

SOME SPECIFICITIES IN THE REGISTRATION MECHANISM FOR FARMERS IN THE REPUBLIC OF BULGARIA

VELKOVSKI, VALERI¹

Abstract

Pursuant to the norm of Article 7, Paragraph 1 of the Law on Assistance to Agricultural Producers (www.lex.bg) [1], the Ministry of Agriculture, Food and Forestry creates and maintains a register of farmers. The registration mechanism is regulated in Ordinance No. 3 of 01.29.1999. [2] to create and maintain a register of farmers (www.lex.bg). Through this registration mechanism, each farmer and each agricultural producer is given the opportunity to obtain the status of a registered agricultural entity, subject to the fulfillment and presence of specific legal conditions. Pursuant to paragraph 1, item 1 of the additional provisions of the Law on Support for Agricultural Producers [1], „Farmers“ are natural and legal persons who produce unprocessed and/or processed plant and/or animal products, and in the sense of point 23 of the additional provisions cited above, „Farmer“ is a farmer within the meaning of Art. 4, paragraph 1, letter „a“ of Regulation (EU) No. 1307/2013 [3]. According to the text of the mentioned Article 4, paragraph 1, item „a“ of Regulation (EU) No. 1307/2013 – Definitions and related provisions, „Farmer“ means a natural or legal person, or a group of natural or legal persons, regardless of the legal status of that group and its members under national law whose holding is within the territorial scope of the treaties. The regulated registration mechanism is characterized by a number of specifics, reflecting both the functions of farmers and agricultural producers according to the cited definitions, as well as the provision in this way of a number of necessary privileges that derive from their registration status.

Key words: register, registration mechanism, farmer, farmer, regulation, status

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Introduction

According to data from the census of agricultural holdings in the Republic of Bulgaria, which in 2020 are 132,742 pieces. (www.mzh.government.bg), 91% of farms are owned by individuals. The tendency to increase the relative share of commercial companies is maintained and they reach 6.5%.

The registration of agricultural producers and their presence in a special register is a condition for applying for direct payments, aid from the state budget, receiving specialized information from the Ministry of Health and its structures, etc.

In order to acquire the status of an agricultural producer in the Republic of Bulgaria, it is necessary for each applicant, respectively the owner of an agricultural holding, to be registered according to the current agrarian legislation (www.lex.bg).

¹ Associate Professor Ph.D. – Higher School of Security and Economics – Plovdiv, Bulgaria, e-mail jurist57@abv.bg

In this regard, the registration mechanism has a number of specifics that are related to the acquisition of the specified status. In this regard, the aim of the development is to indicate and analyze these specifics, including some problems accompanying the registration of agricultural producers.

Materials and methods

For the purposes of the study, the following were used:

- Literary sources of Bulgarian authors;
- Normative sources (accents from the current legislation);
- Analytical toolkit (normative and analytical methodological apparatus) and survey.

Results and discussion

Pursuant to paragraph 1, item 1 of the additional provisions of the Law on Support for Agricultural Producers [1], „Farmers“ are natural and legal persons who produce unprocessed and/or processed plant and/or animal products, and in the sense of point 23 of the additional provisions cited above, „Farmer“ is a farmer within the meaning of Art. 4, paragraph 1, letter „a“ of Regulation (EU) No. 1307/2013 [3]. According to the text of the mentioned Article 4, paragraph 1, item „a“ of Regulation (EU) No. 1307/2013 – Definitions and related provisions, „Farmer“ means a natural or legal person, or a group of natural or legal persons, regardless of the legal status of that group and its members under national law whose holding is within the territorial scope of the treaties.

Since the subject of research are the specifics of the registration mechanism for farmers in the Republic of Bulgaria, as a factor and condition for the application of the aforementioned Law on Support for Agricultural Producers (www.lex.bg) and the norms in Ordinance No. 5 of 27.02.2009. (www.lex.bg) for the terms and conditions for submitting applications under schemes and measures for direct payments (www.lex.bg), from the positions of the normative analysis, the functions of the register of farmers should be highlighted. In order to have access to state aid and to participate in the direct payment schemes, the owners of agricultural holdings with the above-mentioned status must be registered in accordance with the above-cited Ordinance No. 3 (www.lex.bg). These functions are regulated in the text of Article 2 of Ordinance No. 3 (www.lex.bg), namely: control over the use of agricultural lands; collection of information on the crops grown during the relevant economic year and the areas occupied by them, as well as on the animals raised; supporting farmers and rural development and implementing direct payment schemes. An important emphasis in the registration mechanism is which agricultural entity is granted the legal opportunity to apply for registration, respectively to be registered. According to the text of Article 3 of Ordinance No. 3 (www.lex.bg), registration is

subject to legal entities, sole traders and natural persons over 18 years of age who manage agricultural land and/or produce agricultural products.

