

D6.2 Report on legal and policy arrangements in 28 member states Report

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RURALIZATION

RURALIZATION

The opening of rural areas to renew rural generations, jobs and farms

D6.2 Report on legal and policy arrangements in 28 member states

Report

RURALIZATION GRANT AGREEMENT No 817642



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¹ PU= Public, CO=Confidential, only for members of the consortium (including the Commission Services), CL=Classified, as referred to in Commission Decision 2001/844/EC

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Acronyms & Abbreviations

CAP	Common Agricultural Policy
CDOA	Departmental Agricultural Orientation Commissions
CEE	Central and Eastern Europe
CSA	Community Supported Agriculture
EC	European Commission
ECA	European Court of Auditors
EEA	European Economic Area
EIP-AGRI	European Innovation Partnership for Agriculture
EP	European Parliament
ESPON	European Spatial Planning Observatory Network
EU	European Union
FG	Focus group
NGO	Non-governmental organisation
PAZ	Protected Agricultural Zone
QoG	Quality of Government
RURALIZATION	'The opening of rural areas to renew rural generations, jobs and farms', an EU Horizon 2020 project funded under grant agreement 817642
SAB	Stakeholder Advisory Board
SAFER	Land development and rural establishment society
TFP	Territorial Food Plans
UN	United Nations
WP	Work Package
YF	Young Farmers

Executive Summary

This report has been compiled as part of the EU Horizon 2002 financed project RURALIZATION on 'The opening or rural areas to renew rural generations, jobs and farms' and have been prepared by members of the project team. Access to land is one of the topics, which is addressed by considering, (1) legal and policy arrangements, (2) land holdings and land markets and (3) current and novel initiatives that provide access to land. The current report provides an overview of legal and policy arrangements in the EU Member States (including the UK) based on the work of national reporters² who have, based on a questionnaire, provided information on the situation in different Member States. By this method a broad overview is provided. However, reporters may not always be aware of all initiatives in a member state over the whole width of relevant legal and policy arrangements, which means that certain relevant aspects may be missed. Issues that are addressed are the land tenure system, the public protection of farmland and a range of direct and indirect policy instruments.

Land tenure systems

Both ownership and rent are common forms of tenure in the EU. Next to farms with 100% rent or 100% owned land there are farms with a mixture of tenures.

Most of the land in the EU is rented, but the security of tenure differs largely per tenure system. Broadly spoken there are three types of rent. Firstly, rental contracts that are considered to be business contracts between two economic agents. In this case there is no role for the government to interfere in it based on the freedom of contract principle. Secondly, there are systems in which it is acknowledged that agricultural land is different and specific regulations are necessary to provide a balance of interests between the landlord and tenant. Here there are specific regulations regarding, e.g., the notice of land, termination outside harvest time, price-setting by independent parties to the benefit of both landlords and tenants. Thirdly, there are leasehold systems that aim to provide security of tenure to the leaseholders. Only in secured tenancy contexts, there is certainty that farm succession within the family can take place. There are however issues in relation to timing of succession (possibility to retire and transfer within the family without landlord's consent). The division on these types over Member States is about even.

Transfer between generations can also be an issue of fragmentation. This can result in fragmentation of farms in smaller farms, but, most urgent is that the transfer of farms to the current generations has not been resolved in many contexts, especially in Central and Eastern

² Gottfried Holzer (Austria), Hans Leinfelder (Belgium), Minko Georgiev (Bulgaria), Frederic Moulin (Croatia), Demetris Demetriou (Cyprus), Antonín Vaishar (Czech Republic), Martin Hvarregaard Thorsøe (Denmark), Evelin Jürgenson & Marii Rasva (Estonia), Kalle Konttinen & Leena Kristeri (Finland), William Loveluck (France), Andreas Tietz (Germany), Konstatinos Lalenis (Greece), Boldizsar, Megyesi, Imre Kovách, Attila Bai & László Fodor (Hungary), Austin Finn & Edward MacAuley (Ireland), Lorenza Paoloni (Italy), Edvins Kapostins & Velta Parsova (Latvia), Giedrius Pašakarnis (Lithuania), Gérard Conter (Luxembourg), Malcolm Borg (Malta), Herman de Wolff (Netherlands), Joanna Perzyna & Robert Skrzypczyński (Poland), Joaquim Cabral Rolo & José Ramos Rocha (Portugal), Szocs-Boruss Miklos Attila & Sebastian Bruma (Romania), Anna Bandlerova (Slovakia), Anka Lisec (Slovenia), Pablo Amat, Clara Blasco, Miquel Correa & Dionisio Ortiz (Spain), Edward Nutting & Angela Cropley (UK: England and Wales) Peter Brown (UK: Northern Ireland), Annie McKee & Malcolm M. Combe (UK: Scotland)

Europe (CEE). Formal landownership is fragmented, many heirs own an undivided title, and transaction costs relating to handling land exceed the land value. It also means that next step in transferring land towards new generations can only result in more fragmentation as there are no effective mechanism to break through this.

In contexts of ownership transformation of farms to new generations may result in interdependencies between siblings, which may not be resolved in cases that market values of the land (for example based on speculative values) exceed the incomes of the land.

Public protection of farmland

The protection of agricultural land by planning measures is in many rural areas limited. If urban development of infrastructure development is considered to be necessary, agricultural land can be taken. There are however differences in the ease by which this can take place. Relevant is that a higher-level governance can oversee the local land use decisions. Compensation payment for the take of agricultural land may have also a beneficial effect according to the report from the Czech Republic.

Direct land policy instruments

Land consolidation, which currently exist in 21 Member States, has been an instrument that helped to promote the modernization agenda of farming by creating a more efficient structure of farms. In many areas it resulted also in agricultural production landscapes in which traditional features were demolished. In a later stage land consolidation has been promoted to take up a wider agenda of rural development, including biodiversity conservation, the reuse of abandoned land and even extra allocation of land to young farmers (in Finland). As in many land consolidation practices, it is established that a small percentage of the land may be allocated to infrastructure, a comparative regulation to allocate land to starting farmers could in principle be introduced in the system. In practice they may not work, even the current broadening of the agenda beyond agricultural modernization, faced its limits as land consolidation need support from the current landowners and ceding land to newcomers may not in all cases work.

Pre-emption regulations, are in contexts where they exist, positively reviewed by the reporters. So, this seems to be an interesting instrument to ascertain that land is being redistributed to parties that support local development. For this it is needed to have clear local development agenda with broad support. In many areas' rural regeneration, including providing access to land to new generations, is potentially an important element in such an agenda to be used to base the pre-emption instrument.

Currently compulsory purchase is a treat to farmers facing development of infrastructure and other artificial land uses. In theory, just as for the provision of affordable homes for starting households, such an instrument may support land provision. However, just like the example of housing shows, there is a large difference between legal potential and political support. In most contexts, compulsory purchase is used for infrastructure only and broader uses have been scaled back. In practice potential will be limited, unless there is broad political for the public interest pursued and that this support extends to the taking of land from owners to allocate them to the good cause.

Land redistribution can be such a programme in which compulsory purchase is used to reallocate land. The historical example of the Irish land reform shows that it may have enduring effects. Programmes in Spain (Andalucía) and Portugal (Alentejo) have not made a large difference. Land is still very unequal distributed. Such a programme is so not a guarantee for success. It all starts with a shared feeling that land reform is very urgent and political support to take action.

The land restitution processes in the CEE can also be seen as a land reform, but one which in some member states has not been carefully planned and executed. Also, here the results, such as many undivided owners for one parcel of land, can still be observed and have the potential to structure land markets for the decades to come.

As part of the transition process, many new member states had specific arrangements for acquiring land throughout the transition period. This transition period has ended; so according to the European Commission these arrangements must be finalised. However, some of the member states have re-enacted some of the regulations in a milder form. Although, these regulations could be used to shield local communities and small farmers from powerful land grabbers operating at an international level, the practice may be that especially national elite players could acquire large land portfolio, without competition from other EU players. In some of the CEE, surplus state-owned land has been allocated to the market using auctioning mechanisms. Reporters note that the auctioning of land, has benefited the stronger players in economic agriculture and not the 'ordinary' farmers in the villages. Here a large difference can be seen between the Irish land reform in which current leaseholders could acquire ownership of their land and later initiatives in which current locally embedded land users had, in practice, no preferential position. Here a certain tension can be seen between the context of the single market, which aims to break through localised networks to create a single European Economic Area (EEA), which can be created by auctioning land to all agents active in the EEA, and practices of localised farming communities, which may not be resilient to unfiltered market forces. Moreover, new entrants in farming are not the players with the largest economic power. Farming starts-ups may need an area shielded from harsh market climate to develop.

Indirect policy instruments

In some countries there are rules about who is entitled to hold land. In this way it can be checked whether the land will be used to the benefit of the community. The alternative to such a rule is to establish how the land can be used. However, rules often do not allow to stringently prohibit many land uses, and selecting the 'right' owner or prohibiting the 'wrong' owners to access to than land, could be an option to ensure that land is put in the use that promotes rural development.

The rules are not made in a way that certain land must be allocated to new generations, certain areas are not allocated as to be used for starting farmers and only new entrants into farming can apply for this. On the contrary, some of the instruments require previous experience in farming, which may be a barrier to novel farmers. Important for generational renewal of the farming profession is that these rules may exclude speculative landowners, or people that aim to buy land for recreational purposes.

It seems to be essential that these rules are coordinated with the rural visioning for the local area and that they are not independent from those. It is about access to land to those that aim to support the foreseen rural development.

Other relevant regulations may regard to taxation at farm succession. Rules that allow to jointly operate a farm with a potential successor and to transfer the farm after a few years without taxation, because the farm continues can be of importance for a smooth transition of farming. It does however require a joint idea of the farm style that must be followed.

Taxation rules to ease farm succession can also work the other way around. The German example of a low inheritance tax, which attracts people to buy land that do not aim to farm, but to invest in an asset which can be succeeded to their heirs without them paying a large sum of taxes. This extra demand seems not to be beneficial to new generations in farming and shows that many financial benefits, like taxes, or grants, that are aimed to support generational succession, may be incorporated in the land value; so current land becomes more expensive. So, it only supports the current owning generations, but may provide an extra barrier to new generations.

Financial instruments are currently popular at the level of EU agencies and are the way preferred by the European Commission to support generational renewal under the CAP. There are some examples of programmes that use financial instruments, which are therefore interesting to pursue further.

1 Introduction

1.1 The RURALIZATION project

The RURALIZATION project aims to look at ways to overcome rural decline issues that support rural regeneration and generational renewal. The empirical focus of the project is to develop, assess and disseminate novel instruments, strategies and policies that cater for rural regeneration, in relation to the **future dreams of rural youth**, facilitating **rural newcomers, succession and new entrants into farming** and by addressing the issue of **access to land**. RURALIZATION will also carry out a **trend analysis** to uncover relevant trends for rural regions. This knowledge base will culminate in generating effective policy tools, and through this RURALIZATION aims to contribute to the development of a **new rural frontier** that provides **exciting opportunities to new rural generations** for social and economic sustainability and to realise their dreams in a rural context. Overall, RURALIZATION develops a novel perspective for rural areas to trigger a **process of ruralisation as a counterforce to urbanisation**.

One of the main issues that new generations in rural areas face is to get access to land. A survey on the needs of young farmers in the EU28 revealed that ‘land (...) is the most important general need for the interviewed young farmers’ (Zondag *et al.*, 2015, 56). Furthermore studies indicated that current Common Agricultural Policy (CAP) is not always helpful to achieve access to land for new generations, on the contrary: “The system of direct payments under Pillar 1 of the CAP was frequently cited as directly contributing to either high land prices or late retirement across Europe.” (Dwyer *et al.*, 2019, 36). The case studies and analysis of Dwyer *et al.* (2019) on generational renewal confirm these conclusions of earlier studies. Dwyer *et al.* (2019) also indicate that in some member states, like France, legal and policy arrangements, and, internationally, initiatives like the access to land network, have been developed to address this issue. Access to land is so an important topic to develop new land and policy arrangements as many current arrangements are insufficient or even counterproductive.

In relation to access to land, the RURALIZATION project has four main lines of research and innovation. Firstly, the projects studies legal and policy arrangements. This is done, both at a general level for all EU member states, and more in depth for several legal and policy arrangements. This report is on the general analysis in the EU member states based on a questionnaire. In a next phase, some specific legal and policy arrangements will be studied. Secondly, the project analysis and develops innovative practices. Here both already existing practices, developed by members of the Access-to-land-Network and others will be analysed, and new innovative practices will be developed. Whereas legal and policy arrangements are primarily the work of national and local authorities, these practices are often led by NGOs and other agencies that do not wait until the government comes with something decent, but take the initiative, usually with local partners, to provide access to land. Thirdly, there is the issue of land markets and land holdings. In many contexts, land markets seem not to be favourably in providing access to land for new generations; this report analysis the developments of land markets and land holdings to analyse the ways in which land markets may or may not cater for access to land for new generations. Fourthly, and finally, focus group discussions will be held to study whether the practices developed in the second part of this work package may provide solutions in specific local contexts.

The task has the objective to provide an overview of different legal and policy arrangements that exist or are discussed to ensure access to land in all EU member states using a list of questions addressed to experts and stakeholders and we will analyse and discuss the way these fit or can be fitted to the internal market. The outcomes have been discussed at an online expert meeting on October 15th 2020³ (see Appendix 2).

To provide this overview a list of questions has been developed (see Appendix 1). The list of questions focuses on arrangements that may promote or hinder access to land for new generations and includes land-use planning, land market regulations, fiscal arrangements and agricultural policy.

The questionnaire has been used to gather national reports in all EU Member States (including the United Kingdom, which is represented by separate reports for England & Wales, Northern Ireland and Scotland). In most Member States the reports have been written by the reporters who have filled in the questionnaire themselves. In a few cases this has been done by interviewing reporters and the responses have been noted by the member of the project team performing the interview. In one case, Sweden, the report has been compiled by the project team based on literature (Vitikainen, 2004; Backman, 2008; Zevenbergen *et al.*, 2008; Carstens, 2016; Slätmo, 2017; Grubbström and Eriksson, 2018; Wästfelt and Zhang, 2018; Andersson and Larsson, 2019; Dackling, 2020; Persson, 2020; Ravna, 2020) as we did not find a local expert who was willing and able to respond to the questionnaire. Many, but not all, of the reporters selected, work at research organisations and have so a rather independent position in the field.

This method has the benefit that people with local knowledge gather information and report about it. However, many of the reporters have limitations in their knowledge. The prime expertise of a reporter may, for example, be focused on a part of the questionnaire or they may not know all details on all regions of the Member State on which they are reporting. So, it is essential an expert opinion about the current state of affairs. In interpreting the outcomes, these therefor cannot be considered as the whole and complete truth about legal and policy arrangement on access to land in a specific Member State. After all, there are also matters happening beyond the observation of the reporters. Providing extensive and complete knowledge is also not the objective of this task, i.e., to provide a general overview of legal and policy arrangements, and this is what all the reports provide (see Appendix). In some cases (i.e., it covers 7 member states and is also selective in its analysis) a recent report of AEIAR (2016) on the *Status of Agricultural Land Market Regulation in Europe* could be used to fill in gaps. For Luxembourg, an extensive brochure, 'Das Pachtrecht' (ASTA, 2018), on land law and some additional literature (Jacques, 2017; Wippel and Straub, 2017) have been used.

³ With presentations of: Evelin Jürgenson, Estonian University of Life Sciences, Estonia; Willem Bruil, Rijksuniversiteit Groningen, Netherlands; Martin Hvarregaard Thorsøe, Aarhus University, Denmark; Coline Perrin, INRAE, France; Anka Lisec, University of Ljubljana, Slovenia and Lucia Pašová, Slovak University of Agriculture in Nitra, Slovakia. The presenters of the expert meeting on land holdings and land market trends did also participate: Robert Levesque, AGTER, France; Jason Loughrey, Teagasc, Ireland; Gianluca Brunori (joined later during meeting), University of Pisa, Italy (H2020 DESIRA Project); Mark Redman, Highclere Consulting, Romania (H2020 MOVING Project); Ferenc Buzás (with assistance of Laszlo Posta), University of Debrecen, Hungary; Andreas Tietz, Thünen Institute, Germany and Minko Georgiev (with assistance of Dafinka Grozdanova), Agricultural University - Plovdiv, Bulgaria.

In a next step more in depth analysis will be made about 8 specific arrangements. In the discussion some potential arrangements are mentioned. Selection of the arrangements is a step that will be taken after the finalisation of this report.

1.2 Report structure

This report will discuss the land tenure system (Section 2), the public protection of farmland by regulations, such as spatial planning (section 3, Land policy tools and arrangements, both direct (section 4) and indirect (section 5) in the land. Conclusions and potential next steps for analysis are formulated in section 6.

Next to this report, there is an appendix with the national reports as delivered by the national reporters and an appendix with the slides of the presentation of experts at the expert meeting.

2 Land tenure system

2.1 Rent and ownership

In all countries ownership and rent do exist. The interpretations whether a certain tenure is used 'often' or 'sometimes' may differ by perception of the reporter. The percentages of rental land in the FADN database (FADN, 2020) is in a range between 19.1% in Ireland and 89.8% in Slovakia (Table 1). Note that FADN data excludes very small holdings, but usually the farms that are supported by the EU Common Agricultural Policy (CAP) are represented. Overall, there is a tendency that land becomes more rented. However, developments are diverging between member states, for example, Portugal shows a large decrease of rental areas and over the border in Spain there is a large growth (Table 1). The reporters note that there are underlying differences in the division in the types of farms that rent or own. In many member states in Central and Eastern Europe small holders own and large agricultural companies rent. In other contexts, this may be reversed: large landowners versus small tenants. There are also regional differences within Member States, such as, in France where traditionally in the North leases were common and in the South ownership.

	Used Agricultural area rented (%)		Development 2008=100
	2008	2018	
Austria	29.0%	37.1%	128.2
Belgium	74.7%	71.2%	95.3
Bulgaria	86.0%	86.2%	100.3
Croatia	n.a.	50.7%	n.a.
Cyprus	67.3%	71.7%	106.6
Czech Republic	85.7%	74.4%	86.8
Denmark	28.7%	35.6%	124.3
Estonia	57.8%	64.3%	111.4
Finland	34.5%	38.2%	110.7
France	86.2%	82.5%	95.7
Germany	69.3%	65.6%	94.7
Greece	45.0%	55.3%	122.8
Hungary	67.0%	59.3%	88.6
Ireland	18.0%	19.1%	106.0
Italy	38.4%	54.7%	142.2
Latvia	44.6%	46.0%	103.0
Lithuania	57.1%	48.1%	84.2
Luxembourg	49.0%	53.8%	109.9
Malta	85.4%	79.7%	93.3
Netherlands	43.2%	39.2%	90.8
Poland	30.2%	28.1%	93.0
Portugal	31.3%	22.5%	72.1
Romania	42.7%	65.8%	154.3
Spain	33.4%	41.3%	123.5
Sweden	52.6%	56.3%	107.0
Slovakia	96.3%	89.8%	93.2
Slovenia	32.2%	33.7%	104.7
United Kingdom	41.3%	42.1%	101.9
EU	52.4%	54.9%	104.7

Produced by EUFADN Database 23/09/20

Table 1 Utilized agricultural area in rental tenure based on FADN-data and development between 2008 and 2018 (FADN, 2020)

It is not always the case that a farm either rents or owns. Farms may also be based on a mix of tenures. In the Netherlands, a farm has a long-term base, which is owned or a protected lease, and may have some additional flexible leased land, based on short term leases, which type of leases are legally not allowed to be used for the primary land of the farm. Although in Luxembourg a majority of the land is currently rented, almost all home parcels of the farms are in full ownership. So, renting land is extra and is used to extend the farm to keep up with the 'rat race' of scale enlargement. A comparable situation can also be found in Sweden. Retiring farmers stay living in the farmhouse and rent some of their land to neighbours (Grubbström and Eriksson, 2018). These kinds of constructions may impact the access to land for new generations. Farmers who take a step back do not allocate their spare lands to new farmers, but the lands are used to consolidate existing farms. Legal constructions have been

created to allow for such flexible leases, which provide less protection to the lessee, both in term (it is temporary and missing the full package of protection, such as a pre-emption rights if the land is sold) and in price. So, this may provide an extra incentive to the owner to lease the land flexibly and not allocate it to new entrants, who may seek more legal certainty as a foundation for a new farm and the investments that goes with it, and are not able to pay as much as an ongoing farmer. Furthermore in a more urban context, the owners reserve in this way the right to benefit from potential land use changes. Farmers are usually not able to pay for this extra potential.

If land is rented, it can also be relevant to consider who the owner is. In Malta, most of the land is owned by the government, which provides also a certain protection to tenants, as governments have broader concerns than return on investment and may incorporate matters of rural development in their decision making.

In Germany it is very difficult for newcomers to rent large areas for farming. However, some smaller landholdings may not be attractive to large farms and here opportunities to start exists. For this reason almost every newcomer in Germany chooses the form of community-supported agriculture (CSA) to be able to establish as a smallholding, which is often owned by the CSA organisation. Although CSA plays a minor role in German agriculture, it plays a major role for new entrants as it provides an opportunity to get access to land. This is the same in Luxembourg, where small CSA horticultural farms are about the only way for new entrants to start a farm.

Specific reference can be made to traditional ownership-lease conditions in which large farmers own and smaller farms lease. In Scotland this can be found.

This use of rent to consolidate farms has developed to a next level in many CEE member states. Here reverse tenant relationships (Amblard and Colin, 2009) have developed. The owners are small holders and renters are big agricultural enterprises who lease large areas of land. In these cases, ownership is common for small farms and lease for large farms. In these cases, most of the farms are in ownership, but most of the land is rented. These reverse tenure relationships can be found in many areas in CEE, including Bulgaria, Estonia, Romania, Slovakia.

More generally, it can be expected that if land that is rented out as economic good, it will be captured by the economic most powerful agricultural actors in the region. In some contexts, these are existing family farms that can grow a little by farming on some more land, in other contexts, it involves the emergence of a different class of farming enterprises. Notwithstanding these differences, a common feature is that new generations of farmers are rarely in such an economic powerful position.

In Bulgaria, the reporter Georgiev notes that small owners living in the city may not been interested in exploiting their properties. So even, leasing their land out, and going in the hassle to contracts, collecting rents, is considered to be too large to it considering the small proceeds to be expected. They also do not sell it. The perceived transaction costs are higher than the potential income from sale or rent. This issue of mismatch between the value of the right for

the (co-)owners and the transaction costs to act is leading in some contexts to stalemates for which legal instruments do not have a sufficient answer yet.

2.2 Security for farmers leasing land

In relation to land law, a balance must be often struck between the right of the owners to enjoy their possessions (which is a right based on article 1 protocol 1 of the European Convention of Human Rights) and the rights of tenants. For example, in Malta legal cases have been filed by private landowners who issued claims to get their land back from their tenants and they won. As the European Convention of Human Rights provides a 'common core' (Schmid and Dinse, 2013) to property law in Europe, and the protection of possessions is one of the principles, these kind of arguments can also play in other contexts.

This common core has not prevented that there are large differences between member states regarding the legal position of the tenants. To complicate matters even further, within many member states, there are different types of leases offering different regimes of legal protection. For example, in France there are several alternative forms of occupation and lease next to the ordinary leases, in the Netherlands, next to a 'regular' lease, which provides large protection to the lessee, more flexible short-term and seasonal leases have been introduced providing a lot less protection, which are generally meant as being the lease on which a farm is built, but a lease for some flexible extra land that may help to make an existing farm more viable. In Sweden a comparable distinction between farm leases and side leases exist. These internal differences in Member States makes it more complex to indicate what the position is of a tenant in a current situation; as this can differ plot by plot.

To reduce this complexity, it can be said that there are in general three types of legal protection of tenants, depending on specific lease arrangement.

First is the **lease as a business contract** closed by two parties. In this type, there is no role for government to interfere in these private activities. So, there is freedom to end the contract, as decided by the parties and there is freedom to set a price. The provisions of the lease are key. In some cases, the government publishes reference prices, but these are for guidance only.

In a second form the law provides **weak protection** to the lessee to recognise the **specific agricultural context**. The underlying idea of this type is that agricultural land is a specific good, which is in need of some extra regulation, but that this regulation is in need of a balanced weighting of interests between landlord and tenant. Specific proceedings may indicate that there are fixed terms of a lease and that leases must be noticed before a certain date and that rental contracts are only to be ended outside the growing season. There can also be some proceedings to limit the rent to be paid using specific mechanisms to ensure that the full market price can be set by a low-threshold proceedings at a court or tribunal. Ideally typically both landlord and tenant have access to these proceedings.

Third, are leases with a **strong protection** for the tenant. The underlying idea is that tenant-farmers and their descendants are in need of **security of tenure**; they have a weak position

and must be protected by government intervention against big capital and speculative market operators. This comes with specific regulation on who are eligible to these leases, i.e., farmers who cultivate the land themselves. In these contexts, landlords have few measures to end a lease. Usually this is only possible if they aim to cultivate the land themselves, but there are stringent tests to establish whether this is the case. The development of the price is regulated in a way that ensures the affordability of the lease for the tenant and there is the possibility for heirs of the (family) farm to succeed the lease. Security of tenure is not limited to the current generation, but also to the succeeding generations as long as they aim to continue farming. If a landlord aims to sell the property, there is a pre-emption right or other mechanism to ensure that the tenant can continue farming. In this way, the tenants do not lose their farms if the land is sold to other farmers who are willing and able to cultivate the land themselves. So, a tenure system that provides security of tenure is a complex system in which a diversity of rights play each a role (Baysse-Lainé and Perrin, 2018).

Based on this division in three types, lease constructions in member states can be classified. The most important types are indicated in Table 2 Protection of tenants. Note that actual legal construction may deviate in details from the general description providing above, which is an abstraction of the complex and often very detailed legal distances between, and sometimes within, Member States. In practice, in some contexts there is a protection what is in between weak and strong protection. The security of tenure for a leaseholder is less than the full extent described in the ideal type, i.e., the position of leaseholders in Germany or Luxembourg is less strong than in France or the Netherlands. Literature on security of tenure indicates that next to legal security also the trustworthiness of the wider institutional context must be taken into account (Simbizi *et al.*, 2014), which may help to classify situations beyond mere legal protection.

Member State	Business contract	Specific agricultural context	Security of tenure
Austria		x	
Belgium			x
Bulgaria		x	
Croatia	x		
Cyprus	x		
Czech Republic	x		
Denmark	x		
Estonia		x	
Finland			x
France			x (most used form)
Germany			x
Greece	x		
Hungary		x	
Ireland	x		
Italy			x
Latvia		x	
Lithuania	x		
Luxembourg		x (land)	x (farms)
Malta		x Private lease x Seasonal + liberalised lease	x Government lease
Netherlands			x Regular lease
Poland		x	
Portugal			x
Romania		x	
Slovakia		x	
Slovenia		x	
Spain		x	
Sweden		x (side lease)	x (farm lease)
United Kingdom			
-England and Wales	x new tenancies (1995 Act)		x pre 1984 tenancies under 1986 Act
-Northern Ireland	x		
-Scotland		x (limited duration tenancies)	x (older secure tenancies and crofting tenancies)
Count	7.5	12.2	8.3

Table 2 Protection of tenants (source: authors)

There are differences between the extent to which leased land can be transferred. For example, in Malta leased land from the government is currently allowed to be transferred 'horizontally' to people outside the family. Specific conditions apply.

There are of course differences in degree of freedoms between these types between member states. Certain specific issues are the following.

In relation to transfer of **leases to new generation** protected leases providing security of tenure often see to the transfer of lease to the next generation after the demise of the leaseholder. However as, the report on Portugal indicated, the law may not state anything about transfer of leases during the life of a leaseholder from a retiring generation to a next one. This lack of retirement mechanism in such a context, may hinder rural regeneration as new generations must wait until the demise of the previous generation before they can take full responsibility in succeeding a farm. Considering current life expectancy of the population, which in many EU member states exceed 80 years of age, new generations may be well in their fifties before their parents pass away. Many of those would have found ways to live a life independent from their parents, allowing to take decisions for themselves, long before they have reached this age. In some countries it is allowed to anticipate on the demise by subletting the farm to the next generation at retirement. Although from the next generations standpoint this may not be an ideal solution, it may be workable depending on the context.

In Finland there are leaseholds that can be transferred to a third party without permission of the landlord; there are also leases in which direct inheritance is possible of the landlord is notified within 3 months after the tenant's demise.

In France legal protection is strong, but it can be broken if landowners are willing to farm themselves. Therefore they need to be authorised to cultivate the land. Considering the low rent of farms, in average € 100 a hectare, and the amount of decoupled payments that can be received from the EU, which usually exceed the rent, the opportunity costs related to the continuation of the current lease situation are relatively low for the landowner; so this authorisation decisions are essential to keep the current situation.

In the Netherlands next to the protected regular lease, more flexible leases have been developed with weak protection. These have to be registered, otherwise they automatically (whatever the parties have agreed on it is not relevant) have the form of a protected lease. The so-called liberalised lease can only be used for land without a farm. There is also a specific form of lease in designated areas in which nature is protected. Here the contract obligations include respect for the ecological values of the area. The full protected leases are currently a reminiscent of past transactions; these are rarely used for new transactions.

In relation to leasing there are also some specific arrangements in Germany to ensure that protected leased land is used in the way it should be; in the sense that no unhealthy accumulation of land occurs or, the other way, around that land holdings will be reduced uneconomically. The regulations are, however, open for different interpretations (Booth, 2020), which hampers their application.

Especially in the specific agricultural leases with weak protection regimes a large variety exists, because there are differences between farming practices in the EU. Regimes may have specific lease terms and extension periods, such as in Austria or Slovenia, where the periods also depend on the kind of cropland (vineyards, orchards, etc. have longer terms as it are permanent crops, which fits to the principle of this form of protection based on the specific conditions of agricultural production). In all cases both landlords and tenants can request judicial review of the rent.

Estonia makes a difference between a commercial lease (weak protection) and agricultural lease (moderate protection). A commercial lease that extends more than 3 years automatically is transferred into an agricultural lease.

On the Island of Ireland (both in Northern Ireland and in the Republic) protection of tenants is very low. Tenancies appear to be for one of a few years of extra cropland only. This relates to the Irish land reform (see section 4.5 Land redistribution). In England and Wales, the neoliberal revolution has been strong in creating less protected, more business-like, tenancies. However, older forms have survived and still exist, providing a complex system of different systems with different levels of protection.

In the CEE, protection is usually at best weak. The introduction of market principles came in a time that in other areas ideas of liberalisation were discussed and faced opposition. Here, the protection was less necessary as many small farmers got full ownership. The market-based leases have been used to accommodate the parties where they fit to: market based large agricultural companies. On the one hand, these leases provide less protection, but on the other hand, they provide more freedom to use the land as an enterprise as they are not tailor-made to relatively small family farms. These big farming enterprises won't qualify as an eligible tenant in a protected tenancy context.

In Scotland the practice of 'contract farming' has emerged; this is not even based on a lease, but on the law of contract; so, it seems to go beyond the lease as business contract. Scotland is a context with concentrated landownership: critics discuss the strong position of mighty owners (Wightman, 2013, 1st ed. 2010). In some other contexts, such as the Netherlands, these kind of contracts are defined in land law as a specific type of lease, which means in this specific case that, if the contract is not registered, it will legally get the status of a protected lease. However, parties who not register may not be willing to enforce their rights, but aim to keep matters informal.

Scotland has also the right of crofting, which is a kind of protected leasehold for small holders in specific crofting counties mainly on the highlands and islands. Crofters have, next to individual land, often access to common grazing land. There is a Crofting Commission which oversees how crofting duties and rights are respected. Crofts are succeeded through the family, but, if this take place, the Crofting Commission has a role in ensuring that new crofters take up the crofting tenancies. The reporter indicates that in 2018, 200 new farmers entered crofting tenancies. Statistics show that croft farming is often parttime (11.7 hours a week) and the revenues are about the national minimum wage per hour put in croft farming, suggesting that an additional income is necessary. The crofts are generally located in remote regions, which may have impact on the access to labour markets. Crofters are obliged to live within 32 kilometres of their croft and must farm there. So, crofts may stimulate that a rural population will stay in remote areas and develop extra sources of income as moving involves losing this tenure.

It must be noted that in some countries also other individual rights exist, next to lease and ownership. Most notably are ground leases or, as in Roman Law, 'emphyteusis', which is, just

as ownership and different from leases, a right in rem: it is a right that runs with the land, which means that it is based on a deed, sealed by the notary or other official who is authorised to do so, and which often must be registered at the cadastre. Usually it can be mortgaged, which is impossible with an ordinary lease, and this may help to get access to capital. The specific content of this right and the use of it differ by jurisdiction. For example, it exists in Italy, but it is hardly used. In Malta some of the government leases are, actually rights of emphyteusis (Lands Authority, 2020), providing legally a different position. In the Netherlands an insurance company who has a large rural land portfolio offers the possibility to farmers to transfer ownership for 70% of the full market value to them in exchange for an enduring ground lease for 2.25% of the market value, yearly corrected for inflation; so this is a real yield and no nominal yield (A.S.R. Real Estate, 2018). After 30 years the tenant has the right to buy the land back for 85% of full market price. This construction provides farmers access to capital, but it seems most appropriate for farmers without a successor. Long-term (at least 26 years) ground leases are not constrained by normal leasehold protection and provide so contractual freedom. The long-term provisions of the ground lease provide also some certainty to the tenants, who usually transfer from full-ownership to this position. For the insurance company their rural land portfolio has brought over about 80 years a yield of at least 4% a year, which no other asset is able to provide. In Dutch context rural land prices are high and urbanisation pressures may result in that part of the portfolio receives a plus value from urbanisation. There are however no other parties that have followed this road; other large financial institutions have sold their rural land portfolios decades ago.

2.3 Informal rights

By nature, informal rights are not regulated and, in this way, informal rules and statistics are not existing. Member states do not have adapted informal systems, but these have emerged in many contexts. Although most of the reporters do not indicate that informal rights exist, it can alternatively be said that informality exists everywhere to some degree. Here a distinction must be made between, first, the situation in which, such as, the informal 'gentlemen's agreement' in England and Wales or land leased without an agreement in Poland, parties have made a deal for which enforcement will not take place by the courts but shirking may have impact on the respectability of the agent within the local community and, second, for cases where 'informality' is used as a friendly synonym for 'illegality'. In the latter case it is often used in relation to the construction of buildings without permit (Calor and Alterman, 2017; Chiodelli *et al.*, 2020), including stables and other annexes, recreational homes, use of land for other functions than the local land use plan defines and, in the EU-context, less to rights in land, but squatting does exist.

Most of the reporters indicate that there are no informal rights. However, in some Member States, such as in Romania, squatting is, as the reporters indicate, widely used in underprivileged rural areas. This issue may in this way relate to the situation that small plots of land may have many owners not living in the village and who do not take the effort to resolve the situation. So, based on informal consent by one of the right holders (who has no full authority to do so without wider consent by the other owners), the land is informally put in use by local actors. Literature on customary rights (Arko-Adjei, 2017) suggests that this may result in two competing systems of ownership: 1. The formal legal one and 2. The informal one as is

acknowledged by local actors. Although from a systemic point of view, this may make matters much more complex, creating all kinds of issues in relation to security of tenure and transaction costs, for new generations in farming, especially for those who have local relational networks, this may be a way to access land.

2.4 Customary rights

In contrast to informal rights customary rights are recognised by courts. Next to pure customary rights, these may include other rights that are reserved for others than landowners or leasers. For example, in Teutonic laws, and especially in the Nordic area, there are often limitations to ownership rights, such as the well-known 'allemanrätt' in Sweden (but there are comparable rights in other Nordic areas and in Slovenia, where there are rights to access water areas, to recreate in forests and to pick forest fruits), which provides literally access to land, except for the areas close to people's home, to everybody. This access includes rights to wild berry picking in forests (La Mela, 2014), which is an open resource to be used by all (and which has been used for commercial berry-picking by hired workers), and a prohibition to fence off golf courses as people have a right to have access to the land (Sandell and Fredman, 2010). Other well-known property rights may include rights to hunt, to herd or to fish. Conflicts between these specific rights and territorial rights can often occur (O'Brien and Crețan, 2019).

In some other countries pre-civil code rights have survived or there are some country specific rights, which may due their local contextuality be labelled as customary.

Example of survived older rights are the rights of Sami in reindeer herding, North of the agricultural boundary, in the Nordic countries and the 'commonty' – a shared user right – in Scotland, by which we come to the collective rights.

2.5 Collective rights

A difference can be made by collective land rights and individualised land rights, which are held by collective entities. In the first case it is the property right itself that is collective. Outside the agricultural sector an example is the ownership of common areas of an apartment building, which in many jurisdictions is collective held by the association of owners of apartments. In Sweden this is organised through cooperative ownership of the apartment building. Apartment rights, which by its physical nature – various apartments share one fundament, one roof, staircases and other common areas – have collective elements, do not refer to agricultural land, although it is in many contexts not unimaginable to set one up to manage a joint rural area. In this case land law, taking into account specific land conditions, regulates the way transactions may take place. The above mentioned, allemansrätt can also be seen as a collective right, as is with comparative rights to public access of the countryside.

Specific collective rights are the common grazing rights that exist in Scotland for 'crofters' (a specific Scottish land right defined by law). Other collective rights that are mentioned are the Baldios in Portugal and the communal forests in Galicia, Spain (see also Caballero, 2015). Relatively large is the extent of *Agrarna skupnost* (Agrarian Community) in Slovenia, as they host nearly 4% of the territory; this an old form of collective ownership used in mountain

communities, which can also be found at the other site of the Italian border (Michelutti and Guaran, 2020), which border is, relative to the age of these rights, drawn rather recently.

The second case is that the land is not held by a natural person, but by an entity of legal personality, such as, by example in the Czech Republic, an agricultural cooperative, a joint stock cooperative or a limited liability company. In this case company law regulates the decision making of the collective. There are no specific requirements to trade properties. It is just one of the assets of an agent. In some countries, specific legal forms, such as in France, are very common; these are institutionalised in rural areas, but usually the land is formerly not collective, but the landholder is a unit of collective legal personality.

Agricultural cooperatives play a role in several member states. In Bulgaria there are, for example, 450 agricultural cooperatives. Land owners may enter (with their lands) such a cooperative to become a member. Legal forms of cooperatives differ. Community land ownership has in many areas a form that it is about a right of a specific collective to hold an ownership right.

There is a third form in which there is not one entity, having full authority to act, owning the land, but there is undivided ownership, for example an undivided legacy. Especially in CEE this has happened to a large scale in the situation that land was directly de-nationalised to former owners, which mend in practice, often to their heirs as many decades have been passed between nationalisation and de-nationalisation. In cases that these heirs have not sorted it out, currently a few decades later, the heirs of these heirs hold these undivided rights. The reporter Bandlerova, for example, notes that in Slovakia it is a 'common phenomenon' that 535 persons are registered in the Cadastre as owner of 1092 m² arable land. In average there are almost 12 co-owners per plot of land and 23 plots per owner in Slovakia.

In these contexts of co-ownership, these heirs are only jointly authorised to take important legal actions with the land. Many of these heirs do not live locally anymore; so, it is no matter of a simple village meeting. As it often concerns small land holdings with a low monetary value, the transaction costs to take legal actions have been so high that, even after decades, the undivided situation is enduring. Hence, the transfer of land to the previous generation has not been completed. This makes that current new generations have difficulties to access this land. For many parcels of land, nobody is authorised to transfer the land to them; all co-owners have to authorize this jointly. In some of the countries, such as in Romania, steps have been taken to resolve the ownership situation. However, the size of corruption in the country makes it difficult to find a procedure by which these issues can be resolved in a fair and cost-effective manner. This is a broader issue in the context of low quality of government. If matters are not sorted out by unanimity an institution can be developed that can breach stalemates to make an authoritative decision. In contexts where there is no trust in government and its impartially, such procedures will not be developed easily as it may be misused as a golden position to support close relations.

2.6 Ability to keep land in the family

There are large differences in inheritance rights for lessees. The inventory of lease systems (Table 2 Protection of tenants) shows that security of tenure is the most important lease system in Belgium, Finland, France, Germany, Italy, Luxembourg, Malta, the Netherlands, Portugal, and the older tenancy forms in England & Wales and Scotland in the UK.. Also in Sweden, 'whole-farm lease rights are well-secured, which favours farming continuation' (Wästfelt and Zhang, 2018, 456). In these areas, tenants can keep land in the family after the demise of the previous generation. However, there are differences in the smoothness in which in anticipation to the heritage, that is, between retirement and death, transfer of land can take place. Furthermore, the fact that leases can stay in the family is good for succession, but may make it more difficult to new entrants into farming, as is indicated in Flanders (Belgium), where land leases come very rarely available for new entrants to farming.

