to the period of the last 12 months preceding the day of the Census start; however, the data concerning the use of extension services (supporting funds) shall relate to the three-year period ending on the day of 31 December 2023.

Units covered by the Census

Article 5

The Census shall cover the units as follows:

- all family holdings,
- all enterprises, farm cooperatives, institutions, or other organizations with the status of legal entity, as well as unincorporated enterprises registered to carry out agricultural production as prevailing activity, and
- all enterprises and other organizations with the status of legal entity registered for activities other than agricultural production, however, those that have established branch offices or other organizational parts where they practise agricultural production activities.

Utilized agricultural area of the units covered by the Census make up minimum 98% of all utilized agricultural area in the Republic of Serbia excluding the area of kitchen gardens, and the number of livestock units make up minimum 98% of the total number of livestock units in the Republic of Serbia.

Units not covered by the Census

Article 6

The Census shall not cover the households with own-account agricultural production that is not destined for the market and does not exceed certain physical threshold defined in accordance with the SORS methodological principles, as well as households, enterprises, and unincorporated enterprises that do not carry out agricultural production.

Method of enumeration

Article 7

The method of interview shall be applied for collecting data through the Census.

Exceptionally, agricultural holdings may opt for self-interviewing through web questionnaire, in accordance with the Census methodology.

Data on agricultural holdings

Article 8

The Census shall compile the following data on agricultural holdings: identification data on holding (full name, personal number and residence address of the head of AH), location of holding, available land and categories of land use, arable land, areas of orchards and vineyards, irrigation and soil management practices, number of livestock – by species and categories, number of other animals and beehives, organic farming, agricultural buildings, agricultural machinery and equipment, labour force, other activities practised on holding, applied measures of rural development and other information on the holding.

The main data on agricultural holdings: location of holding, available land and categories of agricultural land use, data on labour force, arable land, areas of orchards and vineyards, number of livestock by species and categories, number of other animals and beehives – shall be compiled using the full coverage of observation units (core features), while the data for other features defined in paragraph 1 hereof can be sample based (modules), or may be taken over from administrative sources, in compliance with the SORS methodological principles.

The relative standard error of estimated parameters, which are based on sample survey data, shall not exceed 7.5% on the level of regions.

III. RESPONSIBILITIES OF GOVERNMENT AND OTHER BODIES AND ORGANIZATIONS IN CONDUCTING THE CENSUS

Bodies implementing the Census

Article 9

The Census shall be prepared, organized, and carried out by the Statistical Office of the Republic of Serbia.

Certain operations of preparing, organizing and implementing the Census in the territory of municipalities, towns and the City of Belgrade, the Statistical Office of the Republic of Serbia shall conduct in accordance with this Law via census commissions and the City Administration of the City of Belgrade – for the territory of the City of Belgrade.

For the completion of activities within their authorizations, in the Census preparation, organization and implementation the following bodies shall be also involved:

- Ministry responsible for agriculture, forestry and water management affairs,
- Other ministries and special organizations – on request by SORS for assistance in conducting Census,
- Local self-government units,
- Other bodies, organizations and institutions.

Statistical Office of the Republic of Serbia

Article 10

The Statistical Office of the Republic of Serbia is responsible for full implementation of this Law and shall be engaged to do the following: define the internationally comparable methodology for the Census and create the census questionnaire, work together with ministries, special organizations, local self-government units and other bodies, organizations and institutions, coordinate their joint actions related to the Census preparation, organization and implementation and, in accordance with this Law, pass instructions, render professional assistance and require reporting on the implementation of the census activities; ensure full, accurate and timely information for the general public on the importance and objectives of the Census and the method and period of its implementation; establish census commissions in municipalities, towns and the City of Belgrade where agricultural production is represented and define their responsibilities in accordance with this Law; for the census commissions provide methodological and guidelines, and the equipment needed for fieldwork data collection; distribute and allocate funds to the census commissions; create financial instructions for using the funds intended for the Census implementation and supervise the use of the funds; define the criteria and procedures for the selection of direct participants implementing the Census; conduct professional training and organize and coordinate training courses for direct participants implementing the Census; issue the prescribed authorizations for the Census related work; organize data collection in field and quality control of the data collected through the Census; initiate legal measures for misdemeanour liability as envisaged by this Law; conduct the data processing and analysis; release the Census results; archive the census material and ensure the data protection in accordance with the Law and other regulations.

