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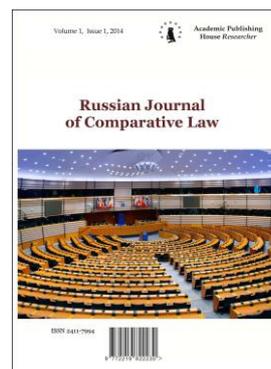
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The Fundamentals of Agricultural Law in the Republic of Serbia

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Abstract

The aim of this article is to determine the fundamentals of agricultural law as a separate area of law in the Republic of Serbia. We study theoretical basis, current state of legal framework of agricultural activities, and corresponding international legal obligation of Serbia regarding agricultural law. The paper starts with a brief introduction, followed by the section with the overview of the basic elements of this area of law in Serbia (definitions, object of legal regulation, relationships with other legal disciplines and areas of law, legal sources and institutions). The author continues with examining the current legal framework of agricultural activities in Serbia, i.e., the constitutional basis and the statutory regulation. The final chapter overviews the provisions of international law regarding agriculture (those treaties which are ratified by Serbia) at the universal and regional level.

Keywords: law of the Republic of Serbia, agricultural law, legal regulation of agricultural activities, food safety, European Union, World Trade Organization.

1. Introduction

This article outlines the fundamentals of agricultural law as a separate area of law in the Republic of Serbia. Separate issues relating to agriculture are examined by scholars of the common law states (the USA, Canada, Australia, the Great Britain), European states (Italy, Poland, the Czech Republic, Hungary, Slovenia, Croatia), and of the BRIC's countries (Russia, China and India). In the USA, Australia, Canada, as well as in Great Britain with their predominant common law tradition agricultural law is conceptualized as a part of a wider paradigm of public and legal relationships including such issues as environment, natural resources, public administration, human resources, leasing, credit insurance, consequences of bankruptcy, etc. At the same time, the common law system sticks to differentiation the agrarian law. The Black's Law Dictionary introduces agrarian law, i.e., "the body of law governing the ownership, use, and distribution of land" [1; 73]. The European states applying mainly continental law study agricultural law in the framework of the EU law, given due to the fact that agriculture is, to a large extent, subject to EU Regulations. Hence, the main object of regulation in the EU agricultural law is the Common

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Agricultural Policy (CAP), including rural development and significant national legal regulation in this area.

2. Methods and Materials

We use a range of existing legal methods for the purposes of this analysis, employing a comparative methodology when comparing Serbian legislation in the research field with the provisions of international law and the rules of international organizations. We resort to both, legal and non-legal academic literature. This article uses statistical and sociological data, yet to a smaller extent. The author analyses statutory law of the Republic of Serbia against the background of international law and academic sources.

3. Discussion

1. Theoretical basis and significance of Serbian Agricultural law

In Serbia the term “agricultural law” first appeared in the 1919 Regulation “On the Organization of the Ministry of Agriculture” which provided that the mission of the Ministry was *inter alia* “... to discuss and resolve issues of agricultural law” as well as to “... monitor the development of foreign agricultural legislation and administration”. Until recently, the term “agricultural law” has not been widely used in Serbia neither in the field of public administration, nor in the legal science since World War II.

In modern Serbia the agricultural law can be acknowledged as a separate area of law, regulating the issues of agriculture and legally determined agricultural activities. In Serbia agriculture, as any other area of human activities, is regulated by general legal norms (statutes and acts of subordinate legislation) at different levels of public administration. Naturally, in accordance with general legal norms, public authorities, including national, provincial and local ones, adopt decisions, regulations, and policies in the area of agriculture. Some decisions do not have general legal nature, being addressed to certain individuals or the actors of agricultural activities. Such individual legal norms can be regarded as indirect regulations of agricultural activities. Agricultural law includes also “soft law,” i.e., authoritative opinions, interpretations, and recommendations. Moreover, national law in the area of agriculture, adopted in accordance with the 2006 Constitution of Serbia, includes relevant sources of international law, i.e., ratified international treaties and universally accepted rules of international law. Therefore, agricultural law in Serbia is comprised, in accordance with international law standards, of general legal norms regulating the area of agriculture, individual legal norms concerning the rights and duties of agricultural actors, as well as its “soft law”.