Outside these countries, sometimes there are possibilities to transfer leases to next generations, especially in the specific agricultural lease category, but this depends in the willingness of the landlord to cooperate with the generational transfer. In Estonia, the law enables, for example the transfer of leases to next generations. In Austria transfer of leased property is only permitted with consent of the owners.

In weakly protected systems generational transfer is not always relevant. If leases are short term (as in Denmark or Ireland) it is not very relevant whether these can be transferred within the family.

2.7 Land Fragmentation at Inheritance

Land fragmentation at inheritance plays foremost a role in a situation in which natural persons are owner. If land is hold by a company, shares will be transferred, but by transferring shares in a company, the land itself will not be fragmented. Moreover, in a company there are established decision rules how shareholders can come to joint decisions. The organisational costs are so, relatively to undivided ownership much lower.

Fragmentation can happen if more than one natural person inherits the property. However, fragmentation is not always the outcome of this process. There are different outcomes to this.

First the land can itself be divided in different plots, each descendent one. The land will be fragmented.

Second, the ownership can be divided, meaning that descendants have a shared, undivided right of ownership, and must find a way to manage this or dissolve it. So, the holdership will be fragmented over many co-owners. This is the situation that can be found in many countries in CEE (as discussed in section 2.5).

Third, one descendent get the undivided property and must compensate the others for the monetary value of their claims. There are different ways to finance this, for example to sell the farm to a third party, to get a mortgage or to stay indebted to the siblings. Luckily for the successor there is in many case a practice 'that if siblings are bought out, the cost is less than

the market price of the farm' (Grubbström and Eriksson, 2018, 715). Also, a company can be established in which siblings are shareholders in the farm, and the sibling running the farm is so the (acting) director of the company.

Fourth, each descendant keeps a right to the property, but one descendant gets the usufruct for his or her life, which means that the actual division is postponed. This last option is not unusual for spouses of the descendent who can keep the farm, and which also postpones the transfer of the farm to new generations.

Land fragmentation at inheritance is an issue in many contexts. In some areas, such as in Scotland, with a concentrated pattern of landownership fragmentation at inheritance is no issue, and there are certain legal provisions that help to keep land in the family. In other areas it is.

In Slovenia family farms between 5 and 100 hectares (and more, if forests or less fertile land is included in the farm) are protected and cannot be subdivided. There are some exceptions, such as, formation of new protected farms or the sale of building land to the local municipality.

In Spain there are regulations that define a minimum cultivation unit. Parcels may not be divided below this size. The application of this rule differs by region.

In Malta, although there is a legal duty to use inherited leased land for agricultural purposes, heirs use small inherited parcel for recreational purposes, which hinders access to land for new generations aiming to farm. In other case inherited leased farmland is cultivated by contractors (subletting is not allowed), which has the same effects on new generations. Which also happen is that the inherited land is not used at all but abandoned. This shows that there is a difference between legal obligations and enforcement. Without capacity to enforce obligations a legal construction deteriorates over time.

In some of the states in the CEE, such as Bulgaria, land restitution benefitted the heirs of former owners. In several countries, even decades after this, the fragmentation of landholdings has not been resolved. In some cases, legislation have been enacted to allow that owner holding a large enough minority share may still act on behalf of the other owners. In Bulgaria for example, since 2018, an owner holding 25% of the undivided property may rent the land out for a maximum of 10 years; the constitutionality of this innovation is still under debate.

Reporters note that consolidation of farms into large landholdings make it difficult to enter for new generations. Also, for existing small formers it is difficult to get access to extra land, as is reported in Bulgaria, preventing that the gap between many small holders and a few big holders is bridged by the emergence medium sized farms.

2.8 Conclusion and discussion

Both ownership and rent are common forms of tenure in the EU. Next to farms with 100% rent or 100% owned land there are farms with a mixture of tenures.

Most of the land in the EU is rented, but the security of tenure differs largely per tenure system. Only in secured tenancy contexts, there is certainty that farm succession within the family can take place. There are however issues in relation to timing of succession (possibility to retire and transfer within the family without landlord's consent).

There is no one-to-one relationship between type of tenure protection and share of rent or ownership in agriculture. For tenants good protection is attractive as long as they aim to continue farming within the parameters set by the protective system, but for owners flexibility and higher prices, may be attractive. Although from other rental markets it is known that the certainty of a stable rental income from reliable tenants may compensate for uncertainties regarding finding a good tenant in a volatile market (Scanlon and Whitehead, 2011; Westerheide, 2011). So, details matter.

Transfer between generations can also be an issue of fragmentation. This can result in fragmentation of farms in smaller farms, but, most urgent is that the transfer of farms to the current generations has not been resolved in many contexts, especially in CEE. Formal landownership is fragmented and transaction costs relating to handling land exceed the land value. It also means that next step in transferring land towards new generations can only result in more fragmentation as there are no effective mechanism to break through this.

In contexts of ownership transformation of farms to new generations may result in interdependencies between siblings, which may not be resolved in cases that market values of the land (for example based on speculative values) exceed the incomes of the land.

3 Public protection of farmland

3.1 The effectiveness of planning systems

In all Member States there are planning policies that aim to protect farmland, the level of the governments that are responsible for this differ by member state.

What is the most striking is that in almost all of the countries the reporters indicate that notwithstanding these policies, it is easy to transfer farmland in an urban development area. Or more specifically formulated they answered 'yes' on the following question:

'Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area?**'

So, although there is a large variety in planning policies and levels of government responsible for them, the bottom line is that they do not have the effect that it is not easy to transfer land to urban uses. Local authorities are in many cases willing to accommodate conversions of farmland to other uses and 'plain' farmland with no other special protections is often (as is noted in Germany) the most convenient land to take for urban development. In political priorities for land use, farmland is in many context no top priority anymore. Affordable housing, infrastructure and biodiversity areas have in many contexts a higher political priority than farmland.

There is a variety of explanations why the authors indicate that it is easy to transfer agricultural land to other uses.

- In Poland the transfer is a two-step approach. The reporters describe it as just following some administrative procedures (step 1) to change the local Spatial Development plan and (step 2) to pay compensation for the exclusion of land from the agricultural land. This compensation is based on the agricultural quality of the land and prices range from € 25 thousand to 125 thousand a hectare, which may not be enough to stop profitable urban development near major urban centres, but may encourage a certain economy in land take and may be an issue in regions with low urban prices.
- Also, in Slovakia change of land use is described as following some administrative steps.
- Following these administrative steps has been called 'complex' in the Luxembourg case, but in the end the political priorities will prevail. Also in Slovenia decisions on land use change are so complex process that there is no easy answer on the question whether it is easy to transfer farmland to other uses.

Only in the following cases reporters indicate that it is not easy to transfer farmland to urban development land:

- In the Czech Republic owners have to pay a fee to transfer land from agricultural to urban land. In 2011 these fees have been increased sufficiently, which involved a ban

on speculative land take. So, here an adequate level of compensation brakes urban development.

- In Greece it depends on the type of land.
- In Ireland 'no' has been indicated, but by its explanation it is clear that the 'National Planning Framework' form 2018 acknowledges that the planning system has not been sufficiently strong and coherent to prevent urban sprawl.
- In the Netherlands it depends on the province in which the land is located. Most provinces have stringent policies not to allow development on certain locations; but some provinces have a looser approach, for example regarding solar farms.
- Also, in Spain regional governments play a key role in the assessment whether land can be transferred to urban uses. In the region of Catalonia, a recent law has been introduced that take this seriously.

The issue of compensation payments is that there are large differences in urban values, and so compensation needed between regions; furthermore compensation is often spatial blind (it is about hectares and may so have a negative impact on the landscape quality if not supported by planning instruments (Korthals Altes, 2009).

The strength of a regional government is that it has an outsider view of the local development issues. Here, however, the regional political vision on the future of the rural area may be of importance. In very dense urban areas regional authorities may be more strict to safe the few rural areas in an inverted landscape – the situation in which there are islands or rural land surrounded by a sea of urbanised areas (Tummers and Tummers-Zuurmond, 1997) –, than in a more remote rural areas, in which the urban development may be seen as a contribution to the much needed economic development of the area, the perception of scarcity of rural land is not that strong, and regional authorities may welcome or even invite urban development at the costs of local communities.

In some cases, reporters mention initiatives to tighten the current practices, such as, in Ireland, where a novel National Planning Framework aims to achieve compact growth of urban settlements or Malta. In Malta, the planning agency is currently tightening the regulations as current regulations do not provide adequate protection in practice. Furthermore, if land is owned by the government tenants lose their lease rights if development takes place, which is so an incentive for the users not to develop the land.

The report on Luxembourg shows that extra emphasis on landscape protection may not always result in a system that is beneficial for keeping the stock of farmland. In Luxembourg a system of ecopoints is introduced in 2018, which involves that all transfers of green areas to other functions must be compensated to match the ecopoints of the green areas affected. So if an old forest is taken, a slightly larger new forest must be planted as a young forest has less value (less ecopoints per hectare) than an old forest. If farmland is taken for a new road or urban extension area, this can be compensated to transfer more farmland to a nature area (as ecopoints can be gained by this process). So, this system operates as a multiplier for taking of farmland as farmland is the main source of land to be used to compensate land use change by ecopoints.

3.2 Specific protection regimes

The picture relating to specific protection regimes for organic land is mixed. In many cases it is not allowed to specially prescribe agroecological farming in local land use plans. In other, as in Finland, the reporter indicates that it is in principle allowed, but it is not done as authorities see this as a choice of the landholder.

In the Netherlands, planning is not allowed to directly interfere in agricultural uses. However, locations close to Natura 2000 areas may be more confined to develop practices that may harm biodiversity, which in practice may promote the use of organic farming, based on planning provisions.

These protections based on Natura 2000 or national regimes as 'Areas of Outstanding Natural Beauty' in the UK saves farmland from development, if it is located within these areas. The Green Belts and Green Wedges designations in the UK provide extra protection to some farmland close to urban areas.

As Natura 2000 is an EU policy in every member state it has impact and areas have special protection, which may also impact the kind of farming that is feasible in and close to these areas.

Although in many countries no specific designations for agroecological farming exists, there are in many contexts, specific protections for high quality farmland, based on the quality of the soil and comparable criteria:

- In Greece there is a protection for agricultural land with high productivity.
- In Luxembourg an attempt to protect farmland as farmers' organisations did not support it; the reporter indicates that farmers are landowners who may profit from land use change.
- In Malta the designation 'land of high agricultural importance' provides little extra protection above just the 'land outside development zones' basic protection
- In Poland compensation paid for better land is higher than for agricultural land of a lower quality
- In Portugal a National Agricultural Reserve is designated for which there are extra constraints for non-agricultural land use.
- In Slovakia agricultural land of the best quality is better protected than other land. However, is there is no lower quality alternative these lands can also be taken for other uses.
- In Slovenia, a novel classification of permanently protected agricultural land is being prepared, to be selected based on criteria as soil quality, relief, water provision, permanent crops, community factors. This will provide extra protection to a part of the agricultural land stock.
- In Spain, in the region of Catalonia a novel law (3/209, June 17) must protect High Agricultural Value Land' better than was previously done.
- Also, in the UK there are systems that aims to preserve 'best and most versatile' soils; however, this does not provide outright protection

In many cases there is no legal protection, but there are financial incentives to compensate farmers for agroecological measures. In many contexts these regulations are short term, based on single seasons, which may not fit with the long-term effort to improve the soil fitting to agroecological practices.

3.3 Conclusion and discussion

The protection of agricultural land by planning measures is in many rural areas limited. If urban development of infrastructure development is considered to be necessary, agricultural land can be taken. So, this depends on the political priorities. There are however differences in the ease by which this can take place.

There are context in which financial compensation for the taking of farmland may limit land take and prevent speculation; in other contexts loss of green area compensation may multiply land take as farmland is used as location, raw material, for this compensation: new forests and new biodiversity areas are created on farmland to compensate for the taking of farmland for infrastructure or houses.

This is also shown by the differences in urban sprawl and sprawl of economic sites and infrastructures, which differs highly per NUTS 3 region and which is analysed by the report (D6.3) on land holdings and land market trends, which is being compiled parallel to this report.

4 Land policy tools with direct intervention

There are different instruments in the land market being used, land consolidation, pre-emption rights, compulsory purchase, shielding markets from competition, land redistribution and land banking.

4.1 Land consolidation

Land consolidation is an arrangement that can be found in 21 EU member states. It does not exist currently in Croatia, Hungary, Ireland, Latvia, Malta, Romania and the UK. In many member states, the system has been used to support processes of mechanization and agricultural modernization. Currently, the use of land consolidation is in most of these countries less than in the past. Many member states that used it often use it now only sometimes or even rare.

There are some exceptions in which the instrument is still used widely. For example, in the Czech Republic in 6250 municipalities, 2600 land consolidations have been finished, 1540 are under way and 750 are planned. The practice is, however, that implementation depends on the support of a strong investor. This is likely not to align with access to land for new generations, which tend not to be such an investor

In France land consolidation is used sometimes. Although in most cases the process is used to optimise existing farms there are two procedures that may be of relevance for access to land. First, there is a procedure on Agricultural, Forestry and Environmental Land Planning, which used a broader rural development agenda at the level of a municipality to reorganise lands. This broadening of land consolidation beyond agricultural modernisation happened in many land consolidation systems. Second, is that there a procedure to valorise abandoned land. Land which has not been cultivated for at least 5 years can be allocated to farmers who are going to cultivate the land.

In Denmark, land consolidation takes place voluntarily, its use varies per type of farm and sector.

In Bulgaria land consolidation is used sometimes, mainly to re-arrange uncultivated lands between land large holders. It, however, excludes small farms.

In Finland existing young farmers are eligible for additional land from the state in land consolidations. This system does not provide access land to starting farmers, but supports young farmers in the development of their farms.

Land consolidation is also used for other purposes than agriculture. In Estonia, for example, it has been used to allocate land for the new Baltic high-speed railway and in many areas it is also used for forestry (compare also Vitikainen, 2004).

Luxembourg is an example of the use land consolidation for forest areas (Wippel and Straub, 2017). This takes place especially in the North, which is for Luxembourgish standards, less affluent. The northern Eislek region has not only less fertile soils, but it is located outside the daily urban system of the capital and forestry is a local source of employment. For regular farming, land consolidation has used its appeal. It is considered to destroy landscape characteristics. The issue is here also that the scattered lands of current farms are based on short term rents, and that the home plots in ownership are better consolidated.

In the Netherlands, there have been large projects in which a large part (about half) of all rural land has went through processes of land consolidation. A next step was that a wider agenda than agriculture, including biodiversity, recreation and later also wind energy was served, in which in some cases rationalisations of the past, such as the canalisation of streams, have been revoked to create wetlands to retain water longer in the area. Landowners, including farmers, must support land consolidation by a majority vote (of either the number of landowners or the area of land) and this became an issue when a wider agenda than mere agriculture production had to be served. Currently most activity is stopped, the number of hectares that is exchanged through land consolidation deeds is very small, especially compared to a decade ago. Legally land consolidation still exists. Most emphasis is now on small scale voluntary bottom-up process of land exchanges, which is being facilitated through some soft measures, such as no obligation to pay stamp duty over land exchanged by this process.

This broader use of land consolidation, beyond agricultural modernization, can also be found in Germany. It has more advantage to farm successors, which may have a better parcelled farm, than to newcomers. Consolidated lands must allocated to previous owners and not to outsiders to get entry to land.

In many contexts of land consolidation there is next to forced land consolidations, also a light alternative supporting farmland exchanges. This may help to rearrange farmland between owners, but does not provide access to land to new entrants.

In Poland land consolidation is used sometimes at the level larger local authority unties (the counties); the main aim is to make more viable landholdings that are easier to farm.

In Portugal, land consolidation is known as 'Emparcelamento Rural' (compare Vitikainen, 2004), which has been used especially in the North and Central parts of the country, as in the South, such as Alentejo, there are very large landholdings (Edwards, 2011).

In Slovakia a previous government intended to re-use the rarely used land consolidation procedures, but it is uncertain whether the incoming government will continue this policy.

In Slovenia land consolidation is used to improve the agricultural production capacity. Here also small owner-initiated land exchanges are supported.

In Spain land consolidation is used in the past, in combination with irrigation works, to rationalise water distribution and agricultural plots. Currently it is used sometimes or even

rarely. There is a recent (law of 2019) initiative in Valencia that defines common management initiatives, intended to facilitate the processes of restructuring, rearranging and regrouping of land holdings. These are mainly aimed at land in which fruit trees are cultivated, since land parcels of this type of crops are usually small, so the benefits from consolidation are larger. It is too early yet to evaluate this initiative and it is unclear yet whether it facilitates generational renewal.

In Lithuania only voluntary land consolidation exists. It must be at least 100 hectares and 5 landowners participating in an area with an approved municipal plan. In principle there are some options to support young farmers to acquire consolidated land. However, as it is a voluntary measure it all depends on what the landowners prefer.

In Malta there is no land consolidation system, but there are currently discussions on the national agricultural policy in which land consolidation is on the agenda. The current fragmentation of the rural area, makes that different options are discussed. The issue must be seen in relation to other issues in agricultural land in Malta, which include the small size of plots and the fact that some people do not use agricultural land for agriculture anymore, but for recreational purposes. So, a new legal system to fix these issues, including the access to land for new generations, is a wish, but no reality yet.

In Hungary there is no system of land consolidation, there are debates on parcellation of undivided common land, which is something else than land consolidation as that is primary about the parcellation of individualised land.

Land consolidation is not used in the UK and Ireland. It must, however be noted, that in Ireland there is a tax relief to consolidate farms. Although there is no land consolidation, there are alternative measures; which is also available in some voluntary land consolidation mechanisms elsewhere.

4.2 Pre-emption rights

Another intervention that exists in some context is a pre-emption right. In Finland municipalities have one-month term to purchase land instead of the buyer based on the conditions of the sale contract. This is especially taking place in rural areas which are zoned for development to enable land assembly for development, i.e., prevent speculation instead of construction.

In Germany also a right of first refusal exists, which is used relatively rarely; one of the reasons may be that double land transfer tax must be paid during the exercise of this instrument; which makes it an expensive way to acquire land.

In Latvia a land fund has a pre-emption right if agricultural land is sold. The fund started in 2015.

In France the SAFER has a pre-emption right if agricultural land is sold directly to someone outside direct family succession (they have no rights if shares of company owning land are

sold). If this right is being enacted the land must be sold within 5 years to the 'best bidder', which is not necessarily the bidder who offers the highest price. Next to formal action the SAFER can also operate as informal agent looking for a match between sellers and buyers. Based on the report, there are some discussion on what the 'best bidder' is. There are specific rules on board members in which the agricultural sector, local authorities and other organisations are represented, and there are so in practice differences in the way that specific forms of agriculture are considered to be beneficial for the local rural area and there are debates on the choices made. Next to a pre-emption right, the SAFER have also a role in proving transparency in the land market – SAFER must be notified on all rural transactions –, a role they are not performing very well as they 'sit' on the data they get though legal requirements: they do not provide the data or an anonymised analysis of the data open access to anyone interested, but shield it as 'their' data from the public domain, which hampers market transparency, but strengthens their own position.

The pre-emption right that exist in the Netherlands must be allocated by the authorities to a specific area in which land use change will take place. It cannot be used for changes into agricultural uses. Farmers may be confronted by it, if they are located in an area in which urban development will take place. This is so no instrument that may provide access to land for new generations.

Also, in Finland this instrument is used to prevent speculation in areas zoned for development In Finland it is used very often

In Slovenia, some land policy instruments originated in communist times still exist, although they have been made fitting to the new context. Land was not nationalised in Slovenia and certain rules were introduced to ascertain the interests of the state. Currently there is a duty to advertise openly any land sale 30 days before. A state agency has a pre-emption right and must prioritise the following parties: (1) the co-owner, (2) adjacent farmers, (3) the leaseholder, (4) another farmer, (5) an agricultural co-operative or a self-employed person that needs the land to farm and (6) the National Farmland and Forest Fund. So new farmers are (under 5) mentioned as potential beneficiaries. If none of these potential beneficiaries reflect to the offer, the land may be sold by the owner to someone else. There are some exceptions for spouses and, in some cases for co-owners. Final land users must timely come forward to claim this right to be prioritised. According to the reporter (Lisec) the procedure is generally accepted, but there is debate on the order of preference between the six groups mentioned. For leasing a comparable procedure exist. The order of preference is here: (1) the tenant, (2) the tenant or owner of adjacent land and (3) another farmer, co-operative or a self-employed person that needs the land for farming or forestry. There are also separate pre-emption rights for special protected areas, water management and defence, which measures are not used very often. The National Farmland and Forest Fund, one of the potential beneficiaries of a pre-emption right, uses its land portfolio to lease the land to enhance the agriculture structure of an area. The reporter does not specifically mentions new farmers, but as self-employed persons that need the land to farm are part of the land law's priorities, it is not unthinkable that this instrument could be used for this purpose.

In Spain, there are pre-emption rights for farming tenants (a right of first refusal if an owner aims to sell the land) and for neighbouring farmers (who can step in to the contract instead of the buyer) if the land parcel offered is relatively small, that is less than twice the size of the minimum cultivation unit (which is the minimum size of a farmland holding).

4.3 Compulsory Purchase

Compulsory purchase or expropriation is an instrument that can be used to take land to promote the public interest. It is rarely mentioned by the reporters. One of the reasons may be that in many context farmers are subject of compulsory purchase orders, for example, to assembly land to build new infrastructure, such as motorways, high speed rails ways, hydrological works or housing. In Ireland it is mentioned by the reporters, but the information provided suggests that it is not used to provide, as matter of public interest, access to land to new generations in farming. In relation to affordable housing to starting households such a use of this instrument exists, but it has not been reported in relation to affordable farms for starting farmers.

4.4 Shielding of markets and instruments after transition period

In the CEE during the transition period after accession to the EU land markets could be shielded from access by non-nationals. Specific forms depended on specific deals the member state have been made (EC, 2008; 2010; 2017b). Many of the countries aim to continue these arrangements, but are facing EC enforcement measures (EC, 2017a).

An example is Hungary in which the policy has been changed from prohibiting non-nationals to buy land to prohibiting non-locals to buy land. A preference for national actors is much more critical in EU law, in which discrimination based on nationality is a red line, than for non-local actors. The effect of an actor from 200 km away just within or just over the border is not so different as they are both novel to the local community. By distinguishing between a local actor and a non-local actor 200 km, it can be better indicated that it has an adverse impact on the local community. Anyhow, market parties have been able to get around these measures, already during the transition period, with 'pocket contracts': parties closed a deal and kept the contract in their pockets. In the deal it was indicated that at moment the bans were lifted, the transaction would be executed.

The anticipation on a change of rules is a more general phenomenon in land markets, that is, land speculation takes place in areas which have formally a designation as rural land, but which market actors expect that it may be transferred to building land. They may also anticipate political changes, which reduces the power of a short-time political majority and stresses the importance of wide societal consensus on the future of rural areas.

In Latvia also rules have been set. Land transactions over 10 hectares are to be evaluated by a commission (currently about 4,000 transactions per year). Buyers of agricultural land must perform economic activities in Latvia and they must indicate who the true beneficiaries are. There is also a cap (of 2,000 hectare) on the area of agricultural land that a private or legal person may acquire. Municipal policies apply on minimum plot-sizes. Initial results of this policy are that land is bought more by real farmers than by investment companies.

In Poland, the Act on the Formation of the Agricultural System (from 2003) has been amended after the transition period to block land acquisition for foreigners for a longer period, which is critically reviewed by the EC. The law has been amended, to loosen restrictions a little (land under 1 ha is excluded), but is still in force for most of its parts. It restricts purchases of farmland and sets specific powers, including a pre-emption right, to the State Centre for Agricultural Support. In contrast to many other CEE member states, most land has not been nationalised or collectivised in Poland during communist times. This involved that during the communist era succession went on. Although land has been fragmented in some areas in very small or even narrow parcels, due to division at succession, the holdship is in generally clear and undivided. This means that there are parties who are entitled to take actions with the land. The Act limits consolidation of land in very large farms, which may help entrants. There is one important signal that the instruments may work – at least it is no proof of the contrary –: Poland has relative to other EU member states a young farming population.

Not in all member states in the CEE these kinds of provisions are as stringent. In Estonia citizens of EEA and OECD member (note that neighbour Russia is no member of these organisation) states can acquire agricultural land without restrictions, there are however limitations to acquire forest land, i.e. people that buy over 10 hectare of forest land must have been engaged in forest management of agricultural production in the preceding years. But also, here no restriction, applies. Citizens of a third country (so no EEA or OECD, so for example people with a Russian nationality) may get authorisation if they have been resident of Estonia for 6 months prior to application or have been engaged in agricultural production or forest management for at least a year. However, in many areas along the border with Russia, such as the city of Narva or the rural municipality of Meeksi, non-EEA or Non-OECD citizens have not the right to buy property. This has national security reasons. Russians may not infiltrate the border lands.

Outside Central and Eastern Europe there are stringent rules on the acquisition of land by outsiders at the Åland islands in Finland. This is based on a decision by the League of Nations in 1921 and is accepted as established principle of international law by the European Union. See also the report on land holdings and land markets of RURALIZATION. For the rest of Finland entities outside the EEA, so also Russians, but not Norwegians must have permission from the Ministry of Defence to purchase land. So, this is clearly a national security matter in a country that shares a very long border with Russia.

4.5 Land redistribution

The largest redistribution effort taken place has been in many areas in CEE where land captured by the state has been redistributed to former owners or their heirs. Formally this is however no redistribution, but a return to an old situation. After due to the decades that past, in practice many people with no rural activities became rural landowners and, alternatively, some people active in rural areas, got less land in the case their ancestors had no privileged position (Sabates-Wheeler, 2002). The outcomes were so not always helpful in promoting rural development (Sabates-Wheeler, 2002).

Even longer ago, has been the Irish land reform which took place between the 1890s (so long before the partition of the Island of Ireland in 1921) and the 1930s. During this time land has been transferred from large landlords to tenant farmers using compulsory measures. The fact that on the Island of Ireland the lowest levels of rented land can be found may relate to this reform. Whereas in other member states protected leases were introduced to provide security of tenure. In Ireland, the leaseholders got full ownership, making it unnecessary to provide a protection regime for leaseholders and lease is only for flexible allocation of land. This transfer to full ownership was not for free, but involved a specific system of loans to finance it. This reform, of about a century ago has still a legacy effect on the current agricultural structure on Ireland. It shows that legal and landholdings structures in land may be resistant to many changes.

Land redistribution policies or the lack of land redistribution policies may have so an effect on the situation of many next generations to come.

In Scotland such a redistribution of land did not take place and there are current debates and some policy initiatives to provide land for local communities, such as a community right to buy rural land and a crofting community right to buy for crofting and crofting related lands.

In Spain the land distribution in Andalucía (in which land was compulsory purchased from large landholders and was supposed to benefit small landholders) closed down in 2011, but the process of allocation of land through public auctioning benefited strong economic players and did not achieve its aims to support small farmers. It did not work to the benefit of new entrants in farming.

In the region of Alentejo in Portugal also a land redistribution process has been taken place after the revolution of 1974; so mainly in the second half of the 1970s. Alentejo (see also the report on Land holdings a land markets of the RURALIZATION project) has been an area with large socio-economic differences based on a Latifundio system of rich landowners and poor landless rural workers. This process has, as in Andalucía in Spain, not resulted in a major breakthrough in social-economic relationships in this unequal area.

4.6 Land banking

In certain member states there are agents that acquire land to provide it to use it for the public interest. Often holding land is part of a larger policy context and in the descriptions above it has been mentioned as well.

In land consolidation, government owned properties may be part of the land exchanges and to have a good position to achieve public aims, buying land just before the land consolidation process commences is practice in some member states as the authorities may get in this way exchange this land for land needed for, for example, biodiversity areas. As land consolidation exchanges take place over larger scales, land in a distance, may still play a role in a land consolidation programme as the Finnish example of a 40-km distance between two exchanged properties shows.

For infrastructure, biodiversity development, etc. access land may be bought by the authorities who can develop a policy, that goes beyond selling it to the highest bidder, which is found in most contexts described by the reporters, to dispose these lands in a way that other policy aims are served.

In the CEE, in many member states not all land has been redistributed to original owners. For example, in Hungary another system has been used and in some other countries areas owned by former German populations were nationalised and not directly redistributed. Both Poland and Hungary have specific privatisation and rural land policies.

Pre-emption rights result in ownership, for which policies are developed how to use acquired land. For example, the SAFER in France have policies in which land can be banked for over the normally required 5 years under specific conditions, which implies that the local authority must explicitly has agreed to this.

In order to hold land in a land bank and to dispose land to new generations land must first be acquired and the practices that do so are rather scarce in these days. There are only few reports mentioning it

An example is Spain. In many regions land banks have been founded, such as, in Asturias, Catalunya and Galicia. There are also subregional land banks at the level of NUTS 3 regions or even below that, such as, in Matarraña (Aragón), El Bierzo (Castilla y León), Baix Camp and Priorat (both Catalonia) and Ribera de Arriba (Asturias). There is a difference in maturity and size of activities.

In Asturias the Regional Land Bank Commission is an established organisation (since 1993), which own land based on different land portfolios owned by regional and state organisations and which voluntarily measures to acquire lands. It is used a tool for the regional development programme. It has also a programme that supports older farming in their retirement. For allocating land there are 4 priorities: holders of adjacent plots, young farmer, recipient of specific aid programmes to start-up or improve the farm and organic farming. So, this land bank supports rural regeneration.

In Catalunya land banking or farmland is a novel development defined in a 2019 regional law. The organisation is not an actual land bank – it does not own land – but it operates on lands owned by others. It registers abandoned and ‘under used’ agricultural land and is allowed, under certain conditions, to rent this land, on behalf of the owners, to farmers that make good use of these lands. For owners it might be so beneficial to receive rent for underused lands. So, they can register the land themselves voluntarily. For taking the land by the agency – renting it out without approval of the owner – , the criteria for defining abandoned or ‘under used’ land are still in development, but may include a yield that is below 50% of the average in the area, ‘damaged’ lands and ‘bad practices’, including contribution to wildfire risk, no farming or grazing activity for three consecutive years or no productive or conservation activities for five years. The draft criteria are being criticized by stakeholders, such as, the Catalan Association of Municipalities. The law does not stipulate rent levels and whether the allocation of the land will benefit new generations of farmers is unclear. This depends on the

details of arrangements. This may result in a system that allocates the land to the tenant that pays the highest rent achievable in the market, as this will provide the least harm to the property right of the owner and will, at the same time, ensure that the land will be used to a full extent, by which the aims of the law, to activate abandoned and under-used lands, will be achieved.

In the Netherlands, there used to be a national agency for the development of rural areas, which also was in charge of land consolidation programmes and acquiring land for the ecological main structure (comparable to the Natura 2000 programme but preceding it). It also used to buy land close to land consolidation programmes and nature areas (as land bank) in order to have exchange lands to smoothen processes by being able to offer farmers alternatives to their current farms if the land was needed for other purposes. Also other government agencies asked their support to smoothen processes of infrastructure development, etc.. This organisation has been dissolved and activities, expert civil servants and land portfolios have been decentralised to the 12 provinces, which are still active in the field. However, also the financial means for this task (buying land is very expensive in the Netherlands) have been reduced considerably, which means that these provincial organisations have much less powers than this agency had in the past. However, they still have some powers and expertise that can be used to execute land policies in rural areas.

4.7 Conclusion and discussion

Land consolidation, which currently exist in 21 Member States, has been an instrument that helped to promote the modernization agenda of farming by creating a more efficient structure of farms. In many areas it resulted also in agricultural production landscapes in which traditional features were demolished. In a later stage land consolidation has been promoted to take up a wider agenda of rural development, including biodiversity conservation, the reuse of abandoned land and even extra allocation of land to young farmers (in Finland). As in many land consolidation practices, it is established that a small percentage of the land may be allocated to infrastructure, a comparative regulation to allocate land to starting farmers could in principle be introduced in the system. In practice they may not work, even the current broadening of the agenda beyond agricultural modernization, faced its limits as land consolidation need support from the current landowners and ceding land to newcomers may not in all cases work.

Pre-emption regulations, are in contexts where they exist, positively reviewed by the reporters. So, this seems to be an interesting instrument to ascertain that land is being redistributed to parties that support local development. For this it is needed to have clear local development agenda with broad support. In many areas, rural regeneration, including providing access to land to new generations, is potentially an important element in such an agenda to be used to base the pre-emption instrument.

Currently compulsory purchase is a threat to farmers facing development of infrastructure and other artificial land uses. In theory, just as for the provision of affordable homes for starting households, such an instrument may support land provision. However, just like the example of housing learns, there is a large difference between legal potential and political support. In most context, compulsory purchase is used for infrastructure only and broader

uses have been scaled back. In practice potential will be limited, unless there is broad political support for the public interest pursued and that this support extends to the taking of land from owners to allocate them to the good cause.

Land redistribution can be such a programme in which compulsory purchase is used to reallocate land. The historical example of the Irish land reform shows that it may have enduring effects. Programmes in Spain (Andalucía) and Portugal (Alentejo) have not made a large difference. Land is still very unequal distributed. Such a programme is so no guarantee for success. It all starts with a shared feeling that land reform is very urgent and political support to take action.

The land restitution processes in the CEE can also be seen as a land reform, but one which in some member states has not been carefully planned and executed. Also, here the results, such as many undivided owners for one parcel of land, can still be observed and have the potential to structure land markets for the decades to come.

As part of the transition process, many new member states had specific arrangements for acquiring land throughout the transition period. This transition period has ended; so according to the European Commission these arrangements must be finalised. However, some of the member states have re-enacted some of the regulations in a milder form. Although, these regulations could be used to shield local communities and small farmers from powerful land grabbers operating at an international level, the practice may be that especially national elite players could acquire large land portfolio, without competition from other EU players. In some of the CEE, surplus state-owned land has been allocated to the market using auctioning mechanisms. Reporters note that the auctioning of land, has benefited the stronger players in economic agriculture and not the 'ordinary' farmers in the villages. Here a large difference can be seen between the Irish land reform in which current leaseholders could acquire ownership of their land and later initiatives in which current locally embedded land users had, in practice, no preferential position. Here a certain tension can be seen between the context of the single market, which aims to break through localised networks to create a single European Economic Area (EEA), which can be created by auctioning land to all agents active in the EEA, and practices of localised farming communities, which may not be resilient to unfiltered market forces. Moreover, new entrants in farming are not the players with the largest economic power. Farming starts-ups may need an area shielded from harsh market climate to develop.

5 Land policy tools with indirect intervention

Here we will make a distinction between regulation about who can hold the land, specific mechanisms how succession can take place without payments of taxes, and policy instruments as grants, taxation and financial instruments (soft loans, guarantees and participations).

5.1 Regulations of the farming profession and landholdings

Next to regulations of land there are also regulations of landholders, i.e., professional requirements for farmers. There are large differences in traditions between member states, in the way professional requirements play a role over all sectors of the economy (Capuano and Migali, 2017). In some member states there are only few professions, like medical doctors, the notary and solicitors representing people in court, for which a professional requirement are necessary to be allowed to be active in this profession. In some cases, using a certain professional designation, such as 'architect', is protected, but everybody is allowed to perform the work, in this case to design a house to be reviewed by the authorities before issuing a construction permit (Visscher and Meijer, 2008). In other member states, there is a wide system of professional requirements for a lot of professions in which in other member states there are no restrictions to access it. At the level of the EU, the mutual recognition of professional qualifications is an important element in developing the labour market mobility in the EU (Capuano and Migali, 2017), which is complicated by the heterogeneity of requirements.

In some member states these requirements reach out into the profession of being a farmer and there are systems to assess whether someone is capable enough to be allowed to farm. In addition to this there are regulations that only people with such a professional recognition are allowed to hold the farmland.

In France such a system exists and there is a departmental commission that must authorise people to receive the status as farmer. In relation to access to land for new generations this may on the one hand, work out positively, only real farmers can hold land that must be used for farming, so people qualified as farmer have access to land, on the other hand, this may be a barrier to new entrants to farming and others who cannot show formal qualifications. These have an extra barrier to access the land. Especially if the style of farming of the proposed farmer is different from the status quo as defended by such a commission this may be an issue. New farmers may have other qualities than traditional farmers that can make the farm a success.

This is different from the German context in which, in the use of the right of first refusal, the intention of the buyer, is more important than the qualifications.

5.2 Land holders, tax and succession

In several member states there are mechanisms in which farmers can enter into partnerships. This is also used for succession reasons. A successor, which does not have to be a family

member, but can also be an outsider, can become partner in the farm. Such partnerships do not have to involve that a company with legal personality is formed, but it can be a partnership without legal personality in which the partners themselves own jointly the farm. After a while of co-operating the older partner retires (is bought out by the new one) and the farm succession is complete. Such a continuation of the farm, with a gradual transition may be easier if taxation rules facilitate this, which they often do, and transaction costs are not excessive.

Partnership in a farm may in some cases, such as in France, also be an option to avoid inference by instruments that aim to control land sales. SAFER does not have a pre-emption right on partial sales of a farm and development of partnership (in group holdings) may so be a way to stay out of the reach of these policy tools.

In the Netherlands such a partnership (based on a deed) must exist over 3 years to allow for tax benefits, i.e. taxation will be postponed until someone decides to stop farming or not to use the partnership construct to organise succession. So, it may take multiple generations before taxation takes place.

In Ireland there is a Land Mobility Service that facilitates finding potential partners. It is essential of course that outgoing and ingoing partners have enough common ground in the proposed style of farming. It is a way to sustain continuity based on consensus between partners.

5.3 Grants

The reporters hardly mention grants. This may be due to the fact that in the CAP, this kind of support is largely regulated at EU level and instruments must stay within the framework developed by the EU. In the new CAP, generational renewal is one of the pillars of the programme. In the new CAP, bottom-up programmes play a large role in allocating the funds. However, it is currently too early to discuss the outcomes of this process as plans are still in development. However, the programmes may put a larger emphasis on financial instruments rather than on grants.

5.4 Tax

Taxation can be a powerful instrument; as many people do not like to pay taxes and consider taxes as a complex issue, they hire (expensive) tax specialists whose added value lies in that they make their clients pay less taxes. So, they will advise to use tax benefits. In some member states, such as Luxembourg and the Netherlands, the result is that farmers hardly pay any taxes.

In Germany it is noted that inheritance tax results in that land is sold to wealthy outsiders, as inheritance tax on agricultural and forest assets is low. So, people buy land to avoid paying inheritance tax. This extra demand from non-agricultural actors may so be not beneficial to access to land. So, instruments that seem to be beneficial to generational renewal in rural

areas – beneficial tax conditions at succession –, may attract rent-seeking people that do not like to pay taxes, and which may so have, at least partially, an adverse effect.

Also other member states have tax benefits for the succession of family farms. In Spain, the transaction costs relief may also be used by new farmers outside the family providing they do not alienate the land acquired in the next 5 years.

In several Member States, including Germany and the Netherlands extra income from agricultural land sales for urban development purposes, is a base for income tax. Income tax can be substantial, especially as land values for potential urban land can be high. The payment of the tax can be avoided by reinvestment of the profits in agricultural land. Both in Germany and the Netherlands this has a large impact on the demand for land. Buyers facing the prospect to pay income tax, if they do not manage to buy land within a certain time, can afford to pay more for the land than others, such as farmer that aim to start farming. There is few land mobility in both countries. Few lands are available on the market. In areas close to development locations, in practice almost buyers need to pay more than normal agricultural revenues would allow, which is a disadvantage for new generations in farming if they do not have these extra funds.

The issue of tax measures is that the amount of land is finite. So, a very considerable part of all tax measures that may ease dealings with land is being incorporated in the price of land. For example, a tax relief (as in Spain), may cause a higher price of the land. Most of the tax measures are not directed towards new generations in farming. They do not pay much taxes yet. So, in general these tax measures are not helpful as they contribute to higher prices for the land and provide others than the new generations incentives to buy it.

In Ireland, there is a tax relief for long-term leases. Note that Ireland has the lowest percentage of leased land in the EU, and that the right is tailor-made to short term contracts as during the land reform of about a century ago, large portfolios of large landowners have been redistributed (in ownership) to their leaseholders. The policy to provide a tax incentive (up to a € 40,000 of income) to long term leases (which have a price of about 2% of the full market value of the land) seems to be a success in promoting that owners allocate land to acting farmers.

5.5 Financial instruments

Soft loans, guarantees and participation are financial instruments that are often used and are promoted by the EU in the new CAP, but also in regional policy (Wishlade *et al.*, 2019).