An administrative body established at the Statistical Office of the Republic of Serbia shall organize and coordinate the activities of all participants implementing the Census.

This body shall be led by the Director of the Statistical Office of the Republic of Serbia and composed of SORS staff members that are in charge of organizing and implementing specific Census activities.

Census commissions

Article 11

Census commissions shall be established for each municipality, city/town, and city municipality of the City of Belgrade where agricultural production is represented.

On proposal by the local self-government unit, i.e. the city municipality of the City of Belgrade, the census commission members shall be appointed by the Director of the Statistical Office of the Republic of Serbia by the resolution against which a claim may not be lodged.

Census commission shall consist of three members, however provided that one member shall be a representative of the Statistical Office of the Republic of Serbia.

Exceptionally, on specially explained request by a local government unit, the Director of the Statistical Office of the Republic of Serbia may appoint additional members of census commissions in accordance with the criteria stipulated by the census methodology.

Census commissions are responsible to timely undertake, in accordance with the instructions received from the Statistical Office of the Republic of Serbia, all measures required for the adequate preparation, organization and implementation of the Census in the territory assigned to them.

Census commission shall carry out the following operations: provide information for the general public on the importance and objectives of the Census, the method and period of its implementation, as well as on the rights and duties of respondents in the Census; ensure the place / premises for carrying out the selection of enumerators and organize the receipt of their documents; ensure the premises for storing the census material and equipment; ensure the premises for training and other premises required for the work; render assistance to enumerators when needed and act to solve issues arising in in the course of fieldwork; engage professionals from the ICT domain to render support in training the direct participants in the Census and during the Census fieldwork operations; engage additional professional staff to deal with certain Census related tasks when the SORS representative – census commission member finds it required; supervise the proper allocation and rationalized use of the Census funds, produce accounts of the expenditures and provide reports to SORS; acts otherwise related to the Census preparation and implementation, in accordance with instructions from the Statistical Office of the Republic of Serbia.

Ministry responsible for agriculture, forestry and water management

Article 12

The Ministry responsible for agriculture, forestry and water management shall render its opinion concerning the Census methodology and the contents of the questionnaire as defined in Article 8 hereof, take an active part in the promotional campaigns and ensure support to the Statistical Office of the Republic of Serbia through its bodies in the course of the Census implementation in field, within its capacities and tasks envisaged by this Law.

Other ministries and special organizations

Article 13

Other ministries and special organization are obligated to render when required the assistance to the Statistical Office of the Republic of Serbia in the course of the Census implementation, within their competences envisaged by law.

Local self-government units

Article 14

Local self-government units shall be engaged to act as follows: propose the members of census commissions, ensure the premises for the work of census commissions, monitor

the Census implementation in their territory, render assistance to census commissions in completing the Census related tasks, and act otherwise in accordance with the instructions received form the Statistical Office of the Republic of Serbia.

Local self-government units shall be obligated to render assistance to the Statistical Office of the Republic of Serbia and census commissions in implementing the Census operations.

Other bodies, organizations and institutions

Article 15

Other government authorities, the autonomous province bodies, organizations, agencies, offices, and the Government services are obligated when required to render their professional assistance to the Statistical Office of the Republic of Serbia in the process of preparing and implementing the Census, within their competences stipulated by special regulations.

Administrative data sources

Article 16

For the Census preparatory activities and organization, for following the coverage of the census units and upgrading the quality of the collected data, the Statistical Office of the Republic of Serbia shall have the right of access to administrative data sources in the government bodies and other institutions.

The data of importance for the Census as defined in Article 8 hereof for which administrative sources are available, shall be taken over from the administrative sources and not compiled through the Census implementation in field.

On request by the Statistical Office of the Republic of Serbia, the owners of administrative data sources are obligated to ensure the downloading of the data of importance for the Census, including identifiers.

The Statistical Office of the Republic of Serbia shall undertake all measures to protect the data taken over from administrative sources, as envisaged by the Official Statistics Law.