Agricultural law in the legal system of the Republic of Serbia is, to a great extent, concentrating in business law. It borrows from business law the rules regarding commercial contracts, securities and business entities, private entrepreneurship, and a special legal institute of “registered agricultural households” (which is considered a business entity). However, the autonomous nature of agricultural law is prompted by the fact that the entities regulated by this law may be natural persons, unlike in business law. More particularly, natural persons should gain a status of a registered farmer, i.e., to become a holder or a member of a family-owned agricultural household which would be the only source of his or her incomes. Yet it borrows more elements from a number of other areas of law too. It shares common characteristics with the economic law (or “the law of the market”) [7]. A considerable part of agricultural production is aimed to satisfy the needs of the market, side with some other activities (e.g., quality control of agricultural products). Another significant part of agricultural law refers to such issues as food safety, alcoholic beverages, rural development, veterinary regulations, and animal welfare, etc. Therefore, this segment of agricultural law would be more related to specific areas of law, such as, e.g., medical law or environmental Law [8; 9]. At the same time, the common interest in agricultural law is becoming increasingly important, especially under the influence of the EU law, and regulations of other international organization [10]. Agricultural law borrows elements from commercial law, water law and forestry law. However, the exceptions regard the environmental protection, genetically modified organisms, inspection of plant health, preventing the spread of harmful organisms, and application of plant protection products – which are embedded in administrative law. In addition, agriculture is closely connected with sanitary law (in the field of food safety) and

shares certain features with intellectual property law, i.e., when regulating the protection of intellectual property rights in the field of wine production, plant protection products, and recognition of plant varieties. Although it partially overlaps with the said areas of law, Serbian agricultural law can be considered as a separate area of law and also an autonomous legal discipline. However, the mechanism of implementation of agricultural law rests primarily in administrative law, civil law, and commercial law.

As mentioned previously, the sources of the agricultural law include general normative acts (statutes/laws, decrees/ordinances, and other sources of subordinate legislation), and individual acts (verdicts, solutions, decisions of public authorities), as well as agricultural “soft law”. General normative acts are adopted by central Republican authorities, i.e., the Parliament - the National Assembly, the Government, and, in particular, the Ministry of agriculture, not to mention provincial and local authorities (in the City of Belgrade, other cities, and municipalities). Individual acts are also adopted by the courts, in addition to the said bodies. All general normative acts are binding, but some strategic and programme documents may also lack a binding force¹¹. In addition, based on the 2006 Constitution of Serbia, sources of the agricultural law include international treaties and the rules of international organizations, such as EU legislation as well as the rules of the World Trade Organization (WTO) and the Food and Agriculture Organization (FAO).

The Ministry of agriculture is the authority which issues most regulations in the sphere of agricultural law in Serbia. It determines the directions of national agricultural policy, drafts, elaborates, and adopts legal acts, and arranges their implementation. The provincial secretariats for agriculture and the relevant local bodies adopt and implement regulations within their jurisdiction. Moreover, agricultural regulations in a particular territory regulate the rules for professional and consulting services, authorized laboratories, and other organizations with special authorizations, as well as farmers, business entities in agricultural activities, and non-governmental organizations that are active in this field.

The importance of agricultural law for Serbia roots primarily in the fact that Serbia has traditionally been an agricultural country¹². As shown by the most recent statistical data, almost a quarter of Serbian population is engaged in agriculture which is a higher percentage than in other countries in the region¹³; ¹⁴. In addition, the importance of agriculture is also reflected in allocation of state budget expenses for support of agriculture, as well as in export activities. During the last two years one third of total subsidies from state budget have been allocated to registered farmers¹⁵. Moreover, agriculture contributes significantly to stabilizing Serbian foreign trade balance in the light of the fact that agriculture takes a greater share in total export value, i.e., it is 23 percent higher than the share of agriculture in import activities. The dynamics of growth in export value exceeds the growth in the value of imported products.

The greatest importance of agricultural law is in the fact that agriculture is the basic way of providing food for the population. Duly arranged agricultural processes not only stimulate developments in food production. They exert influence on the environment both, locally, i.e., by maintaining land and water resources and globally, i.e., by lowering the impact on climate change. In this context, the agricultural law as a separate area of law regulates the area of human activity which is vital for all the citizens. It sets forth legal rules which should proclaim responsibility of agricultural actors for welfare and health of the population of the Republic of Serbia.