Soft loans

In Hungary soft loans are provided in a land for farmers programme. Buyers of state land can get a loan from the OTP Bank, which is secured by a repurchase right of the Hungarian State. In theory this could be an interesting opportunity for new entrants to farming providing both access to land and access to capital. However, the reporters consider this a new ‘theoretical’ opportunity, which can be based on studies that indicate that much former state land is being

acquired and consolidated to large landholdings by actors in the relational network of the government.

In Latvia there is a land lending loan programme (since 2012) targeting land acquisition by small and medium-sized farms. The total amount of loans provided is about € 100million, which may (considering land prices in Latvia) be instrumental to buy about 50,000 hectares of land

Poland is a country which makes good use of financial instruments for regional policy, for which there is a very fine-grained regionalised infrastructure of programme managers (Wishlade *et al.*, 2019). It usually works that banks or financial intermediaries of economic agents can offer directly the financial instrument supported by government funding and can compare it to regular loans. These agents can also coordinate the necessary paper work, making it easy for small enterprises to use the instruments. Also, in relation to the acquisition of rural land Poland makes use of financial instruments. In Poland there are two programmes of loans supporting farmers and young farmers to purchase farmland. The conditions of the loans are so attractive that part (up to 40% of the loan value) of the loans may be considered as a grant. The conditions see that the farmer must continue farming, which is so helping farmers to get access to land.

Guarantees

In the Netherlands subordinated loans to acquire a farm can be guaranteed by a government programme implemented in 2019. So, this instrument is especially made to support new generations. As the instrument is just introduced it is not clear yet whether it works well. In the Netherlands land mobility is low and land is very expensive. So, a subordinated guaranteed loan may help, but it still is quite an investment to start a farm, even if it is transferred within the family as siblings have all a right to their share of the legacy.

In Spain, there is a national public guaranteeing scheme for any type of agrarian and rural activity since 1988. The size of the guaranties (maximum of 250.000 € for individuals, and 400.000 € for companies) fits to small and medium enterprises and can also be relevant for new generations of farmers. Nearly 30% of the guarantees are used to acquire land. So, it is an important instrument to get access to land. The organisation is currently considering a specific guarantees scheme for young farmers, because usually their financial position is weaker (in terms of capacity to assume risk), especially if they are new entrants to farming. This development could be positive for access to land, but it also indicates that current conditions (the tool that exists) may be too hard to comply to for many new entrants.

Participations

The reporters do not mention government programmes in which specific government supported agencies participate in farms of new entrants. This is probably due to the different nature between starting a farm and starting a start-up promoting a novel product for which participations are often used. Due to the connection to the land, there is no prospect of upscaling in the way as with developing innovative products that can be produced in many workshops all over the world. Participation like measures are, however, also used to support

starters in affordable housing, if they aim to become home-owner. So, it is not impossible to tailor-made such an instrument to a different context.

5.6 Conclusion and discussion

In some countries there are rules about who is entitled to hold land. In this way it can be checked whether the land will be used to the benefit of the community. The alternative to such a rule is to establish how the land can be used. However, rules often do not allow to stringently prohibit many land uses, and selecting the 'right' owner or prohibiting the 'wrong' owners to access the land could be an option to ensure that land is put in the use that promotes rural development.

The rules are not made in a way that certain land must be allocated to new generations, certain areas are not allocated as to be used for starting farmers and only new entrants into farming can apply for this. On the contrary, some of the instruments require previous experience in farming, which may be a barrier to novel farmers. Important is that these rules may get out speculative landowners, or people that aim to buy land for recreational purposes.

It seems to be essential that these rules are coordinated with the rural visioning for the local area and are not independent from those. It is about access to land to those that aim to support the foreseen rural development.

Other relevant regulations may regard to taxation at farm succession. Rules that allow to jointly operate a farm with a potential successor and to transfer the farm after a few years without taxation, because the farm continues can be of importance for a smooth transition of farming. It does however require a joint idea of the farm style that must be followed.

Taxation rules to ease farm succession can also work the other way around. The German example of a low inheritance tax, attracts people to buy land that do not aim to farm, but to invest in an asset which can be succeeded to heirs without them paying a large sum of taxes. This extra demand seems not to be beneficial to new generations in farming and shows that many financial benefits, like taxes, or grants, that are aimed to support generational succession, may be incorporated in the land value. So, it only supports the current owning generations, but provide an extra barrier to new generations.

Financial instruments are currently popular at the level of EU agencies and are the way preferred by the European Commission to support generational renewal under the CAP. There is some example of programmes that use financial instruments, which is so interesting to pursue further.

6 Overall discussion and conclusions

6.1 Conclusion

Unlike for the agenda for modernisation of farmland, for which most of the EU Member States have had land consolidation instrument, there is no successfully dispersed legal and policy arrangement to provide access to land for new generations.

In several member states there are relatively small initiatives that may support new entrants or farm succession, but most of these instruments have another prime aim and may not result in beneficial result in all cases.

Some of the instruments that seem to be beneficial, may also have adverse effects. An example is a reduction of inheritance tax for farmland to ease farm succession, which results in that other people put their assets in farmland to evade taxation.

So, there is a need for the development of novel legal; and policy arrangements that may fill this gap. More in depth analysis of the way how a variety of legal and policy arrangements may or may not promote the access to land for new generations may help to bring this forward. For this aims it is essential to acknowledge that, although most farm land in the EU is rented, there are large differences in the kind of tenure that this rent offers, which means that solutions that may work in different context may not work in another context.

6.2 Next steps

In a next step of this research 8 legal and policy arrangements will be studied more in depth. The following arrangements seem to be relevant to study. A final selection will be made in a later stage.

Urban land take is generally be seen as a one directional movement from rural land to urban land and there is no way back. There are, however some policy arrangements emerging to open sealed soils and to re-use these for green functions, including agriculture. One of these initiatives is the programme 'Flanders breaks out' (*Vlaanderen breekt uit*) in **Belgium**. Due to urban sprawl, soil sealing has been spread widely in Flanders, also outside the urban centres. In an experimental policy, in which a farmers' organisation is participating, different locations are selected to return urban areas to green functions. One of the reasons to do so – and a source of government funding by a programme to combat drought –, is that it has hydrological benefits if rainwater can infiltrate in the soil. The question is whether this is also a feasible solution to provide access to land to new generations.

Many public authorities own land, which, at a certain moment, they do not need any more for its original purpose, and it is sold. In order to meet EU regulations regarding state aid, measures are set-up to ensure that in a transparent process best prices are being received for the land. However, in many cases this is done without considering broader policy aims. Although the land may not serve the original purposes, it may serve other aims as formulated

by public authorities. Often selling agencies are not the organisations that are responsible for these aims, but aim to get a good price for the land they sell. In many contexts, such as in Flanders, Belgium, debate is going on regarding more intelligent ways to use public land as land bank for realizing public aims, including providing land for new generations of farmers. This comes with issues of value – the proceeds of the land may be less than the highest price in the market – but it may limit transaction costs if land already owned is used. There are some initiatives to change this, which can be studied in a next phase.

In **France** the following three arrangements seems to be relevant to consider. First, there is a programme to renew the land planning policy by integrating health, environmental and agroecological transition at a local level. Territorial Food Plans (TFP) are territorial policies implemented in France from 2014 to promote territorialized food systems and short food supply chains. These territorial food plans are structured, first, at municipal or regional level, second, based on a shared diagnosis of agriculture and food in the territory between the stakeholders concerned; third on a quality objective in terms of ethics, environment, health, nutrition, etc., and, fourth, on its interconnectedness. This local management allows concerted action between political stakeholders and local food production system actors, thus enable them to produce a coordinated land policy. TFPs promote arbitration in favour of agricultural land preservation, particularly against urbanization and suburbanization, by protecting land with high agricultural potential in urban planning documents or by creating Protected Agricultural Zones (PAZ). TFPs also encourage small farms establishment and agroecological agriculture development by offering small and accessible agricultural areas. This is potentially very relevant for access to land. Between 2014 and 2019, 150 PAZ projects were created in France and the state aims to validate 500 of them by the end of 2020

Second are the SAFER (*Société d'aménagement foncier et d'établissement Rural* land development and settlement society) land agencies as mechanisms of land regulation that can help generational renewal and rural regenerations. In practice the SAFER do not always function optimally, for a variety of reasons. We would in this case look at a variety of missions/functions of the SAFER relevant to these issues: mission to prioritise new farmers and organic agriculture, "land carrying" capacity of the Safer (which can help correct market issues and give access to new entrants) and the land observatory function of the SAFER.

Third, may be a study of the Departmental Agricultural Orientation Commissions (CDOA), which are an essential instrument of the French land regulation policy. The CDOA is a body that depends on the services of the Prefecture, made up of representatives of farmers and decentralised state services. It gives advisory opinions on farm installations, the authorisation to use rented land, the expansion of farms -- opinions which are supposed to prioritise the installation of young people (but the reality is often more complex).

The 'Property Transfer Act' (*Grundstücksverkehrsgesetz (GrdstVG)*) in **Germany** contains the basis of the legal regulations, in particular the procedure for agricultural and forestry property management at the federal level in Germany. In the course of the reform of federalism in 2006, legislative competence for land transactions and agricultural tenancy was no longer allocated to the federal government, but was transferred to the federal states (*Bundesländer*). So far, however, only the federal state of Baden-Württemberg has made use of it - with the

Agricultural Structure Improvement Act (*Agrarstrukturverbesserungsgesetz*) in 2010, while other federal states have not yet been able to adapt this law. There are many factors behind this, e.g. complex interests between policymakers, planners, interest groups and farmers' associations and so on. Some federal states have failed with the draft legislation. This tension between the interests of the federal government and the federal states as well as regional and regional interest groups will be investigated in the in-depth interviews, e.g. political actors who participated in the drafting of the legislation, farmers' associations, regional associations, NGOs, researchers. The interviews could focus on which actors pursue which interests.

In **Hungary**, land privatization has gone through three stages. First stage was that, since 1992, privatisation has led to a very strong concentration of land use and land ownership, one of the highest in Europe, which is still the main factor influencing rural development and opportunities. Second stage is that in 2015-2016, when all the land still owned by the state was auctioned (380,000 hectares). All arable land in Hungary is 4.7 million hectares; so, this has been a large operation. And third stage is the regulation of the approximately 900,000 hectares of undivided common property. Politics tends to consider the issue of land property as the most important dimension of rural development in Hungary, although this is not fully justified. The question is whether next to the large concentration of land ownership that happened in the first stage deviations can be found which may provide more access to land for new generations or that there is generally a continuity of land privatisation towards large landholdings over all three stages.

In the **Netherlands** there is a practice of voluntary land exchange. This is the light alternative to the former large-scale land consolidation programmes that have been used, in a first stage, to reshape rural land into agricultural production spaces and, in a second stage, to bring biodiversity values back in the landscape. The long duration of these programmes and the questionable support for the programmes by the landowners have made in practice an end to the large-scale programmes. What is left are small voluntary exchanges (about 5,000 hectare a year), which are supported by the government by lowering the transaction costs by fiscal measures and land exchange bureaus. These exchanges are not only relevant for fiscal purposes (no stamp duty has to be paid), but are also have potential to break through the stagnation of the Dutch rural land market in which the land mobility is very low, meaning that hardly any land becomes available and it is for new generations very complex to get access to land.

The *Act from 11.04.2003 on the Formation of Agricultural System with further amendments* in **Poland**. This Act forms the basis of the farmland management system in Poland, and as such it has a very significant impact on access to land. There are ongoing discussions on the effectiveness and efficiency of that arrangement, and it has been modified twice (a significant change in 2016 and some minor changes in 2019). Given the importance of, and ongoing discussion on, this arrangement, it seems to be the most interesting case for an in-depth study. One interesting aspect of this Act is the role of the State Centre for Agricultural Support, a national agency created in 2017, which is responsible for i.e. the decision on the possibility of purchasing farmland in cases other than those directly listed in the Act. The generally available data do not indicate how these decisions are taken, what percentage of such applications are successful, or what the success factors of such applications are. The interviews performed in

could definitely shed more light on these issues and on the political will and corresponding implications of the Act (which could be better understood thanks to the interviews and content analysis methods).

The national Law no. 17/2014 on the sale of agricultural land in the country in **Romania**. This law came in force after a long debate in the Parliament and Government during Romania's moratorium on agricultural land sales after joining the EU. Law 17/2014 is pivotal in the Romanian land market and access to land debate. Just several months earlier this year, this Law was amended bringing several new provisions highly relevant for our debate. Thus, in a centralized decision-making system like Romania's it would be very important to research the current and future impact of this Law.

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Appendixes

- ▣ Appendix A – National reports
- ▣ Appendix B – Presentations of the expert meeting (15/10/2020)



RURALIZATION

RURALIZATION

The opening of rural areas to renew rural generations, jobs and farms

D6.2 Report on legal and policy arrangements in 28 member states

Appendix A: National reports



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Project Acronym	RURALIZATION
Project Title	The opening of rural areas to renew rural generations, jobs and farms
Project Number	817642
Instrument	Research and Innovation Action (RIA)
Topic	RUR-01-2018-2019 Building modern rural policies on long-term visions and societal engagement
Project Start Date	01/05/2019
Project Duration	48 months
Work Package	WP6 Access to Land
Task	T6.1 General qualitative analysis of legal and policy arrangements
Deliverable	Appendix A to D6.2 Report on legal policy arrangements
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¹ PU= Public, CO=Confidential, only for members of the consortium (including the Commission Services), CL=Classified, as referred to in Commission Decision 2001/844/EC

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Acronyms & Abbreviations

CAP	Common Agricultural Policy
CEE	Central and Eastern European
EC	European Commission
ECA	European Court of Auditors
EIP-AGRI	European Innovation Partnership for Agriculture
EP	European Parliament
ESPON	European Spatial Planning Observatory Network
EU	European Union
FG	Focus group
NGO	Non-governmental organisation
QoG	Quality of Government
RURALIZATION	'The opening of rural areas to renew rural generations, jobs and farms', an EU Horizon 2020 project funded under grant agreement 817642
SAB	Stakeholder Advisory Board
UN	United Nations
WP	Work Package
YF	Young Farmers

1 Introduction

This appendix provides the national reports and the questionnaire used. Minimal editing has been applied to these reports, which means that empty tables and questions that are not to be answered by the reporter ('if no, go to...') have been erased. In this way the appendix could be shortened a little without losing any information as the full, empty, questionnaire is also included.

2 Austria, reporter Gottfried Holzer

Univ-Prof.Dr.Gottfried HOLZER, Universität für Bodenkultur Wien

Contact in consortium: ILS

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

Preliminary remark: In the following I will not talk about possession, but about ownership or lease, because according to the Austrian legal system the tenant is also the (legal) possessor!

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no²)

Answer: "According to the available statistical data (Grüner Bericht), 63% of the utilised agricultural area was cultivated by owners and 37% by tenants in 2012."

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Answer: "The distribution of owned and leased land is divers in Austria, it depends on the type of crop (arable land, grassland, special crops) and the federal state (see Holzer/Jilch/Wilfinger, Pachten und Verpachten in Österreich, 4th edition, 2013, 15 ff.). As a result of the structural development in agriculture the trend moves towards a constant increase in the proportion of leased land, because when a farm is closed down for lack of a successor, the lease of the land is preferred to sale."

3) Are **other types of individual farmland tenure** used? (yes, no)

Answer: "Other types of individual land ownership are unknown in Austria aside from the historically grown afforestation and grazing rights [Einforstungs- und Weiderechte], which deal with a specific land easement."

4) Do **collective ownership or use rights** exist? (yes, no)

Answer: "No, aside from the historically justified forest and grazing rights [Wald- und Weidenutzungsrechte] (especially in state forests)."

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	forest and grazing rights [Wald- und Weidenutzungsrechte]	(yes, <u>no</u>)

5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: The Land Lease Act [Landpachtgesetz] provides the possibility of judicial extension of the duration of a land lease (whether for a fixed or indefinite period). This is subject to the condition that the relevant standard lease periods have not been reached or exceeded and that the leaseholder's interests in continuing the lease outweigh those of the lessor in terminating it (balancing of interests).
The indicative lease term is

2 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

- (a) 15 years in the case of holdings with special crops (e.g. viticulture, orchards), the authorised duration of the extension being 4 years
 (b) 10 years in the case of agricultural holdings or individual plots of land used for viticulture or orchards, the permissible period of extension being 3 years;
 (c) in the case of individual plots of arable land, 5 years, the permissible duration of the extension being 2 years.

The application for judicial extension of a land lease must be submitted at the latest 2 months before the expiry of the contract in the case of fixed-term leases, and at the latest within 14 days after the notice of termination in the case of open-ended leases.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer:... According to the Land Lease Act [Landpachtgesetz], both landlords and tenants may apply for a judicial adjustment of the rent if the rent payable by the tenant differs significantly (up or down) from the appropriate rent. Such a request is not bound to a time limit.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

answer:... There is no such maximum price but, according to the land transaction laws [Grundverkehrsgesetze] of the federal states, the approval of the land transaction authorities for a purchase or lease agreement for agricultural land can be denied if the consideration is significantly excessive compared to the market value.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer:... Land transfers within the family are privileged in that way that the transfer of an agricultural holding and legal transactions between spouses or close relatives do not require permission from the land transfer authorities.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer:... This depends on the content of the lease agreement. The transfer of the leased property (even within the family of the lessee) is only permitted with the approval of the lessor. The leaseholder is only permitted to sublease the property if it does not cause any disadvantage to the lessor and if it has not been expressly prohibited in the lease agreement.

3) To what extent these rules can **prevent fragmentation** of rural land?

answer:... Lease agreements require an approval by the land traffic authorities when exceeding a certain leased area (usually 2 ha) according to the land transaction laws of the federal states to be valid. Reasons for refusal include the creation of a disadvantageous agricultural structure or the disruption of a favourable land ownership structure. Concrete statements can only be made with regard to the legal situation in a particular federal state.

4) To what extent these rules help or hinder **access to land for new generations**?

answer:... The land transaction law protects not only farmers who are already active as such and wish to acquire or lease land, but also so-called newcomers who, after acquiring or leasing land, wish to work as farmers and who have the necessary professional qualifications.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

Answer: "Such a protection regime does not exist under the spatial planning laws [Raumplanungsgesetze], but under the land transaction laws of the federal states, which give a certain priority to farmers and newcomers with the necessary constitutional and European law restrictions. The core content of these laws is that the transfer of rights to agricultural and forestry land or farms should only be permitted and officially approved if it does not conflict with the general interest in maintaining an efficient farming community or an economically sound medium-sized and small-scale agricultural property. This is specified in the respective state laws by a series of special refusal facts."

2) Is this protection based on **national policies**? (yes/no)

Answer: "Predominantly yes, in Austria the federal states are responsible for the regulation of agricultural land transaction. However, land transaction law also contains aspects of European law, as the much-cited decision of the European Court of Justice in the Ospelt and Schlössle-Weissenberg case makes clear (acquisition by a foundation for the purpose of leasing to farmers - see Holzer, Agrarrecht, 4th edition, 2018, 414 ff)."

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: ... The regional planning and spatial planning laws of the Austrian federal states regulate under which conditions and in which procedure a conversion of agricultural land for residential or other non-agricultural purposes is permissible. The municipalities responsible for local spatial planning are bound to legal requirements (spatial planning objectives) and supra-local spatial planning programmes - see next question!

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: ... The regional planning and spatial planning laws of the federal states make it possible to use supra-local binding spatial planning programmes (regional programmes) to define agricultural protection zones (priority areas, priority zones), which may not be rededicated. However, far too little use is currently being made of this possibility, so that Austria occupies a sad top position in Europe with current loss of agricultural land of about 13 ha per day.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: ... Yes, the agendas of the so-called "land reform" ["Bodenreform"] include land merging, land consolidation, forest and pasture services, agricultural communities, agricultural and forestry transfer rights and agricultural settlement procedures. Until the end of 2019, responsibility for this

lay with the federal government in the basic legislation and with the federal states in the implementing legislation. From 1.1.2020, land reform will be the sole responsibility of the federal states.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

Answer: "Large-scale consolidation (merging of plots of land) has taken place in recent decades and is now essentially limited to post-consolidations (e.g. in the wake of road construction). The focus today is on small-scale land consolidation procedures, which can be based on corresponding agreements between the parties (land consolidation agreement) [Flurbereinigungsübereinkommen]."

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: Merging of plots of lands and land consolidation predominantly take place in arable farming areas, rarely in grassland areas and hardly in forest areas.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: Land consolidation activities have no direct impact on access to land for new generations, but they are nevertheless important for the creation of economically viable agricultural holdings.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

Answer: "No, only indirectly via the reasons for refusal of the land transaction laws of the federal states."

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicate the names:
 -> *If more than three arrangements are used, insert a row in the table below.*

Name:		Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ... land transaction laws [Grundverkehrsgesetze] of the federal states stipulate a licensing requirement for legal transactions involving agricultural land or farms. These are not "agreements", but a legal authorisation requirement as a prerequisite for the validity of the legal act on which the transaction is based.	answer: ... just valid for the respective federal state

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: land transaction laws	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language):respective land transaction laws [Grundverkehrsgesetz]
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: ... directly in force by law in the respective federal state
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ... dates back to the land transaction law from 1919, which repealed by the Constitutional Court in 1953 and replaced by state
4) Please provide a short description of the arrangement (how it works)	answer: ... Transactions involving agricultural and forestry land or businesses require official approval from certain land transaction authorities (land transaction commissions), to whom the legal transaction must be notified. Approval is a prerequisite for the validity of the legal transaction. No entry in the land register is possible without official approval. The land transaction law can only prevent transactions contradicting its objectives, it cannot actively allocate land to farmers or interested parties worthy of being increased!
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: ... The approval requirement of the land transaction authorities applies to all plots of land used for agricultural and forestry purposes; the mere temporary suspension of agricultural use does generally not affect the applicability of the regulations of the land transaction law. In the case of transfer of ownership by purchase or donation, the land transaction law is valid regardless of the size of the object of purchase; in the case of lease, there are minimum area sizes (e.g. 2 ha in Lower Austria)

6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: ... The land transaction laws each contain a definition of the term "farmer" or "interested agricultural person". A farmer is a person who manages an agricultural holding alone or with family members or employees or who intends to manage it after acquisition. In some federal states it is a further requirement that the acquirer or interested person makes or intends to make a substantial part of his or her living (in practice: at least 25%) from farming (submission of a farm concept).
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land), etc.)	answer: ... If no farmer wants to purchase the agricultural land or holding in question, non-farmers can also purchase, as long as they can prove that they will continue to farm properly (e.g. through a leaseholder).
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ... The respective land transaction authorities in the federal states are responsible for this; enforcement is guaranteed by the fact that without the approval of the land transaction authorities, it is not possible to carry out the land register (recording of ownership or lease rights). Legal transactions that avoid land transfer law are null and void and are also punishable by law.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ... According to the answer of question no.8 there is hardly any misuse.
10) How frequently is the arrangement used? If infrequently, why?	answer: ... The land transaction law applies in any case to a transaction requiring authorisation and is also consistently enforced.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ... In general changes are not intended, as long as they are not enforced by the European Court of Justice (see Ospelt/Schlössle-Weissenberg).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ... The land transaction laws do not refer to small ecological businesses; the general rules apply for them.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...
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PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 5**

2) If yes, please describe which arrangements: please indicates the names

-> *if more than three arrangements are used, insert a row in the table below*

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ...	Subsidizing: a granting / subsidizing scheme for specific transactions	answer: ...whole country
If applicable: Name of Arrangement 2 (English and in National language)	answer: ...	Tax: special tax regulations supporting specific transactions or making the transactions less attractive// The transfer of agricultural holdings and land within the family is tax-privileged (the land transfer tax is 2% of the standard value). For "newcomers" there is an allowance of € 75,000 for business transfers and an allowance of up to € 365,000 for business transfers within the family in the context of generational change. The acquisition of land by means of a land consolidation procedure is generally tax-free.	answer: ... whole country
If applicable: Name of Arrangement 3 (English and in National language)	answer: ...	Financing: a financing scheme for specific transactions (giving the buyer a credit): The land increase can be	answer: ... whole country

		supported by low-interest credits [AIKredite].	
If applicable: Name of Arrangement 3 (English and in National language)	answer: ...	Guarantee: a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a credit)	answer:...whole country

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ... landwirtschaftliche Siedlungsfonds /agricultural settlement funds	answer: ... In some federal states there are so-called agricultural settlement funds [landwirtschaftliche Siedlungsfonds] or agricultural and forestry land acquisition cooperatives [Gründerwerbbsgenossenschaften], which can only buy land for the purpose of passing it on to farmers in need of restocking. However, they have no compulsory right to a pre-emptive purchase of any kind.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: landwirtschaftliche Siedlungsfonds /agricultural settlement funds	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	answer: Partly state authorities (settlement funds), partly cooperatives
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)?	answer: By land acquisition, there is no preference right and no possibility of expropriation

<p>By land acquisition?</p> <p>Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)?</p> <p>Is expropriation used?</p> <p>Other ways ?</p>	
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...
4) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	answer: ...
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	answer: ...
7) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas 	answer: ...

- gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	answer: ... EU funding's	answer: ... EU funding's provides significant impulses for access to agriculture/land for new generations, in particular:	answer: a) the payment for young farmers in the form of an increased base premium in accordance with Article 50 of Regulation (EU) 1307/2013 (Direct Payments Regulation) (b) aid for business start-ups in the context of rural development (in Österreich Programm Ländliche Entwicklung 2014-2020, point 8.2.5.3.1). This aid is granted in addition to increased base premium (point a).

3 Belgium, reporter Hans Leinfelder

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PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no³)

37 % of farmland in Flanders is owned by the farmer (Statbel, 2016).

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

63 % of farmland in Flanders is leased by the farmer (Statbel, 2016).

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	answer: Seasonal lease (seizoenspacht)	yes
(optional) Name 2 (English and in National language)	answer: Leasehold (erfpacht)	no

4) Do **collective ownership or use rights** exist? (yes, no)

5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: The Land Lease Law (art. 6 and next) provides only for a very limited amount of possibilities to end the lease contract.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer: The Land Lease Law provides in a maximum lease cost that is negotiated every 3 years by representatives of organisations of landowners and farmers' unions.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

3 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: General rules of inheritance law, donations, ...

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer: Yes. This is regulated in the Land Lease Law.

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: It depends on the number of heirs of the deceased tenant.

4) To what extent these rules help or hinder **access to land for new generations**?

answer: When the tenant deceases, the land lease continues in principle in favour of the heirs or legal successors. Very rarely, this is not the case, for instance when the landlord has included in the lease contract a specific possibility to end the land lease and the deceased tenant doesn't have a surviving spouse, children or children of the surviving spouse. The limited possibilities to end land lease are blocking the access to farmland for future generations.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: Local governments (provinces, municipalities) have the same planning competences as the regional planning level (Flemish level in the federal state of Belgium) to develop land use plans ('ruimtelijke uitvoeringsplannen'). These land use plans can change the allocation of land from 'agricultural area' into 'residential area', 'area for economic activities', 'recreational area', 'area for public services', ...

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: Land that has an ecological value can be allocated as 'natural area', 'forest area' or 'nature reserve area'. Sometimes, agricultural land with ecological value is zoned as 'agricultural area with ecological value' which limits potential use (reduction of volume of manure or number of animals, ...). There is no specific protection of land in planning policy for specific types of agriculture, such as organic/agro-ecological farmland.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: In 1956, Flanders had a first land consolidation law. In 1970 the land consolidation law was improved.

From 1956 to 1978 land consolidation projects only aimed to increase food productivity by improving the farmland. The most important tool was the re-allotment of farmland. Re-allotment is a clustering of fragmented parcels into larger units with an optimal rectangular shape, and located adjacent to or nearby the farmstead. Not only the farmers (land users) but also the land owners are involved in this operation. The law prescribes in detail the procedure of a land consolidation project, also the way in which users and owners should participate.

As a new cadaster plan (land register) is drawn, both agricultural and cadastral parcels are reallocated. The value of all the agricultural land of each land user and each owner in the project is determined, before and after the re-allotment operation. The difference in value must be limited to a legal maximum of 5 % and is financially compensated (to some extent). The re-allotment is accompanied by infrastructural and land improvement works such as drainage of so called water logged fields, levelling of land, digging or filling of ditches, changing water courses etc... Easy access is assured for each field and farm. Building new roads and improving existing ones were and still are an important measure in all land consolidation projects.

In 1978, the law was extended to broaden the goals of land consolidation. A major change was a legal maximum of 2 % of the productive farmland within the project boundaries to be changed to other purposes than agriculture, such as the protection of nature or cultural heritage, recreation or building new landscape structures like hedges.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: By providing different types of re-allotment, the objectives of land consolidation can be customised and adapted to different types of regions, land or farmers.

Voluntary reparcelling involves the voluntary clustering of pieces of land from different users and owners, in order to re-parcel and redistribute. This is done by means of a written agreement between all land owners and users, in which they agree to amalgamate their land properties, to re-parcel the resulting land in a specific way and to redistribute it. The Flemish Land Agency (Vlaamse Landmaatschappij) offers assistance in drawing up the agreement. The objective is to quickly and easily re-parcel land. All owners and users must agree, and at least two parcels must be involved.

Reparcelling by law involves clustering pieces of land from different users and owners, in order to subsequently re-parcel and redistribute. Re-parcelling by is imposed by the government. The land commission is in charge of objectively determining the different contributions and the redistribution of land. The objective is a more optimal use of land. The total exchange value of an owner's new parcels equals the total exchange value of his former parcels. The total use value of an owner's new parcels equals the total use value of his former parcels.

Land consolidation in the context of big infrastructural works involves the use of re-allotment (combined with other tools) in an agricultural area when it is cut by a large new infrastructural project, such as the development or expansion of a highway.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: Land consolidation is a strong instrument to build a sustainable future for rural areas and thereby guaranteeing access for land for new generations as it copes with typical Flemish land use characteristics such as urban sprawl (housing, industry, recreational facilities, ribbon residential development), sub-optimal land use and land use conflicts, fragmented and degraded open spaces.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Pre-emption right	answer: general and specific regions, depending on the type of pre-emption right

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: Pre-emption right (voorkooprecht)	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): 15 types of pre-emption right, regulated in various laws. The Flemish Land Agency (VLM), for instance, has a pre-emption right in integrated territorial development projects, based on several laws: land consolidation (re-parcelling to support large infrastructures, re-parcelling of land on a voluntary basis and for overall territorial consolidation), land development, and land management for nature.

	The Flemish Land Agency can also exercise their pre-emption right when a local authority (Flemish regional, provincial or local authority) wants to sell the land on the private market.
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: Each law defines the area in which the pre-emption right may be used. When the owner sells a piece of land that is used by a tenant, the tenant has the pre-emption right. When there are several pre-emption rights on the same parcel of land, the farmer's pre-emption right takes precedence, even if the State or the local authority holds a pre-emption right. The zones where the VLM can exercise a pre-emption right are defined by the Minister of Environment.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer:
4) Please provide a short description of the arrangement (how it works)	answer: The person or administration that has the pre-emption right can purchase the land at the same price and under the same conditions as those defined by the initial agreement between the seller and the purchaser. When the person or the administration cannot or does not want to purchase under these conditions, the initial sale can still be carried out.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: No
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: No
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: No time period for validity of the pre-emption right. No conflict resolution mechanism
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: Notary (notaris) has to consult a database of pre-emption rights at the moment of a transaction of land and ask the

	government institutions if they want to use their pre-emption right.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: No. Potential abuse is raising the price artificially between seller and purchaser. If the pre-emption right is not used, this implies the higher price has to be paid by the purchaser. Vice versa, buying a piece of the land illegally ('in het zwart'), will hurt the seller when the pre-emption right is used.
10) How frequently is the arrangement used? If infrequently, why?	answer: see table underneath for 2013
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: no, less than on expropriation
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Table of pre-emption rights most used by the Flemish Government in 2013

Pr-emption right related to	Number of offers	Number of times pre-emption right was exercised	Area acquired through exercise of pre-emption rights (ha)
Land management for nature	105	2	123,9
Nature reserve areas	710	27	31,3
Nature network	751	12	26,4
Overall territorial consolidation	881	24	129,4
Integrate management of water	6 127	39	125,2
Other (including building plots)	8 626	26	3,8
Total	17 200	130	440 ha

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicates the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Flat rate support to young farmers when taking over a farm (forfaitaire subsidie voor overname van landbouwbedrijf)	(Subsidizing, tax, financing, guarantee)	answer: whole country
If applicable: Name of Arrangement 2 (English and in National language)	answer: Guarantee for loans for taking over a farm (buildings younger than 15 years, animals, machinery, equipment, ..., but not land) (waarborgregeling bij overname van landbouwbedrijf)	(Subsidizing, tax, financing, <u>guarantee</u>)	answer: whole country
If applicable: Name of Arrangement 3 (English and in National language)	answer: Tax relief for landlord (fiscaal gunstregime voor verpachter). The landlord does not have to pay taxes on the land lease income but on the cadastral income of the leased land (which is often lower) if the landlord respects the land lease law regulations.	(Subsidizing, <u>tax</u> , financing, guarantee)	answer: ...
4	Tax relief for landlord in case of long term land lease (fiscaal gunstregime voor loopbaanpacht of lange pacht). Land lord gets tax relief when land lease contract is done by notary. Tax relief is only valid for land in case of long term land lease of more than 18	(Subsidizing, <u>tax</u> , financing, guarantee)	

	years. Tax relief is also valid for buildings in case of career land lease (loopbaanpacht).		
5	Exemption of taxes on donations (vrijstelling van schenkbelasting) See *below table	(Subsidizing, <u>tax</u> , financing, guarantee)	
6	Lower fiscal regime (3%) on inheritance tax (verlaagd tarief van erfbelasting) See ** below table	(Subsidizing, <u>tax</u> , financing, guarantee)	

*<https://www.vlaanderen.be/schenkbelasting/vrijstellingen-in-de-schenkbelasting/vrijstelling-in-de-schenkbelasting-voor-overdracht-van-familiale-ondernemingen-en-vennootschappen>

**<https://www.vlaanderen.be/verlaagd-tarief-in-de-erfbelasting-voor-overdrachten-van-familiale-ondernemingen-en-vennootschappen>

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

There are non-governmental organizations buying or taking over land and renting it out or using it for leasedhold by young, organic farmers (i.e. Landgenoten). There is no support of the government for these NGOs.

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

4 Bulgaria, reporter Minko Georgiev

Associate Professor Dr. Minko Georgiev

Agricultural University of Plovdiv, Bulgaria

Contact in consortium: TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁴)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name Minko Georgiev	Often used?
Use and management	There are many farmers in Bulgaria who manage their own agricultural land. The number is decreasing.	(yes)
"Rent" and "lease"	There are relatively few farmers who cultivate agricultural land for rent. The tendency is for their number to increase. Most of the arable agricultural land is cultivated for rent.	(yes)
(Resolution No 2/2015 of 20.07.2017, delivered on Interpretative Case No 2/2015 of the Supreme Court of Cassation (SCC))	There is no other individual form of agricultural land management. However, there are two legal variants of the "rental" transaction type. The first type under the Agricultural Lease Act. The second under the Law on Obligations and Contracts. The legal conversion of these two types of transactions is possible.	(no)

- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Agricultural cooperatives	There are over 450 agricultural cooperatives in Bulgaria. Some owners of agricultural land provide it for the cultivation of cooperatives, and they can become a member of the Cooperative. The cooperatives are managed according to a corporate model.	(yes)

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

4 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

Informal or customary land rights	Name	Often used?
Reluctance to sell their own agricultural land	Even when the owners do not receive income from agricultural land, they refrain from selling if the price is low. The informal rule of conduct is becoming less and less effective. Its action is becoming more and more uncharacteristic, where the land is inherited and highly fragmented.	(no)
"Broken ties" with agriculture and land.	Those owners of agricultural land who live in the city are disinterested in their property. The tendency is for their number to increase.	(yes)
„Renunciation“ of property.	The procedure according to Art. 37 (c) of the Law on ownership and use of agricultural land determines consolidation through rent contracts. However, it is the reason for Concentration at the local level. Some small owners do not have motivation, as well as to process, so and to control the process of receipt of rent so. The process is deepening.	(yes)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract?** (yes)

If yes, which?

Agricultural rental law (ARL) introduces restrictions for the termination of the contract by the owner of the agricultural land: (1) The contract may not be terminated before the end of the agricultural year - Art. 31 (1) ARL; (2) ended contracts can be terminated after 4 years - art. 29 (1) ARL; (3) when the contract has not been "registered" in the Property Register - it shall be terminated not less than two years - Art. 17 (2) ARL; (4) the annulment of a contract longer than 10 years takes place only in the court - Art. 28 (2) ARL.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent?** (yes)

If yes, which?

In "stronger market position" by the owner of the land after the expiration of the period of the contract is possible raising of the rent, as part of a new "ex ante" condition. Long-term contracts with duration of more than one year are recorded in the Property Register, which is a form of protection for those, which processed the land.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (no)

If yes, in what way?

Within an exception as regards Art. 17 (5) of the Constitution of the Republic of Bulgaria. For example, when the agricultural land was "alienated," by the state or municipality for important public needs: roads, railway lines, etc. Art. 4 of the Agricultural land ownership and use act (ALOUA). In such cases, the owners are receiving compensation in accordance with the adopted tariff under the Government Ordinance.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Bulgaria has adopted the classical doctrine of the Roman law. Depending on the legal form of the farm (farm) - the farm will be inherited from the nearest related heirs when the inheritance is by law ("Chapter Two" of the inheritance) as a set a totality of the heritage property - a collection of rights, obligations and actual relationships. In the law for inheritance there are special legal norms for inheritance of agricultural lands and farm equipment: art. 9a, art. 90a and Art. 91a. The heirs, who manage the agricultural land can at division, require agricultural land and farm equipment to be put in their share.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

The law does not explicitly regulate such a hypothesis. It cannot be done by testamentary disposition. It is possible, however, because of the universality of inheritance as a way of accepting rights - one of the heirs to enter into such a relationship with the owner of agricultural land (land renting person, landlord).

3) To what extent these rules can **prevent fragmentation** of rural land?

Inheritance rules cannot stop the fragmentation of the rural land. Fragmentation is overcoming very slowly. There are agricultural lands with a large number of co-owners. Since 2018 in the country it is possible for an owner of agricultural land who owns over 25% of ideal parts of it to rent it out (up to 10 years) without the consent of the other co-owners. The relations between the co-owners (distribution of the received rent) are settled under art. 30 (3) of the Property Act. There are disputes in doctrine whether this way of letting through rent is not contrary to the constitutionally guaranteed rights of the landlord Art. 17 (1) (see Resolution on a constitutional case № 8/19 June 1995 of the Constitutional Court (CC) № 12/1995: "The inviolability of private property also includes a lack of limitation of the right of disposition").

4) To what extent these rules help or hinder **access to land for new generations**?

Restrictions on access are indirect. There is a strong migration of young people from rural areas. During the period 1989-2020 in Bulgaria were "closed" over 164 villages (National statistical institute (NSI) data from 2015). In the district of Montana in 2019, 10 settlements were closed. The way of consolidation of agricultural land prevents small farmers who live in the settlements to have a nearby land to the settlement. The latter means higher costs. The young farmers are not always motivated to participate in the agricultural turnover.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Registers regarding to the farmers and their property are in total 17. They are not integrated into a common single system. This leads to increasement of the costs for farmers and to problems with access or management of their agricultural property. The indirect losses for small farmers are too big.

The fragmentation and the consolidation of the agricultural land in Bulgaria are processes that take place in parallel. The process of consolidation of the agricultural land creates an effect of concentration in the distribution of the primary production factor. There are strong negative effects related to „land grabbing", "dominant position „at the local level. The last distorts the markets for agricultural products and favours to increase the number of players who prefer to maximize their activities through rent- seeking. The effect of concentration is stronger than associated with the fragmentation of agricultural land.

PART 2: Land organization

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (yes)
- 2) Is this protection based on **national policies**? (yes)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes)

If yes, please explain

The constitutional framework - art. 17 and art. 21 of the Constitution of the Republic of Bulgaria (CRB). The arable land is used only for agricultural purposes - Art. 21 (2) of the CRB. Within the special legislation: ALOUA, Agricultural land rental Act, Act for the protection of agricultural land and the general laws: Property Act, State ownership act; Municipal Property Act - the legal framework creates a unified system for protection of the agricultural land. There are also several atypical acts - strategies (without executive force), which impose a direction for the protection of soil diversity, and support for reducing the conditions which creates the "desert lands". The conversion - (transformation of agricultural land into urban territory) is allowed in the country. There is a deepening of this process in the external s of the border urban areas.

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (no)

If yes, please explain

The protection of the nature, the ecological wealth and biodiversity is enshrined in Art. 15 of the Constitution of the Republic of Bulgaria. There is a legal framework for the protection of biodiversity, water, soil, etc. Waste management is also regulated by law. There is also a support for the owners of agricultural land with the measure "Agroecological payments" of the Program for Rural Development for the period 2007 - 2013 and / or the measure Agroecology and climate and the Organic Farming based in the „Program for Rural Development for the period 2014 - 2020. Agricultural properties in protected or damaged areas and areas included in the plan for consolidation are with the consent of the owners - Art. 37 of ALOUA. There is no direct legislation, regulating such public relations at the level of support for such public relations at the level of agricultural organizations.