IV. CENSUS FUNDING

Funding of the SORS operations

Article 17

The funds required for the Census related operations shall be ensured from the Budget of the Republic of Serbia, and the Statistical Office of the Republic of Serbia shall transfer a part of the granted amount for the Census implementation to the census commissions via special purpose subaccounts.

The Statistical Office of the Republic of Serbia shall appoint one or several census commission members to handle the funds at the special purpose subaccount as stated in paragraph 1 hereof, and they shall be held responsible for lawful and proper dealing with the funds found at the subject subaccount.

The census commissions shall keep the records of the expenditures of the funds from the special purpose subaccount stated in paragraph 1 hereof and submit the report to the Statistical Office of the Republic of Serbia on its request.

The Statistical Office of the Republic of Serbia shall supervise and ensure the lawful and proper dealing with the funds at the subaccount as defined in paragraph 1 hereof.

The unspent amounts of the funds defined in paragraph 1 hereof that have been provided pursuant to the Law on the Budget of the Republic of Serbia, shall be transferred back to the Budget of the Republic of Serbia before the end of the fiscal year.

Remuneration for direct participants implementing the Census

Article 18

Enumerators, coordinators, census commissions' members and other persons hired to implement the Census related activities, shall be entitled to remuneration in money.

V. RESPONSIBILITIES AND DUTIES OF RESPONDENTS AND DIRECT PARTICIPANTS IMPLEMENTING THE CENSUS RELATED OPERATIONS

Responsibilities and duties of respondents

Article 19

The respondents are census units as defined in Article 5 of this Law.

The respondents are obligated to take part in the Census fully in accordance with this Law and the census methodological principles prescribed by the Statistical Office of the Republic of Serbia.

Legal entity that carries out agricultural production activity, the authorized person of a legal entity that carries out agricultural production activity, unincorporated enterprise that carries out agricultural production activity, as well as a farmer – shall be obligated, based on available documents, respecting the deadlines envisaged by the census methodology and free of charge, to provide the accurate and complete answers to all questions in the Census questionnaire.

The head of agricultural holding or an adult member of the family agricultural holding that has knowledge about the data collected through the Census are obligated to provide free of charge the accurate and complete answers to all questions in the Census questionnaire.

Responsibilities, duties and purpose of processing personal data of direct participants implementing the Census related operations

Article 20

Enumerators, coordinators and other physical persons or legal entities engaged for the needs of the Census are responsible to carry out the assigned tasks timely and in an appropriate manner.

Enumerators, coordinators and other physical persons engaged in the Census are held responsible to take good care about the accurate entry of the data provided by respondents.

The persons mentioned in paragraph 2 of this Article are obligated to keep confidential the data on enumerated agricultural holdings that were obtained while carrying out the assigned tasks.

In compliance with its legal obligations, the Statistical Office shall compile and process personal data (full name, personal number, place of (usual) residence, current account number) for all persons that are engaged to carry out the Census related tasks (census commissions' members, enumerators, coordinators, and other persons), in order to practise rights and fulfil obligations arising from their engagements.

VI. DATA PROCESSING AND PUBLICATION OF THE CENSUS RESULTS; USAGE, PROTECTION AND STORAGE OF DATA COLLECTED THROUGH THE CENSUS

Data processing

Article 21

The Statistical Office of the Republic of Serbia shall compile and process the data compiled through the Census while carrying out tasks in public interest, for the purpose of production and publication of official statistics.

Data processing is required to ensure the official statistical data on farm structure as defined in Article 8 hereof, for analytical purposes, assessments of the status and further anticipations in the domain of agriculture.

Additional processing, i.e. custom-designed analyses, shall be carried out in accordance with the law stipulating the domain of official statistics/Official Statistics Law.

The compiled personal data and data on property status shall be processed for statistical purposes, while applying all technical and organizational measures to prevent identification of the units covered by the Census as defined in Article 5 hereof that the data relate to, including the use of pseudonyms.

The processing of data on persons shall be carried out in accordance with the law stipulating the personal data protection.