Through registration, farmers, in their capacity as registered subjects, become bearers of a number of rights, regulated in the text of Article 6, Paragraph 2 of Regulation No. 3 (www.lex.bg), namely: to receive free advice from the National Advice Service in agriculture; to receive free information, analyzes and forecasts from Regional Directorate „Agriculture“; to receive information on prices and markets of agricultural products from the National Agricultural Advisory Service; to carry out trade with the agricultural products produced by them.

For the purposes of the research, an author's survey was conducted on the topic „Problems arising from the legal mechanisms for registration and re-registration of farmers in the Republic of Bulgaria“ among 78 people – farmers from the South-West planning region.

The summary results of the survey are presented below in the presentation.

The survey covers two sections, namely:

I. Profile of the respondent:

1. Statut:

- a) natural person – 48 people or 61.54%
- b) sole trader – 26 people or 33.33%
- c) non-profit legal entity – 4 people or 5.13%

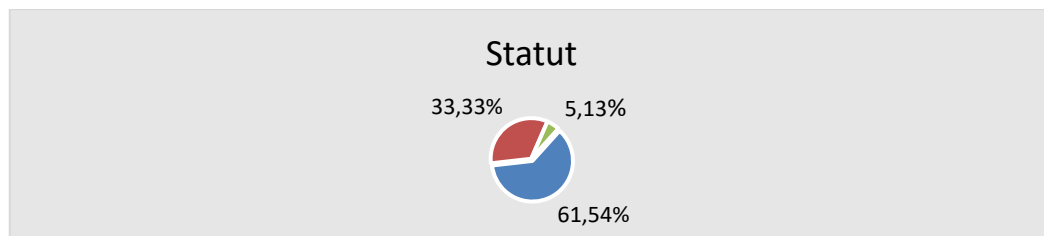


Figure 1. Statut

2. Age:

- a) 18 – 30 years – 32 people or 41.03%
- b) 31 – 40 years old – 18 people or 23.08%
- c) 4+ – 28 people or 35.89%

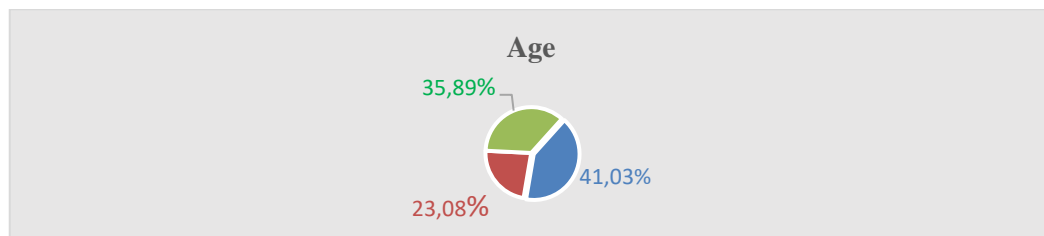


Figure 2. Age

3. Type of activities (more than one answer is possible):

- a) agricultural land management – 64 people or 82.05%
- b) carrying out production of agricultural products – 41 people or 52.56%
- c) both – 52 people or 66.67%

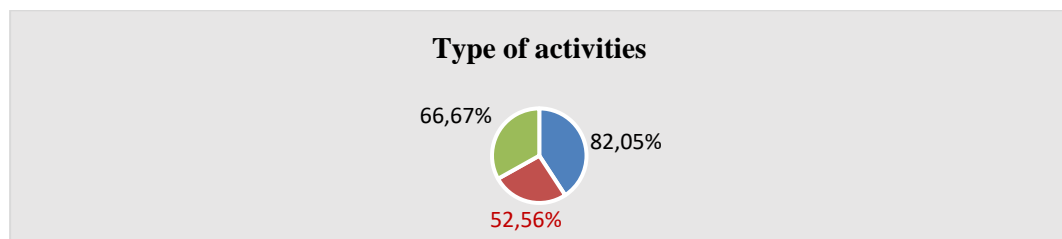


Figure 3. Type of activities

4. Registered as a farmer:

- a) from 1 year – 22 people or 28.21%
- b) from 5 years – 28 people or 35.90%
- c) over 5 years – 28 people or 35.89%