2B Land consolidation and fragmentation

- 1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes)

If yes, please explain

During the period (2007-2013) in Bulgaria is in force a "Strategy for consolidation and sustainable use of Agricultural lands"/ it is been developed by the Ministry of Agriculture and food (MAF) and DIG, Netherlands /. A draft in 2018 for the amendment of ALOUA, it should be strengthen the role of the plans for consolidation of agricultural land. Bulgaria is developing a legislative framework for consolidating the property through a "land use" (horizontal / literal integration). Since 2011 the lands have been consolidated (Art. 37 (c) of the Law on Land Acquisition) by allocating them on the basis of an agreement between the producers. The agreement lasts until the end of the agricultural year (not more than 1 year). The municipal service of Agriculture is keeping a register of participants as regards the procedure laid down in Article 37 (b) of the ALOUA in order to "encourage the consolidation" (Article 37 b of the ALOUA).

Since 2017, in order to consolidate the properties, Art. 37 b of the ALOUA) - under which the boundaries of the estate can be exchange, by an Order of the Minister of Agriculture and Food and notarized consent of the owners of the agricultural land with approved plan for consolidation.

2) if yes: is it **often used**? (**Sometimes**).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

In practice, the procedure according to art. 37 (b) of ALOUA is excluding the small agricultural producers which land is belonging to one village to consolidate their property.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

There is no special legislation, which can support the young farmers to have access to the primary factor of production – the agricultural land. This is an entrance barrier. A program "Young farmer" is applied under the sub-measure 6.1 -"Start-up aid for young farmers „of the Sate Rural Development Programme.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

The uncultivated lands that the big farmers have not succeeded to agree among them to reallocate the agricultural land, these agricultural lands are distributed by virtue of the administrative services with an order in accordance to art. 37 (c) of the ALOUA - again between them.
The State Agricultural Land Fund can be used to support the farmers with land if they are livestock breeders. In force is the rule of " density of animals » para 15 of the ALOUA.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

There is no special legislation for young farmers which can support them to have access to and to settle them with enough of the primary factor of production - the agricultural land. The last one is an entrance barrier.

ART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, insert a row in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Big producers of cereals	Bulgarian and foreign companies.	Most of the farmers start their activity in the Northern Bulgaria (Dobrudzha region). They acquire large plots of agricultural land. They manage the large plots of agricultural land throughout the country by renting the agricultural land.
Big producers of wine	Such producer acquires the agricultural land by "shortening the production chain". Some of them have registered their own company with special investment purpose activity, and by this they have consolidated a huge plot of agricultural land. Gradually after maximizing their land, they have left the market.	The three biggest companies producing wine and spirits, which location is in Peshtera, Karnobat and Targovishte regions.
Companies for purchase, sale and management of agricultural land.	In 2007 in Bulgaria, with special legislation, 67 companies have been established using the example of the American trusts, with an aim to consolidate the agricultural land. In 2020 only six companies are remaining of this type.	

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: Procedure for consolidation of agricultural land	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Law on Obligations and Contracts, the Rental Act in the Agriculture - defines a common contractual framework of agreements. In ALOUA imposes a special framework of agreements as regards in art. 37 (c), as well as an internal administrative procedure for the distribution of agricultural land with the rents. (see also ALOUA - art . 69-70)
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	To entry into force the agreement in accordance with art. 37 (b) of ALOUA is necessary to have an approval by the Administrative authority - committee have been established by an order of the Regional Service of Agriculture and Forestry. For each land in the different settlements or regions a separate approval is required.

<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>The procedure is established in 2007 with the aim of consolidation of non- used agricultural land, throughout a distribution and subsequent rents. The distribution is contractual, and when the agreement between the producers did not reach an agreement – administrative procedure is applied, performed by an Administrative authority – Agricultural Commissions.</p> <p>A part of them are directly affected or involved in the processes described in Art. 37 of the ALOUA, including large owners and tenants, large land users in the land area; as well as state and municipal bodies - Municipal Agricultural Office, Regional Agricultural Office, Municipality, Mayor, Director of Regional Agriculture Directorate, Municipality (Town Hall), Municipal Councils, and, of course, the Distribution Commission. Indirectly involved in the procedure are entities providing documents such as: the Registry Agency, Cadastre Agency, State Fund Agriculture and even the Minister of Agriculture, Food and Forestry, etc.</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>A short description of the procedure under Art. 37 of the ALOUA Owners and users until 31 July of the corresponding year submit their applications under Art. 69 and 70 of the Code for Application of the ALOUA, to the Regional Agricultural Agency, the ones – for the use of land, and the others – for their intention to participate in the procedure. The Regional Offices of the Department of Agriculture and the Regional Agricultural Agencies notify owners who have not filed an application, about the consequences. The land users agree on the allocation of land for which no application has been submitted, for its cultivation. Until 15 August cases are established of collisions between applications for declared circumstances and grounds for use. The Commission prepares a project for an official allocation when an agreement has not been reached or it does not cover all lands, by 15 August for the corresponding year (Art. 37c, para. 3 of the ALOUA). The project includes the owners and/or users of agricultural properties who have declared so – Art. 37b, para. 3. ALOUA. By 25 August the Regional Agricultural Agency publishes the register and the usage card in the City Hall and in the Agency building. The same is done by the Municipality and the Regional Office of the Department of Agriculture. The Commission prepares the official agreement by 20 September, and announces it. Changes can be made by 25 September, with the Commission and stakeholders introducing a proposal and an allocation report. The Director of the Regional Office of the Department of Agriculture issues an order under Art. 37c, para. 4 of the ALOUA not later than 1 October, including all estates, as well as the rural roads and irrigation channels distributed within the boundaries of the plots in accordance with the agreement. The institutions described above announce the agreement and the annexes by 10 October. The properties involved in the agreement cannot be the subject of a transaction with a material legal, transferring effect. Territories belonging to the State Land Fund and the District Land Fund, which are a part of the</p>

	<p>allocation but cannot be separated into individual plots, may be granted following an order by the Minister of Agriculture, Food and Forestry of the Republic of Bulgaria or the Mayor of the Municipality and a subsequent contract concluded for 1 year between them and the users. It is allowed for roads to be included in the land division agreements – Art. 37c, para. 16 of the ALOUA – the grounds for that being the order by the Director of the Regional Office of the Department of Agriculture or of the Mayor of the Municipality, the latter following a decision of the Municipal Council. The payments of the sums from the allocated properties are subject to submission to the account of the Regional Office of the Department of Agriculture within 3 months of the publication of the order by the Director of the Department. The payment is equal to the average annual rent payment for the plot, and it is made not later than 3 months from the receipt of the order by the users. If they fail to meet the deadline, they owe three times the amount of the rent payment. It is important to note that the failure to comply with the deadline - until 31 July (failure to submit the application and the declaration under Art. 69-70 of the Code for Application of the ALOUA), deprives farmers of the right to cultivate their land within the next agricultural year.</p>
Rules of application of the arrangement	
<p>5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.</p>	<p>No. The agreement is not bound by the abovementioned. However, the requirements in Art. 37 of ALOUA and the following paragraphs: (15) the included and approved properties under measure "Agroecological payments" of the Rural Development Program for the period 2007-2013 and / or under measure "Agroecology and climate" and "Organic farming " of the Rural Development Program for the period 2014 - 2020 (16) and (17) - the presence of field roads in the properties ; The Agreements can also be created in accordance with art. 37 (j) of ALOUA - with pastures, meadows and common grassland. Agreements can also be created by virtue of art. 37 (m) and 37 (p) of ALOUA and others, by including lands from the State Land Fund - in order to support livestock breeding farmers, beehive keepers and others.</p>
<p>6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded, a preference right for certain actors)? Please indicate and explain.</p>	<p>The Bulgarian law does not introduce explicit prohibitions or guarantees for the land to be sold to people with agricultural education. However, a draft law on ownership, land relations and conservation of agricultural land, should introduce clauses for agricultural land from the State Land Fund to be provided to young farmers - up to 40 years old with a priority (without auction), with sizes - up to 10 decare for vegetable crops; up to 20 decare for perennials; up to 50 decare for annual field crops. Young farmers should also receive support for the construction of mini dairy factories.</p>
<p>7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants</p>	<p>The agreement and the official state administrative distribution of agricultural lands in accordance with art. 37 of ALOUA are described in details in Part 3B Arrangement 1 point 4). In case of a conflict - usually is challenged the conformity of the legality as</p>

to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	concerning the order of the Regional director of the Regional Service of Agriculture and Forestry. The dispute is of an administrative characteristic. However, the District Court at the location of the property is competent to consider and rule on the dispute.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The agreements are administered by the Municipal and Regional Services of Agriculture and Forestry. On-going monitoring. The mayor of the municipality monitors the legality management of them municipal property. The director of Regional service of Agriculture and Forestry is responsible for the monitoring of the properties from the State Agricultural Land Fund. General monitoring. The multilateral legality management is done by the Minister of Agriculture, Food and Forestry. And the municipal councils exercise control as regards the protection and control of state and municipal property.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The agreements in accordance with art. 37 (c) of the ALOUA are subject to “diffuse control” by several administrative bodies as well as an incidental control - the Court. The information is collected from several public systems, including: Property Register, Cadastre, Register of Farmers and Information System of the Bulgarian Food Safety Agency BFSA (for livestock farms in connection with the use of land from State Agricultural Land Fund). The transparency is very high. Rather the problem is the lack of integration between the registers itself, which can create an element of legal uncertainty.
10) How frequently is the arrangement used? If infrequently, why?	
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The public and scientific debate in the country on the topics related to agricultural land, its fragmentation, consolidation, ways of an effective management has not subsided. For example, the adoption of a Law on Protection of Agricultural land, ALOUA are postponed.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	There are many studies that try to link these topics, for example: Uzunova-Beluhova R., K. Hristov, M. Shishkova Small Farms in Bulgaria – Trends and Perspectives, Agricultural Sciences / Agrarni Nauki 11 (25) ; Shishkova, M. , R Beluhova-Uzunova, The Role of Women in Bulgarian Agriculture and Rural Development, International May Conference on Strategic Management - IMCSM19, May 24 - 26, 2019, Bor, Serbia, Volume XV, Issue (2) (2019)) 243-253 . The integrated effect is generally poorly studied in Bulgaria.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Rather not.

14) Please list any **research/resources** about the arrangement (in English or your own language, please copy/paste URLs when possible)

Nikolova G. "Agricultural lease contract", Sofia, New Star, 2016, *Zlatev, Br.* The Nature of the Land Lease Agreement and its Comparison with the Rental Agreement of Agricultural Land Journal: Professional Education, Issue Year: 20/2018 Issue No: 4 Page Range: 391-398, Registration of the termination of the lease contract on agricultural land. - Contemporary Law, 2016, № 1, 19-40.

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Boliari, N., 2013; Does Land Fragmentation Affect Land Productivity? Empirical Evidence from Bulgaria. Review of Agricultural and Environmental Studies, 94-3, 273 – 302,

Natalia Boliari, 2017, Can Partible Inheritance Explain Land Fragmentation? The Case of Bulgaria, Agrarian South: Journal of Political Economy: A tri-annual Journal of CARES.

Georgiev, M. HM Gerbaulet, C Yancheva, D Grekov, D Grozdanova, National Report Bulgaria - XXIX European Congress and Colloquium of Rural Law, Lille, 20-23 September 2017, see *Agriculture and Competition 82*, Nomos Verlagsgesellschaft mbH & Co. KG, Editor: C.E.D.R., ISBN: 978-3-8487-5831-9

Georgiev, M. and Roycheva, A. 2018 Rules on Integration of Organizations Using Agricultural Land—An Obstacle for Competition, Book of Proceedings, V.14, Iss. 2, pp.543-554 Available at SSRN 3275647, 2018;

Roycheva, A and Georgiev, M.. 2018 Consolidation of property rights or competition in agricultural land resources – does CAP guarantee public interest, Scientific Works, Agricultural University Plovdiv, vol. LXI, issue 1, 2018, pp. 81-92, DOI: 10.22620/sciworks.2018.01.010.

Georgiev, M. 2019, CAP in the Efficiency Trap. Agricultural Land in Bulgaria: Contradiction Between CAP Goals and Impact on Competition, CEDR-JRL 5 (1), 19-27,

Georgiev M. 2018, The Procedure Under Art. 37 (c) ALOUA in the CAP Context and the Problem of Small Farmers, Scientific Works of the Agricultural University, Plovdiv 61 (2), 29-36,

M Georgiev, 2019 The CAP Dualism-Efficiency or Competition Modern Concepts & Developments in Agronomy 5 (1), 488-489.

Georgiev, M. 2020 Agricultural Law in Bulgaria - Agricultural Land, Food Sovereignty, Biosecurity, Efficiency and Competition, Lambert Academic Publishing, ISBN: 978-620-2-67174-3,

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Quantity - number of traded properties	Ordinance on fees collected by the land ownership bodies	They make the properties traded together, because of the discounts in fees for some documents. For example, a scheme of a property.	Yes
Local tax which is a percentage of the value, by which the transaction is performed	Law on Local Taxes and Fees. Municipal ordinances for local taxes and fees (265 municipalities are in Bulgaria) It is collected by the Notary in favour of the Municipality at the location of the property.	In the different municipalities this state tax varies from 2 to 3.5% of the price of which the confession of a transaction took place or the tax assessment, if it is higher.	For example: Municipality of Plovdiv - 3.5%; Municipality of Parvomay - 2.5%
Electronic transactions, documents, payments, time.	Tariff for state fees collected by the Registry Agency Municipal tariffs for a document related to inheritance / inheritance relations	Upon the entry fees is increased the volume of documents is growing with every sheet of paper; Upon the registration - the issuance of a documents are accompanied by a fee that is higher as regards the shorter duration of time.	Municipal tariffs are different - they vary from 2 to 4 leva per certificate. The problem is when the inheritance is discovered in one city and the heir resides elsewhere. There is no fast integration between the registers in the different municipalities.
Administratively Determination of notary and lawyer	A tariff for notary fees of the Law on Notaries and Notarial Activity; Tariff for the minimum attorney's fees, of the Law on the Advocacy Bar	The Notary and attorney's fees increasing as the value of each transaction increases. For lower value properties - they are	In some land (belonging to one village, the smallest agricultural lands 1-5 decare - the sum of the notary and lawyer's fees, may exceed the

		relatively higher in percentage.	price at which the purchase and sale was carried out.
Subsidizing per unit area	Law for the support of agricultural producers Regulation 1305/2013 of the EU and the Council.	The subsidy per unit area may lead to an incentive for consolidation, respectively purchase and sale of agricultural land	In Bulgaria, this method of financing has led to a number of distortions that already have been described: "land grabbing", "concentration of agricultural land", "rent seeking" and etc.
Administratively imposition of prices upon estrangement of agricultural land for important public needs	Tariffs for estrangement by location (Municipal) Law on Municipal Property Tariff for estrangement of agricultural land plots in favour of the State - under the State Property Act	These tariffs are significantly lower than when expropriating land that is within the settlement and has the status of urban areas.	In some municipalities, this increases the number of transactions and increases the conversion.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

Arrangement 1

Arrangement 1, Name: Procedure for transfer of agricultural land / inter vivos - deed	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	<p>The legislation on the transformation of ownership of agricultural land is bound by a relatively complex procedure in which except buyers and sellers others, several institutionally determined actors also take part. their number, as well as the change in the legislation as regards the administrative fees collected by them, leads to different adaptation and advantages of certain participants in the market of agricultural land, as well as the related markets.</p> <p>As for the subsidization of agricultural land, its effect is manifested mainly after Bulgaria's accession to the EU and it's a direct consequence of the CAP.</p>
2) Please provide a short description of the arrangement (how it works)	<p>For example, a process of transferring agricultural land can be described as follows:</p> <p>The bodies involved in the process of transferring ownership of agricultural land are the Registry Agency, Cadastre Agency, the Agriculture and Forests Office, Municipal Office - local taxes and fees; Municipal Office of Civil Status, Notary, Banks. The participation of an attorney is optional. Transactions with subject agricultural land, as in the case of sale, donation, establishment of property rights related to the use of the property, etc., as well as in the case of lease, rents, are always inter vivos. The conclusion is made after the consent of the parties - only the transferor and the alienator of the property. In order to have a translative effect, it is mandatory to provide documents proving "ownership". Usually this is done by the owner/co-owners of the</p>

	<p>property. These are a notary act (or a decision of the Agricultural Office for property recovery, sometimes a constitutional court ruling after a legal dispute. Other documents include: scheme of the property, tax assessment of the property, certificate of inheritance, etc. Circumstances are declared: for a lack of public obligations under Art. 264 of the Tax Insurance Procedure Code (only by the transferor of the property), and declarations of family status under Art. 25 para. 8 of the Notaries and Notary Activities Act (by all parties). The procedure starts after a request to the Notary, who, after checking the circumstances, confesses the deal (where there is no notary, the registry judge performs these functions). The new property act is entered into the Registry Agency (Property Register). An attorney may be involved in the proceedings. Authorization is always explicit and the form is notary. Lease and rents are transactions without the effect of ownership being translated. The form is different from those of the sale, donation, etc. Bulgarian law does not allow a clause in a lease or rent contract, through which to acquire ownership. In leasing, this is possible. Administrative bodies are the same as in cases of buying and selling and rent.</p>
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	The size of the plot of agricultural land is indirectly related to the transaction costs. <i>Inter vivos</i> transactions do not depend directly on the quality of soils, natural and other resources.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	The process of transferring agricultural land is highly dependent on the number of institutional actors (administering the process). The same applies to its "price" (transaction costs). It can be argued that their number is growing. At the same time, the average number of participants in a transaction decreases over the years. The reason is the concentration of agricultural land in the hands of a small number - large companies.
5) Please describe any other features related to application of the arrangement.	It is believed that such a complex order could lead to simplification and replacement of more than electronic actions. Some of the actions in the process can be integrated through an official exchange of information between the registers.
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The decision itself is made by the owner and the buyer. They dependent on the decisions of the Notary on confession, and the translational, real-legal effect occurs by virtue of the entry in the register of the Registry Agency.
7) Indicate the amount of money involved , related to the land price in the transaction.	A study on agricultural land transactions in Bulgaria and especially on their costs was conducted in 2013.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The existing abuses are few. In order the abuses to materialize, the participation of the officials is mandatory.

	The Registry Agency maintains a "feedback" service, through which owners of agricultural land can be informed if any action is taken on their account.
10) How frequently is the arrangement used? If infrequently, why?	In practice, the purchase and sale of agricultural land is a major secondary way of acquiring property. They are still the most common transaction related to agricultural land.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The acquisition of agricultural land by small farmers, younger farmers, is not guaranteed. We have already explained some of the social effects.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	There are not enough studies that make such a connection with the analysed legal order. Some of the studies already cited that it can be taken into account
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	The possibility to use an electronic signature in some of the transactions can be considered innovative, as well as the account feedback system, which protects against malicious actions.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<i>Georgiev M. (2010) "Rent Seeking" in Agricultural Contracts in the Country, Trakia Journal of Sciences 8 (3), 230-233</i> <i>Georgiev, M. I Penov (2006) Vliyanie na razhodite po prehv" rlyane na zemedelska zemya v" rhu konsolidatsiyata na pozemlenata sobstvenost [The Costs of Transferring Land Ownership and their Impact on Land Consolidation], Ikonomika i upravljenje na selskoto stopanstvo 51 (3), 19-26,</i> <i>Georgiev M. Institutional Analysis of Transactions in Agricultural Land Contracts in Bulgaria. Agrarni Nauki 3 (5), 53-61,</i> <i>Georgiev M. Institutional Factors Determining of the Transaction Costs in the Land Contracts, Trakia Journal of Science 9 (3), 64-69,</i> <i>Georgiev M. Agricultural Land Maket in Terms of Economic Crisis Agricultural Sector in the Financial Crisis, 122-127,</i>

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (**no**)

-> If no, go to **PART 6**

2) If yes, please describe which arrangements: please indicates the names:
 -> if more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Refugees	Bulgaria complies with the acts of international law Jus Cogence, as well as those within the EU.	In practice the refugees will not be able to acquire agricultural land.
Foreigners	It should be noted the procedure against Bulgaria under Art. 258 TFEU as regards the infringements of EU law	Citizens of the EU and the European Economic Area may acquire agricultural land under the conditions of Art. 3 to 3(a) of the Law on Land Acquisition, under conditions of "residence" and "clarity of the origin of the funds".
Citizens living in Bulgaria in urban areas	There is no special policy for the Bulgarian citizens who want to go back from the cities to the villages and to use the agricultural land.	
A specific original way of acquiring agricultural land	Acquisition based on prescription possession.	Public property cannot be acquired by legal prescription.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: Procedure for acquisition of agricultural land by foreign entities	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	There is no difference between the acquisition of agricultural land by foreign EU citizens, citizens of the European Economic Area and Bulgarian citizens. If for the Bulgarian citizens the settlement is presumed, then for the others for whom it is allowed - the check is done, with a document certifying the permanent residence in the country. Legal entities that are not registered in the country should certify the origin of funds and compliance with the Law on economic and financial relations with companies registered in jurisdictions with preferential tax regime controlled by them and their actual owners. In practice, it applies to all legal entities.
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	In the Bulgarian legal doctrine it is possible to acquire agricultural land by legal prescription. Public state property and public municipal property - cannot be acquired by legal prescription. Lands from the State Agricultural Land Fund and the Municipal Land Fund may not be acquired by legal prescription. (See the texts of - Article 24 (7) of the ALOUA Article 7 (1) of the State Land Act and Article 7 (1) of the Municipal Land Act. There are no privileges in acquisition.

3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Legal prescription is possible way to acquire agricultural property. Until 1999, it was possible to acquire entire un-restituted properties. (The doctrine used the term "unclaimed land." This possibility does not currently exist.
4) Please provide a short description of the arrangement (how it works)	<p>The acquisition of property by legal prescription follows from the institutes of "possession" - Art. 68 of the Property Act. It should be divided into two types, „conscientiously" (Art. 70 of the PA) and „unconscientiously " (Art. 73 of the Property Act) .</p> <p>For example, the owner of any ideal part of the property (agricultural land) who is using that part, subject to the prerequisites for obvious, continuously, calm, manifested possession, this owner may request a notarized deed of ownership of the entire property.</p> <p>It is possible to acquire by legal prescription, if the real estate is possessed on a legal basis, suitable for making it the owner, without knowing that its trustee is not the owner or that the form prescribed by law has been vitiated. For example, the owner does not know that the form of the notary deed is vitiated or that the procedure for confession of the transaction has not been followed, etc.</p>
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	There are no special privileges in this order.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?	The notarial procedure of such an acquisition is more complicated. Three witnesses are involved in the procedure - who should know both the owner and the concrete property.
7) Please describe any other features related to application of the arrangement.	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	In the Bulgarian law - this is a security proceeding. The notary should certify the legal will. General supervision is performed by the Registry Agency, whose officials are registering the deed of ownership.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	It is difficult to abuse. However, the witnessing evidences may not be accurate. The deed of ownership, by legal prescription, is a subject of a litigation according the Civil Procedure.
10) How frequently is the arrangement used? If infrequently, why?	This method of acquiring property (agricultural land) is not as common as the secondary methods (purchase, sale and donation). It is not significantly rarer than inheritance by law.

11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The legislation is stable and has not been seriously amended. However, at the beginning of the period (1992-1999) illegal acquisitions of agricultural land were allowed in this way, which in some cases was the cause of social conflicts in some settlements.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No link can be made between the acquisition order and the effects cited above.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No direct link can be made between the quoted line and any innovations. However, electronic formats and possibly integrated public registers should be seen as an innovation which will make the processes cheaper and more secure.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Georgiev M. Integrated Approach to Improving Institutional Environment (for Example Land) Agricultural Sciences 4 (12), 119-128 Georgiev M. Cybernetic approach in the management of economic, legal and social processes, Vocational Education 15 (3), 250-258. Christina Yancheva, Minko Georgiev, Dimitar Grekov, Dimo Atanasov, Marin Todorov, Dafinka Grozdanova, Hinrich Meyer-Gerbault 2017, Agri-Land Management in Bulgaria - Current Legal State of Play Regarding Tenure, CEDR Journal of Rural Law, CEDR Journal de Droit Rural , V.3, №1, pp.26-32, 2017

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

5 Croatia, reporter Frederic Moulin

Frederic Moulin, South-East Europe Manager - AXEREAL

Contact in consortium: CNRS

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'hold' in the country. With regard to access to land, we like some short background information about some specific issues in the EU member state, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, **sometimes**, rare, no⁵)
- 2) Is land often **rented (or leased)** by the farmer? (**yes**, sometimes, rare, no)
- 3) Are **other types of individual land tenure** used in rural areas? (yes, **no**)
- 4) Do **collective ownership or use rights** exist, besides individual rights? (yes, **no**)
- 5) Do **informal land rights or customary land rights** exist in rural areas? (yes, **no**)

1B Protection of tenants and other users of the land

- 1) for farmers renting or leasing farmland (or having another right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/**no**)
 - 2) for farmers renting or leasing farmland, is there some kind protection against an owner wanting to **increase the rent**? (yes/**no**)
 - 3) are rural land prices (selling, renting or leasing) when land is transferred on (sub)national level regulated (so is there a **maximum price** that can be asked for)? (**yes**/no)
- If yes, in what way?

Answer:...local authorities are land managers and set a price each year

1C Land transfer within the family

- 1) if a farmer who owns his land stops (retires, dies) in which way the farm can be transferred within the family: which rules apply?

Answer:...by inheritance or between the father and the son without any particular constraint

- 2) To what extent these rules can **prevent fragmentation** of rural land?

Answer:...In Croatia the dominant strategy is the fragmentation of the large productions units from the communist period

- 3) To what extent these rules help or hinder **access to land for new generations**?

Answer:...the fact of being young and born in the village is an important criterion for having priority entitlement to land that is shared to be put under concession

- 4) If a farmer does not own his land, can he still **pass his rent or lease** to the family as he stops (retires, dies)

Answer:...**NO**

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Answer:...**no**

PART 2: Land policy tools: arrangements / instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about possible arrangements in the EU member state, that directly influence transactions in land, e.g. if land is sold or rented.

Legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

⁵ For the multiple choice questions (possible answers between brackets), please delete the other choices or mark the relevant choice, for example (yes, sometimes, rare, **no**)

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability, can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

2A Intro

1) Do one or several of these kind of arrangements **exist** in your country?

(**yes**, no)

-> If no, go to PART 3

2) Which arrangements: please indicates the names

Name:	applicable in the whole country, or only in specific regions?
Name 1: ...A land management agency was established in 2010	answer: ...hole country

If: different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement or strategy.

-> Arrangement or strategy a

2B Please inform us about:

1) the **legal basis** of the strategy (which Act?)

Treaty of integration of Croatia into the EU in 2010

2) a short **history** of the strategy (since when the strategy exists, why has the strategy been introduced)

answer: **... in order to enable the country's entry into the EU, a land management agency was set up in 2010. It dismembered the large collective farms into several smallest farms given as multi-decennial concessions to farmers. This agency handed over land management to municipalities in 2018**

3) a short **description** of the strategy

answer: **...Land is allocated to applicants according to priority criteria (age, origi of the village or not, being a veteran). They are granted by contract for 5, 30 or 50 years with annual review of this contract**

2C Application of the rules (in which situations is direct intervention possible):

1) depending on **surface**: does application of the rules depend on the surface of the plot? (**yes**/no)

-> if yes in what way?

answer: **...fragmentation of the large collective farms of the communist era**

2) depending in **type of land right** to be transferred: selling the land (ownership), and/ or establishing use rights (rent, leasehold)? (yes/**no**)

3) depending of the **type of land** to be rented or sold (specific type of farming) (yes/**no**)

4) depending of the **features of the land** to be rented or sold (for instance protected natural area, wildfire risk, soil quality, hydric resources) **NO**

5) depending of the **category of people / organisations** that are want to buy or rent. Possible distinctions: a **specific profession** (limited to farmers or not, including type of farmer, self-farming obligations), the **place of residence** (same region, foreigners,...), **amount of land already in possession** (**yes**/no)

-> if yes in what way?

answer: ...**priority for young people from the village or region**

6) is there a **preference right** for a specific category of people / organisations, when land is for sale / for rent?

(yes/no)

-> if yes please explain

answer: ...**land is allocated to applicants according to priority criteria : young people, origin of the village, being a veteran**

7) are the rules only applicable for a **limited period of time**? So if no one is interested to buy or rent the land, some of the rules cease to exist?

(yes/**no**)

8) in case of a limited duration of the rules – is there a **mechanism to solve a dispute on the selling conditions** (including the selling price / rent asked for)?

(yes/**no**)

9) **other factors** that are taken into account in the application of the rules?

(yes/**no**)

2D The people that are in charge of application of the arrangement:

1) Is the arrangement in force by law, or is a separate decision necessary to let the arrangement come into force for a specific area?

(in force by law, separate decision)

If separate decision: who takes that decision?

answer: ...

2) If the system is applicable: **who is taking care that the rules are followed?**

(if a permission system exists: who is in charge of deciding? Is there some advisory board, advising the decision maker, and if so: who)

answer: ...The land management agency integrated in the Ministry of Agriculture ensures that local authorities comply with the rules

2E Hindrances in the use of the arrangement:

1) is it **vulnerable for abuse**? (yes/no)

If yes, why? (loopholes in the legislation, corruption, ...)

answer: ...**the big farms have invested in equipment. They put pressure on the local authorities to keep their surface area and not to be dismembered**

2) have **measures been taken to prevent abuse**? (yes/**no**)

If yes, which

answer: ...

3) how are these **monitored**?

answer: ...

4) is the **workload** of the arrangement an issue? (yes/**no**)

If yes, why?

answer: ...

2F Practice:

1) Indication of the **frequency of use**

answer: ...each year

2) Indication of the **effect of the strategy**

- the position of small ecological farms
- environment and landscape preservation
- employment opportunities and social link in rural areas
- gender equality

answer: ...

- position of small ecological farms: they are very traditional, poor, with vine and goast and the farmer is often old. There is no interest from new generation for biological agriculture, farm sale, etc.
- environment and landscape preservation: there is a lot of abandoned land in hilly areas

- employment opportunities and social link in rural areas: **rural youth often move to the city or abroad. Rural areas have ageing populations**

- gender equality: **There is very few women in agricultural jobs. The issue of gender equality is not addressed**

2G Acceptance of the strategy:

1) Societal / legal **discussions** on the strategy? (**yes** / no)

If yes, about what?

answer: ...local elected officials are hampered by the responsibility for land distribution and are under significant pressure

2) **Legal issues** with the strategy, case law? (yes / no)

If yes, about what?

answer: ...

2H Future of the strategy:

1) **Foreseen changes**? Discussion about changes? (yes / no)

If yes, about what?

answer: ...

2I Documentation

1) Research about the strategy; **publications**? (yes/no)

2J Promising examples

1) Do you know **promising examples** of the use of the strategy in a specific areas and or innovative application? (yes/**no**)

-> In case of: another arrangement / strategy, please describe this one in the same format

PART 3: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about possible arrangements in the EU member state, that indirectly influence transactions in land, by supporting specific transactions, for example in making them financial more feasible / attractive, or less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of land in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

3A Intro

1) Do these kind of strategies in your country exist, based on national or subnational policies:

- a granting / subsidizing scheme for specific transactions

- special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes/**no**)
-> If no, go to **PART 4**

PART 4: Arrangements / instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements / strategies in the EU member state, by which land is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

4A Intro

- 1) Do these kind of strategies in your country exist, based on national or subnational policies?
(yes/**no**)
-> If no, go to **PART 5**

PART 5: Land organisation

In this part of the questionnaire, we ask you about some topics about the way the land market is organised

5A Planning policy

- 1) Does the country has some kind of **farmland protection in the planning system**?
(Yes/**no**)
2) Is this protection based on **national policies**?
(Yes/**no**)
3) Is it easy for a **local government** to change farmland into an urban development area?
(Yes/no)
If yes, please explain

answer: ...**the local community has been managing the land since 2018. The rural exodus is putting pressure on urbanisation around towns, which is leading the surrounding villages to accept urbanisation.**

- 4) Is it possible within the planning system to make a distinction between regular farming and **agro-ecological farming**?
(Yes/**no**)
- If yes, please explain

answer: ...

5B Land consolidation and fragmentation

- 1) has the member state some kind of legally based **land consolidation system**, by which fragmented land can be reallocated?
(yes/**no**)
2) if yes: is it **often used**? (yes, sometimes, rare, no).
3) if yes: a system exists: do differences occur with regard the **size and the type of farm** that benefits from the use of land consolidation?

Answer: ...

- 4) What is the **impact** of this system to **access for land for new generations**?
Please explain

Answer: ...

5C Land redistribution

1) has the member state some kind of redistribution / community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes?

(yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: a system exists: do differences occur with regard the **size and the type of farm** that benefits from the use of the land redistribution

Answer: ...**the farms resulting from the fragmentation are much larger than traditional farms**

4) What is the impact of this system to access for land for new generations?

Please explain

Answer: ...**a young person can easily settle in his village when a large farm is fragmented. There are 2 problems: it's difficult if he doesn't live in the village and the fragmentation of a large profitable farm leads to several small farms that may no longer be profitable.**

PART 6: Other strategies and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising strategies at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned strategies in a specific area

If you don't have any extra information, you can skip this part

6 Cyprus, reporter Demetris Demetriou

Dr Demetris Demetriou

Contact in consortium: TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)
- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row in the table**

Collective rights	Name	Often used?
Name (English and in National language)	Co-ownership (a piece of land is owned by more than one landowners. Sometimes it can be owned by tens or a couple of hundreds of owners!)	(<u>yes</u> , no)
(optional) Name 2 (English and in National language)	Dual or multiple ownership-i.e. the land, trees, water (e.g. a well) within a parcel may be owned by different persons.	(yes, <u>no</u>)

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row in the table**.

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Formal rights only: right of way/access, right of irrigation, right of usufruct, right of access for maintenance purposes etc.	(<u>yes</u> , no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

The Law on Contracts, The Law on Financial Leasing, the Law on Rent

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

The Law on Contracts, The Law on Financial Leasing, the Law on Rent

- 3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

6 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

If a farmer retires then it is up to her/him to distribute his/her property. If he/she die then the distribution is carried out based on The Law on the Management of Inherited Heritage. In simple words, her/his property is equally divided to children and wife/husband.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

No. A new agreement shall be established depending of course on the provisions of the current contract in force.

3) To what extent these rules can **prevent fragmentation** of rural land?

The Immovable Property (Tenure, Registration and Valuation) Law has some provision to prevent fragmentation in the case property included in a land consolidation area or in other cases there some provisions defining a minimum size of divided parcels.

4) To what extent these rules help or hinder **access to land for new generations**?

The relevant legislation do not hinder in anyway access to land from new generations. However, in the cases of inheritance, land may be distributed to several people hence it may be transferred a small piece of land to each child (which cannot be effectively exploited).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

While it is not easy it is possible. Also, until recently, the Declaration Policy for the County Regions, provisions for agricultural land, permitted to build a house, if a parcel had a size more than 4000 m².

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

Yes. The zoning system involves some types of land for high protection e.g. NATURA zone, good agricultural land, area for ecological protection etc.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

Land consolidation is applied in Cyprus since 1960 after the establishment of Land Consolidation Legislation in 1969.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

Land consolidation is applied solely in agricultural areas aiming to the sustainable agricultural development and secondly to the environmental protection. There are two types of areas: arid and irrigated areas. In the latter case, an irrigation network is constructed providing water for agricultural purposes. In both cases, a road network with environmental friendly aggregated material as surface, is constructed to provide access in all new parcels. Both farmers and non-farmers are benefit from land consolidation but in some areas the majority of landowners are full time or part-time farmers. Actually, land consolidation applies all its instrument in all areas but inevitably some areas and some landowners are benefited more depending on how the exploit their land.

It should be note that, despite the successful implementation of land consolidation in Cyprus for around 50 years, the last 7 years have been postponed several projects for various socio-economic reasons. The continuous declining of the agricultural sector in Cyprus since 70s-80s is a main reason and also the recent financial crisis since 2013.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

Land consolidation, with its various measures for promoting rational agricultural development, enhances the opportunities of new and young farmers dealing with this profession either at a full time or part-time basis. Land consolidation measures also favour farmers to apply for funding via EU's relevant programs. However, the actual impact of land consolidation to new generations is quite low.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 4

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

7 Czech Republic, reporter: Antonín Vaishar

doc. RNDr. Antonín Vaishar, CSc., Masaryk University, Brno

Contact in consortium: UWR

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (27%)
- 2) Is land often **rented (or leased)** by the farmer? (73%)
- 3) Are **other types of individual farmland tenure** used? (no)
- 4) Do **collective ownership or use rights** exist? (yes)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Name (English and in National language)	Agricultural Cooperative Zemědělské družstvo	About 55% of legal entities in agriculture
(optional) Name 2 (English and in National language)	Joint stock companies Akciová společnost, a.s.	yes
(optional) Name 3 (English and in National language)	Limited liability companies Společnost s ručením omezeným, s.r.o.	yes
	Trading companies, obchodní společnost	no
	Some land belongs to the army (Military Forests and Estates) and to schools (Czech University of Life Sciences, Mendel University, secondary agricultural technical schools). Also the Church belongs to important land owners	

- 5) Do **informal land rights or customary land rights** exist? (yes)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Right of endurance	(yes, no)
(optional) Name 2 (English and in National language)	Easements	(yes, no)
(optional) Name 3 (English and in National language)	Neighbourhood rights	(yes, no)
(optional) Name 4 (English and in National language)	The right of crossing	

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes)

If yes, which?

The notice period on the part of the lessor is six months and ends on September 30 of the current year.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (no)

If yes, which?

This depends on the provisions of the specific contract and the agreement of both parties. Unilateral rent increase by the landlord is not possible.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (no)

If yes, in what way?

The price of land is not regulated. However, there is an official land valuation for each cadastral area, which allows the orientation of both parties. However, market prices can be substantially different.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

In this case, the land can be donated, sold (during the life of the original owner) or inherited (after his death). The same rules apply as for movable property

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

No, the transfer of the leased land to another person is considered a reason for immediate termination of the contract by the owner. In this case, the six-month notice period does not apply

3) To what extent these rules can **prevent fragmentation** of rural land?

Fragmentation of agricultural land is not a current problem. Trends tend to buy land in order to consolidate it.

4) To what extent these rules help or hinder **access to land for new generations**?

The interest in individual farming on small plots in the countryside is not great. Entrepreneurs in a larger scale would have to buy or rent land. On the other side, there is a high interest in the gardens of the inhabitants of large and medium-sized cities; however, this land is not used for market sales of production.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes)

2) Is this protection based on **national policies**? (no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (no)

If yes, please explain

The protection of agricultural land is governed by Act 334/1992 Coll., Which set fees for the transfer from agricultural land to building land. The law is the responsibility of the Ministry of the Environment - not the Ministry of Agriculture. The set transfer fees were very low, which caused the cessation of the best agricultural land around the cities. It was only in 2011 that fees increased significantly (up to fifteen times in the vicinity of cities), so today the problem of transfer is no longer advantageous for speculative reasons.

Spatial plans are prepared at the level of regions and municipalities. This activity is methodologically under the responsibility of the Ministry for Regional Development.

On the regional and local scale, territorial plans which clearly define areas for individual activities are a tool for the protection of agricultural land.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (no)

If yes, please explain

In practice, organic farming is tackled more as a matter of meeting the conditions for subsidies - not as part of land use plans.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes)

If yes, please explain

At present, in addition to standard problems (re-parcelling, access to land, erosion protection, creating ecological stability systems), land consolidation aims to digitize cadastres and correct problems of the previous regime, which did not decide on the basis of landowners but the users of land (agricultural cooperatives, state goods, etc.), which created plots that do not respect traditional relations.

2) if yes: is it **often used**? (yes).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

Of 6,250 municipalities, 2,600 complex land consolidations have been finished, 1,540 are under elaboration, 750 are planned. The implementation of land improvements is problematic. In reality, plans are most often implemented in which a strong investor is interested (for example in connection with the construction of transport infrastructure).

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

Any access of the new generation for land is not an issue. Forty years of socialist operation disrupted relations between land owners and users almost completely. After the fall of communism, low interest of the new generation to continue in operation of the land was rather a problem. The majority of land owners leased or sold their land being engaged in different economic activities.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (no- it is only intended)

2) if yes: is it **often used**? (no).