2. Legal framework for agricultural activities in the Republic of Serbia

Serbia belongs to continental law legal family. The 2006 Constitution enjoys the highest legal force, from which all other statutes and subordinate legislation are derived. The Constitution regulates agriculture in terms of the rules of usage and management of lands and the division of competence at national, provincial, and local level, i.e., between the Republic, its autonomous regions, and municipalities¹⁶. Art. 88 of the 2006 Constitution of Serbia proclaims that the use and management of agricultural land and forests as a private property is permitted. It also states that the law may limit the usage and management of the land, in order to eliminate the risk of causing harm to the environment, or to prevent violation of rights and legal interests of other persons. As for responsibilities of different levels of public administration in the field of agriculture, Art. 97, para. 9 of the Constitution, stipulates that the Republic of Serbia *inter alia* regulates and grants protection for flora and fauna. The responsibilities of autonomous provinces are regulated by Art. 183 of the Constitution providing that autonomous provinces *inter alia*

regulate matters of provincial interest in the field of agriculture. Art. 190 of the Constitution stipulates that municipalities are responsible for protection, improvement, and use of agricultural land.

Legal regulation of agricultural activities at the provincial level can be illustrated with the Statute of the Autonomous Province of Vojvodina. This statute grants special protection for agricultural lands. It provides that agricultural land serves the common good and cannot change its purpose, except in situations outlined by law or the decision of the Provincial Assembly when such a change is necessary, in order to satisfy essential needs of the society which cannot be met in any other way 17. When it comes to agricultural and rural development, the Statute of Vojvodina determines that the province participates in implementation of agricultural policy and measures of rural development, makes separate budget allocations for agriculture, and regulates other issues of provincial importance in this field 18.

In accordance with Art. 99 of the 2006 Constitution, the statutes of the autonomous provinces need the approval of the National Assembly 19. Otherwise, the provinces can adopt own regulation, in accordance with the rules of the division of competence with the Republic. The Statute of Vojvodina provides that this province adopts the Assembly decisions and other general normative acts on the issues of provincial significance, as well as implements the laws, and renders regulations for their implementation in cases, provided by law. Besides that, the 2006 Constitution of Serbia stipulates that the Government passes regulations and other general normative acts for the purpose of implementing the statutes as well as proposes statutes/laws and other general normative acts to the National Assembly (and gives opinions, in case if there are other proposals, about those acts), while the provincial government, in accordance with the Statute, passes regulations and other general normative acts for implementation of statutes/laws and decisions, and proposes decisions, and other general acts to the Provincial Assembly 21; 22.

According to the Law on Public Administration, public administration authorities draft decrees/ordinances, subordinate legislation, and general normative acts related to the competence of the government, and propose development strategies to the government. The ministries and agencies issue ordinances, orders, and instructions, which are published in the official publication channel of Serbia, entitled the "Official Gazette of the Republic of Serbia". Hence, the Ministry for agricultural affairs passes ordinances in the area of agricultural law and interconnected areas, i.e., environmental protection, forestry, and water management at the national level, while at the provincial level various secretariats are set up in order to draft and adopt regulations on their territories.

The analysis of sources of agricultural law allows differentiating several significant clusters in this area of law, coined with specific agricultural activities:

- general issues,
- food safety,
- animal health and welfare,
- plant protection,
- agricultural land,
- organic production, and
- hunting.

The cluster of general agricultural legislation of Serbia is comprised of legislation which regulates general legal issues such as financing and budgeting, storage of agricultural products, supervision and licensing, advisory services, rules of agricultural production (cattle farming), as well regulation in particular areas, i.e., alcoholic beverages, ethyl alcohol and tobacco.

Integrated approach towards national food safety dictates that the law should provide requirements that the food should be not only safe but also of proper nutritional value and quality. This is why the statute codifying rules of food safety was adopted in 2009, followed by several acts of subordinate legislation. For the first time in its history Serbia has got a codified legal act covering all aspects of production, traffic, control and consumption of food and feedstuff 23. The adoption of this statute and a set of subordinate acts, and their effective implementation aim at reduction of risks of diseases caused or transmitted by food, as well as at protection of consumer interests.

Taking into account that, on the one hand, some animal diseases can be transmitted to humans, and, on the other hand, cattle farming is, potentially, the most profitable sector of Serbian agriculture, the adequate attention was given to the development of the appropriate legislation. In addition to the 2005 Veterinary Law, the 2009 Law on Animal Welfare was adopted in Serbia, again followed by acts of subordinate legislation and more detailed bylaws 24; 25. The area of animal health and welfare is also regulated by a number of multilateral and bilateral agreements.