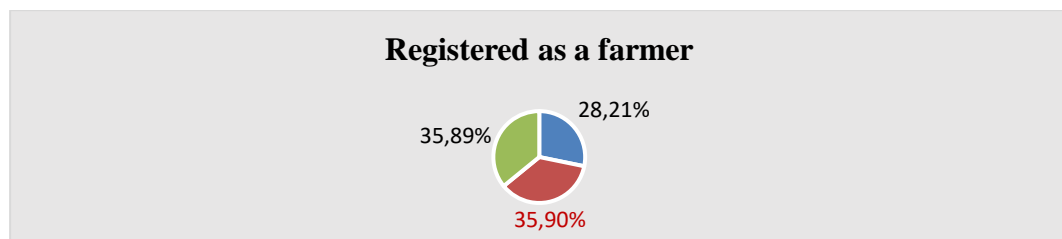


Figure 4. Registered as a farmer

II. Specialized questions

Methodologically, the formulation and selection of questions from the specialized section of the survey aim to reflect in a synthesized form the problems resulting from some imperfections of the registration mechanism, regardless of the privileges that this mechanism gives.

1. Received financial support:

- a) from European funds – 43 people or 55.13%
- b) from the state budget – 34 people or 43.59%
- c) from both – 61 people or 78.21%

Received financial support

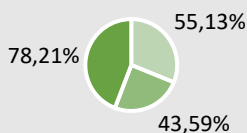


Figure 5. Received financial support

2. Get free:

- a) advice from the National Service for Advice in Agriculture – 36 people or 46.15%
- b) information from Regional Directorate „Agriculture“ – 17 people or 21.79%
- c) information on agricultural production – 21 people or 26.92%
- d) right to trade in agricultural products – 49 people or 62.82%

Get free

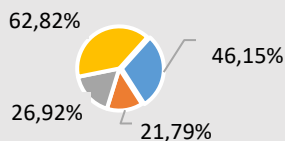


Figure 6. Get free

3. Are the legal rights explained by Regional Directorate „Agriculture“:

- a) yes – 31 people or 39.74%
- b) no – 33 people or 42.31%
- c) rarely – 14 people or 17.95%

Are the legal rights explained by Regional Directorate „Agriculture“



Figure 7. Are the legal rights explained by Regional Directorate „Agriculture“

4. Have they been informed about the terms and circumstances of the annual re-registration:

- a) yes – 32 people or 41.03%
- b) no – 28 people or 35.90%
- c) rarely – 18 people or 23.07%

Have they been informed about the terms and circumstances of the annual re-registration

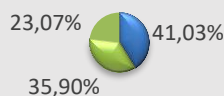


Figure 8. Have they been informed about the terms and circumstances of the annual re-registration

5. Informedness for requesting current changes within a one-month period:

- a) yes – 36 people or 46.15%
- b) no – 29 people or 37.18%
- c) rarely – 13 people or 16.67%

Informedness for requesting current changes within a one-month period

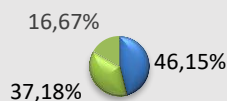


Figure 9. Informedness for requesting current changes within a one-month period

Conclusions

The summary results from section two of the survey, shown in the presentation, give grounds for forming the following conclusions:

1. The status of a registered farmer is a prerequisite and an opportunity to apply for financial support in the State Fund „Agriculture“, which act was carried out by a large part of the respondents (79.49%);
2. 64.38% of the respondents applied for state aid;
3. 55.13% of the respondents received financial support from the European structural funds, and 43.59% from the state budget;
4. Regardless of the rights they have as registered farmers, these rights are not actively consumed, with the exception of applying for financial assistance;
5. One of the problems that hinders the consumption of rights is the lack of awareness on the part of the Regional Directorates „Agriculture“ as the main state entity in the registration mechanism;
6. The lack of information and explanatory measures on the part of the Regional Directorates „Agriculture“ regarding the terms and conditions for registration and

re-registration, as well as insufficient control regarding the correctness of the submitted data, leads to the deprivation of rights of farmers.

It must be concluded that the legislation relating to the registration mechanism for farmers suffers from some vices that need to be remedied in order for this mechanism to support the common agricultural policy.

As some authors point out, „after the reform of the common agricultural policy in 2013 new measures were implemented to support agricultural producers“ (Penov, Ivan., Elena Zapryanova, p.115, 2020), including state aid, as a subject of a specific regime (Kirechev, Damyan, p.132, 2021).

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