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

The Ministry of Agriculture intends to limit the maximum size of a single crop field to 30 hectares from 2021. The main reason is to prevent erosion. Restrictions in terms of land release for the needs of municipalities or farmers are not considered and there is no demand for it.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

none

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (no)

-> If no, go to PART 4

2) If yes, please describe which arrangements: please indicates the names:

*-> If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Ban on the purchase of agricultural land by foreigners	This transitional measure ended in May 2011. In fact, foreigners from EU countries were allowed buy land if they have been resident in the Czech Republic for at least three years, or if they set up a business (such as a limited liability company) based in the Czech Republic. In fact, foreigners owned tens of thousands of hectares of agricultural land in the Czech Republic before 2011.
If applicable: Name of Arrangement 2 (English and in National language)	Option	According to the suggestion, when selling agricultural land over 1000 m ² , the persons who farm the land (with certain exceptions) should have a pre-emptive right. The right of option should prevent speculation on agricultural land and stop its loss, when large and foreign investors buy land for the purpose of its use for non-agricultural purposes. The law has never been passed. Pressures to pass the law are repeated periodically.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Subsidies for young novice farmers		Yes
If applicable: Name of Arrangement 2 (English and in National language)	Land Purchase Support Program	Loan re-payment support for SMEs in primary agricultural production	Yes

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Subsidies for young novice farmers	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The purpose of the payment is to provide the applicant with funds the initial period of his agricultural business. It operates since 2015
2) Please provide a short description of the arrangement (how it works)	The aid is intended for agricultural business in general. It could include also buying of agricultural land including land for growing energetic crops. The rate per hectare is 1697 CZK (approx. 63 EUR).
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land)	Maximum area for support is 90 ha.

– natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	The subsidy is intended for persons who are not older than 40 years and who are setting up an agricultural enterprise as its manager for the first time
5) Please describe any other features related to application of the arrangement.	answer: ...
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	State Agricultural Intervention Fund
7) Indicate the amount of money involved , related to the land price in the transaction	
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	
10) How frequently is the arrangement used? If infrequently, why?	The aid is distributed annually. The same farmer can use it once.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The aim of the measure is to enable young people to start a business in agriculture in order to reduce rural depopulation. Only the age of the farmer is taken into account, neither the place of residence nor sex of the applicant.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

4C Arrangement 2, 3,

-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

Arrangement 2, Name: Land Purchase Support Program	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Subsidies for the acquisition of agricultural land as the primary means of production of primary agricultural producers can be obtained by small and medium-sized enterprises that qualify for <i>de minimis</i> aid. The support is provided for a business plan, which means the purchase of land, the announced investment program of the Support and Guarantee Fund for Agricultural and Forestry Fund.
2) Please provide a short description of the arrangement (how it works)	Following projects are supported: Subsidies of part of the interest on the loan to business entities in the field of agriculture, subsidies for the purchase of land. The maximum amount of aid is EUR 15,000. The maximum percentage rate of support is 5%, while the support will be provided only for loan repayments paid by the applicant. The maximum amount of the supported loan can be CZK 10 million. The interest burden of the Beneficiary resulting from the loan must be at least 0.5% p.a. The loan provided to the applicant for the purchase of non-state agricultural land for which support is to be provided may not be less than 100 thousand CZK (about 3,600 EUR).
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	no
4) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Beneficiaries of support may be Small and medium enterprises which are agricultural entrepreneurs within the meaning of the law, at the same time they are agricultural primary producers.
5) Please describe any other features related to application of the arrangement.	
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Support and guarantee farm and forestry fund
7) Indicate the amount of money involved , related to the land price in the transaction	
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	In the first accounting period following the period in which the application was submitted, the applicant must achieve income from agricultural production, from activities in the field of processing production from agricultural production by subsidies from public sources and other benefits of at least 25% of total income and income below achieved for the duration and effectiveness of the grant agreement. The applicant must undertake to operate agricultural production on the purchased

	land for the period when PGRLF, a.s. provides support under this program, but for a minimum of five years. Purchased land may not be the subject of a contractual transfer (eg sale or donation) or lease for the entire duration of the contractual relationship with PGRLF, a.s. without his prior written consent. The applicant must qualify for <i>de minimis</i> aid under Commission Regulation (EC) No 1535/2007 of 20 December 2007 on the application of Articles 87 and 88 of the EC Treaty to <i>de minimis</i> aid in the agricultural production sector. The applicant must not be a firm in difficulty.
10) How frequently is the arrangement used? If infrequently, why?	annually
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The main purpose of the aid is to favor the purchase of agricultural land by farmers and to limit its sale to non-agricultural entities.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Privatisation of the land belonging to the state	About 500,000 ha of the state land have been privatized. The process of privatisation is more or less finished. The last public discussions on this topic took place around 2010.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

In Czechia, there is great interest in buying agricultural land. However, the motive does not seem to be the effort of young villagers to start a business in agriculture. Rather, it is that existing entrepreneurs are either buying the land they have leased so far, or are trying to expand or consolidate their land. Some purchases are speculative. Buyers are speculating either on the later transfer of land to building land, or simply want to save their funds by investments to the land.

Access to land does not seem to be the cause of the depopulation of the Czech countryside. The number and share of the Czech population living in municipalities with less than 5,000 inhabitants has been growing absolutely and relatively for 25 years. All size categories of rural municipalities have a positive migration balance. The decline is recorded in about one third of rural municipalities; some very small municipalities in remote micro-regions without urban centers are endangered by depopulation. When young and educated people leave the countryside, their motivation is to look for a prestigious and well-paid job, an interest in a richer cultural life and, to a lesser extent, too much social control in the countryside. These motives cannot be addressed by promoting employment opportunities in agriculture. By the way at least in the Moravian part of the country, the unemployment in rural municipalities is in all cases lower than unemployment in their urban centers.

8 Denmark, reporter Martin Hvarregaard Thorsøe

Aarhus University, Assistant Professor, Agricultural systems and Sustainability, Researcher

Contact in consortium: ILS

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁷)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)
- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	Cooperative farms	(yes, <u>no</u>)

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

Answer: not familiar with specifics

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer: Rent fixed in contract

- 3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

- 1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: 5-10 % inheritance tax has to be paid/often value is distributed between heirs

- 2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Answer: yes, but not relevant, contracts are often short term

- 3) To what extent these rules can **prevent fragmentation** of rural land?

answer: they do not really protect against fragmentation

- 4) To what extent these rules help or hinder **access to land for new generations**?

7 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

answer: difficult to enter because enterprises have grown in size and are expensive

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)
- 2) Is this protection based on **national policies**? (yes/no)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: municipalities may convert to other landuses upon request/as a part of local planning initiatives. Don't know if it is difficult

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: yes "natural lands" are protected under clause 3 in the nature protection act

2B Land consolidation and fragmentation

- 1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: on a voluntary basis, but not commonly used, mainly for infrastructure constructions

- 2) if yes: is it **often used**? (yes, sometimes, rare, no).

- 3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: ...

- 4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: Which? Generally difficult, but not due to policies, but rather due to land concentration and access to credit

2C Land redistribution

- 1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> **If more than three arrangements are used, insert a row in the table below.**

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: this is detailed in the farmland code, a number of provisions are in place.	answer: whole

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions

- special tax regulations supporting specific transactions or making the transactions less attractive

- a financing scheme for specific transactions (giving the buyer a loan)

- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan) (yes, no)

-> **If no, go to PART 5**

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> *if you want to inform us about more than four arrangements, **insert a row** in the table below.*

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	answer: Farming trusts	answer: Collectively funded, by private actors,	answer: National Organic farming Trust and Samsø Økologisk
Name of Arrangement 2 (English and in National language)	answer: Institutional ownership	answer: Giving land access to farmers without opportunities to make investments on their own	answer: Danish Farm Management

9 Estonia, reporters Evelin Jürgenson and Marii Rasva

Evelin Jürgenson and Marii Rasva (Estonian University of Life Sciences)

Contact in consortium: TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁸) **yes and sometimes** –

I cannot choose only one - it is yes if it is small scale farmer, it is sometimes if farmer = agribusiness that is often Estonian producer

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no) – **yes and sometimes** –

It is similarly as previous – agribusinesses rent land, small scale farmers not so often. However the rented land proportion is high in Estonia.

3) Are **other types of individual farmland tenure** used? (yes, no) **No**

4) Do **collective ownership or use rights** exist? (yes, no) **No**

5) Do **informal land rights or customary land rights** exist? (yes, no) **No**

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no) **Yes** (however it is universal for all contracts and it is coming from Law of Obligation Act)

If yes, which?

answer: Law of Obligation Act regulates the rules of a commercial lease contract (chapter 10, section 1 <https://www.riigiteataja.ee/en/eli/ee/515012020004/consolide/current>). The regulations for commercial lease and the rules of protection for the commercial lessor and lessee are universal. There are two types of a commercial lease contracts: contract for a specified term and contract an unspecified term. Nevertheless there are some special regulations (deviations from ordinary commercial lease contract) for the agricultural lease contract:

§ 352: If, in the case of **an agricultural lease contract** entered into for at least three years, neither party gives notification at least two months before the expiry of the contract that the party does not wish to extend the contract, the contract is presumed to have become an agricultural lease contract entered into for an unspecified term after expiry of the term. Agreements which derogate from this to the detriment of the commercial lessee are void.

§ 353 (2) The parties may cancel **an agricultural lease contract** entered into for an unspecified term by giving at least one year's notice. The contract may be cancelled only such that it expires on 1 April or 1 October.

§ 354 The cancellation of **an agricultural lease contract** or a commercial lease contract of premises is valid only if it is prepared in a format which can be reproduced in writing.

§ 355 If, in the case of **an agricultural lease contract**, the commercial lessee becomes permanently incapacitated for work, the commercial lessee may cancel the commercial lease contract by giving at least one month's notice.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no) **Yes**

If yes, which?

8 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

answer: Protection is universal for all a commercial lease contracts and it is regulated by Law of Obligation Act.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no) **No**
If yes, in what way?

answer: No regulation for maximum price, it is totally the issue of market.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: In the case of retirement it is possible use contracts regulated in Law of Obligations Act. For instance contract of sale or gratuitous contract. Law of Succession Act regulates in the case of death. Succession is the transfer of the property of a person upon his or her death to another person.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Answer: Law of Obligation Act § 356. **Death of commercial lessee in agricultural lease contract**
 (1) If, in the case of an agricultural lease contract, the commercial lessee dies, the spouse who lived together with the commercial lessee may take the place of the commercial lessee in the agricultural lease contract. If the commercial lessee did not have a spouse who lived together with him or her or the spouse does not wish to take the place of the commercial lessee in the agricultural lease contract, other successors have the right to take the place of the commercial lessee in the agricultural lease contract pursuant to an agreement between them.
 (2) The spouse or other successors of a commercial lessee may take the place of the commercial lessee in an agricultural lease contract within one month as of the death of the commercial lessee by submitting a corresponding notice to the commercial lessor.
 (3) If the person who takes the place of a party to an agricultural lease contract is evidently unable to manage the object of the commercial lease contract in a regular manner or if the commercial lessor cannot be expected to continue the commercial lease contract for other reasons, the commercial lessor may cancel the contract within 30 days as of receipt of a notice concerning the fact that the person will take the place of the party to the contract.
 (4) If the spouse of the commercial lessee or any other entitled person does not take the place of the commercial lessee in the contract, the successors of the commercial lessee or the commercial lessor may cancel the commercial lease contract and shall give at least six months' notice thereof in a format which can be reproduced in writing.

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: The rules do not cover the prevention of fragmentation.

4) To what extent these rules help or hinder **access to land for new generations**?

answer: The previous regulations help to take over the farming (for example Law of Obligation Act § 356).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

Yes

2) Is this protection based on **national policies**? (yes/no) **Yes**

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) **Yes**

If yes, please explain

answer: It has been quite easy to change farmland into and urban development area with a spatial plan. This kind of changes took place at the beginning years of restoration of independence (after 1991). The awareness was low and real estate developers had possibility to earn a lot of money for this activity. Unfortunately, this is still too easy to change farmland into urban development areas, as the law that gives explicit criterions for the farmland protection is missing and also the compensations mechanisms not developed. I mean the case of land take for example if you change the natural land to other usage then you must compensate this activity somehow. This kind of mechanisms are missing in Estonia.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no) **No**

If yes, please explain

answer: The Planning Act (<https://www.riigiteataja.ee/en/eli/505042019003/consolide>) regulates the issue of land use. The planning system covers the four levels of the plans: national spatial plan, county-wide spatial plan, comprehensive plan, detailed spatial plan. Two last is on the municipality level and beside these plans, there has been the strategic plan (development plan) that planning measures and financial resources on the level of the municipality. The national spatial plan has been more as a strategy. County plan has been between the strategy and land use planning, it is still state level. Two lower levels that are under the responsibility of the municipality define mostly the land use. The planning logic is that the higher-level plan gives the directions and lower levels specify these directions. Same time the plan from the lower level can make changes on the higher level of plan.

There are special rules in The Planning Act:

- § 14. (1) The functions of a national spatial plan are: 5) to determine measures to ensure the preservation and functioning of valuable landscapes, **valuable arable land** and the green network;
- § 56. (1) The functions of county-wide spatial plans are: 7) **to state the general conditions of use for the preservation of valuable agricultural land**, landscapes and natural biotic communities;
- § 75. (1) The functions of comprehensive plans are: 14) **to designate valuable agricultural land**, green areas, landscapes, individual features of landscapes and natural biotic communities and to state the conditions for their protection and use;
- § 126. (1) The functions of the detailed spatial plan are: 15) to define built-up areas of cultural and environmental value, to assign the status 'valuable' to individual objects and **to areas of arable land**, and to determine the conditions for the protection and use of such areas and objects, provided such areas or objects have not been defined or assigned as valuable in the comprehensive plan;

Unfortunately, there has not explained the meaning and criterions for valuable agricultural land. Everyone must define these criterions.

The Ministry of Rural Affairs has requested to solve this problem and they have initiated the law project that purpose is to regulate the protection of valuable agricultural land in order to them for the agricultural production in the further and not allow to change the land use. This process has

been long as there have been many counterarguments for this regulation. This act will protect the agricultural land that is essential for the agricultural production. This draft act is still pending

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no) **Yes**

If yes, please explain

answer: There is Land Consolidation Act since 1995 that is regulating these issues. Unfortunately, the land consolidation is used very rarely. I have described the situation in next article page 41: Jürgenson, E. (2016). Land reform, land fragmentation and perspectives for future land consolidation in Estonia. Land Use Policy, 57, 34–43.

<https://doi.org/10.1016/j.landusepol.2016.04.030>.

The Land Consolidation Act was amended lately concerning the implementation of the project of Rail Baltic. Rail Baltic is an international rail connection that will connect Estonia with Central and Western Europe and its neighbours. It is a high-speed railway. The railway route ensures speeds of up to 240 km/h. It is the essential project in Estonia that needs the land for the implementation. Now, it is possible acquire land for this kind of objects through the project of land consolidation. The use of comprehensive land consolidation is still rare. However, often has used the simple land management tools (exchange, correction of borders etc.)

2) if yes: is it **often used**? (yes, sometimes, rare, no). **No**

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: It can be helpful. Unfortunately, we cannot share the experience.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no) **NO**

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: In Estonia is missing the policy that enable the fragmentation of large concentrations of land or we can say the opposite that we have the policy not disturb the agricultural land use and ownership market. This lastly mentioned policy do not support the access for land for new generation. The agricultural land use pattern and its changes in Estonia has handled in the next article: Jürgenson, E., & Rasva, M. (2020). The Changing Structure and Concentration of Agricultural Land Holdings in Estonia and Possible Threat for Rural Areas. Land, 9(2), 41. <https://doi.org/10.3390/land9020041>.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) **Yes**

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, insert a row in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language) No special name	answer: Restrictions on Acquisition of Immovables Act (hereafter RAIA) (https://www.riigiteataja.ee/en/eli/523102017002/consolide) § 4 (1): A citizen of Estonia or another country which is a contracting party to the EEA Agreement or a member state of the Organisation for Economic Cooperation and Development (hereinafter <i>Contracting State</i>) has the right to acquire an immovable which contains agricultural or forest land without restrictions.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 2 (English and in National language) No special name	answer: RAIA § 4 (2): A legal person the seat of which is in a Contracting State (hereinafter legal person of a Contracting State) has the right to acquire an immovable which contains less than ten hectares of agricultural land, forest land or agricultural and forest land in total without restrictions.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 3 (English and in National language) No special name	answer: RAIA § 4 (3): A legal person of a Contracting State has the right to acquire an immovable which contains ten hectares or more of agricultural land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union, except fishery products and cotton (hereinafter agricultural product).	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 4 (English and in National language) No special name	answer: RAIA § 4 (4): A legal person of a Contracting State has the right to acquire an immovable which contains ten hectares or more of forest land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in forest management within the meaning of the Forest Act (hereinafter forest management) or production of agricultural products.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 5	answer: RAIA § 4 (5): A legal person of a Contracting State has the right to acquire an immovable which contains less than ten hectares of agricultural land and less than ten hectares of	answer: this arrangement is applicable

(English and in National language) No special name	forest land, but ten hectares or more of agricultural and forest land in total, if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products or forest management.	in the whole country.
If applicable: Name of Arrangement 6 (English and in National language) No special name	answer: RAIA § 5 (1): A citizen of a third country has the right to acquire an immovable which contains agricultural or forest land only with the authorisation of the council if the citizen has resided in Estonia permanently for a period of at least six months immediately before applying for the authorisation or if the citizen has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, as a sole proprietor in: 1) production of agricultural products if the immovable to be acquired contains agricultural land, or 2) forest management or production of agricultural products if the immovable to be acquired contains forest land or both agricultural and forest land.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 7 (English and in National language) No special name	answer: RAIA § 5 (3): A legal person of a third country has the right to acquire an immovable which contains agricultural land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 8 (English and in National language) No special name	answer: RAIA § 5 (4): A legal person of a third country has the right to acquire an immovable which contains forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in forest management or production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 9 (English and in National language) No special name	answer: RAIA § 5 (5): A legal person of a third country has the right to acquire an immovable which contains both agricultural and forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products or forest management and if a branch of the legal person is entered in the Estonian commercial register.	answer: this arrangement is applicable in the whole country.
If applicable: Name of Arrangement 10 (English and in National language) No special name	answer: RAIA § 10 (1): Any natural person who is not a citizen of a contracting party to the EEA Agreement or any legal person whose seat is not in a contracting party to the EEA Agreement is prohibited from acquiring immovables in the following areas or, in the event of changes in the size or name of such areas, within their boundaries as at 31 December 1999: 1) the sea islands, except Saaremaa, Hiiumaa, Muhu and Vormsi;	answer: this arrangement is applicable only in the areas mentioned in it.

	<p>2) in the county of Ida-Virumaa: the cities of Narva, Narva-Jõesuu and Sillamäe and the rural municipalities of Alajõe, Iisaku, Illuka, Toila and Vaivara;</p> <p>3) in the county of Tartumaa: the rural municipalities of Meeksi and Piirissaare;</p> <p>4) in the county of Põlvamaa: the rural municipalities of Mikitamäe, Orava, Räpina and Värskä;</p> <p>5) in the county of Võrumaa: the rural municipalities of Meremäe, Misso and Vastseliina.</p>	
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-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: A citizen of Estonia or another country which is a contracting party to the EEA Agreement or a member state of the Organisation for Economic Cooperation and Development (hereinafter <i>Contracting State</i>) has the right to acquire an immovable which contains agricultural or forest land without restrictions.	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act (https://www.riigiteataja.ee/en/eli/523102017002/consolide) Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/ Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain agricultural or forest land by persons of Contracting States
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality,	answer: this arrangement applies only on agricultural and forest land.

etc. – or type of farming practiced on the land?). Please indicate and explain.	
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies only on citizen of Estonia or Contracting State.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable; the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: no
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: no
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	

13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

3C Arrangement 2, 3, ...

-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

Arrangement 2, Name: A legal person the seat of which is in a Contracting State (hereinafter legal person of a Contracting State) has the right to acquire an immovable which contains less than ten hectares of agricultural land, forest land or agricultural and forest land in total without restrictions.	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act /Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain agricultural or forest land by persons of Contracting States
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: this arrangement depends on the size of the plot (less than 10 ha) being transferred and it applies only on agricultural and forest land.

6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies only on legal person of a Contracting State.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable; the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: no
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or	answer: ...

your own language, please copy/paste URLs when possible)	
Arrangement 3, Name: A legal person of a Contracting State has the right to acquire an immovable which contains ten hectares or more of agricultural land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union, except fishery products and cotton (hereinafter agricultural product).	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain agricultural land by persons of Contracting States
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: this arrangement depends on the size of the plot (≥ 10 ha) being transferred and it applies only on agricultural land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies only on a legal person of a Contracting State who has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union, except fishery products and cotton.
7) Please describe any other features related to application of the arrangement (e.g. time period for	answer: ...

validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable; the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Arrangement 4, Name: A legal person of a Contracting State has the right to acquire an immovable which contains ten hectares or more of forest land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in forest management within the meaning of the Forest Act (hereinafter forest management) or production of agricultural products.

Description of the arrangement

1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain forest land by persons of Contracting States
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: this arrangement depends on the size of the plot (≥ 10 ha) being transferred and it applies only on forest land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies only on legal person of a Contracting State who has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in forest management within the meaning of the Forest Act or production of agricultural products.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable;

	the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Arrangement 5, Name: A legal person of a Contracting State has the right to acquire an immovable which contains less than ten hectares of agricultural land and less than ten hectares of forest land, but ten hectares or more of agricultural and forest land in total, if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products or forest management.

Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the

	<p>acquisition of immovables arising from national security reasons.</p> <p>The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)</p>
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain agricultural or forest land by persons of Contracting States
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: this arrangement depends on the size of the plot being transferred and it applies only on forest and agricultural land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies on a legal person of a Contracting State. If acquiring more than 10 ha of agricultural or forest land the legal person needs to has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products or forest management.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable; the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...

12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Arrangement 6, Name: A citizen of a third country has the right to acquire an immovable which contains agricultural or forest land only with the authorisation of the council if the citizen has resided in Estonia permanently for a period of at least six months immediately before applying for the authorisation or if the citizen has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, as a sole proprietor in:

- 1) production of agricultural products if the immovable to be acquired contains agricultural land, or
- 2) forest management or production of agricultural products if the immovable to be acquired contains forest land or both agricultural and forest land.

Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/ Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus).
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain forest and agricultural land by persons of third countries
Rules of application of the arrangement	

5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: no
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies on a citizen of a third country if the citizen has resided in Estonia permanently for a period of at least six months immediately before applying for the authorisation or if the citizen has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...
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Arrangement 7, Name: A legal person of a third country has the right to acquire an immovable which contains agricultural land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.

Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus)
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain agricultural land by persons of third countries
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: this arrangement applies only on agricultural land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies on a legal person of a third country if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.

7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Arrangement 8, Name: A legal person of a third country has the right to acquire an immovable which contains forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in forest management or production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.

Description of the arrangement

1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/ Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus).
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain forest land by persons of third countries
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: this arrangement applies only on forest land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies on a legal person of a third country if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in forest management or production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable

9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

Arrangement 9, Name: A legal person of a third country has the right to acquire an immovable which contains both agricultural and forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products or forest management and if a branch of the legal person is entered in the Estonian commercial register.

Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons.

	The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/ Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus).
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables used as profit yielding land which contain forest land by persons of third countries
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: this arrangement applies only on agricultural and forest land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: this arrangement applies on a legal person of a third country if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products or forest management and if a branch of the legal person is entered in the Estonian commercial register.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables used as profit yielding land is monitored by the local government of the location of the immovable.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation	answer: ...

- employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...
Other comments on the arrangement	

Arrangement 10, Name: Any natural person who is not a citizen of a contracting party to the EEA Agreement or any legal person whose seat is not in a contracting party to the EEA Agreement is prohibited from acquiring immovables in the following areas or, in the event of changes in the size or name of such areas, within their boundaries as at 31 December 1999:

- 1) the sea islands, except Saaremaa, Hiiumaa, Muhu and Vormsi;
- 2) in the county of Ida-Virumaa: the cities of Narva, Narva-Jõesuu and Sillamäe and the rural municipalities of Alajõe, Iisaku, Illuka, Toila and Vaivara;
- 3) in the county of Tartumaa: the rural municipalities of Meeksi and Piirissaare;
- 4) in the county of Põlvamaa: the rural municipalities of Mikitamäe, Orava, Räpina and Värska;
- 5) in the county of Võrumaa: the rural municipalities of Meremäe, Misso and Vastseliina.

Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Restrictions on Acquisition of Immovables Act/Kinnisasja omandamise kitsendamise seadus
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: this arrangement is directly in force by the Act.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the Act containing this arrangement came into force in 04.03.2012. This Act provides the restrictions on the acquisition of immovables used as profit yielding land arising from public interest and the restrictions on the acquisition of immovables arising from national security reasons. The older version of this act came into force in 29.05.1996 (Law of restrictions for transfer the immovable to foreigner, foreign state and a legal entity/ Välismaalasele, välisriigile ja juriidilisele isikule kinnisomandi üleandmise kitsendamise seadus).
4) Please provide a short description of the arrangement (how it works)	answer: this arrangement puts restrictions on acquisition of immovables arising from national defence reasons
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of	answer: no

the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: no
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: For reasons of national importance, the Government of the Republic may grant authorisation, by an order, to this person for the acquisition of an immovable in mentioned areas.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: the acquisition of immovables arising from national security reasons is monitored by the minister responsible for the area.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: constantly
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or	answer: ...

your own language, please copy/paste URLs when possible)	

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
- special tax regulations supporting specific transactions or making the transactions less attractive
- a financing scheme for specific transactions (giving the buyer a loan)
- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)

(yes, no) **No**

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) **No**

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

10 Finland, reporters Kalle Konttinen, Leena Kristeri

Conclusion of answers from two reporters:

Kalle Konttinen (National Land Survey)

Leena Kristeri (The Central Union of Agricultural Producers and Forest Owners)

Contact in consortium: UTU

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (**yes**, sometimes, rare, no⁹)
- 2) Is land often **rented (or leased)** by the farmer? (yes, **sometimes**, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, **no**)
- 4) Do **collective ownership or use rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row in the table**

Collective rights	Name	Often used?
Name (English and in National language)	Collective owned areas, decedent's estates, joint owned farms	(yes, no)

- 5) Do **informal land rights or customary land rights** exist? (yes, **no**)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (**yes/no**)

If yes, which?

answer: Tenancy Act

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (**yes/no**)

If yes, which?

answer: Tenancy Act

- 3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/**no**)

1C Land transfers within the family

- 1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: Inheritance Code defines the exact conditions for inheritance concerning farms. There is a preferred position for an inheritor who already has lived and run farming on that farm, secondary position for an inheritor who has best conditions to run that farm. A farm succession can be made also in situation when the former generation is still running the farm. In that case there are significant tax relief options.

- 2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

9 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, **no**)

answer: In case when leasehold **can** by tenancy agreement **be transferred** to another party without permission of landlord, the rental right is hereditary and that can be constituted by last will. The agreement is valid till the end of contract period according to terms of agreement. In case when leasehold **can not** by tenancy agreement **be transferred** to another party, the tenancy agreement is valid after tenant's death if there is widow, direct heir or adopted child and somebody or some of them are willing to use the option of tenancy agreement and also announce that to landlord during three month period after tenant's death. If that announcement is not given, the tenancy agreement is seen to be terminated on last day of period or earlier on date when relatives that were mentioned above announce that they are not willing to continue tenant relationship.

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: Quite a lot. Over one third of farmland in Finland is rental land. That rental land is in active use in farming. The continuity and predictability are key issues of preventing fragmentation.

4) To what extent these rules help or hinder **access to land for new generations**?

answer:

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

answer: All parcels are registered. Purchases are public. Unformal ownership is non-existent.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: If municipality, land owner or state want to change agricultural land for zoning or some public use change is easy.

A general principle in national goals of land use is to protect coherent field areas against fragmentation. That statement is very general though. Counties and municipalities have possibilities (but they are not obliged) to give orders in zoning process to protect certain farmlands. Practices varies a lot. When needed, certain farmland areas can be taken to other land use purposes by zoning and there are no legislative hindrances for that. In other words, farmland does not have any special protection in that sense. It is a matter of land use guidelines in politics and decision making is based on land use politics. Municipalities have monopoly in zoning, therefore citizens need collaboration with municipal authorities when trying to develop spatial planning.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: In principle, it is possible in spatial planning and zoning processes, but not very commonly used. In other words, there are no hindrances to set goals or special protection to farmland e.g. to

protect organic farming or conservation by zoning. In practice, that is not happening. In these issues the authorities rely on land owners' decisions regarding their own land without too strict zoning system. It is more common though that land types other than farmland would like to be protected specifically by zoning. Landowners are against that approach.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: National Land Survey makes Land Consolidations in rural areas (mainly agricultural lands and some forests)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Municipal preference on land sale	answer: Whole country
If applicable: Name of Arrangement 2 (English and in National language)	answer: Only locals have right to buy land in Åland islands	answer: County of Åland Islands

If applicable: Name of Arrangement 3 (English and in National language)	answer: Entities from outside European Economic Area must have licence to purchase land from Ministry of Defence	answer: Whole country
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-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: Municipal preference on land sale	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Municipal preference in land sales / kunnan etuosto-oikeus maakaupoissa. Etuostolaki 608/1977
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: Direct right by law. Municipal have on month time to go between the land sale and make purchase in same price than original sale.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: Started in 1977. Need was for zoning and preventing speculation with zoned areas.
4) Please provide a short description of the arrangement (how it works)	answer: All land sales papers must go thru municipality. Municipality have on month time to say that it wants to between.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: Municipal officials and councilors make decision. Mostly if land is needed for zoning.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: No
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land), etc.)	answer: no exemptions

Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: Municipality
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: not really abuses, yes
10) How frequently is the arrangement used? If infrequently, why?	answer: several hundred cases in a year
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: no discussion, although subject can rise in current atmosphere
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: no
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: Yes, people want make large zones for their flats and buy lands. Municipality wants more housing and goes between and zones more houses.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: https://www.finlex.fi/fi/laki/ajantasa/1977/19770608

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

- 1) Do these kinds of arrangements **exist** in your country?
 - a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)

- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan) (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: tax is less if you sell to state / luovutusvoiton vero on alhaisempi valtiolle myydessä	(Subsidizing, tax, financing, guarantee) Partial tax relief	answer: Whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: tax office taxes less in sales to state	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer:
2) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	answer: ...
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	answer: ...
5) Please describe any other features related to application of the arrangement.	answer: ...
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	answer: ...
7) Indicate the amount of money involved , related to the land price in the transaction	answer: ...

8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (**yes**, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Young farmers are eligible for additional land from state in land	answer: Whole country

	consolidations / valtio välittää lisämaita tilusjärjestelyissä aktiivituloille	
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-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	answer: New forms of Land Consolidations	answer: Efficiency of farms is added a lot	answer: In Sastamala Land Consolidation we made swaps between parcels that were 40 km from each other. Farming distances were reduced a lot.

11 France, reporter William Loveluck

William Loveluck (TDL)

Contact in consortium: CNRS and TDL

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, *sometimes, rare, no¹⁰)

2) Is land often **rented (or leased)** by the farmer? (*yes, sometimes, rare, no)

NB: the lease can sometimes be between the farmer "and him/herself" when the farmer owns land and leases it to an agricultural enterprise he/she is part of.

3) Are **other types of individual farmland tenure** used? (*yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
precarious occupation agreement ("convention d'occupation précaire")	signed with the Safer (the Agency in charge of land regulation) or with local authorities	(yes, * <u>no</u>)
lease for the whole career ("bail de carrière").	Longer than the usual farmland tenure, but not automatically transmissible to the children.	(yes, * <u>no</u>)
transferable lease ("bail cessible")	The farmer has the right to transfer his lease to another farmer (for a certain amount of money) and the owner can increase the price of the rent (by 50%).	(yes, * <u>no</u>)
Provision of lease with an agricultural company ("Mise à disposition de bail auprès d'une société agricole")	A farmer belonging to a farm corporation can make available his own lease for the farm corporation he is part of. The prices of rent is not regulated in this case.	(* <u>yes</u> , no)
Subcontract work ("Travail à façon")	Contract between the landowner and a farm work firm.	(* <u>yes</u> , no) (more and more used)
Environmental lease	Same frame as the usual tenancy (tenant farming statute), but integrating some environmental clauses in the lease (see description of tenant farming statute here under)	(yes, * <u>no</u>)
Commodate	the land is loaned free of charge, without the security of tenancy	?

NB: a farm in corporate form may own or lease land, in which case the farm is owned by shareholders who may or may not work on the farm (production unit). The owners of the production unit are the persons who earn profits according to their shares. This case is more and more frequent. **The important relationships are between the landowners and the shareholders but also between the shareholders and the farming workers.**

10 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Civil property company ("SCI – Société Civile Immobilière")	Partners gathering money to buy and manage collectively buildings or land. It is an owner and not a farmer.	(* <u>yes</u> , no)
Agricultural land groups ("GFA – Groupement Foncier Agricole")	Same thing as SCI, but only dedicated to agricultural land or buildings and which can only gather private persons (except the Safer). A GFA is an owner and not a farmer.	(* <u>yes</u> , no)
Pastoral land association (AFP – Associations Foncières Pastorales)	Syndicate of landowners in mountainous areas, specifically for pastures. It is a landowner but can be a farmer.	(yes, * <u>no</u>)

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Informal use of land ("usage informel de terres agricoles")	If there are no exchange of money or services between the land owner and the farmer, the land can be used informally and precariously.	(yes, * <u>no</u>)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (*yes/no)

If yes, which?

In the frame of the tenant farming statute ("statut du fermage") which is the most frequent lease between farmers and landowners, the contract is done for 9 years, and is automatically renewed if the landowner (or his/her children) do not plan to cultivate the land. The contract can be breached only if the owner plans to cultivate (and has the right to do so, as an authorisation is needed in France before cultivating land – see section 3C on CDOA) and gives notice to the farmer 18 months before he/she takes back the use of the land.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (*yes/no)

If yes, which?

The level of rents is regulated by the government at the regional level. A range of prices (floor and ceiling prices) are fixed, depending on the location of land and the type of land. The level of rent (between 50 and 200 euros per hectare, with a mean value of around 100€/ha) is globally low compared to other European countries with comparable standards of living.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (*yes/no)

If yes, in what way?

Lease transfers, legally, cannot be exchanged for an amount of money. In some regions, the lease transfers are nonetheless illegally traded though, with the farmer leaving the land asking for money to the farmer getting access to land (these amounts, being illegal, are not regulated). The prices of land are regulated when land is sold: the Safer ("Société d'aménagement foncier et

d'établissement rural" - Organism for rural land design and rural settlement) is informed of every land transaction, and can pre-empt the sale and ask for a price revision if the amount is too high. This mechanism does not work though in the case of land which is part of an agricultural society share (the Safer is informed but can intervene only if 100% of the shares are sold all at once).

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

If the farmer who owns land dies, some inheritance duties that are paid by the heirs. Those inheritance duties can be minimised if the heirs gather the land plots in a GFA (agricultural land groups). Farmers owning land can also donate the bare ownership to their children and keep the usufruct while alive, children can then get the usufruct back when the farmer dies. This kind of donation allows lower taxation on land transfer (as the taxation is only calculated on bare ownership).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Leases, in the frame of the tenant farming statute, can automatically be transferred to the family of the farmer if the members of the family have the ability to farm (if they have the farmer status). Otherwise, the owners might either use the land for themselves or rent the land to other farmers.

3) To what extent these rules can **prevent fragmentation** of rural land?

Advantageous taxation for family GFA can help to keep the land within the family when there is a land succession. CDOA (see section 3C) are also in charge of making sure that farms are not too divided so that they remain viable.

4) To what extent these rules help or hinder **access to land for new generations**?

The fact that land leases are automatically transferred to the children of the farmer can either be seen as a mechanism that helps new generations or a mechanism that hinders access to land for new generations depending on the case:

- If the landowner would like to favour the arrival of a new entrant on the land he owns when a farmer retires, he will not be able to do it if the former farmer's children want to cultivate the land. In this case, the tenant farming statute hinders access to land to potential new entrants.
- If the landowner would like to favour the expansion of a local farmer when the former farmer retires, he will not be able to do so if the children of the former farmer would like to use the land. In this case, the tenant farming statute can foster generation renewal.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

The tenant farming statute as it is framed in France is interesting for new generations: the rents are low, the security for the farmer is high and the farmer has a strong independence in his practices with respect to the landowner.

Another important aspect of the tenant farming statute is that if the landowner wants to sell his land, the farmer who leases the land has first right to buy (even over the Safer). This aspect of the law was intended to prevent another farmer from buying the land and claiming for the use of the land. Of course, if the farmer who leases the land does not have enough capital to buy the land when it is sold by the owner, another landowner (and potentially another farmer) might buy the land.

This status protects small farms as well as large ones. Large production units benefit from this status, which can hinder installations and a better distribution of land. When a production unit has

many landowners, the farmer has the ability to organize the transfer of the farm and asks for money (a key money) from the new farmer, which also prevents young people from accessing the land.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (*yes/no)
- 2) Is this protection based on **national policies**? (*yes/no)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (*yes/no)

If yes, please explain

Local and national rules exist, but they can be easily bypassed through the management of urban plans which favour land dedicated to infrastructures and urbanisation.

To change farmland into an urban development area, the land must be designated as a buildable area in the frame of the revision of the local urbanism plan (PLU – Plan Local d’Urbanisme). It is submitted to the town council and to local public enquiries, and should be compatible with the territorial coherence scheme (SCOT – Schéma de Cohérence Territoriale), approved at a larger territorial scale.

Since 2014, land commissions at the department level have been set up (*CDPENAF* - commissions départementales de préservations des espaces naturels, agricoles et forestiers) in charge of evaluating the impact of urban plans natural, agricultural and forest land. This commission gives only an opinion, not a coercive one, but may lead to revisions of urban plans. National targets for the reduction of land artificialisation have been set but are not reached.

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (*yes/no)

If yes, please explain

There are 3 main types of tools that can allow to preserve land as agricultural land:

- The ZAP (zone agricole protégée) allows to protect farmland (and prevent it from being built) in the long run as well, at the municipality level. ZAP can only be created in specific areas, defined on the basis of the quality of production, geographic location or landscapes
- The PAEN (périmètre de protection et de mise en valeur des espaces agricoles et naturels périurbains) which is a territorial tool (at a broader scale than the municipality) that allows to preserve land in the long run. PAEN can only be created in peri-urban areas.

The ZAP and the PAEN will not allow to steer the use of the land towards *organic* farming, but can be used to preserve land that should be used following practices that ensure environmental preservation. It can be combined with specific contracts with farmers, constraining the farming practices that can be used on these specific areas.

- The declaration of public utility (DUP in French), allowing to preserve land and orient the use of land as well, is often used in the case of drinking water catchments (but a DUP procedure can be used for many different purposes).
- Recently, Safer (**see section 3B**) has also included among its objectives the maintenance of organic land when it intervenes in transfers of organically cultivated land.

NB: these tools for preserving agricultural land are not up to the challenge, and stopping urban sprawl would potentially remain the best solution to the problem of loss of agricultural/natural/forestry land.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (*yes/no)

If yes, please explain

AFAFE:

A land consolidation procedure exists in the French system, it was formerly called “remembrement” and is now called the “AFAFE” procedure: Agricultural, Forestry and Environmental Land Planning. The AFAFE is often set up at the communal level, but put in place by the Department. The department determines, in connection with the municipality, the perimeter concerned and organises the public enquiry. It aims at improving farming by reducing fragmentation, favouring municipal and rural land planning, respecting the environmental balance and the future of the landscape to enhance natural rural areas. The arrangement can allow to increase the size of the plots and improve their configuration within the farm. The procedure also makes it possible to improve the viability of land by financing infrastructure: roads, irrigation, canals, major works, etc. This procedure requires a declaration of public utility, and results in the redefinition of the land register. A more flexible procedure included in the Rural Code consists in amicable land exchanges, which can also be organised at the territorial level.

Valorisation of abandoned land:

Another procedure can be applied for land that has not been cultivated for more than 5 years. In this case, a procedure can be set up at the communal level as well, put in place by the department, with the creation of local land committee in charge of following the procedure. In some cases, this arrangement can be used to favour the arrival of new entrants on land that was not previously used (if the local authority gives this kind of purpose to the procedure). Landowners are listed and contacted to see if land could be leased to farmers who can apply to use them.

2) if yes: is it **often used**? (yes, *sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

Land consolidation procedures can happen on any type of area.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

The land consolidation procedures are rather used to optimise existing farms (by avoiding having land for some farmers that is too distant for example) than to ease access to land for new entrants. But under certain circumstances, both the AFAFE and the valorisation of abandoned land procedure can be used to favour the establishment of new entrants, especially if the local authority clearly considers it as one of the main purposes of the procedure.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (*yes/no)

2) if yes: is it **often used**? (yes, *sometimes, rare, no).