Taking into account that farming of the plants is at the beginning of food production, legal regulation of plant health emphasizes the significance of measures targeted at preventing spread and suppression of harmful organisms. Taking into account the toxicity of some plants and its possible harm to the land and water, the national interest of Serbia extends all way to regulating the rules of plant registration, sale, and use, in order to avoid adverse effects on human health, animals, and the environment. Moreover, Serbian legal regulation of plant protection in a broad sense includes legislation on seed and planting materials, protection of agricultural plant varieties, and the use of genetically modified organisms. The said issues are also important for the development of agriculture and for ensuring quality of food.

According to the latest census of agricultural land in Serbia, 2.48 million hectares of land were enrolled in agriculture, of which about 40% comprised agricultural land in public ownership. This information suggests that the market for agricultural land in Serbia targets, primarily, at legal relationships of lease and rent. At the same time, protection of land resources is one of the strategic goals for Serbian agriculture for the next decade, the goal which is defined as “... *efficient land management and increase the availability of soil resources*” 26.

Organic food production, or food production without the use of insecticides, pesticides, fungicides, and artificial fertilizers, growth regulators, hormones, antibiotics, nor genetically modified organisms, represents the ultimate choice for every nation which takes care of its health 27. Therefore, Serbia is pursuing to follow international legal standards of organic agricultural production. For the period 2000-2010 this area was regulated by three national statutes, as well as acts of subordinate legislation 28.

A particular statute of Serbia regulates protection, management, hunting, use, and improvement of populations of wildlife on the hunting ground, as well as protection, preservation, and wildlife habitat enhancement, not to mention protection, organization, and management of hunting grounds, and other issues of importance for wildlife and hunting 29. The aim of this law is to provide the sustainable management for wildlife populations and their habitats, with the goal of reaching economic and environmental functions of hunting.

3. International legal standards in the field of agriculture

As mentioned previously, according to Art. 16 of the 2006 Constitution of Serbia “...*ratified international treaties and generally accepted rules of international law are part of the legal order of the Republic of Serbia*”. This constitutional novelty equalized the ratified international agreements and universally accepted rules of international law with the national legal sources, primarily with the statutes and the official legal interpretations, and opinions. Hence, the courts and public authorities in Serbia can make decisions on the basis of international law which is not ratified by the National Assembly 31. The mixed approach for the implementation of international law, which relates to the entire legal system of Serbia, is particularly important for agriculture due to the fact that various aspects of this area of law are regulated by international legislation at the global and regional level.

When it comes to global level of international regulation, multilateral agreements usually entail a number of states committing themselves to apply these agreements and contributing with this in the achievement of global legal harmonization. This enables easier trade between economically, politically, and even culturally different countries, as well as easier cooperation. Therefore, the Republic of Serbia, not yet being a member of the World Trade Organization, implements the standards of the relevant WTO agreements in the field of agriculture to the maximum possible extent. It also pursues to implement the standards, set forth by the HACCP system, the rules of the *Codex Alimentarius*, and several individual conventions on such issues as, e.g., protection of plants and new varieties of agricultural plants, plant genetic resources, production and trade of sugar, labor inspection in agriculture, or protection of vertebrates intended for experimental and other purposes.

When it comes to regional level of legal regulation, Serbia is free to apply EU legislation as a third country which voluntarily applies this legislation, in order to optimize business cooperation procedures with the EU member states. The process of accession of the Republic Serbia to the European Union has been formally initiated by the Resolution on EU membership, passed by the National Assembly in 2004, which stipulated that membership in EU is the strategic orientation of Serbia 32. In order to accomplish this goal, the Republic of Serbia has started a process of legal harmonization with the EU legislation. It annually introduces Action Plan of Harmonization, envisioning the revisions of existing statutes/laws and adoption of new statutes, and acts of subordinate legislation, in accordance with the EU standards. Following Art. 1, para. 4 of the 2008 Stabilization and Association Agreement, one of the main objectives of this Agreement is preparation for joining the European Union and “... support the efforts of Serbia to develop economic and international cooperation, among other things through harmonization of its legislation with the legislation of the Community” 33. The National Programme for the Adoption of the Acquis of the European Union which has been launched in 2013 and renewed in 2014, “... defines development and strategic objectives, appropriate policies, reforms, and measures necessary for the realization of these objectives, establishes a detailed plan for harmonization of legislation, and defines the human and budgetary resources, as well as other funds necessary for the implementation of planned tasks” 34; 35.