Publication of the Census results

Article 22

The Statistical Office of the Republic of Serbia shall release:

1. Preliminary results of the Census – until 31 January 2024 latest.
2. Final results of the Census – until 31 December 2025.

The Census results shall be released exclusively in the form of aggregated data and shall be made available to all parties on equal basis.

Usage of data collected through the Census

Article 23

The data collected through the Census shall be used for statistical purposes only and shall not be ceded by the Statistical Office of the Republic of Serbia to other physical persons or legal entities.

The data collected through the Census may not be used for the purpose of determining obligations of civil persons and agricultural holdings, or as a proof for practising rights of civil persons and agricultural holdings.

The Statistical Office of the Republic of Serbia may use the data collected through the Census for establishing, keeping and updating statistical registers, in accordance with the Official Statistics Law and the law stipulating the protection of personal data.

For the purpose of using the census data for scientific and research purposes, the Statistical Office of the Republic of Serbia shall create a special database.

Protection of data collected through the Census

Article 24

The Statistical Office of the Republic of Serbia is obligated to undertake all prescribed administrative, technical and organizational measures required for the protection of data collected through the Census against illegal access, publication or use, in accordance with the law regulating the domain of information safety.

Data storage

Article 25

The data collected through the Census shall be permanently stored in electronic format.

VII. AUTHORIZATIONS

Authorizations for passing legal documents

Article 26

The census methodological principles and the contents of the census questionnaire shall be determined by the Director of the the Statistical Office of the Republic of Serbia in accordance with this Law and generally recognized statistical practice.

The measure for determining remuneration for the persons mentioned in Article 18 hereof shall be more precisely defined by the Director of the the Statistical Office of the Republic of Serbia, within the envisaged project budget.

The Director of the the Statistical Office of the Republic of Serbia shall pass, in accordance with the applicable standards, the special act defining the details of storing and organizing the data collected through the Census as defined in Article 8 of this Law.

VIII. PENALTY PROVISIONS

Article 27

In the event of offence, an amount between RSD 100 000 and 1 000 000 shall be set as penalty for a legal entity practising agricultural production activity, if they refuse to provide to enumerator the data on the holding that are collected in accordance with this Law, or if provide false or incomplete (Article 19, paragraph 3).

An amount between RSD 30 000 and 50 000 shall be set as penalty for an authorized person of a legal entity as defined in paragraph 1 hereof.

In the event of offence, an amount between RSD 20 000 and 50 000 shall be set as penalty for an unincorporated enterprise practising agricultural production, if they refuse to provide to enumerator the data on the holding that are collected in accordance with this Law, or if provide false or incomplete data (Article 19, paragraph 3).

In the event of offence, an amount between RSD 20 000 and 50 000 shall be set as penalty for the head of family agricultural holding or an adult member of family agricultural holding that has knowledge of the data to be collected, if they refuse to provide to enumerator the data on the holding that are collected in accordance with this Law, or if provide false or incomplete data (Article 10, paragraph 4).

Article 28

In the event of offence, an amount between RSD 30 000 and 50 000 shall be set as penalty for an enumerator, coordinator and other physical person or legal entity assigned the Census related tasks, as well as for an authorized person in legal entity implementing the Census related activities, in cases when they:

1) fail to carry out the Census operations timely and in the way as prescribed (Article 20, paragraph 1);

2) fail to observe the accurate entry of the data provided by respondents (Article 20, paragraph 2);
3) does not keep confidential the data on enumerated agricultural holdings that were obtained while carrying out the assigned tasks. (Article 20, paragraph 3).

Article 29

An amount between RSD 50 000 and 100 000 shall be set as penalty for a census commission member who is authorized to dispose of the funds at the special purpose subaccount if fails to spend in a lawful and proper manner the funds from the subaccount of the census commission (Article 17, paragraph 2).

VIII. FINAL PROVISIONS

Deadline for passing documents

Article 30

The documents defined in Article 26 of this Law shall be passed until 31 December 2022 latest.

Deadline for establishing census commissions

Article 31

Census commissions as defined in Article 11 of this Law shall be established until 31 May 2023 latest.

Coming into force

Article 32

This Law shall come into force on the eighth day upon its publication in *Official Gazette of the Republic of Serbia*.