NB: but the procedure allowing the fragmentation of large concentrations of land have been used more frequently in the past (1960s, 1970s)

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

Land redistribution avoiding concentration might be applied through the intervention of Safer (guiding the sales of land in favour of a certain buyer). Depending on the context, this redistribution (which is rather an intervention on the land market) can either favour the expansion/consolidation of an existing farm or favour the arrival of a new entrant.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

The possibility of intervention on the land market (e.g.: control land sales) can have, in some cases, an impact on access to land for new generation. But in most cases, these interventions participate to the consolidation or expansion of existing farms. When specific agreements are signed at the local level between local authorities (departments or regional councils) and local SAFERs, the use of the SAFERs to favour the arrival of new entrants can fostered (see section 5 of the questionnaire on land storage).

More information in the A2L handbook on local authorities, France section :

https://www.accesstoland.eu/IMG/pdf/a2l_handbook_local_authorities.pdf

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (*yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
The Safer	Safer ("Société d'aménagement foncier et d'établissement rural" - Organism for rural land design and rural settlement)	Yes
The CDOA	Commission Départementale d'Orientation Agricole (departmental commission of agricultural orientation)	Yes
The Tenant Farming Statute	Le "statut du fermage"	Yes
The PAEN	Périmètre de protection et de mise en valeur des espaces agricoles et naturels périurbains – Perimeter of protection	Only in regions where it has been implemented [We will not detail this arrangement (less structuring than the

	and enhancement of peri-urban agricultural and natural areas	others), but it has an impact on the land market (local authorities get the ability to pre-empt on agricultural land)]
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-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: The SAFER	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	The creation of Safer was decided in the 1960 agricultural orientation law. Safer are public limited companies mandated with public service mission.
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly in force by law, in every region.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	SAFERs were created in the 1960's (at the beginning of the creation of the EU common market, gathering 6 countries at that moment) to promote the development of financially sustainable farms and to help farmers set up. They aimed at modernising French agriculture while preserving its family trait of character. They evolved over time to include in their mission environmental protection, local development, as well as to ensure the transparency of the rural property market. The SAFERs act in coherence with other regulatory mechanisms overseeing the farmland market. As compared with other countries in Europe, these policies have succeeded in limiting the land consolidation and the increase in property prices.
4) Please provide a short description of the arrangement (how it works)	To achieve their missions, local SAFERs monitor farm land sales and intervene when needed to ensure sales suit the objectives of the law. They take action by buying the land and selling it back to a person selected by the SAFER committee (after a public call for applications). Unlike a private seller who will choose the highest bidder, SAFER will sell to the best bidder. They are assigned to the observation (notification), the transparency (market studies) and control over (pre-emptive right) the rural property market. Observation: all sales and any property transfers of agricultural and rural real estate, built or non-built must be notified to the SAFER by the seller's notary. The 2014 law expanded the notification obligation, which used to apply only for <i>agricultural</i> land to any transfer of <i>rural</i> real estate. The obligation stands for all transfers may they be against payment or free. It also includes the sale of shares and transfers of usufruct and bare ownership. Transparency: This mandatory notification enables the SAFERs to conduct studies and establish statistics on the rural property market. Control: SAFERs only may intervene when the land is classified in the Local Urbanism Plan as "agricultural", excluding sales within families. They cannot intervene as well when a farmer decides to buy land he used to rent

	(according to the tenant farming statute, the farmer has priority over the Safer). For any other cases, they can pre-empt land sales, which means they forcibly establish themselves as the buyer and decide who they will sell the land to (combined with a price review if the price is judged too high). Even if they rarely use their pre-emption right, the fact that they can possibly use it has a strong effect on both land prices and land sales (who the land is sold to).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	SAFER can intervene in any type of land/building as long as it is classified as “agricultural”.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The Safer can intervene in land transfers involving any type of actors, as long as they are selling land (farmers, private or public landowners, etc.). As we have explained, they just cannot intervene in family sales or if the farmer leasing the land wants to buy it if the landowner sells it. As stated above, Safer has, among its objectives, the maintenance of organic land when it intervenes in transfers of organically cultivated land. Safer's objectives also include fostering the installation <i>and</i> maintaining the viability of existing farms, two objectives that can sometimes be contradictory when facing concrete situations.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	The SAFER can keep the land it has pre-empted for up to five years within its land stock (depending on the project the land will be allocated to). There are two types of pre-emption: <ul style="list-style-type: none"> - pre-emption with no price review. In this case, the Safer directly establishes itself as the landowner and decides to transfer the land to the owner of its choice. - Pre-emption with price review. In this case, the landowner who decided to sell his/her land can decide to cancel the sale. SAFERs can also play a role of rental intermediary, consisting in an agreement between the owner and a SAFER for the SAFER to find tenant farmers. In the case of multiple candidates, the SAFER will choose among them with the same criteria and methods used in the case of a sale. The owner will pay a service fee to the SAFER while the candidates pay for their application.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Hence in 2014, the law established that the board members of the SAFER include: <ol style="list-style-type: none"> a) Agriculture sector representatives (trade unions, chambers), b) Local authorities c) Other organisation representatives Members of Local technical committees, at the department level, are: <ul style="list-style-type: none"> • SAFER stockholders from the given department • The SAFER's director

	<ul style="list-style-type: none"> • Farmers trade unions which have sufficient support in the department (based on the results of the latest union elections) • The department's and regional mayor associations • The local representatives for the Ministries of Agriculture and Public finance • Local organisations (hunting or environmental organisations) • Any other individual included by internal regulations (such as agricultural banks, the agricultural welfare administration) <p>The board is in charge of building and implementing the regional policy while the local technical committees are in charge of giving their opinion and some land transfers at the local level (evaluate the transfer, the candidates, etc.)</p> <p>The ability of Safer to operate is based on the fact that notaries have to notify every sales of rural real estate.</p> <p>All the activity of the SAFER is controlled by State representatives (state commissioners) who have the veto right.</p>
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	<p>The arrangement is vulnerable for abuse for both legal reasons and governance reasons. For legal reasons as they cannot operate under certain circumstances: especially when land is part of an agricultural company share or when bare ownership and usufruct of the land are separated. And governance issues are problematic in at least two respects:</p> <ul style="list-style-type: none"> - the weight of conventional farmers in many of the institutions that are in the board of regional SAFERs, which leads to the fact that conventional farmers (or their spokespersons) represent a large majority in the SAFERs, far beyond the sole farmers union representation; - the multiplicity of SAFER objectives, which are not prioritised, and which therefore allow the governance bodies to continue to weigh in favour of the maintenance of existing farms rather than the establishment of new farmers, and not to prioritise the environmental aspects (which remain objectives "among others")
10) How frequently is the arrangement used? If infrequently, why?	<p>The SAFER intervenes in 20 to 30% of surface area sold, mostly through amicable operations as the right of pre-emption is only used in about 10% of cases (depending on the year). However, the right to pre-empt the land is a tool with powerful deterring effect which, through its own existence, is a strong incentive for sellers to moderate their prices.</p>
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	<p>The Safer is regularly the subject of criticisms of several kinds: on the objectives which are assigned to its local policy or on the imbalance in the representativeness of the unions/interests within its governance. Another strong limit that is pointed out: the fact that Safer that candidates have to respond very rapidly once the Safer has advertised land offers. This limit the possibility for young entrants to apply to these land opportunities. The fact that the Safer cannot pre-empt sales concerning agricultural society shares whereas these transactions represent a growing share of the land transfers is also criticized. Safer has however obviously participated in keeping the land prices lower than in other similar EU countries. Discussions on reinforcements/changes of their prerogatives and means, on changes in their objectives concerning the farming model fostered or on their governance are common societal/political discussions.</p>

<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>The SAFER does not especially act in favour of small ecological farms but, under certain circumstances, it can play a role in facilitating the creation or consolidation of small ecological farms. In the regions where a temporary land storage mechanism is put in place (politically oriented, financed and guaranteed by the region), it can help the creation/transmission of small farms (see section 5 of the questionnaire on the temporary land storage arrangement).</p>
Other comments on the arrangement	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>In the region of Nouvelle Aquitaine in France (but also in other regions, but Nouvelle Aquitaine is the region where this mechanism was the most used), Safer, along with the region, can buy land for the new entrant and sell it progressively through the rent (without financial costs, as they are financed by the region). This system allows the acquisition of agricultural land to be postponed in order to reduce initial investments and thus to concentrate the available resources of the newcomer on the other components of his project (equipment, buildings, stocks, livestock, advances to crops, etc.).</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>https://www.accesstoland.eu/Unique-land-agencies-the-SAFERs http://www.agter.asso.fr/IMG/pdf/Merlet_Levesque_2007_SAFER_EN.pdf https://www.cairn.info/revue-terrains-et-travaux-2012-1-page-105.htm# https://hal.archives-ouvertes.fr/hal-02451289/ https://www.cairn.info/revue-pour-2013-4-page-185.htm https://www.cairn.info/revue-pour-2013-4-page-193.htm</p>

3C Arrangement 2

Arrangement 2, Name: The CDOA	
Description of the arrangement	
<p>1) what is the legal basis of the arrangement (which Act/Law?)</p>	<p>The CDOA (Commission Départementale d’Orientation Agricole) were created in 1995, they consisted in the fusion of the “commission des structures” created in the 1960 law (in charge of regulating the size of structures) and the “commission mixte” (in charge of delivering rights on quotas and premiums).</p>
<p>2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?</p>	<p>The arrangement is directly in force by law, in any area</p>
<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>The CDOA is the continuation of a former arrangement called “commission des structures”, which is part of the structuring 1960 agricultural law in France. Initially, the “commission des structures” was in charge of delivering the “right to farm” on land which was either bought or leased by the farmer. The “commission des structures” was in charge of selecting farms which met the government priorities: farms that were too small were not prioritised (and farmers leaving these structures received compensations from the state), medium farms were prioritised, and farms which were bigger than the</p>

	reference size (which was decided at the department level, now through the SDREA: regional plan on agricultural structures) needed a specific authorisation to get the right to farm land.
4) Please provide a short description of the arrangement (how it works)	<p>The CDOA has four main missions:</p> <ul style="list-style-type: none"> - deliver authorisation to farm as part of the control of farm structures, - delivers installation aids/subsidies - ensures the use of uncultivated land - approves modifications of GAECs (jointly run farms) <p>Any person, natural or legal, who sets up, expands, reduces the size of a farm or brings several farms together is subject to this commission to get an authorisation. Especially if the new size of the farm (after operation) is over or under the threshold defined in the SDREA plan, or if the land newly cultivated is far from the main farm. If the number of partners in an agricultural structure changes (a partner leaving or entering the structure) – implying a change in the number of hectares cultivated by each farmer – the new situation is also controlled by the CDOA.</p>
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	This arrangement concerns any type of land, and any practices.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	An application for an authorisation can be avoided by farmers if they have the status of farmer (and if they are planning to farm an area of land corresponding to the standards determined by the SDREA), but it is compulsory for any operation coming from someone who hasn't got this status. For anyone, an authorisation is needed to decrease the size under the threshold defined at the regional level and over the threshold defined at the regional level. These thresholds can be different depending on the type of farms (e.g.: the reference size is smaller for a vineyard than for a cereal farm).
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land), etc.)	<p>The cases will be different depending on whether the future farmer will own the land or get access to a lease.</p> <p>In case of leases: several farmers can ask for an authorisation to cultivate land for the same plot. If all farmers have the authorisation, the landowner will choose who he will sign a lease with. It is more complicated if the farmer with whom the landowner planned to sign a lease does not get the authorisation: the CDOA cannot force a private landowner to sign a lease with someone else. In this case, either the landowner will sign the lease with another farmer who got the authorisation, or the landowner will cancel the lease transfer.</p>
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The CDOA is a joint commission, comprising numerous members: 5 from the State and local authorities, 14 from the agricultural sector (farmers unions, banks...), 8 from economic activities directly

	<p>concerned by agriculture, 5 from experts or associations. Members are named for three years.</p> <p>Concerning leases: if no authorisation was provided, a lease (written or oral) can be considered as invalid. This aspect can be judged at the "Tribunal Paritaire des Baux Ruraux" (rural lease courts, where both landowners and farmers are represented) at the behest of the department's Prefect, the owner or the SAFER (in the case of an acquisition by pre-emption).</p>
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	<p>The CDOA and the structure control can be circumvented through different means:</p> <ul style="list-style-type: none"> - By having an agricultural activity with several medium structures (with the same farmer heading them) in order not to be controlled on the oversize of the structure - If the farmer or the landowner wants to work with does not get the authorisation: the landowner or the official farmer on the land can propose a subcontract to another farmer who wanted to use the land - Fines in case of farming without authorisation are pretty low
10) How frequently is the arrangement used? If infrequently, why?	<p>The arrangement is used very often, to control most of the farms' extensions or changes in size, but it is rare that the CDOA forbids some expansions. In addition, the "floor" and "ceiling" sizes of farms considered viable have steadily increased over the decades, reflecting the evolution of the agricultural profession's vision of what is considered viable among existing farms or potential new farms.</p>
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	<p>The laws of 2005 and 2006 have clearly relaxed the role of the CDOA in the control of structures. The threshold above which installation, expansion and reunion of farms are subject to prior authorization to operate has been raised; certain cases for which an application for authorization to operate was required (in particular the reduction in the number of farmers in a structure) have been abolished, and others (operations involving family property) now only need a simple prior declaration. The control of structures used to be a key aspect of the land policy in France and was well accepted by the farmers, but are now less efficient and less understood by rural actors.</p>
12) Can you provide indications of the effect of the arrangement on: <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>The arrangement, in charge of regulating use of land transfers, allowed to preserve medium farms when it was put in place (in the 1960s-70s) but currently has few effects. It has no effect on ecological farms (type of use of land) and rather favoured conventional farming so far. In any case, farmers starting "community connected" and agroecological projects also need to get an authorisation from the CDOA.</p>
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No example known.
14) Please list any research/resources about the arrangement (in English or	https://www.agter.org/bdf/fr/corpus_chemin/fiche-chemin-138.html

your own language, please copy/paste URLs when possible)	https://www2.dijon.inrae.fr/cesaer/wp-content/uploads/2012/11/WP2001_7.pdf https://www.cairn.info/revue-pour-2013-4-page-237.htm
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3D Arrangement 3

Arrangement 3, The Tenant Farming Statute	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	The tenant farming statute - Le statut du fermage
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	The arrangement is directly in force by law.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The tenant farming statute was introduced in France in 1946, in order to secure farmers' right on land leased from an owner, so that farmers could more easily invest in their farm without risking to lose the use of the land.
4) Please provide a short description of the arrangement (how it works)	The contracts are either written or verbal. The minimum length of a lease is nine years. The tenant needs to obtain a farming authorisation from the CDOA to have a valid lease (in case the land he/she cultivates should be controlled by the CDOA – see the section on CDOA above). The level of the rent is controlled through references imposing an upper threshold for lease prices, depending on different criteria: the area, the type of land, etc. The lessor cannot take the land back, except if the lessor or his/her spouse/children plan to cultivate the land (in this case, the landowner needs to inform the farmer cultivating their land 1,5 year before taking back the land) or if the farmer does not pay the rent. There are also long-term leases of 18 and 25 years, as well as career-long leases (the duration is set for the retirement age of the tenant). The nine years lease can be automatically transferred to the farmer's children (without needing the landowner's approval) whereas it is not the case of long-term and career long leases. In case the tenant dies, the nine-year lease continues in the name of his spouse, his descendants, or his older relatives who must either participate in farm labour or who had actively participated over the five years prior to the tenant's death. The tenant farming statute should not be considered only as a specific "contract", but as a whole "national policy", with its specific institutions, as the "tribunal paritaire des baux" (rural lease courts) where any litigation on land leases can be judged. If the lessor sells the land, the tenant farming statute also gives priority (over the Safer) to the tenant farmer to acquire the land (if he has or can get enough resources to do so).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land –	The arrangement concerns any type of land. For certain types of land (zones with environmental classifications, e.g.: Natura 2000, water catchment, areas subject to the erosion...) or for certain

<p>natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.</p>	<p>landowners (a legal entity with an environmental or a “social enterprise” * agreement or a foundation of public utility *), environmental clauses can be integrated in the lease. These clauses can include: limiting the use of pesticides/inputs, following the organic farming specifications, limiting or delay mowing for pastures, preserving environmental infrastructures such as hedges and ponds, etc.</p> <p>*These aspects of the law allow the Foncière and Fondation Terre de Liens to contract environmental leases</p>
<p>6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded, a preference right for certain actors)? Please indicate and explain.</p>	<p>As the authorisation required with the lease is in many cases subject to an approval at the CDOA level, the status and the amount of land already cultivated are part of the aspects examined.</p> <p>The tenant farming statute gives also many preference rights to the farmer and his/her family: preference right for lease transmission, preference right if the land is sold.</p>
<p>7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)</p>	<p>Time period: 9 years or longer for long-term and career long leases (as explained in section 4).</p> <p>In the case of a farmer who is part of a farm enterprise with several members, he/she is allowed to rent the land he/she leases or owns to the enterprise he/she is part of without being in the frame of the tenant farming statute (no automaticity in the transmission – the land is still linked to the owner, no regulation on the amount of the rent, etc.)</p> <p>Conflict resolution mechanism through the rural lease courts: these courts are made up of two leasing landowners and two renting farmers, and are presided over by a claims judge</p>
<p>Effectiveness of the arrangement</p>	
<p>8) How is the arrangement enforced/monitored and who is in charge?</p>	<p>No specific monitoring except through claims at the rural lease courts</p>
<p>9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?</p>	<p>The tenant farming statute can be circumvented through different means.</p> <ul style="list-style-type: none"> - A landowner could be the official farmer without working on the land and decide to subcontract the farm work to another farmer or farm enterprise. For the owner, it can be more interesting (financially) to receive subsidies (connected to land) and subcontract than to lease land (and receive rents that can be considered too low by the landowner) - Some farmers sublease their land to other farmers and turn this sublease into fake sales receipts (it is frequent with potato farmers who need to have long rotation – around 8 years – with potatoes and therefore prefer to use other farmer’s land) <p>There are many measures to prevent abuse though if a landowner does not want to sign a lease with a farmer. If there is an exchange of money between the farmer and the landowner, even if the landowner pretends that he does not want to sign an official</p>

	tenancy, the rural lease court will consider that the tenant farming statute applies.
10) How frequently is the arrangement used? If infrequently, why?	Historically, land was mostly owned by farmers in the South of France and mostly leased in the North of France. Tenancies are still predominant in the North of France (representing more than 70% of the cultivated areas in some regions) but tenancies kept on increasing at the national level since the 1946 law, and tenancies are predominant at the national level (even though a large part of these leases, through the agricultural societies, correspond to self-made leases). Leases including environmental clauses are still pretty rare.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The tenant farming statute is considered as too protective for the farmer by some landowners (land rent too limited, farmer's land use too protected, etc.) while, on the contrary, some farmers unions (e.g.: the confederation paysanne) consider that this statute has been deteriorated with the long-term lease (which is not automatically transferable to children) and the transferable lease ('bail cessible') which reduces protection for the farmer. The environmental lease is also subject to controversies, especially concerning the types of landowners who could be able to contract this kind of leases (public/private/with environmental purposes, etc.). The level of security can also lead some landowners, especially in peri-urban areas, to avoid leasing their land when they are expecting a change in land use.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The arrangement hasn't got any specific effects on small ecological farms (except for environmental leases applied by landowners who have the right to apply it), but it provides secure employment in rural areas.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Environmental lease ("Bail Rural Environmental") – already described in section. 5.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	http://www.agter.org/bdf/en/corpus_chemin/fiche-chemin-54.html https://www.persee.fr/doc/estat_0336-1454_2011_num_444_1_9642 https://hal.archives-ouvertes.fr/hal-01688508/document

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
The Dutreil Pact - Tax exemption in farm transmission	Tax exemption on society transmission	Yes
Tax exemption on inheritance or donation of GFA shares	Tax exemption on family land transfers	Yes
Lower transfer rights if the farmer perceives a "young farmer grant"	Tax exemption on land acquisition	Yes
Tax exemption for landowners leasing the land to organic farmers (decision of the local authority)	Tax exemption on land renting	Yes

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: The Dutreil Pact	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The Dutreil Pact was introduced in 2003. This legal mechanism does not only focus on agricultural activities, as it concerns all kind of transmissions of companies within the family . But it is often used in agriculture, as an important share of transmissions are done within the family in this sector.
2) Please provide a short description of the arrangement (how it works)	The Dutreil Pact consists in tax exemption on transfer rights when a company is transferred within the family. This law was created to avoid having the family selling the company in order to pay the transfer taxes. The mechanism allows to have pay transfer taxes

	on only 25% of the whole farm assets (instead of 100%) in the case of donation or transmission. These assets can correspond to material, buildings, but also land. Therefore, it has a strong impact on land transfers and allows to keep land ownership within the family. To be valid, the heir of the farm must keep the ownership of the assets for at least 4 years and have the farm as their main activity or have a managerial function on the farm for at least 3 years.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	No
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes: this mechanism can only apply within the family.
5) Please describe any other features related to application of the arrangement.	/
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The decision belongs to the members of the family: the previous owner(s) of the farm and the one(s) who will resume the farm business.
7) Indicate the amount of money involved , related to the land price in the transaction	It depends on what the value of the land represents in the total value of the farm. But if this value is high, it allows to have strong tax reduction on land transfer. If the previous farmer does not own any land (e.i. he only leases land), then this legal mechanism will not have any impact.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not really, except that you can have a family member pretending to have an activity on the farm for 3 years to benefit from this measure. But, in this case, the heir would be obliged to reimburse the tax reduction in case of control.
10) How frequently is the arrangement used? If infrequently, why?	The arrangement is frequently used for family transmissions (and cannot be used in other cases).
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The discussion around this arrangement could be about the fact that it favours the fact that land stays within farmers' families.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The only effect is to favour the transmission of farms within the family. It has no specific impact on small ecological farms (except that they can also benefit from this mechanism) or environment.

Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	/
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://www.dictionnaire-juridique.com/definition/pacte-dutreil.php https://www.cairn.info/revue-management-et-avenir-2015-5-page-125.htm

4C Arrangement 2

Arrangement 2, Name: Tax exemption on inheritance or donation of GFA shares	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The GFA – <i>Groupement Foncier Agricole</i> – is a civil society which can hold agricultural land assets. The status was created in the 1970's in France, to ease the transmission of farms within the family (initially, even if GFA are used outside the family context) under the form of shares rather than classic heritage. <i>We do not know when tax exemption on land donation/inheritance through GFA shares started...</i>
2) Please provide a short description of the arrangement (how it works)	In case of donation or inheritance, the GFA shares benefit from a tax exemption on 75% of the value up to 300,000 euros (meaning that only 25% of the value will be concerned by transfer taxes) and 50% beyond. This exemption is possible only if the shares have been held for at least 2 years, the lease between the GFA and the farmer is for a period of at least 18 years (long-term lease) and the donee (or heirs) keep their shares for at least 5 years.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	The arrangement only works within family, with all type of land or building which are used for agriculture.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Only within the family.
5) Please describe any other features related to application of the arrangement.	Furthermore, the GFAs are considered as business assets and not as private patrimony. To that extent, they are not subject to wealth tax (which only concerns private patrimony in France).
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The family: the one(s) who transfer the farm/land and their heir(s).

7) Indicate the amount of money involved , related to the land price in the transaction	If we take the example of donations, land transfer taxes represent 20% of the whole value of land. For example, for land costing 100 000 euros, the taxes would normally represent 20 000 euros, and only 5 000 euros thanks to tax exemption through the donation of land under the form of GFA shares to heirs.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not as far as we know.
10) How frequently is the arrangement used? If infrequently, why?	No statistics found on this arrangement.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The main effect is to favour the transfer of land within the family.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No effect on these aspects, except that this mechanism can also be used for the transmission of small ecological farms (as for any other kind of farm).
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	/
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://www.capital.fr/votre-argent/gfa-1332276 https://www.lafranceagricole.fr/cas-pratique/foncier-reduire-le-cout-de-la-transmission-grace-au-gfa-bailleur-1,4,3917797561.html

4D Arrangement 3

Arrangement 3, Name: Lower transfer rights if the farmer perceives a “young farmer grant”	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The DJA, or “Young Farmer Grant”, was put in place in 1973. At the beginning, it was only dedicated to farmers in mountainous areas, but it was expanded to all types of zones afterwards. It corresponds to the application of the CAP measure “aid to young farmer’s entry into farming”.
2) Please provide a short description of the arrangement (how it works)	To get a DJA grant, the grantee must have a professional agricultural capacity and have a 4 years business plan approved by the local chamber of agriculture. Obtaining this grant allow young farmers (between 18 and 40 years old) to benefit from different tax exemptions, including tax exemption on land acquisition in certain types of remote rural areas. Indeed, the transfer tax on agricultural land is around 5%. In the Rural Revitalisation Zones (ZRR) defined within the framework of the Loi Demessine, this rate is reduced to 0.715% for those who

	have benefited from the DJA. for less than 4 years. This mechanism applies under the limit of 99 000 euros.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	Only rural revitalisation zones (ZRR zones)
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Only for young farmers who benefited from the DJA grant.
5) Please describe any other features related to application of the arrangement.	/
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	This decision depends on the obtention of the DJA, decided by the local chamber of agriculture.
7) Indicate the amount of money involved , related to the land price in the transaction	This tax exemption can allow an exemption up to a bit more than 4 000 euros if it used for a 99 000 euros land acquisition.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not as far as we know.
10) How frequently is the arrangement used? If infrequently, why?	Frequently for farmers which are in remote rural areas and benefited from the DJA grant.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The controversies within the debates are not really related to the fiscal measures associated to the DJA but rather to the type of farmer who can benefit from the DJA (and therefore benefit from the associated fiscal measures). Indeed, certain short-circuit and ecological agricultural projects will be considered as non-viable by the Chambers of Agriculture or the administrative procedures associated with the DJA might be too cumbersome, with the result that some new entrants do not wish to benefit from it.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No specific effect on these aspects. The only effect is on young farmers which can benefit from the DJA.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	/

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Fact sheet on indirect aids
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4E Arrangement 4

Arrangement 4, Name: Tax exemption for landowners leasing the land to organic farmers	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Since 2009, land used for organic farming can, upon deliberation, be exempted from one part of the property tax for landowners.
2) Please provide a short description of the arrangement (how it works)	The part exempted can be the share of the tax dedicated to the communal and intercommunal authority. The land concerned must be used for organic farming for the first time. The exemption takes effect for 5 years from the moment organic farming has been started on the land. This exemption ends if the organic farming practices are stopped by the farmer. This exemption requires a deliberation of the local authority proposing the arrangement.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	The arrangement depends on the fact that land is cultivated with organic farming practices, and it only works for the first five years of conversion.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	The arrangement depends on the local authority (they must have deliberated for the arrangement).
5) Please describe any other features related to application of the arrangement.	/
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The landowner and the farmer, if the local authority allowed the arrangement.
7) Indicate the amount of money involved , related to the land price in the transaction	This arrangement involves low amounts of money, and has therefore little incentive power.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No
10) How frequently is the arrangement used? If infrequently, why?	We do not have any statistics, but it seems like it is not used very often.
11) Please comment on the social acceptability of the arrangement : are	/

there societal/legal discussions on the strategy? Foreseen changes?	
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	This arrangement may provide an incentive for the owner to encourage the establishment of an organic farmer, but several aspects may limit the incentive power of the arrangement: - The exemption represents low amounts of money - The landowner cannot really choose the farmer he leases the land to in many cases (if there is already a farmer on the land he acquires, if the farmer wants to transfer his lease to his/her family, etc.)
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	/
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://www.collectivites-locales.gouv.fr/files/files/docs_som/tfnb19_2010.pdf https://www.onb-france.com/actualites/nouvelle-exoneration-de-taxe-fonciere-parcelles-biologiques https://www.toutsurmesfinances.com/impots/taxe-fonciere-sur-les-proprietes-non-baties-tfpnb-tout-sur-limpot-foncier-sur-les-terres-et-terrains.html

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, insert a row in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Temporary land storage by the Safer – portage foncier temporaire par la Safer	It could be applicable in the whole country, but is only used in some regions / some specific cases

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

5B Arrangement 1

Arrangement 1, Name: Temporary land storage	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	The Safer (above mentioned, which is a private tool with a public mission) can be in charge of temporary land storage for different purposes.
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	The Safer can keep the ownership of land for a certain period of time. It usually cannot exceed 5 years, but it can be for a longer period under certain circumstances, especially if there is a convention running with the Safer and a local authority/public agency for a specific project/purpose.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	/
4) Please provide a short description of the arrangement (how it works)	<p>Land storage by the Safer can be used for different purposes, for example:</p> <ul style="list-style-type: none"> - In the frame of a convention with a local authority for a specific project - In the frame of a general convention, often with a regional council, in order to meet some certain objectives set by the local authority: preserve horticulture, facilitate entry into farming, preserve livestock breeding, support organic farming, etc. <p>The arrangement consists in having the Safer buying land when there is the opportunity and storing land, usually for a period of one year or more, in order to avoid having usual rapid interventions on the land market and keep enough time to make another projet arise on the specific targeted land. The local authority will be in charge of covering the costs induced by the storage (financial costs, property management costs, etc.) and may provide a 'deficiency guarantee' (in case no buyer is found to purchase the property acquired).</p>

5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	The arrangement depends on the objectives of the local authority that has a convention with the Safer.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?	Usually, full ownership is transferred, but a precarious lease can be signed with the farmer before organising full transfer. The transfer can also go to a landowner like Terre de Liens in the frame of a starting activity for example.
7) Please describe any other features related to application of the arrangement.	/
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The arrangement is enforced by the local authority, with the agreement of the local Safer.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not as far as we know.
10) How frequently is the arrangement used? If infrequently, why?	It depends on regions and collaborations between local Safer and local authorities/regional council.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	/

<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>This arrangement is of key interest to set up of new farmers who are not ready at the time of the sale (e.g. still studying or have not yet gathered enough funding) and also key lever to control the way the land is used (e.g. continuation of organic farming on the land or giving the SAFER time to find the right farmer).</p>
Other comments on the arrangement	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>Some regions have used this mechanism quite often in order to foster the set up of new farmers (see the fact sheet on Land Storage in Ille-et-Vilaine in France written in the frame of T6.4).</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>https://www.accesstoland.eu/IMG/pdf/policy_instruments_safer_a2l_final_en.pdf https://www.eauetbio.org/dossiers-thematiques/realiser-un-portage-foncier/</p>

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

12 Germany, reporter Andreas Tietz

Dipl.-Ing. agr. Andreas Tietz, Johann Heinrich von Thünen-Institut, Braunschweig

Contacts consortium, ILS and Kulturland

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (Yes, sometimes, rare, no¹¹)

2) Is land often **rented (or leased)** by the farmer? (Yes, sometimes, rare, no)

3) Are **other types of individual farmland tenure** used? (Yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
cost-free leave for use	gratuitous transfer of use	(yes, <u>no</u>)

4) Do **collective ownership or use rights** exist? (Yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
continued community of heirs (ownership)	Unresolved communities of heirs (ownership)	(yes, <u>no</u>)
private partnership (ownership, lease)	Civil law companies (ownership, lease)	(<u>yes</u> , no)

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
cost-free leave for use	gratuitous transfer of use	(yes, <u>no</u>)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

Lease law in the Civil Code: In the case of a written lease agreement for a certain period of time, termination is only possible in exceptional cases (e.g. if the lessee does not pay the agreed rent). In the case of a lease agreement for an indefinite period, notice of termination is only permitted for the end of a lease year; it must be given not later than on the third working day of the six-month period on the expiry of which the lease is to end (Section 584 of the Civil Code).

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

11 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

The rental amount applies, which was agreed in the lease agreement. Increases during the contract period are only possible by mutual agreement. However, the lease often contains an agreement on the regular adjustment of the rent (e.g. regular increase by x %, or orientation to the consumption cost index or other indices). There is no protection against rent increases in informal lease agreements

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)
If yes, in what way?

No. In the law in force to date ("Grundstückverkehrsgesetz", analogously also in the "Landpachtverkehrsgesetz"), only the general case is described at federal level that if "the equivalent value is grossly disproportionate to the value of the land" (§ 9 (1) No. 3 GrdstVG); in this case the purchase contract is not approved.
The application regularly assumes a threshold of 50% above the general market value, above which a purchase / lease agreement is rejected. In the only state law to date (Baden-Württemberg Agricultural Structure Improvement Act), a threshold of 20% above the average agricultural market value is specified "to avert a significant danger to the agricultural structure" in certain areas to be determined by the legislator.
Explanation: The legal situation in Germany is currently unresolved, as responsibility for agricultural land law was transferred from the Federal Government to the Federal states in 2006. The federal law continues to apply until the federal states enact their own laws.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

I) Handover during lifetime:
The farmer can conclude a farm handover contract with a successor of his choice. The usual freedom of contract applies, as long as other laws are not violated. The successor is granted the right to manage the farm and in return is usually obliged to provide financial support for the transferor. Various structuring options (e.g. temporary employment relationship with the successor, formation of a civil law partnership as an interim solution, transfer subject to usufruct, lease to the successor, etc.)

II) in case of death:

(a) by will: the farmer may appoint a successor to the farm by means of a will or a contract of inheritance. The receding heirs are entitled to payment of a compulsory portion in cash, which is calculated according to the relatively low capitalised earnings value (§2049 BGB).

b) via the Land court order: farms above a certain size (depending on Land law) are automatically protected by the court order, i.e. they can only be inherited in their entirety in accordance with a legal succession (compensation of the receding heirs like a). On application, the owner can decide that the farm regulations should no longer apply to the farm. However, some federal states do not have a court order or comparable legal instruments.

c) Allocation procedure: If a) and b) are not fulfilled, legal succession takes place. In order to avoid that the farm is divided among several heirs, one heir can apply for judicial assignment (§13-17 Property Transfer Act). The court decides on the allocation, taking into account the presumed will of the testator and the suitability of possible heirs. The allocation procedure is only admissible for businesses that are sufficient to support a family. Compensation of the departing heirs then also according to the capitalised earnings value (obligation to make subsequent compensation over 15 years if the successor sells the business or parts thereof).

d) Legal succession: The business is transferred to the community of heirs (e.g. half to the spouse, the other half is divided among the descendants). The heirs are joint owners until one of them

requests a division of the estate. If one of the heirs wants to transfer the farm into his ownership, the (usually very high) market value applies to the settlement of the departing heirs, so that in most cases a large part of the estate must be sold.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

A contractually concluded lease is not terminated by the death of the tenant, i.e. the lease is automatically transferred to the successor. The lessor can terminate an oral lease at the end of the lease year.

3) To what extent these rules can **prevent fragmentation** of rural land?

The rules provide a high level of protection for existing viable farms against uneconomic fragmentation as long as owners do not actively encourage fragmentation (although they are free to do so).

4) To what extent these rules help or hinder **access to land for new generations**?

The high level of protection exists primarily and with legal automatism for successors within the family. A transfer of the farm during one's lifetime to non-family successors (see answer to 1), provided the parties involved agree on this, is however supported by the regulations.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Not for the West German federal states (former federal territory before 1990). The situation is different in the eastern German federal states (new federal states since 1990), where land ownership and management of around half of the agricultural land is in the hands of legal entities (cooperatives, limited liability companies, stock corporations) and partnerships (Consumers' co-operative, General partnership, partnerships under civil law [GbR]). The land is and remains the property of the company, even if the owner changes. Special rules apply to the inheritance/sale of company shares.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (Yes/no)

2) Is this protection based on **national policies**? (Yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (Yes/no)

If yes, please explain

This is relatively easy for local authorities. They benefit from planning sovereignty and can define settlement and commercial areas within their territory where there are no higher-ranking protection interests against this. These protected assets, which are laid down in higher-level plans (state and regional spatial development plans), would be, for example, nature conservation, groundwater protection, designated routes for higher-level transport or supply infrastructure, etc. Individual federal states also regulate the option of establishing priority or reserved areas for agricultural use on certain (e.g. arable land) areas. If such protection interests exist, a balancing of interests must be made, i.e. there is increased effort for planning and enforcement of a construction area. As a rule, agricultural land that is not otherwise over-planned is the category of

land that is easiest to convert (e.g. in comparison to forest areas for which reforestation is obligatory elsewhere).

However, this only applies to public facilities. No private person may convert areas into other uses without corresponding public planning allowing him to do so.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

Partly yes: priority/reserved areas for agricultural use, see above. As far as I know the classification is based on the natural soil quality. A particular farming method alone would not be sufficient for such a classification, unless an obligation to do so is underpinned by nature conservation or other regulations.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

Land Consolidation Act under federal law. The federal states are responsible for implementation and supplementary legislation.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

There are no systematic differences. Today, whether or not land consolidation is ordered depends mostly on the intensity of the conflicts of use that exist in the areas. Until about the early 1980s, land consolidation was also carried out with the sole aim of improving land use and agricultural conditions. Today, there must be at least at the same time a considerable need to improve the rural road infrastructure. In most cases, however, non-agricultural objectives (e.g. planning of superordinate infrastructure, designation of protected areas) are additionally required to justify the necessity of a land consolidation procedure, at least because substantial financial and human resources are required for such a procedure.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

The impact is more positive for successors on existing farms, as the procedure gives them the opportunity to improve their internal structures. The situation is different for newcomers. Their ability to acquire land from outside is more likely to be reduced. The "cake" in this area is redistributed in the procedure among the existing owners in a new and optimised way, which tends to cement the distribution in the medium term.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

Some people may think of Land utilisation and administration GmbH (BVVG) and the privatisation of land in eastern Germany after 1991, but this was a historically unique process that has largely been completed. Certain actors are trying to convert the remaining BVVG land into such a

community asset instrument. However, this is beyond the scope of existing law and is therefore not discussed here.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

In my view, the Land allocation under the Land utilisation and administration GmbH (BVVG) cannot be classified here. If policymakers would decide to transfer the remaining BVVG land into such a fund, which would be specifically available for new generations, then this would probably have hardly any effect in practice. Because, as far as I know, the remaining BVVG land are not contiguous parcels of land, but rather a very colourful portfolio of random, mostly unconnected and often shapeless parcels of land. However, if policymakers at that time had not privatised the BVVG land to a large extent exclusively to existing companies from the outset, but had instead provided for it to be allocated for the purpose of setting up a business, the agricultural structural development of eastern Germany (former GDR) might have taken a different course. But this is a mere hypothesis.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 4

2) If yes, please describe which arrangements: please indicates the names:

-> If more than three arrangements are used, insert a row in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Authorisation system for the sale of agricultural land	Land Transfer Act (GrdstVG) ...	applies nationwide. The federal states determine up to which area size the sale is exempt from licensing.
Right of first refusal for the settlement company in case of non-approval of a purchase contract	Reich Settlement Law (RSiedlG) in conjunction with Land Transfer Act	Whole country
Notification obligation for leases of agricultural land)	Land Lease Traffic Act (Landpachtverkehrsgesetz)	applies nationwide. The federal states determine up to which area size the obligation to notify is not required.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: licensing system (Genehmigungssystem).	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	§ Section 9 Land Transfer Act (GrdstVG)
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	directly legally binding
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Federal law since 1961 with the aim of improving agricultural structures and securing agricultural and forestry enterprises
4) Please provide a short description of the arrangement (how it works)	Every purchase contract for a property must be notarised. The notary is obliged to obtain the approval of the competent authority before the notarisation. The authority checks within a statutory period for all purchase contracts that do not require approval (due to the size of the area or on certain occasions specified in the law) whether the sale <ol style="list-style-type: none"> 1. means an unhealthy distribution of the soil or 2. results in an uneconomical reduction in the size of existing properties or 3. the equivalent value is grossly disproportionate to the value of the property. If one of these cases applies, the permit is refused or only granted subject to conditions.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	Size of the total land for sale: between 0.25 and 2 hectares, depending on the law of the federal state
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The legal text only contains the cited general provision on the "unhealthy distribution of land" (an undefined legal term). In interpretation and judicial review the following connection has been established: If the buyer is a non-farmer and at the same time efficient local agricultural enterprises need to increase their property and are willing and able to purchase the land in question, the purchase will not be approved and the settlement authority will decide on the exercise of the right of first refusal. A non-agricultural buyer who demonstrably intends to establish a profit-oriented agricultural enterprise is treated in the same way as an agricultural enterprise.
7) Please describe any other features related to application of the arrangement (e.g. time period for	The decision period of the approval authority is normally one month and can be extended by a further month with an interim decision. It may happen that the facts of the case cannot be

<p>validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)</p>	<p>clarified within this period, in which case the sale is still considered approved. But this is a mere hypothesis.</p>
<p>Effectiveness of the arrangement</p>	
<p>8) How is the arrangement enforced/monitored and who is in charge?</p>	<p>The authority responsible for implementation is the competent authority under federal state law, i.e. either a subordinate authority of the Ministry of Agriculture or an authority within the local administration. Accordingly, the supervisory authority is either the corresponding federal state or the authority specified in the municipal law.</p>
<p>9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?</p>	<p>I would not call this "abuse", but of course there are differences of opinion about the definition of who is a farmer. Is a non-farmer who wants to start keeping horses and draws up a business plan according to which he can make a profit from it to be considered a founder of an agricultural business? This is not always uniformly accepted by the authorities</p>
<p>10) How frequently is the arrangement used? If infrequently, why?</p>	<p>§Section 4 GrdstVG (Land transfer act): Only purchases/sales by the federal government or the state, a religious community, sales within the framework of land consolidation procedures and sales within the scope of a land-use plan are free of approval. I am not aware of any statistics on case numbers.</p>
<p>11) Please comment on the social acceptability of the strategy: are there societal/legal discussions on the strategy? Foreseen changes?</p>	<p>The law and its application have been under constant legal review since 1961; it is one of the laws that has been most frequently heard in the highest federal courts. Over the course of time, changes in the interpretation of the law have been induced again and again by judgments of the higher courts.</p> <p>Below are some important points of contention that are still relevant today:</p> <ul style="list-style-type: none"> the farmer characteristics (main and secondary income, differentiation from the hobby) and the efficiency on the part of the first buyer as well as the entitled subsequent buyer; the (lack of) residency of the first buyer; the amount of the purchase price in relation to a market value determined in any way. <p>Currently, one of the main demands for the amendment/revision of the GrdstVG is that it is only valid for the purchase of agricultural land. A possibility frequently used in Eastern Germany (and increasingly also in Western Germany) to avoid the rule is to sell a legal entity which is itself the owner of agricultural land. This does not require a permit similar to the GrdstVG.</p>
<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas 	<p>I can't think of any chain of effects in relation to any of these issues.</p>

- gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	The control system has been used as standard in Germany for decades. An answer to this question would presuppose that I would be able to compare it with situations in which it is not used, for example in other states. I lack this knowledge so far, but it is hopefully one of the objectives of this study.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	current doctoral thesis: Hoffmeister, F. (2019): Steuerung des landwirtschaftlichen Grundstücksverkehrs. Schriften zum Agrar-, Umwelt- und Verbraucherschutzrecht Band 81, Baden-Baden. Bremer, T. (2019): Die rechtliche Gestaltung des Agrarstrukturwandels. Schriften zum Agrar-, Umwelt- und Verbraucherschutzrecht Band 80, Baden-Baden.