For the purposes of more efficient process of harmonization of national legislation with EU legislation it is envisaged that when adopting new statutes each draft law or the proposal of other normative regulation should be accompanied with attachments, outlining prescribed forms for the Government and providing a declaration on harmonization with the appropriate EU legislation, as well as the table of conformity of the relevant draft with the EU standards 36.

According to the said National Programme for the Adoption of the Acquis of the European Union, the entire area of the *acquis communautaire* is divided into 33 negotiating chapters, incorporating the issues of agricultural law, i.e., agriculture and rural development (Chapter 11) and food safety, veterinary, and phytosanitary policy (Chapter 12). Chapter 11, in addition to agriculture and rural development, incorporates the issues of organization of agricultural markets, quality policy, and organic farming. Chapter 12 mentioned the issues of food safety and veterinary policy, plant health, seed and planting material, as well as plant protection products, residues and genetically modified organisms.

Moreover, agriculture of Serbia has been regulated by bilateral agreements which either solemnly focus on agricultural issues or refer to some of these issues in parts. Cooperation in the field of agriculture is mentioned in the Agreement on Stabilization and Association with the European Union. The issues of agricultural products are covered by several free trade agreements, the most significant of which for Serbia is, probably, the Free Trade Agreement with the Russian Federation 37. Serbia concluded several bilateral agreements exclusively dealing with cooperation in agriculture, such as, e.g., agreements on cooperation in the veterinary and the phytosanitary areas with the Russian Federation and other states 38; 39; 40.

Finally, at the level of international organizations Serbia concluded the 2006 CEFTA multilateral agreement, as well as several bilateral agreements on the issues of agriculture, veterinary and plant protection [41].

4. Results

The contemporary legal system of the Republic of Serbia allows differentiation of agricultural law as a separate area of law and individual legal discipline. Serbian agricultural law, in accordance with the standards of international law, consists of general legal norms, individual norms, as well as opinions, interpretations, recommendations, i.e., its “soft law”.

5. Conclusion

Agricultural law of Serbia as a separate area of law regulates several clusters related to agricultural activities: general issues of agricultural activities, food safety, animal health and welfare, plant protection, agricultural land, organic farming, and hunting. The adoption and implementation of statutory law and subordinate legislation is divided between the Republic, its

autonomous provinces, and local authorities. International law, on the basis of Article 16 of the 2006 Constitution of Serbia, an integral part of the legal system of the Republic.