3B Arrangement 2

Arrangement 2, Name: Right of first refusal.	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	§ 4-10 Reich Settlement Law (RSiedIG) in connection with § 12 Land transfer act (GrdstVG)
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	directly legally binding
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Federal law since 1949 (adoption of the Reich Law of 1919)
4) Please provide a short description of the arrangement (how it works)	If the requirements of § 9 GrdstVG are met, the settlement authority responsible under federal state law shall decide on the exercise of the right of first refusal. In doing so, it makes use of the settlement enterprise pursuant to § 2 RSiedIG. right of first refusal implies that the settlement enterprise takes the place of the first buyer in the purchase contract and thus also has to pay the contractually agreed price. The housing development company also decides whether to exercise the right of first refusal based on economic and risk considerations. When exercising the right of first refusal, it must name a concrete agricultural business that has declared its willingness to take over the land. If the exercise of the pre-emptive right is legally binding, the land will be sold on to this or several farmers in need of restocking.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	The scheme is directly linked to the provisions of the Land transfer act: (GrdstVG) and is subject to the same conditions (see above).

6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The legal text only contains the cited general provision on the "unhealthy distribution of land" (an undefined legal term). In interpretation and judicial review the following connection has been established: If the buyer is a non-farmer and at the same time efficient local agricultural enterprises need to increase their property and are willing and able to purchase the land in question, the purchase will not be approved and the settlement authority will decide on the exercise of the right of first refusal. A non-agricultural buyer who demonstrably intends to establish a profit-oriented agricultural enterprise is treated in the same way as an agricultural enterprise.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	The transactions in the case of the right of first refusal are subject to real estate transfer tax. This means that the settlement company initially pays land transfer tax (up to 6.5% on the purchase price, depending on the law of each federal state). When the land is resold to the farmer, real estate transfer tax is again payable, which means that the purchase price increases by up to 6.5% again. In addition, the settlement enterprise must operate economically and must therefore charge administrative fees of another (estimated) 3-5% of the purchase price. This makes the land very expensive for the second farmer.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Responsibility for implementation lies with a subordinate authority of the Ministry of Agriculture, if not the Ministry itself.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The arrangement gives an advantage to agricultural holdings according to the current definition. This includes, for example, legal entities whose capital owner is an industrial investor. For example, a situation may arise where a purchase contract with a local non-farmer is not approved because the holding of a supra-regionally active, non-agricultural investor wants to buy the land. This is current law, but could be criticised as an abusive application.
10) How frequently is the arrangement used? If infrequently, why?	The right of first refusal is used relatively rarely, as there is often a lack of a farmer willing to buy the land at the price stipulated in the contract. The reason is often an excessively high selling price, which is further increased by the fact that when the land is resold by the settlement company, both an administrative fee and a second time the land transfer tax is added. In addition, there is a high risk that the first buyer will take legal action against the decision, which not only delays the matter but also involves legal costs.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	There are concrete demands to facilitate the application of the right of first refusal: abandonment of the double land transfer tax and the possibility that the settlement enterprise may also exercise without having to name a concrete farmer for the subsequent purchase (purchase on stock).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms	No

- environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	The control system has been used as standard in Germany for decades. An answer to this question would presuppose that I would be able to compare it with situations in which it is not used, for example in other states. I lack this knowledge so far, but it is hopefully one of the objectives of this study.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Netz, J. (2018): Grundstückverkehrsgesetz Praxiskommentar (8. Auflage). Agricola-Verlag, Butjadingen-Stollhamm

3B Arrangement 3

Arrangement 3, Name: Land Lease Traffic Act (Landpachtverkehrsgesetz).	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	§ 4 Land Lease Traffic Act (Landpachtverkehrsgesetz).
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	directly legally binding
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Federal law since 1985, which replaced the previously existing but outdated Land Lease Act
4) Please provide a short description of the arrangement (how it works)	Leases of agricultural land must be notified to the competent authority. The latter shall examine the contract and object to it if the lease 1. means an unhealthy accumulation of agricultural and forestry land, or 2. results in an uneconomical reduction in the size of existing properties or 3. the rent is not in reasonable proportion to the yield which can be achieved on a sustainable basis if the land is properly managed. The consequence of the complaint is that the contracting parties are required to amend the contract within a certain period of time. If they do not do so, the contract is invalid.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	Size of the leasehold property according to federal state law.

6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	In the legal text, there is only the general provision cited on the "unhealthy accumulation of agricultural and forestry land" (undefined legal term). However, there are no significant cases of application from which an implementing practice has developed so far.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	-
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The authority responsible for implementation is the competent authority under federal state law, i.e. either a subordinate authority of the Ministry of Agriculture or an authority within the local administration. Accordingly, the supervisory authority is either the Land or the authority specified in the municipal law. The law does not provide for sanctions in the event of failure to notify lease agreements. There is no monitoring of enforcement.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	-
10) How frequently is the arrangement used? If infrequently, why?	In the former federal states (before 1990) of western Germany it has become widely established that leases between private individuals are not displayed. In many federal states, the responsible authorities would not even have the personnel to implement the law properly. The situation is different only in the new eastern federal states, where in administrative practice the reported leases are used as proof of the farmed area in the subsidy law.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	In the former federal states (before 1990) of western Germany, the non-application of the law is accepted by the administration and politicians. For reasons of cost, they refuse to enforce a duty of disclosure. However, this leads to a very poor transparency of the lease market, which in turn is criticised by parts of the political community. In particular, there is a lack of reliable data on the development of rental prices.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas	No

- gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	-

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicates the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Evaluation of agricultural holdings in the event of inheritance	Agricultural inheritance law (Landwirtschaftliches Erbrecht)	Relief arrangement	Whole country
Tax reserve upon disclosure of hidden reserves	Income tax law (Einkommensteuerrecht)	Tax reduction	Whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Evaluation of agricultural holdings in the event of inheritance	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Inheritance Tax Act (ErbStG) 1974 (last amended 2019) in conjunction with Evaluation Act (Bewertungsgesetz)
2) Please provide a short description of the arrangement (how it works)	Inheritance tax must be paid when large assets are inherited. The exemption rule (§ 13 ErbStG) states that high tax-free allowances apply to business assets and agricultural and forestry assets (e.g. € 0.5 million for spouses, € 0.4 million for children) if the business is continued. In addition, the provisions of the Evaluation Act (§§ 158-168) apply to agricultural and forestry assets, according to which the value of the business is measured on the basis of the income value, not according to the higher market value of the land. The resulting inheritance tax is therefore extremely low, even in the case of very high land assets.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	No
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	no, all types of agricultural and forestry property are treated equally
5) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	the authority responsible for inheritance matters at the particular local court
7) Indicate the amount of money involved , related to the land price in the transaction	Not possible
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The arrangement generally makes the purchase of agricultural land attractive to wealthy non-farmers. It is presumed that some purchases of large areas of land or entire farms by wealthy private individuals are primarily intended to transfer the assets to their descendants to avoid paying taxes in the event of inheritance. Demand from the private sector tends to drive up the price of land and makes access more difficult for potential start-ups.

9) How frequently is the arrangement used? If infrequently, why?	for each inheritance case for agricultural holdings, which means often
10) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The effect of this arrangement on land prices is so far only presumed by experts, there is no political discussion about it.
11) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	no
Other comments on the arrangement	
12) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	no
13) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Research projects on this topic are not known

4C Arrangement 2

Arrangement 2, Name: Tax reserve upon disclosure of hidden reserves	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Income Tax Act (Einkommensteuergesetz) of 1934, amended 2001, amended 2019
2) Please provide a short description of the arrangement (how it works)	For example, if a farm sells agricultural land as building land at a price that is much higher than the book value (so-called disclosure of hidden reserves), it has to pay tax on the high profits made. § 6b of the Income Tax Act (Einkommensteuergesetz) allows the farmer to keep a tax reserve for 4 years, during this time he can reinvest the profits in the purchase of land, and is thus avoiding taxation.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	Concerns all land sold out of the business capital, which is usually the case. The replacement area does not have to be located in the vicinity of the holding, but can in principle be purchased anywhere.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence,	concerns all agricultural and forestry holdings equally (whether as primary or secondary activity)

amount of land already in possession, etc.) that wants to get or use the land.	
5) Please describe any other features related to application of the arrangement.	The tax-reducing reinvestment does not necessarily have to concern agricultural land. In the same way, other real estate (farm buildings or residential buildings, which must then be included in the business capital) can also be acquired with a tax-reducing effect. The four-year period is decisive: if no replacement property is found during this period, the book profit is taxable retroactively. Due to tax progression, the tax incurred is often very high.
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	business owner, tax consultant, tax office
7) Indicate the amount of money involved , related to the land price in the transaction	-
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	This rule has a high significance for the demand for land, especially in regions with high land use by construction activity. It is assumed that land prices in such regions are decisively influenced by the sales of building land by farmers (Gerds, 2017). However, this rule also has an impact on other regions (e.g. land purchases in eastern Germany (former GDR) by farmers from western German (FRG until 1990) metropolitan areas). The rule is a decisive advantage for certain farmers in competition for land with all others, including potential start-ups.
9) How frequently is the arrangement used? If infrequently, why?	for every book profit generated by the sale of land/real estate, which means often
10) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The price-increasing effect of the rule is well known. Proposed solutions were discussed, such as the possibility of reinvesting in assets other than real estate, the extension of the reinvestment period or a flat-rate taxation of capital gains instead of the progressive tax rate. However, a flexibilisation of the rule was last rejected in 2015 by the Working Group between the state and the federal states on Land Market Policy (BLAG, 2015, p. 86).
11) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	no
Other comments on the arrangement	
12) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	no

13) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Gerds, M. (2017): Wirkungsweise des § 6b EstG und Auswirkungen auf den Bodenmarkt. Neue Landwirtschaft Briefe zum Agrarrecht 3/2017, S. 103-107. Bahrs, E. (2003): Bodenkauf als Reinvestitionsfalle – eine deduktive Zahlungsbereitschaftsanalyse. Agrarwirtschaft 52 (2003), Heft 5, S. 234-246
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PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Farm share exchanges (Hof(stellen)börsen)		

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: Farm share exchanges (Hof(stellen)börsen)	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	Non-profit rural societies of the federal states. Overview at www.blg-berlin.de
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference	It is a placement of property, the rural companies themselves do not b owners of the farms

<p>right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?</p>	
<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>With the aim of bringing together supply and demand, helping young farm develop their own livelihood, securing the existence of existing farms by increasing the amount of land available, enabling farmers who are willing to give up farm make a socially acceptable exit from active farming, the rural societies set up "exchanges" between 2002 and 2005.</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>The farm exchanges (Hofstellenbörse) of the land companies / land settlement companies are networked via the Federal Association of the non-profit land companies (BLG) and can be reached directly via the Internet portal www.hofboersen.de. The organisation as well as the respective service and performance offer of the farm exchanges is adapted to the regional structures and market conditions. With the exception of the Court Exchange at the "Landsiedlung Baden-Württemberg" and partly at the "Hessische Landgesellschaft", in the former federal states of western Germany (until 1990) it is a matter of Farm Exchange. An agricultural structural objective of the "Hofstellenbörse" is to accompany the change in agricultural structures. The sale or placement of farm places to hobby farmers, non-agricultural small businesses, craftsmen etc. often brings a further use of building fabric in connection with investments and can lead to positive income effects for other farmers from feed deliveries or agricultural services.</p>
<p>Rules of application of the arrangement</p>	
<p>5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.</p>	<p>-</p>
<p>6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?</p>	<p>-</p>
<p>7) Please describe any other features related to application of the arrangement.</p>	<p>In Saxony-Anhalt, the Directive on the granting of start-up aid for young farmers came into effect on 30 June 2017. The "Landgesellschaft Sachsen-Anhalt" (LGSA) is the farmer's central point of contact, and therefore checks, advises and coordinates the projects. Since the announcement of the programme a total of 62 young farmers have contacted the LGSA. 12 of</p>

	<p>them have also sought advice on the possibility of land support. A provisional commitment to support with land was given to 10 young farmers, subject to the still outstanding operating concept. A total of 11 applications in 2017 and 18 applications in 2018 were approved for support for young farmers. Problematic factors are "unrealistic imagination, lack of ideas or poorly substantiated operational concepts, expected low operating results and lack of land availability".</p> <p>According to reports from the other rural societies, there are a few inquiries from "career changers and start-ups". Often there are relatively unspecific ideas and no business concept. The inquiries, numbering a total of about 30 in the year under review with the main focus on Baden-Württemberg, are differentiated in the direction of the horse/service sector, classical or organic agricultural production with and without direct marketing. Occasionally, or in a few cases, farm takeovers are usually (initially) to be arranged on a lease basis.</p>																																																																																																																																																																					
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8) How is the arrangement enforced/monitored and who is in charge?	-																																																																																																																																																																					
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11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The activity can be seen as a political signal that the state also takes care of start-ups. The practical relevance of the farm exchanges is very low, measured by the number of placements.																																																																																																																																																																					
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- employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	-
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	-

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- *interesting examples of the use of the above mentioned arrangements in a specific area*

If you don't have any extra information, you can skip this part

13 Greece, reporter Konstantinos Lalenis

Konstantinos Lalenis, University of Thessaly, Volos

Contact in consortium: TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no¹²) Yes

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no) Yes

3) Are **other types of individual farmland tenure** used? (yes, no) Yes

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	answer: rights of use but not ownership of public agricultural land δικαίωμα χρήσης αλλά όχι κυριότητα	(yes, no) No

4) Do **collective ownership or use rights** exist? (yes, no) Yes

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Name (English and in National language)	answer: Agricultural cooperatives – Γεωργικοί συνεταιρισμοί	(yes, no) Yes

5) Do **informal land rights or customary land rights** exist? (yes, no) Yes

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	answer: Occupation and use of land without formal rights – Κατάληψη και χρήση γεωργικής γης	(yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no) Yes

If yes, which?

answer: The owner cannot end the contract before the formal end of the period specified in the contract.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no) Yes

If yes, which?

answer: No increase of the rent can be imposed if the details of it are not specified in the contract.

12 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no) Yes

If yes, in what way?

answer: In specific cases (i.e. in lands needing protection, or after a disaster) there are also limits for rent increases after the end of the contract, and the "tenant" remains the same.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: By registering the member of the family to whom the land will be transferred, to the Farmers' Registry.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer: ??

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: The degree of prevention of fragmentation differ according to the location of land, the plot sizes, and the type of agriculture.

4) To what extent these rules help or hinder **access to land for new generations**?

answer: The degree of prevention of fragmentation differ according to the location of land, the plot sizes, and the type of agriculture.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

answer: There is also the measure of allocation of public agricultural land to farmers with no property of their own (διανομές σε ακτήμονες). Criteria of prioritization are implemented.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no) Yes

2) Is this protection based on **national policies**? (yes/no) Yes

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) No

If yes, please explain

answer: ...

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no) Yes

If yes, please explain

answer: There is constitutional protection for agricultural land of high productivity, that guarantees its use, and forbids any change towards non-agricultural uses. There are also incentives -in terms of loans, financial assistance etc.- for specific agricultural products, such as organic products etc.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no) Yes

If yes, please explain

answer: There is land reparable (αναδιασμός), land distribution (διανομές).....

2) if yes: is it **often used**? (yes, sometimes, rare, no). Sometimes.

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: ...

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: Considerable impact is restricted to areas of high agricultural productivity, big agricultural plots, or with potential for production of subsidized products, or products with high demand.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no) No

2) if yes: is it **often used**? (yes, sometimes, rare, no) Sometimes

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

answer: ...

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: Usually limited, since new generations are not attracted to agriculture.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) No

-> If no, go to **PART 4**

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no) Yes

-> **If no, go to PART 5**

2) If yes, please describe which arrangements: please indicates the names

-> *if more than three arrangements are used, insert a row in the table below*

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Loans for specific transaction – αγροτικά δάνεια	(Subsidizing, tax, financing, guarantee) <u>financing</u>	answer: whole country
If applicable: Name of Arrangement 2 (English and in National language)	answer: special tax regulations – φορολογικές ελαφρύνσεις	(Subsidizing, tax, financing, guarantee) <u>tax</u>	answer: whole country

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) Yes

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: leasing land to new farmers – παραχώρηση γης σε νέους αγρότες	answer: whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

14 Hungary, reporters Boldizsar Megyesi, Imre Kovách Attila Bai, László Fodor

Boldizsar Megyesi, Centre for Social Sciences,
Imre Kovách. Centre for Social Sciences and Univ. of Debrecen,
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PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? YES (yes, sometimes, rare, no¹³)

2) Is land often **rented (or leased)** by the farmer? YES (~40%) (yes, sometimes, rare, no)

3) Are **other types of individual farmland tenure** used? Not typical (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
(optional) Name 2 (English and in National language)	answer: in kind land tenure szivességi földhasználat	NO (yes, no)

4) Do **collective ownership or use rights** exist? Yes, but not typical. (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Name	answer: Collective ownership of pastures.	No
Name 2	answer: Undivided common property Osztatlan közös tulajdon	No
Name 3	answer: cooperatives Szövetkezetek	No

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	answer: pocket contracts (unofficial ownership of land by foreigners) zsebszerződés	NO(yes, no), no data about the relevance

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: There is a kind of "soft" tenant protection that does not provide general guarantees. For example the lease term is 1 year minimum and 20 years maximized by law (which, however, is not necessarily in the lessee 's interest), and stipulates that the lease relationship must be specified in the contract time. Leases longer than 5 years with PIT exemption supported /

13 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

encouraged on the owner's side. The lease is inheritable. To terminate an indefinite lease only by prior notice after the end of the marketing year. (Fixed-term leases can only be terminated for certain reasons.) There is also a pre-lease and pre-emption right, for the benefit of the lessee.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer:... The arbitrary increase in rent, disproportionate its extent can deter the tenant, and this can also lead to the termination of the lease. In the case of a long-term lease, you can ask the court to set the fee if the other party wants to raise it above 20%, but if the other party does not like this "market" fee set by the court, you can terminate the contract. There is a possibility of a rent discount in case of elemental damage (ie if the tenant does not pay 100% of the fee, the owner cannot cancel because of this the contract).

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: inheritance

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer:...Yes, the rent and lease can be transferred within the family

3) To what extent these rules can **prevent fragmentation** of rural land?

answer:...It is not specific goal

4) To what extent these rules help or hinder **access to land for new generations**?

answer:...no data based information about

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

answer:...

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? YES (yes/no)

2) Is this protection based on **national policies**? YES (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? NO (yes/no)

If yes, please explain

answer: ...

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no) NO

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

NFA

answer: ...Not yet, There are political discussion about reparable of the undivided common land property

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: ...Low, weak, the land is offered on auctions (who pays more gets it).

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no) NO

2) if yes: is it **often used**? (yes, sometimes, rare, no). NO

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: ...Since this highly protects land or lease/rent transfer within the family does not help access for land for new generation outside farmer families.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) YES

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Transfer land to non-locals (in fact they would like to protect the land from non-Hungarians). Local residents, and buyers with agricultural qualification	In the whole country

	are favoured. Helyiek & mezőgazdasági végzettségűek előnyben vannak a földvásárlás esetén.	
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-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	“Land for Farmers” program “Földet a gazdálkodóknak” program.	Soft loan (OTP Bank) Kedvezményes kamatozású hitel (OTP Bank)	Applicable in the whole country Az egész ország területén érvényes

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: “Land for Farmers” program	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	According to OTP Bank experts, more than one hundred thousand hectares of state land are expected to be announced this year. The purpose of the loan is to make purchase possible for farmers with small-size land and with limited financial facilities.

2) Please provide a short description of the arrangement (how it works)	Thanks to the agreement of OTP Bank with the National Land Management Organization, the loan is secured by the repurchase right of the Hungarian State.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	It is applicable only for buying state-owned land, independently from size, or type of land. Plots of land of less than three hectares can be purchased by farmers through a simplified call for tenders, and plots of land of more than three hectares can be purchased at auctions conducted by the capital and county government offices in 23 cities with county status.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	For primary farmers, or sole proprietorships in agriculture only, independently from residence, or age. The loan can even be used by start-ups.
5) Please describe any other features related to application of the arrangement.	This loan facility specifically designed for the sale of state-owned agricultural land, using the financial resources of the third phase of the Growth Loan Program.
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The experts of OTP Bank
7) Indicate the amount of money involved , related to the land price in the transaction	Up to 90 percent of the purchase price formed in the bid provides financing on favorable terms for a maximum term of 20 years: the interest rate of the loan is only 1.8 percent for the first 10 years, and after that it can be used at a favorable market interest rate. Interest is paid on a calendar quarterly basis and the principal is repaid in equal installments once a year.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Rental is not prohibited, or excluded, so it is possible to buy land not only for production, but also for speculative purpose. It might be prohibited.
10) How frequently is the arrangement used? If infrequently, why?	It has been used several times before. The frequency and conditions depend on the amount of marketized state-owned land.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	Theoretically the measure should promote the competitiveness of small size farms. However this category is full of uncertainties, depends on the type of activity, the possible local competitors and natural conditions.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The first and third effect seems to be relevant.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative	I do not know any best practice in this topic.

applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://www.agronaplo.hu/termekinformatiok/olcso-hitel-allami-foldvasarlasra

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no) NO

-> **If no, go to PART 6**

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

15 Ireland, Reporters Austin Finn, Edward McAuley

Austin Finn, Land Mobility Programme Manager and Lead Facilitator, Macra na Feirme
Edward McAuley, Head of Practice and Policy, Society of Chartered Surveyors Ireland (SCSI) & co-author of the annual SCSI/Teagasc Agricultural land Market Review and Outlook

Based on interviews by Aisling Murtagh (NUIG), who supplemented it with some desk-based research.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no¹⁴)

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Reporter 1: Farmers owning land is the most common. Renting or leasing is usually as a way of adding scale to owned land, however there is growth in the number of non-owners leasing farms.

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	Conacre – short term agreement to use the land for growing season (approx.. 11 months). Has long traditional use in Ireland (and Northern Ireland). It is now considered equivalent to a lease for taxation purposes by the Revenue Commissioners (see <u>Taxation of farm land let on conacre</u>).	Yes - but reducing - the Irish policy agenda encourages reducing this type of letting and entering more long-term (at least 5 years) letting arrangements.

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	Reporter 1 & 2: Commonage <i>Not precisely defined, but generally understood as unenclosed land where two or more farmers hold grazing rights (see- <u>Joint Committee on Agriculture Food and The Marine – Report of Commonage Land and Framework Management Plans, p.7</u>)</i>	<i>Generally no, but in some areas (e.g. uplands) yes. Approx. 4,500 commonages cover 330,000 hectares in Ireland (see- <u>Joint Committee on Agriculture Food and The Marine – Report of Commonage Land and Framework Management Plans, p.7</u>)</i>

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table.

14 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Reporter 2: Adverse possession - allows a person who has been in possession of land for a specified period of time, who has no interest in that land, to adversely take the interest in the land if they fit within a number of limitations. The Statute of Limitations, 1957 governs the law on adverse possession in Ireland. Adverse possession requires an applicant to show factual possession of land for the requisite period without the owner's consent and with the necessary intention to possess.	No

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

Reporter 1: The lease is a legal contract

Reporter 2: For leases, termination of the contract will be determined by the agreement.

Conacre agreements do not confer any rights onto the tenant/occupier as the short term nature of the agreement/licence keeps the issue outside of the landlord and tenant legislation.

There is no specific law in Ireland governing agricultural tenancies, but are governed by wider law impacting landlord and tenant relations.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no) – it depends

If yes, which?

Reporter 1: Depends what is stated in the lease agreement

Reporter 2: There is no statutory regulation to protect against anything that should be covered in the lease agreement in relation to rent increases.

When land is leased for the purposes of business, upward only rent reviews are not permitted.

Section 132 of the Land And Conveyancing Law Reform Act 2009 outlines that following a rent review rent may stay the same, rise or fall.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

Reporter 2: There are no restrictions on values as they are usually assessed by open market value.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Reporter 1: No particular rules apply, the farmer may transfer the land to whom he/she likes during life by way of gift or sale and upon death by way of his/her will. If no will the land goes to probate to be divided amongst closest relatives. Tax reliefs favour transfers to sons or daughters and for the purpose of farming.

Reporter 2: Ownership of the land determined by intention of the will or if there is no will, legislation "Succession Act" determines new owner. There are also mechanisms in place where land can be transferred within the family with taxation benefits.

If a farmer dies without a will the rules of intestacy as per the 1965 Succession Act (part VI) determine how the farm transfers within the family. If there are no family with inheritance rights, the State is the ultimate successor.

When a farm is sold or gifted by an individual (at least aged 55), retirement relief is available on Capital Gains Tax (CGT, charged on gains arising from disposal of capital assets by the owner). The rates differ depending if the transfer is from parent to child or to someone other than a child (see DAFM – Capital Gains Tax Measures).

Stamp duty is a tax on transfer of the property deeds. Reduced rates (consanguinity relief) are available when transfer occurs within the family to a close relative (1%) (see DAFM – Stamp Duty Measures). Transfer of land to young (under 35) trained farmers (holds relevant qualification as per terms of the scheme) is exempt from stamp duty (see Revenue, 2019 – Stamp Duty Manual, Section 81AA: Transfers of land to young trained farmers).

Agricultural relief from Capital Acquisitions Tax (CAT, charged on gifts and inheritances of capital assets received by the beneficiary) involves calculation of tax due based on the agricultural value of the property (reduces the market value by 90%). To benefit from this relief, the beneficiary must qualify as a ‘farmer’ as per the relief qualifying terms. If both CGT and CAT are payable, the CGT paid can be used as credit against the CGT tax liability (see DAFM – Capital Acquisition Measures).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Reporter 1: No normally not

Reporter 2: This is determined within the lease contract. Usually the lease can be transferred with the landlord not being able to withhold consent unreasonably but this can also be addressed within the formal lease terms. Assignment or subletting may be prohibited under the terms of the lease.

3) To what extent these rules can **prevent fragmentation** of rural land?

Transfer of farms within the family through a will or intestate inheritance do not actively prevent fragmentation of rural land. If fragmentation of land occurs when the farm is transferred within the family, this is likely particularly impacted by the lack of one clear successor.

Tax reliefs on transfer and inheritance of land within the family help prevent break-up and sale of a portion of the farm that may result to pay tax liabilities.

The latest Census of Agriculture (2010) showed that the average farm in Ireland has 3.8 separate land parcels (see CSO, Census of Agriculture 2010, Table 28, p.72). Fragmentation of farms, and also the scale of farms, are identified as issues impacting farm viability and inhibiting new entrants interested in farming taking up the profession. For example, Food Wise 2025 (the 10-year vision for the Irish agri-food industry) discusses this as an issue for policy in the context of Ireland’s position as a competitive, food exporter. Tax arrangements (outside of those described above, detailed in Part 4) have been introduced to stimulate restructuring.

4) To what extent these rules help or hinder **access to land for new generations**?

Reporter 1: Tax reliefs favour transfers to sons or daughters and for the purpose of farming.

Reporter 2: Ireland implemented a review of agri-taxation and there are now tax incentives for long term leasing of farmland. This has become popular and has helped the next generation getting access to land.

Policy documents (e.g. Food Wise 2025, p.52) and policy reform reviews (e.g. the 2014 Agri-Taxation Review, p.xvi-xvii) are clear on the negative impact of reliance on short term conacre leasing. This impact is not necessarily affecting gaining access to land but maintaining secure access for the new farming generation. When there is no secure tenure and short term leasing of land (as with conacre) there is a dis-incentive to investment in the land impacting farm productivity and viability. The income tax relief on long-term leasing arrangement (described in

section 4) has been an important policy change aiming to improve access to land for new generations and availability of longer-term leases. The Central Association of Agricultural Valuers (CAAV) has also assessed this policy for potential lessons to learn for the United Kingdom (see CAAV, 2019)

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Reporter 1: There is a lot of focus on land ownership and protection of ownership rights in Ireland. The focus is often more on ownership rather than use. Assumed that the owner will farm or want to farm and ownership plus land use remains in the family. Due to a lack of farming successors within the family, families are looking to other options whereby the owner and farmer may differ. This is relatively new for Ireland and still something traditionalists and the main farm organisation struggle with. While the family option is very important for ruralization equal support must be there for the non-family options.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

Reporter 1: Zoning

Under the Planning and Development Act 2000, development plans are an important tool of the planning system in Ireland. Each planning authority (e.g. at the county level) develops a development plan every six years. Development plans will zone land for use (solely or primarily) for particular purposes (e.g. agricultural or other uses such as residential, commercial, industrial, recreational). Zoning is carried out if the land use needs to be designated to support the effective planning and sustainable development of an area (see Chapter 1, Section 10 – Content of Development Plans).

A number of national (e.g. Nature Reserves, National Parks) and international designations (Natura 2000 sites – SPA and SAC) protect the natural environment (see National Parks and Wildlife Service). Land under these designations can also include farmland and protect it from development.

2) Is this protection based on **national policies**? (yes/no)

Yes – zoning

If the conservation designations mentioned above are considered 'farmland protection' they are based in national and international policy.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

Reporter 2: National and local development plans set out strategy and land use policy for development. Local councils and their elected representatives vote on new development plans which sets out land use policy in their areas.

Zoning will impact how easily farmland can be turned into an urban development area. Zoning can however change when a new development plan is produced and is not a permanent designation (see Chapter 1, Section 10 – Content of Development Plans).

In the last few decades, urban sprawl has become an issue in Ireland, leading to loss of non-urban land (e.g. see Ahrens and Lyons, 2019). Published in 2018, the National Planning Framework acknowledges planning has lacked coherency leading to the issue of urban sprawl. One goal of the National Planning Framework is to achieve compact growth of urban settlements thereby reducing

land take and preserving farmland. Focus is on regeneration and re-use of areas within cities and is supported by the Urban Regeneration and Development Fund.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

Reporter 1: No but tax reliefs are available for reducing fragmentation
See Part 4 below – arrangement 2

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

Reporter 1: No but there was in the past – The Land Commission
In response to civil unrest in rural Ireland land reform occurred from the 1890s to 1930s. Despite its occurrence during a period of wider political and civil unrest, land reform is considered successful and achieved its intended goals. Before reform, land ownership was concentrated with landlords and reform sought to assist tenants purchase land. The majority of land ownership was transferred from landlord to tenant farmer. Tenant farms also tended to be small and did not have access to adequate capital. Land bonds that were government guaranteed provided the credit to facilitate the purchase of land by tenants at market prices. Loans initially had to be re-paid within a specified term, but this was removed and if not re-paid within the borrower's lifetime this was passed to the next generation (for more detail see – Foley-Fisher and McLaughlin, 2016 – Capitalising on the Irish Land question: Land reform and state banking in Ireland, 1891-1938). This reform has a legacy effect on Ireland's land market and the dominance of land ownership by farmers. Its legacy effect is also felt in the structure of Irish farming with the dominance of small farms.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 4

2) If yes, please describe which arrangements: please indicates the names:

-> If more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Reporter 2: Compulsory Purchase Orders	CPO allows the State to take ownership of property and land and pay market value as compensation for such a land take. The process allows the State acquire land for infrastructural project and can be used on a nationwide basis.
If applicable: Name of Arrangement 2 (English and in National language)	Reporter 2: Court appointed sales	The Court Services of Ireland can and do give judgements enforcing the sale of property throughout the State.

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: Compulsory Purchase Orders (Reporter 2)	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Compulsory Purchase Act CPO powers have been in place since the middle of the 1500's. However, the Land Clauses Consolidation Act 1845 was the first step in giving acquiring authorities defined legal structure. This act was followed by many more with the more important ones including; The Acquisition of Land (Assessment of Compensation) Act 1919 The Local Government (Planning & Development) Act 1963 The Housing Act 1966 The Local Government (Roads & Motorways) Act 1974 The Roads Act 1993 The Planning & Development Act 2000
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	The arrangement is covered by both Irish Statute law and Case law.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The law was introduced in the 1800's. It was introduced to allow important state projects commence that has a public good, without prevention of landowners.
4) Please provide a short description of the arrangement (how it works)	CPO is a complex issue with many aspects going into the process. Once the land has being identified by the acquiring authority an advertisement is placed in the national newspapers informing all of what is being acquired. A Notice to Treat is served on the individual land owners and the land is valued on this date. A Notice

	to Enter is also served from which date the authority and/or its agents can enter the land.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	Yes, as all land is different the type, quality, usage location etc. is taken into account in assessing the value of said land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	Not usually as the value is placed on the land rather than the land owner.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	Other feature which must be taken into consideration in determining the level of compensation to be paid to the landlord include; Disturbance. Severance & Injurious Affection. Accommodation & Landscaping Works. Loss of Profits (if applicable)
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Should the acquiring authority & Land owner fail to agree on the level of either land values or level of compensation then the matter can be referred to and settled by arbitration.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not usually, CPO would be considered a fairly transparent process.
10) How frequently is the arrangement used? If infrequently, why?	CPO is used fairly regularly by state and local authorities/ other state agencies.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The process is widely accepted as the fairest and most equitable process to allow the state proceed with infrastructural projects.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	All farm types are dealt with on an individual bases, the bigger the infrastructural project the higher the environmental risk but great care is now given to environmental concerns. These projects generally improve people's quality of life with better transport links, water, sanitation, power & broadband.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a	The Main Cork – Dublin motorway. The electrification of Ireland.

specific areas and or innovative applications? If yes, please describe them.	Dublin – Galway Motorway
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	SCSI – RICS Teagasc – Irelands state funded Agricultural Research Centre Compulsory Purchase and Compensation in Ireland. – McDermott Woulfe

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive –
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no) - To some extent (see below)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicates the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Reporter 1: Tax Relief for Long Term Leases	Tax	Whole country
Name of Arrangement 2 (English and in National language)	<i>Tax Relief for Farm Consolidation (Stamp Duty, Capital Gains Tax)</i>	<i>Tax</i>	<i>Whole country</i>

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Income Tax Relief for Long Term Leasing (Reporter 1)	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	A relief has existed since the 1980s but it was simplified, improved and strengthened in 2015 to encourage landowners to long term lease their land to active farmers. The longer the lease the greater the annual income tax relief. <i>A review of agricultural taxation took place in 2014, jointly by the Department of Agriculture, Food and the Marine and the Department of Finance. Improvements to income tax relief for land leasing were recommended which led to introduction of this arrangement (see Department of Finance, 2014).</i>
2) Please provide a short description of the arrangement (how it works)	<i>Land cannot be leased to a close relative. The lease must be in writing or there is evidence of it in writing. Land must be leased for at least 5 years for farming purposes. Tax relief is given on the taxable rental income up to a certain maximum amount annually, also depending on the lease term (see Revenue, 2019).</i>
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	No
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Owner must be a person and resident in the state, the tenant must be an active farmer and the land must be farmed. Owner and tenant cannot be connected (i.e. close relative).
5) Please describe any other features related to application of the arrangement.	
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Once a signed qualifying lease is in place, the tax relief can be availed of.
7) Indicate the amount of money involved , related to the land price in the transaction	Annually a person can get up to €40,000 income tax free. <i>This applies to a lease of 15 years or more. For details of thresholds see Revenue, 2019.</i> Typically lease rents are €500 per hectare per annum compared to land purchase prices of €25,000 per hectare
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No the lease must meet qualifying rules
10) How frequently is the arrangement used? If infrequently, why?	Quite common and still growing in popularity the number of long term leases have grown significantly.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	It has worked and improved land mobility but does not suit in all circumstances. Leasing tends to advantage large and established operators over new entrants and small farmers.

12) Can you provide indications of the effect of the arrangement on: <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	Disadvantaged - see above - a similar incentive for share farming would be wonderful.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<p>CAAV, 2019. <u><i>The Irish Republic's Use of Income Tax Relief to Promote the Letting of Farmland: The First Three Years' Experience: Lessons for the United Kingdom.</i></u></p> <p>Department of Finance, 2014. <u><i>Agri-Taxation Review: Report of the Agri-taxation Working Group to the Minister for Finance and the Minister for Agriculture, Food and the Marine.</i></u></p> <p>Revenue, 2019. <u><i>Leasing farm land.</i></u></p>

4B Arrangement 2

Arrangement 1, Name: <i>Tax Relief for Farm Consolidation (Stamp Duty, Capital Gains Tax)</i>	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	<i>These tax arrangements are intended to encourage the consolidation of farm holdings, reduce fragmentation, improve viability and efficiency. It applies to land sales or exchanges. Relief on Capital Gains Tax (CGT) for farm consolidation was introduced in 2013. Reduced rate (1% as opposed to 6%) of stamp duty also introduced in 2018 (DAFM, 2018; Revenue, 2019).</i>
2) Please provide a short description of the arrangement (how it works)	<i>To qualify, Teagasc must issue a Farm Restructuring Certificate to certify that the relevant conditions relating to the sale and purchase of the land are met. Sale or exchange must occur within the relevant eligibility period (Revenue, 2019 and Revenue 2020). Ownership of the land must be for a period of at least five years (DAFM, 2018).</i>
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	<i>The transaction must result in an overall reduction in the distance between parcels comprised in the farm (DAFM, 2018).</i>
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence,	<i>A qualifying farmer must spend not less than 50% of their normal working time farming (Revenue, 2019 and Revenue 2020).</i>

amount of land already in possession, etc.) that wants to get or use the land.	
5) Please describe any other features related to application of the arrangement.	
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	<i>Teagasc assess the land and issue the Farm Restructuring Certificate. The Revenue Commissioners deal with the processing of tax relief.</i>
7) Indicate the amount of money involved , related to the land price in the transaction	<i>Stamp duty of 1% (as opposed to normal rate of 6%) on the land transaction. Relief on CGT can reduce to zero if qualify for full relief (McDonnell, 2018).</i>
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	<i>If a farmer is refused a Farm Restructuring Certificate they have a right to appeal. Teagasc can also withdraw a certificate if they have valid reason (DAFM, 2018).</i>
10) How frequently is the arrangement used? If infrequently, why?	<i>Recent data is not found. However the Agri-Taxation Review suggested uptake was limited because of the many factors needing to be in place before restructuring can occur. Barriers also include the fact that the transaction may involve a number of landowners (McDonnell, 2018). The integration of a whole farm holding initially was not initially permitted to avail of the relief. This was understood to be a barrier to uptake (see Department of Finance, 2014, p. 58). However, this is now permitted based on the recommendations of the Agri-Taxation Review (see Government of Ireland, 2019, p. 26).</i>
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	<i>Relief on CGT extends to 2022 (Revenue 2020) and on stamp duty to the end of 2020 (Revenue, 2019). Their continuance would depend on retention and extension in the annual Budget based on a review by the Department of Finance.</i>
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	<i>This arrangement is focused on increasing the scale of Irish farms to improve viability. This is in the wider policy context of increasing international competitiveness of the agri-food industry. Development of more viable farm business enterprises is a key issue influencing the attractiveness and feasibility of taking on farming as a livelihood.</i>
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	<i>No</i>
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<i>DAFM, 2018. <u>Farm Restructuring Guidelines. Version 1.3.</u> Department of Finance, 2014. <u>Agri-Taxation Review: Report of the Agri-taxation Working Group to the Minister for Finance and the Minister for Agriculture, Food and the Marine.</u> McDonnell, 2018. <u>Fewer fragments, fitter farms. Today's Farm, September-October.</u></i>

Revenue, 2020. Tax and Duty Manual: Part 19-07-03B. Relief for Farm Restructuring.
 Revenue, 2019. Tax and Duty Manual: SDCA section 81C: Farm Consolidation Relief.