References

1. Bryan A. Garner (ed.), *Black's Law Dictionary* (Thomson West, 2004).
2. Uredba o ustrojstvu Ministarstva poljoprivrede, Article 2, alinee đ), Službene novine Kraljevstva Srba, Hrvata i Slovenaca, No. 15/1919; Uredba o ustrojstvu Ministarstva poljoprivrede i voda, Article 3, paragraph 1), alinee 3, Službene novine Kraljevstva Srba, Hrvata i Slovenaca, No. 71/1919.
3. Zakon o klasifikaciji delatnosti, Article 3, Službeni glasnik RS, No. 104/09; Uredba o klasifikaciji delatnosti, Službeni glasnik RS, No. 54/10, Klasifikacija delatnosti, Sektor A - poljoprivrede, šumarstvo i ribarstvo, 01.1 - 01.7.
4. Vasiljević, Mirko, *Privredno pravo*, Viša poslovna škola, Beograd, 1994, P. 23.
5. Vasiljević, Mirko, *Kompanijsko pravo*, Pravni fakultet u Beogradu, Beograd, 2011, P. 26.
6. Zakon o poljoprivredi i ruralnom razvoju, Article 2, point 8, Službeni glasnik RS, No. 41/09.
7. Taboroši, Svetislav, Jovanić, Tatjana, *Ekonomsko pravo*, Pravni fakultet Univerziteta u Beogradu, Beograd, 2010, P. 23; see also, Jovanić, Tatjana (2014/2015), 'Ekonomsko pravo - skripta za ispit', Pravni fakultet Univerziteta u Beogradu, Beograd.
8. See Radišić, Jakov, *Medicinsko pravo*, Pravni fakultet Univerziteta Union, Beograd, 2008.
9. See Joldžić, Vladan, *Ekološko pravo – opšti i poseban deo*, Institut za kriminološka i sociološka istraživanja, Beograd, 2008.
10. In recent years, primarily in Europe, and recently in our country, the concept of agriculture has been increasingly linked to the concept of the rural development, because the understanding of the development of the modern agriculture has become inseparable from the development of rural areas and the funding of agriculture increasingly replaces the financing of rural development, which is being implemented in the common interest.
11. Zakon o poljoprivredi i ruralnom razvoju, Article 3.
12. See Bogdanov Natalia, *Small Rural Households in Serbia and Rural Non-farm Economy*, own monography; redaction: Martin Malcom Turner, Paul Keating, 2007.
13. According to the data collected in the Agricultural Census of 2012, the number of members and full-time employees in agricultural households in the Republic of Serbia is 1.44 million people. Of this number, about 98% are owners of agricultural households and members of their households and only 1.9% of persons who are regularly employed in agriculture (Strategija razvoja poljoprivrede i ruralnog razvoja Republike Srbije za period 2014-2024, Službeni glasnik RS, No. 85/14, 2.2.5.).
14. FAOSTAT // faostat3.fao.org/download/O*/E.
15. For 2016 a total of 28 billion dinars of subsidies are provided for farmers in Serbia (Zakon o budžetu Republike Srbije za 2016. godinu, Službeni glasnik RS, No. 103/15).
16. Ustav Republike Srbije, Službeni glasnik RS, No. 98/06.
17. Statut Autonomne Pokrajine Vojvodine, Službeni list APV, No. 20/14, Article 12.
18. Statut Autonomne Pokrajine Vojvodine, Article 27, para. 3.
19. Ustav Republike Srbije, *op. cit.*, Article 99 para. 1, point 7 and Article 112, para. 1, point 2.
20. Statut Autonomne Pokrajine Vojvodine, *op. cit.*, Article 25, alinee 2 and 4.
21. Ustav Republike Srbije, *op. cit.*, Article 123 point 3 and 4.
22. Statut Autonomne Pokrajine Vojvodine, *op. cit.*, Article 45, alinee 3 and 7.
23. Zakon o bezbednosti hrane, Službeni glasnik RS, No. 41/09; see also Dabović, Dušan (2009), „Uspostavljanje sistema bezbednosti hrane u Republici Srbiji”, *Pravni život*, vol. 58, No. 10, pp. 103-114.
24. Zakon o veterinarstvu, Službeni glasnik RS, No. 91/05, 30/10, 93/12.
25. Zakon o dobrobiti životinja, Službeni glasnik RS, No. 41/09.
26. Strategija razvoja poljoprivrednog zemljišta za period 2014-2024, *op. cit.*
27. *Serbia Organica*, <http://www.serbiaorganica.info/kako-dosertifikata/zasto-organska-proizvodnja>.

28. Zakon o organskoj proizvodnji i organskim proizvodima, Službeni glasnik RS, No. 62/06; Zakon o organskoj poljoprivredi, Službeni list SRJ, No. 28/00, Službeni glasnik RS, No. 101/05 - др. закон.

29. Zakon o divljači i lovstvu, Službeni glasnik RS, No. 18/10.

30. Ustav Republike Srbije, *op. cit.*, article 194, para. 4.

31. See Dabović, Dušan, Globalizacija prava: Usklađivanje prava u savremenom svetu, Službeni glasnik i Pravni fakultet u Beogradu, Beograd, 2007; see also Dabović, Dušan (2008), „Usklađivanje prava u procesu globalizacije”, *Anali Pravnog fakulteta u Beogradu*, vol. 56, No. 1, pp. 165-180.

32. Rezolucija o pridruživanju Evropskoj uniji, Službeni glasnik RS, No. 112/04.

33. Zakon o potvrđivanju Sporazuma o stabilizaciji i pridruživanju između evropskih zajednica i njihovih država članica, sa jedne strane, i Republike Srbije, sa druge strane, Službeni glasnik RS, No. 83/08, Službeni gl. RS - Međunarodni ugovori, No. 12/14; see Živadinović, Bojan, Milovanović, Miloš, Vodiči kroz EU politike – poljoprivreda, *Evropski pokret u Srbiji u saradnji sa Istraživačkim centrom Slovačke asocijacije za spoljnu politiku*, Beograd, 2010, pp. 73-78; see also Dabović, Dušan (2007), ‘Neka osnovna pitanja usklađivanja zakonodavstva Republike Srbije sa pravom Evropske unije’, in Perović, Slobodan (Ed.) (2007), “Aktuelna pitanja savremenog zakonodavstva – Budvanski dani”, Budva, pp. 277-286.

34. Nacionalni program za usvajanje pravnih tekovina Evropske unije, Kancelarija za evropske integracije, 2014.

35. Nacionalni program za usvajanje pravnih tekovina Evropske unije. P. 3.

36. Poslovnik Vlade (prečišćen tekst), Službeni glasnik RS, No. 61/06 – prečišćen tekst, 69/08, 88/09, 33/10, 69/10, 20/11, 37/11, 30/13, 76/14; Zaključak Vlade, Službeni glasnik RS, broj 51/2015; see Živadinović, Bojan, Milovanović, Miloš (2010), *op. cit.*, pp. 85-93.

37. Zakon o potvrđivanju Sporazuma između Savezne vlade Savezne Republike Jugoslavije i Vlade Ruske Federacije o slobodnoj trgovini između Savezne Republike Jugoslavije i Ruske Federacije, Službeni list SRJ - Međunarodni ugovori, No. 1/01, Službeni glasnik RS, No. 105/09 - dr. propis, Službeni gl. RS - Međunarodni ugovori, No. 8/11 - dr. propis.

38. Zakon o potvrđivanju Sporazuma između Savezne Vlade Savezne Republike Jugoslavije i Vlade Ruske Federacije o saradnji u oblasti agroindustrijskog kompleksa, Sl. list SRJ - Međunarodni ugovori, No. 2/98; etc.

39. Zakon o potvrđivanju Sporazuma između Savezne Vlade Savezne Republike Jugoslavije i Vlade Ruske Federacije o saradnji u oblasti veterinarstva, Službeni list SRJ - Međunarodni ugovori, No. 2/98; etc.

40. Zakon o potvrđivanju sporazuma između Savezne Vlade Savezne Republike Jugoslavije i Vlade Ruske Federacije o saradnji u oblasti karantina i zaštite bilja, sa priložima, Službeni list SRJ - Međunarodni ugovori, No. 2/98; etc.

41. Zakon o potvrđivanju sporazuma o izmeni i pristupanju sporazumu o slobodnoj trgovini u Centralnoj Evropi – CEFTA 2006 (Sl. glasnik RS, No. 88/07, Sl. gl. RS – Međunarodni ugovori br. 8/11 – dr. propis, Sl. glasnik RS, No. 28/14 – dr. propis).

УДК 349.4

Основы сельскохозяйственного права Сербии

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Аннотация. Цель данной статьи состоит в том, чтобы определить основы сельскохозяйственного права Республики Сербии. Предоставляется обзор существующих

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правовых рамок в сельском хозяйстве и соответствующих международных норм. Во введении представлены основные элементы сельскохозяйственного права, как отрасли права в Сербии (определение, предмет, связь с другими юридическими науками и юридическими понятиями, субъекты, значение). Автор определяет сельскохозяйственное право Сербии как *право, регулирующее сферу сельского хозяйства*. Автор отмечает, что сельскохозяйственное право содержит общие правовые нормы, регулирующие сферу сельского хозяйства, а также отдельные правовые нормы, определяющие права и обязанности участников сельскохозяйственной деятельности, учитывая соответствующие международные соглашения и общепринятые нормы международного права.

Во второй части идет речь о текущей правовой базе сельского хозяйства Сербии. Анализируются конституционные основы и наиболее важные законы в упомянутой области. Автор классифицирует систему сельскохозяйственного права Сербии в соответствии с установленной сельскохозяйственной деятельностью: общая часть; безопасность пищевых продуктов; здоровье и благосостояние животных; охрана растений; земли сельскохозяйственного назначения; органическое производство; охота.

Третья часть дает обзор международного сельскохозяйственного права, которое относится к Сербии. Речь идет о международных договорах и общепринятых правовых нормах в сфере сельского хозяйства, принятых на глобальном и региональном уровне. При этом автор указывает на большое значение для Сербии Соглашения о свободной торговле с Российской Федерацией, а также соглашения в области агропромышленного комплекса и соглашений в области ветеринарии и фитосанитарии.

Ключевые слова: Республика Сербия, сельскохозяйственное право, сельское хозяйство, продовольственная безопасность, международное право, Европейский союз, Всемирная торговая организация.