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> *if you want to inform us about more than four arrangements, **insert a row** in the table below.*

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	Reporter 1: Long Term Leasing (at least 5 years)	Improves land mobility. Provides opportunities but has limitations	Land owner retires, no family farming successor, Leases for 15 years to a farmer with no or limited land, Farmer has freedom to farm at known land cost, Owner has a tax efficient secure income
Name of Arrangement 2 (English and in National language)	Reporter 1: Share Farming or Farming Partnerships (facilitated by the <u>Land Mobility Service</u>)	Currently working great as a transition within the family but there is growing interest and huge scope outside the family. Can allow a young trained farmer with no or limited land and limited equity/finance to farm with the land owner. Land owner stays involved and arrange / share can develop over time. Independent expert facilitation like the Land Mobility Service very helpful. Shares / splits tend to work out similar to lease rent but the model is far more flexible and favours new entrants and small operators.	Land owner looking to step back but leasing is too extreme as needs to still be a farmer for wellbeing, tax or other reasons. Young trained Farmer with no land and 50k in equity (not enough to take on a lease, but enough to buy into some stock with this land owner) Together they set up a Share Farming / Farming Partnership facilitated through The Land Mobility Service. Owner provided land, infrastructure and some stock. Young Trained Farmer provides stock, labour and management. Arrangement evolves over time.

16 Italy, reporter Lorenza Paoloni

Prof.ssa Lorenza PAOLONI, Università degli Studi del Molise, Campobasso

Contact in consortium: UNICAL

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (**yes**, sometimes, rare, no¹⁵)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, **rare**, no)
- 3) Are **other types of individual farmland tenure** used? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	answer: emphyteusis (enfiteusi)	(yes , no)
(optional) Name 2 (English and in National language)	answer: usufruct (usufrutto)	(yes , no)
(optional) Name 3 (English and in National language)	answer: grazing pasture contract (contratto di pascipascolo)	(yes , no)
	answer: concession contract for seasonal crops (contratto di concessione per colture stagionali)	

- 4) Do **collective ownership or use rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Name (English and in National language)	answer: civic uses usi civici	(yes , no)
(optional) Name 2 (English and in National language)	answer: civic lands terre civiche	(yes , no)
(optional) Name 3 (English and in National language)	Answer: collective lands terre collettive	(yes , no)

- 5) Do **informal land rights or customary land rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

15 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Answer: use of pastures uso dei pascoli (compascolo)	(<u>yes</u> , no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: The duration of the rental contract is established by law in 15 years. The contract is renewed if it is not given notice of termination by the lessor prior to the expiry date

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: anomalous succession pursuant to art. 49, law 3 May 1982, n. 203

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer: yes

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: there is a specific legal institution: the single compendium. There is, also, an ancient institution in Trentino Alto Adige: "maso chiuso"

4) To what extent these rules help or hinder **access to land for new generations**?

answer: They allow to keep the farm's agricultural unit intact

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: through urban plans and the change of use of agricultural land destination

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (**yes/no**)

If yes, please explain

answer: Landscape plans exist; there is a specific law on protected areas; there are the agro-biological districts

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (**yes/no**)

If yes, please explain

answer: By the single compendium

2) if yes: is it **often used**? (yes, **sometimes**, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: I don't know exactly, probably yes

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: the younger generation can take over in their parents' lands

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (**yes/no**)

2) if yes: is it **often used**? (yes, **sometimes**, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

Answer: I don't know exactly

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: new generations could access for land through the instrument of the "Bank of the earth" (law 28 July 2016, n. 154) and through Law 4 August 1978, n. 440 (Rules for the use of uncultivated, abandoned or insufficiently cultivated lands). But, at the moment, there isn't a real impact

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: agrarian pre-emption prelazione agraria	answer: whole country

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: agrarian pre-emption	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer : law 26 May 1965, n. 590, art. 8 law 14 August 1971, n. 817, art. 7
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: It's directly in force by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: the purpose of the agricultural preemption is to allow the formation or expansion of the territorial dimensions of the farm
4) Please provide a short description of the arrangement (how it works)	answer: the owner of an agricultural land decides to sell the rented land to a tenant. He must conclude a preliminary contract with a third party in which he must define the conditions under which the holder of the agricultural pre-emption (e.g. the tenant of the land or the neighboring owner) has the right to be preferred.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: No
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference	answer: Yes: direct grower or neighboring owner

right for certain actors)? Please indicate and explain.	
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: Often
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: I have already explained the economic and social reasons of the institute. No changes are expected
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: A. Germanò (2016), Manuale di diritto agrario, Torino

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names : **I don't know exactly**

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

17 Latvia, reporters Edvins Kapostins, Velta Parsova

Edvins Kapostins, Ministry of Environmental Protection and Regional Development, Latvia
Velta Parsova professor in Department of Land Management and Geodesy of Latvia University of Life Sciences and Technologies

Contact in consortium: TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (**yes**, sometimes, rare, no¹⁶)
- 2) Is land often **rented (or leased)** by the farmer? (**yes**, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, **no**)
- 4) Do **collective ownership or use rights** exist? (yes, **no**)
- 5) Do **informal land rights or customary land rights** exist? (yes, **no**)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (**yes/no**)

If yes, which?

Answer: In cases of agricultural land lease, agreements are mostly concluded. These agreements set out all the conditions relating to the use of the land, including the conditions for terminating of the agreement and changes in the rent. These contracts are civil transactions. If lease agreement is concluded for a long term, then such an agreement can be registered in the Land Register, thus the property is encumbered with the right of obligation. If the lessee wants to secure the pre-emption right to the leased land, then the contract must be registered in the local government. (Law on Land Privatisation in Rural Areas: <https://likumi.lv/ta/en/en/id/74241-on-land-privatisation-in-rural-areas>)

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (**yes/no**)

If yes, which?

Answer: the same as 1B 1)

- 3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/**no**)

If yes, in what way?

Answer: in transactions with real estate or land, including agricultural land, transaction prices are not regulated, as well as the maximum price is not set

1C Land transfers within the family

- 1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Answer: The change of owner takes place in accordance with the procedures specified in the Civil Law. When the owner ceases to operate on the farm, it can be sold or given away, including to a family member. Even in the event of the owner's death, the inheritance of the property takes place in accordance with the general provisions of the Civil Law. The legislation does not provide for special arrangements for the exchange of property in cases of retires or dies.

16 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, **no**)

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Answer: It depends on who is the party to the lease agreement. If the agreement is concluded with a farmer as a private person, then the contractual right to use the land does not pass to other person, including within the family. If the lease agreement has been concluded with a legal person, then also in the event of the death of the owner of the legal person, the lease agreement shall continue to operate until the term specified in the agreement. In Latvia, in most cases, farms have the status of a legal entity.

3) To what extent these rules can **prevent fragmentation** of rural land?

Answer: there no link or relation on the prevention of land fragmentation. The prevention of land fragmentation are regulated by other legislation, but they are not related to land lease or farm inheritance procedures.

4) To what extent these rules help or hinder **access to land for new generations**?

Answer: there is no link or relation

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes and no)

If yes, please explain

answer: changes in land use can only take place in accordance with the spatial plan of the local government. Therefore, if the agricultural land is provided in the plan as a territory for the development of construction, then the land owner does not have any special difficulties to transform the land. If the agricultural land in the plan is intended to continue to be used for agriculture, then the landowner in the municipality must initiate the development of amendments to the spatial plan for the transformation of the type of land use, which is no longer a short and easy process.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: Yes, in order to protect especially valuable agricultural land, the local government in spatial plan shall set restrictions for land fragmentation and the change of land use.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: there are no specific provisions in the regulatory framework to support the new generation. However, in order to encourage the new generation to engage in farming, such support was provided for the purchase of agricultural land through a special lending program for young farmers.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**
- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> **If more than three arrangements are used, insert a row in the table below.**

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: compliance of the subject of the transaction with the conditions specified by law	answer: yes
If applicable: Name of Arrangement 2 (English and in National language)	answer: a minimum area of agricultural land is determined when transactions have to be inspected by a transaction evaluation commission established by the local government	answer: yes

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1 and 2, Name:	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Law on Land Privatisation in Rural Areas (Likums Par zemes privatizāciju lauku apvidos)

2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: arrangements are directly in force by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: The conditions for transactions with agricultural land introduced at the end of the transition period after Latvia's access to the EU, in 2014. The purpose of introducing the conditions was to ensure the preservation of agricultural land for agricultural production, set criteria for potential land user and promote consolidation and management of agricultural land.
4) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: There are several conditions related to land area: - if the transaction takes place with an agricultural land area of more than 10 ha, the transaction agreement must be submitted to the commission established by the local government, which evaluates it in accordance with the criteria specified by law. - one private or legal person may not acquire more than 2000 ha of agricultural land. - The municipality in the spatial plan determines the minimum area of the land plot that can be created after the division of the land plot
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: Agricultural land may be acquired by persons if they are registered as performers of economic activities in the Republic of Latvia, and certify that the use of the land in agricultural activities will be commenced within one year after its acquisition; they have no tax debts of more than € 150. In addition, the legal entities must indicate the true beneficiaries and they should be citizens of Latvia or citizens of other European Union Member States, citizens of the Country of European Economic Area or the Swiss Confederation.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land), etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: Compliance with the conditions is controlled by local governments and land registers. For example, land registers may refuse to corroborate a transaction if the decision of the municipal commission is not submitted that the transaction meets the criteria set by law.

9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: Municipal commissions review about 4,000 transactions a year
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: Of course, there was a lot of discussion about these conditions during the examination of the draft of law. No information about planned changes.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: Cannot be assessed the direct impact of the introduced conditions on the use of agricultural land, but the amount of unused land in the recently years has decreased significantly, what could be explained by the fact that agricultural land can be purchased by farmers and not as the object of investment to earn from the increase of land price.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Land lending program loan (Zemes kredītēšanas programmas aizdevums)	(Subsidizing, tax, financing, guarantee)	answer: applicable in the whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: Land Lending loan program was launched in 2012 and introduced to farms to facilitate access to finance on favorable terms at lower rates than commercial banks.
2) Please provide a short description of the arrangement (how it works)	answer: Loans are targeted at small and medium-sized farms, as well as young farmers, who have economically justified farm development plans, but due to increased risk or lack of capital insurance, it is not possible to obtain a loan from commercial banks.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	answer: NO
4) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	answer: No
5) Please describe any other features related to application of the arrangement.	answer: ...
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	answer: State-owned development finance institution - ALTUM
7) Indicate the amount of money involved , related to the land price in the transaction	answer: In 2012, funds were available in the amount of 14 million euros, but over time the total amount of loans has increased several times and now reaches 100 million euros. The maximum term of the loan is up to 30 years, but the maximum loan amount per borrower - up to 430 thousand euros. Agricultural land prices vary between 1100 euros to 9000 euros per hectare (2019 data)

8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (**yes**, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Land fund of Latvia (Latvijas zemes fonds)	answer: applicable in the whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	answer: Land fund of Latvia (LFL) is part of State-owned development finance institution - ALTUM
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	answer: LFL acquires land in ownership by exercising pre-emption in accordance with the procedures prescribed by law, as well as purchasing land on the free market. The expropriation is not used.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: LFL started operating in 2015 and its goal is to promote preservation of agricultural land and the sustainable use of these lands for the needs of agricultural production.
4) Please provide a short description of the arrangement (how it works)	answer: The law stipulates that in cases when the land owner sells agricultural land, the land tenant and the LFL have the pre-emption right. The law also stipulates the procedure for managing the LFL.
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	answer: NO
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	answer: LFL pays for land in accordance with market conditions when exercising pre-emption rights or purchasing land from the owner
7) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	

8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- *interesting examples of the use of the above mentioned arrangements in a specific area*

If you don't have any extra information, you can skip this part

18 Lithuania, reporter Giedrius Pašakarnis,

Dr. Giedrius Pašakarnis , Vytautas Magnus University, Kaunas

Contact in consortium: UWR

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no¹⁷)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)
- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

i.e. land owned by the apartment community (land around apartment block, which they have to supervise). Other case can be in the community gardens (Lets say community gardens is 4 ha area, and inside this area there are a lot of small private parcels (up to 6 ares), but area for local roads, public spaces are managed by community).

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: if land owner wishes to finish renting land before the contract date hasn't expired he has to pay penalties for leaser.

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

- 3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

- 1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Answer: If farmer dies, his family inherits the land. If farmer retires, and he wishes to leave all his land let's say to one of his heirs, they go to the notary and rewrite ownership.

- 2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Answer: Yes

- 3) To what extent these rules can **prevent fragmentation** of rural land?

answer: There is no protection for further land fragmentation

- 4) To what extent these rules help or hinder **access to land for new generations**?

answer: case by case.

17 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

answer: In Lithuania there is a restriction, which allows for individual to have up to 300h of agricultural land, and for legal entity up to 2000 ha.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)
- 2) Is this protection based on **national policies**? (yes/no)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)
- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: Fertile land/soil has to be protected.
If land has low fertility index, land owner can be converted from agricultural land to the forest land by afforestation programmes.

2B Land consolidation and fragmentation

- 1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: In Lithuania since 2004 Law on Land has been amended with land consolidation instrument. All land consolidation project are implemented according to the Rules for Preparation and Implementation of Land Consolidation Plans approved by the Resolution of the Government of the Republic of Lithuania (2005). In 2008 National Land Consolidation Strategy has been prepared.

- 2) if yes: is it **often used**? (yes, sometimes, rare, no).

- 3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: No. In Lithuanian the is only one type of land consolidation – voluntary LC. Project area has to be at least 100 ha, minimum 5 participants, minimum 5 land owners, project area has to be in the countryside where municipal general plan is approved.

- 4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: There are some declarations that young farmers can be supported to acquire consolidated state land in more favourable conditions.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

answer: as mentioned previously in those cases as: the apartment community, community gardens.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: New generation (inheritors) receives right to use such land and duties to maintain it and pay taxes.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

i.e. there is a regulation, that you cannot sell the land before offering it to the neighbours (owners of adjacent parcels). If you neighbours refuses to buy it, you can sell it to whom you want. This procedure is supervised by the National Land Service under the Ministry of Agriculture.

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

19 Luxembourg, reporter Gérard Conter

Gérard Conter ,
Lycee Technique Agricole in Ettelbruck (LU); Member of the Board of the Institut fir biologesch
Landwirtschaft an Agrarkultur Luxemburg (IBLA).

Interview by Willem Korthals Altes (TU Delft)

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no¹⁸)

Most farms (the house plot; the core of the farming activities) are owned by the farmers. There are only a few exceptions of farms that rent their core lands with farm buildings.

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

More and more additional lands are rented. So, most of the farmland is rented currently. These additional lands are often located, non-consolidated with the rest of the farm, making it necessary to ride over public roads towards these.

3) Are **other types of individual farmland tenure** used? (yes, no)

4) Do **collective ownership or use rights** exist? (yes, no)

However, in practice they existed about two decades ago a few farms that were managed by several farm families: merger of farms to be able to keep-up with scale enlargements. Currently, this has been developed towards one holder (and the other one stepped out)

5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: Until recently renting of land in rural communities happened often informal. Currently a new law has been produced providing protection. Based on specific terms of a rental contract which must be followed. Here there is extra protection for the few farms that rent their whole farm, but this an exceptional situation.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer: The new lease law regulates this based on the rental periods indicated.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

answer: Farmland prices in Luxembourg are very high. There are no regulations that limit these prices.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: This usually happens within normal inheriting rules.

18 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer: About 99% of the core farms are owned by farmers; so this situation is not very common. Lease contracts for extra land are temporary and must be renewed every few years.

3) To what extent these rules can **prevent fragmentation** of rural land?

answer:...In practice, the number of farms in Luxembourg is diminishing and the size of the farms is growing; often of land this is not connected to the rest of the farm. So, in practice no fragmentation of farms occur in inheritance, but farm holdings themselves are scattered over the local area.

4) To what extent these rules help or hinder **access to land for new generations**?

answer:...The main issue is that rural land is so expensive that these rules do not make a difference. A landowner that has surplus land rents it to a nearby farmer (who can pay more to achieve economies of scale) and not to a new farmer

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

There is no specific policy for farmland protection. An earlier attempt to consider to introduce this failed to get support from the farming community. This would have a negative impact on the value of land, which older generations of farmers did not approve.

There is a planning policy, using zoning requirements

2) Is this protection based on **national policies**? (yes/no)

In relation to planning there is coordination of local spatial planning. There is no specific national farmland protection policy

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: Administrative procedures are complex and taking these steps is not easy, but if government decides to take farmland it will happen. In government decisions, the protection of farmland has not a high priority. There is a severe housing crisis in Luxembourg: access to housing is in practice impossible for young households, even with two college degrees and good jobs and many young households settle just over the border in Belgium, France or Germany. The city houses many EU and other capital city functions and over half of the country is highly influenced by its impact on housing markets. Protection of nature and forests is much more important, infrastructure provision is of importance. The protection of farmland has so no priority. ...

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: There is a system that had its heyday in the 1970s and 1980s and some projects continued during the 1990s.
Currently, the landscape effects of land consolidation projects are weighted negatively. The continuation of landscape features, like hedges, is appreciated positively.
Outside the agricultural sector, it is sometimes used in forestry, to improve access roads, etc.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: State Pre-emption right in designated nature and landscape protection zones (staatlichen Vorkaufsrecht in ausgewiesenen Natur- und Landschaftsschutz zonen)	answer: in all regions, but in specific zones, which take a lot of the countries territory
If applicable: Name of Arrangement 2 (English and in National language)	answer: Nature compensation by ecopoints	answer: yes

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

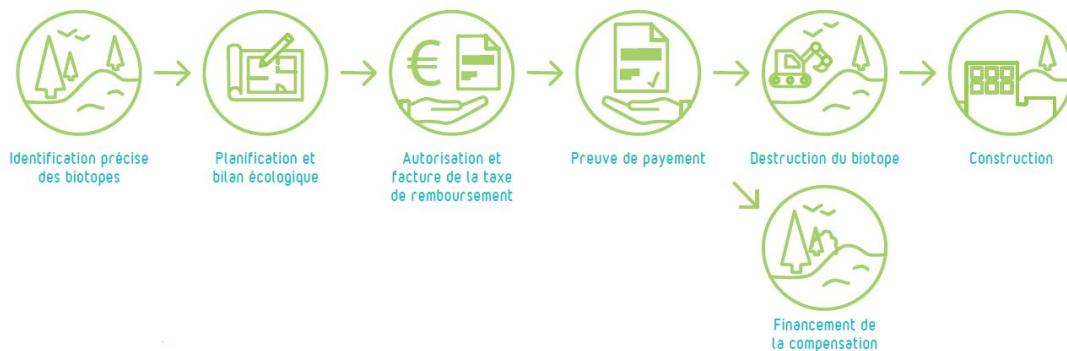
Arrangement 1, Name: Pre-emption right.....	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Chapter 10 preemption right in the Nature and biodiversity protection act of 2018. 'Chapitre 10 - Droit de préemption' in the 'Loi du 18 juillet 2018 concernant la protection de la nature et des ressources naturelles'
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: The designated areas are based on national government decisions as it is a national government pre-emption right (there is also a municipal pre-emption right but that is for matters as building of affordable housing, etc. and not so relevant for this study)...
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...This is new in the 2018 act.
4) Please provide a short description of the arrangement (how it works)	answer: The government can step in in a closed deal between a farmer selling land and a buyer and can so buy the land under the same conditions as the buyer aimed to do so. There are only about 1200 farms left in Luxembourg and it does not happen that often that one becomes available on the market. The government needs, however, farmland to compensate (using ecopoints, see below) for actions that have addresses landscape quality and biodiversity issues. So, in practice the government takes what it can get; so in the rare case that a farm in a protected area comes to the market for sale, this instrument is very likely to be used.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: ...It depends on whether a farm is located in a protected area based on EU law of national interests. In Luxembourg over 27% of the territory is a Natura 2000 site (https://environnement.public.lu/fr/natur/biodiversite/mesure_3_zones_especes_proteges.html). Next to this there are also national designations, making that a large part of the territory is protected land (or used for artificial land uses). The description in French is: :: article 49: "L'État, les communes et les syndicats de communes disposent d'un droit de préemption sur les terrains sis dans des zones protégées d'intérêt national en vue d'assurer la sauvegarde des habitats et espèces ainsi que du paysage et de la connectivité écologique"
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: n.a.

7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: there are terms and periods within which the authorities must use this right.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: The State is in charge
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: No
10) How frequently is the arrangement used? If infrequently, why?	answer: There are only few farms sold. ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: The law is of 2018; so it has a recent majority in parliament.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: The main emphasis is on environment and landscape preservation. It has no positive effects on the other aspects. Land captured by this right cannot be granted to small ecological farmers, because the restrictions are even too stringent for agroecological farming.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...no
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ... http://data.legilux.public.lu/file/eli-etat-leg-loi-2018-07-18-a771-jo-fr-pdf.pdf

3c Arrangement 2

Arrangement 2, Name: Nature compensation by eco-points.....	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Rules to institute a system of eco points for evaluation and compensation.... Legal basis in law 'Loi du 18 juillet 2018 concernant la protection de la nature et des ressources naturelles et modifiant' and specific rules 'Règlement grand-ducal du 1er août 2018 instituant un système numérique d'évaluation et de compensation en éco-points.'
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: ...It is directly in force
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...The current system works for about 2 years
4) Please provide a short description of the arrangement (how it works)	answer: ...If nature or landscape features are taken this costs a certain amount of ecopoints that must be compensated to the government. The government must use its own land to compensate this taking with at least the same number of eco points. (see also the infographic below this table)
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: Yes it depends on features and landscape values. For example the compensation of the land take of an old forest, demands more land if it is to be compensated by a new forests as landscape values of an old forest are higher than a new one....
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: No, it is depending on the land use. There is a complex system of points.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land), etc.)	answer: ...Compensation must take place, otherwise development is not legally allowed.
Effectiveness of the arrangement	

8) How is the arrangement enforced/monitored and who is in charge?	answer: The state is in charge
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: It must be used for all land takes of areas that are protected by this regulation.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: It is rather new. So, it is too early to indicate what direction the future will be. It is a rather complex system of points, so technical updates could happen. The reporter is critical about it in relation to the protection of farmland, but is also realistic in his experience of the importance of this in political debates.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: It has a negative impact on farmland as all compensation is gained on farmland. So, if a forest is taken, the new forest to be compensated is on farmland. If farmland is taken for the construction of a road, another piece of farmland is taken to be transferred to biodiversity uses. So, it multiplies the effects of farmland loss by urban sprawl and takings for infrastructure. The land uses allowed on these areas do not allow to use the land for agricultural production, even for agroecological farmers
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...No
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: https://environnement.public.lu/dam-assets/documents/natur/biodiversite/ecopoints/Ecopoints-Leitfaden.pdf http://data.legilux.public.lu/file/eli-etat-leg-rgd-2018-08-01-a772-jo-fr-pdf.pdf https://environnement.public.lu/dam-assets/documents/natur/biodiversite/compensation/Eco-Points-Brochure.pdf



(source: <https://environnement.public.lu/dam-assets/documents/natur/biodiversite/compensation/Eco-Points-Brochure.pdf>)

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
- special tax regulations supporting specific transactions or making the transactions less attractive
- a financing scheme for specific transactions (giving the buyer a loan)
- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan) (yes, no)

Luxembourg taxes are generally very low, so tax incentives have limited impact

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

2) If yes, please describe which arrangements: please indicates the names:

-> if more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ...Community supported agriculture (CSA)	answer: ...Specific projects

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: Community Supported Agriculture	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	answer: This is not yet an arrangement that is rolled out, but individual projects that aim to get some room for new entrants in agriculture.
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	answer: This can be that a benevolent landowner provides land or that the CSA acquires land. It is about intensive horticulture. So 1 hectare of so a land to provide vegetables to the local community supporting the farm
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...
4) Please provide a short description of the arrangement (how it works)	answer: ...A very big issue in the Luxembourg context are the very high land prices making it very difficult. The method itself is known from other contexts, but the conditions in Luxembourg are harsh.
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	answer: ...
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy	answer: ...

behind the prices to be paid for the land?	
7) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: Some examples are provided by Rachel Reckinger in: https://food.uni.lu/wp-content/uploads/sites/21/2018/10/Alternative-Food-Networks-Luxembourg_Literature_Reckinger.pdf Krautgaart (since 2016) https://www.krautgaart.com/ Terra since 2014 (www.terra-coop.lu) Next to new farmers also existing farms use this model to broaden their incomes (Example: https://www.fromburg.lu/en/csa-2)
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer https://food.uni.lu/wp-content/uploads/sites/21/2018/10/Alternative-Food-Networks-Luxembourg_Literature_Reckinger.pdf

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

20Malta, reporter Malcolm Borg

This is based on an interview carried out by Aisling Murtagh from the NUIG team with Malcolm Borg (Deputy director of the Centre of Agriculture, Aquatics & Animal Sciences, also founder and coordinator of a local farmer organisation Ghaqda Bdiewa Attivi). The interview was also supplemented with some desk-based research.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no¹⁹)
 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Comment on 1 & 2: Most farmland is owned either by private landowners that own large areas, the government or the church. Farmers owning land themselves is a very small proportion. Because of this land market structure, leasing is the dominant way to access land.

- 3) Are **other types of individual farmland tenure** used? (yes, no)

- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row in the table**

Collective rights	Name	Often used?
Name 'in solidum'	This is a type of lease where parcels of land are managed by individual farmers but there is one lease in solidum and rent is paid by the group as a whole for the collective land parcels. Shares in an in solidum lease can also be transferred (e.g. between family members, to another farmer).	Yes

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

In the Malta context, the majority of land is government owned. 'Qbiela' leases are renewed annually. Unless the farmer transfers the land back to the Lands Authority, the contract is renewed. Where land is rented from private landowners current legislation also protects farmer interests. The Agricultural Leases (Reletting) Act governs this, and gives farmers a right to renew. However, certain circumstances can lead to termination of the farmers lease (e.g. the owner wishes to farm the land, the land is not properly managed, government requires the land for a public purpose) and applications must be made to the Lands Authority if agreement is not reached between the tenant and landowner.

In recent years, private landowners increasingly wish to get their land back from farmers. Issues have begun to emerge leading to legal cases where private landowners claim that the farmers right of renewal is a breach of their human rights in relation to being owners of property, and their right to 'peaceful enjoyment of possessions'. These private landowners can own large amounts of land. Land is a scarce resource and prices are high in Malta. Private landowners may want to realise this value through development or sale. This context has led to legal cases. What is

19 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

described as a 'landmark case' recently found in favour of the landowner. This precedent adds to uncertainty relating to the future status of the right to renew.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no) – but some regulation exists – see below
If yes, which?

Land rented from government is leased for a minimal fee. This varies depending on location, land quality etc. but rent tends to be low. A government committee deals with revisions to rent prices. There is no direct protection on increasing rent on privately owned land. However, changes to lease conditions must be agreed in writing by the tenant and landowner (e.g. rent increase), and if not agreed under the Agricultural Leases (Reletting) Act applications must be made to the Lands Authority.

Due to the context described above in 1., private landowners may try to change the terms of the contract (increase rent) as a way to force the end of the contract. This has led to legal cases between farmers and landowners, but in most cases the court has found in favour of the farmer.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)
If yes, in what way?

Prices are not regulated. The rules of the market apply. There is no distinction made between land zoned for development and land outside of these zones that is used for agricultural purposes, except for how the market distinguishes.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Due to the dominance of leasing land in Malta, transfer of land leases between generations of farmers is more significant.
In relation to privately owned land, on death, if there is a will this can determine transfer of the farm. If there is no will or the farm is not dealt with in the will, transfer of the farm is through intestate succession in accordance with the law (Civil Code) that determines the successor(s) (see - European Judicial Network, 2017). In relation to immovable property, stamp duty (5%) applies based on market value, but rebates and exemptions are available (see- Office of Revenue Commissioners, 2020). (Note: Uncertain if specific rules exist in relation to farmland)

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Leases can be transferred within the family. Farmland leases can be transferred vertically (e.g. from parents to children) within the family. Land can be passed to more than one successor and often this can be the case, with social and cultural issues resulting in passing the farm to a number of children rather than one who will take-over the farm.

3) To what extent these rules can **prevent fragmentation** of rural land?

Fragmentation of land is a key issue for Malta. Fragmentation of land is an issue impacted particularly by passing of land leases to a number of siblings. There is no size limit within which land cannot be sub-divided further. A trend of sub-division into small land parcels is found. In addition, land holdings are on average small, roughly 1-2 hectares, which means fragmentation creates very small land parcels.

4) To what extent these rules help or hinder **access to land for new generations**?

New entrants to farming are hindered by current rules impacting land transfers within the family. Those inheriting small parcels of land may not take up farming as a profession but hold on to the land lease and use the land primarily as a leisure space or rural retreat (e.g. for domestic horticulture, keeping bees or horses for leisure purposes). This type of use is not permitted under the conditions of leasing, which stipulates it must be used for agricultural purposes, but this is not well monitored. In some cases, to cover this requirement landowners may employ contractors to sow the land with a crop e.g. wheat. These issues mean that those with access to farmland may not be genuinely seeking to pursue farming as a profession, further limiting the already very limited supply of agricultural land in Malta (total of approx. 10,000 hectares). The need for better monitoring of land for genuine agriculture uses by the Agriculture and Rural Payments Agency and the Lands Department is noted as a weakness in the current system (e.g. see consultation report Atriga Consult, 2018 – National Agricultural Policy for the Maltese Islands 2018-2028, p.132 prepared as part of the development of the National Agricultural Policy for the Maltese Islands 2018-2028).

Government farmland leases do not expire and are generally passed on within the family. Until recently, leases could only be passed within the family through vertical tenure transfer. But recent changes improve the situation for new generation land access, nevertheless still with issues remaining. Legislation now exists to allow ‘horizontal’ transfer of lease tenure outside the family. Land transfer to ‘bona fide’ full or part-time farmer is permitted via applications made to the Lands Authority. This also allows for leases to be granted to those who have completed agricultural education and intend to enter farming. They can also benefit from a preferential lease rate for up to five years (Subsidiary Legislation 573.06 – Government Owned Land Regulations). But there is often only a time-limited window when transfer can happen and there is no system to connect exiting farmers and those that wish to enter the profession or expand their land. There is a need for a system to match demand for land from new entrant farmers and this emerging supply. If this connection is not made, land goes back to government. When government has land to lease it does so through a tendering process. This is a potential way for new entrants to access land, but they compete with other bidders and do not have any preferential rights.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Sub-letting or sale of government farmland leases is not permitted. However, sub-letting is a practice that does occur. This is a response by farmers because they do not have enough land to farm viably and reach an informal agreement with those who are not working their land. This is a weakness of the current system. This is also highlighted in the consultation report prepared as part of the development of the National Agricultural Policy for the Maltese Islands 2018-2028 - that reciprocal exchange of farmland between lease holders is not permitted and is a weakness of the current system (see Atriga Consult, 2018 – National Agricultural Policy for the Maltese Islands 2018-2028, p.132)

The structure of the land market in Malta impacts access to land for new generations. Land prices are prohibitive and buying land is virtually inaccessible to new entrants. In addition to this, availability of land for sale is very low.

Lack of availability of farmland is also leading to intensive land use as farmers try to make the most out of the land they have. New pressures also impact land availability, notably development of large solar farms. National planning policy encourages these farms to use old quarry sites, but ultimately impacts land available for agriculture as these farms can use large areas of land.

Land abandonment is also an issue in Malta. This can result when farmers have no successors to pass their government lease on to. There is also no active system by government to identify abandoned land. There is a need for policy to address the issue of land abandonment to improve

land availability and deal with wider associated issues (e.g. abandoned land can be a host for disease that impacts neighbouring farmers).

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)?

A number of national (e.g. National Parks, Nature Reserve, Bird sanctuary) and international designations (Natura 2000 sites – SPA and SAC) protect the natural environment (see [ERA, Protected Areas](#)). Land under these designations can also include farmland and can protect it from development.

2) Is this protection based on **national policies**? (yes/no)

If above is considered 'farmland protection' this is based in national and international policy.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) to some extent yes, but regulations do apply – see below

If yes, please explain

Land is divided into two main categories – development zones and land outside development zones (ODZ). Farmland tends part of land outside development zones. No development is permitted in these zones, except rural buildings. The Planning Authority of Malta is however currently seeking to develop a new rural policy which at its core aims to sustain rural areas as places for farming and rural recreation (see [Planning Authority, 2020](#)). It is envisaged the updated policy will clarify issues and tighten the regulations contained in the previous policy around ODZ development which is a controversial area as some would argue existing regulations do not offer adequate protection (e.g. see [Galea 2020 for further discussion](#)).

The natural environment designations mentioned above could also protect farmland from being changed into an urban development area.

While the Agricultural Leases (Reletting) Act described above does protect the right of farmers to renewal of land leases, there are conditions within this legislation that also allows for development of this land. For example, the Lands Authority can approve termination of an agricultural land lease (provided it is not irrigable land) if the landowner proves they require the land for construction of houses, business or industrial purposes. When it comes to land owned by the government, non-renewal of leases when they are due to expire is permitted if the land is needed for a 'public purpose'.

Farmland is under pressure from urbanisation and is being lost due to urban development.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

There is a category of land designated 'land of high agricultural importance', which has specific qualities such as high quality soil. This land tends to be in ODZ. However if a planning application is made to build on this land the designation does not generally emerge as a grounds not to allow the development.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no) – but a changing space

If yes, please explain

There is no land consolidation system in Malta, but the need for it is an issue on the national agenda. While farms vary in size, average size is around 1 to 2 hectares. The need for land consolidation is identified as a strategic policy objective in the consultation document prepared as part of the development of the National Agricultural Policy for the Maltese Islands 2018-2028. However, this is a difficult issue to solve and needs a fair and sound system capable to balance key issues (e.g. access for genuine farmers, sustainable resource use, maintaining biodiversity). National agricultural policy (2018-2028) includes a number of measures related to land consolidation. This includes: 'incentivise the consolidation of land parcels to improve their sustainability' and 'Create a farmland categorisation scheme to be linked with the introduction of land consolidation schemes which will increase resources and scope for profit to ambitious farmers who are willing to consolidate and/or enlarge their business' (see - National Agricultural Policy for the Maltese Islands 2018-2028, p234).

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

Lack of land consolidation impacts access to land for new generations. The need for land consolidation specifically for farming purposes, and to safeguard farming for the next generation, is an issue also highlighted in the consultation document prepared as part of the development of the National Agricultural Policy for the Maltese Islands 2018-2028. The point is also made that any land consolidation should be focused on identifying genuine farmers and not inadvertently lead to issues such as land speculation. Land consolidation for example could take the approach to help farmers consolidate their land holding through land they identify as suitable (see Atriga Consult, 2018 – National Agricultural Policy for the Maltese Islands 2018-2028, p.137).

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no) – but a changing space

There is no system to enable fragmentation of large concentrations of land. Large private landowners do exist in Malta and government expropriating this land has been considered by government, but the huge cost is a barrier.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

As referred to in section 1.B, Q1, the relationship between large private landowners leasing land to farmers is an evolving one where tensions and threats to retaining lease tenure have begun to emerge. If private landowners increasingly succeed in obtaining their land back from farmers under a breach of their human rights in relation to being owners of property, the issue of redistribution will become more pertinent in relation to access to land for new generations.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**
- **organisations / people** and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicate the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Agricultural Land Scheme	Whole country

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: Agricultural Land Scheme	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Scheme developed by the Government Property Department.
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	This was a time limited scheme introduced in 2001 and closed to applications in 2002 (see – FAQ, Lands Authority, 2017).
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The scheme allowed those already holding a lease (Government or church owned land) to apply for a new lease that offered additional benefits (see – FAQ, Lands Authority, 2017). It also provided a system to acquire a lease on land where farmers were already cultivating and they had no lease or it had expired.
4) Please provide a short description of the arrangement (how it works)	Benefits of this lease type include the right of first refusal if the land was being sold (within 15 years of the lease) and adding the tenants name to the property title (see - Atriga Consult, 2018 – National Agricultural Policy for the Maltese Islands 2018-2028, p.137).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	No

6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	Depended on already using or holding a lease for Government or church owned land.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Applications are made to and processed by the Lands Authority.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No – doesn't appear so
10) How frequently is the arrangement used? If infrequently, why?	The scheme received a large number of applications also with some applications still being processed 16 years after submission (see - Atriga Consult, 2018 – National Agricultural Policy for the Maltese Islands 2018-2028, p.137).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Details are available here

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part – no extra information

21 Netherlands, reporter Herman de Wolff

Ir. H.W. de Wolff, TU Delft

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no²⁰)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	answer: groundlease (erfpacht)	(yes, <u>no</u>)

- 4) Do **collective ownership or use rights** exist? (yes, no)
- 5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: that depends of the type of land lease used and which type of lease can be used, depends also on the situation. If a farm is included the answer is yes.

1) Regular land lease (Reguliere pacht): can always be used.

At least for 6 years (land without a farm) or 12 years (land with a farm); after that period it will by default will be extended with another 6 years and so on. Unless the owner wants to terminate the lease. If the tenant does not agree with ending the contract, a judge will be asked to assess whether ending is possible, and part of the assessment is balancing of the interests of farmer and land owner; most important reasons for terminating could be (1) necessity to use it himself for farming, (2) change of the legally binding land use plan (for example in a development area) (3) refusal of a reasonable offer from the land owner for a new contract

2) liberalized land lease (Geliberaliseerde pacht): can only be used for land without a farm; what is in the contract determines whether the land lease can be ended. Extension is not default.

3) crop lease (teelpacht): can only be used for land without a farm, used for shorter period (1 or two years), same rules for ending as 2)

4) land lease in designated areas in which nature is protected, In the contract obligations to take care of the ecological values are included: at least for 6 years; same rules for ending as 1)

These are the rules in the new system (2007); still lease rights originating from the old system exists for witch transitional rules apply.

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

20 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

answer: that depends of the type of land lease used. For liberalized land lease for a smaller period than 6 years and for crop lease the contract determines what is possible; there is no legal protection. In other cases the farmer is protected.

Central government determines the maximum rent for farmland, and every year a possible increase of the rent should be in line with these regulations (which are detailed for several regions) (pachtnormen).

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

answer: the same rules apply as indicated above, so if > 6 years the maximum rent applies

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: the general inheritance law is also applicable if a farmer dies (equal share for the children); that means that a child who wants to continue farming and has brothers and sisters, has to pay his brothers and sisters.

In determining the value of the farm, the agricultural value of the property is used (which can be lower than the market value, in certain situations)

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Answer: yes, but that depends on the type of lease.

1) Regular land lease: the farmer can ask the judge to be replaced in the contract by his spouse (or registered partner), or a child, grandchild or foster child. If the farmer dies, the lease is not terminated and will continue

2) liberalized land lease: no possibility to ask the judge for replacement; if the farmer dies, the lease is not terminated and will continue.

3) crop lease: see 2)

4) land lease in designated areas in which nature is protected: see 1)

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: these rules cannot prevent fragmentation

4) To what extent these rules help or hinder **access to land for new generations**?

answer: these rules help children to keep on farming, as far as the possible continuation of land leases concerns (and the replacement of the lessee in a contract by his or her child); if a father owns a farm, continuation can however be financially complicated for the son or daughter if he / she is not the only one so that can hinder access. That opens possibilities for other people.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no) -> a few areas are protected because of special status, but in general: no, not because it is farmland

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: it depends on the provincial level (sub national government). The local government is in charge, but a decision to change to urbanise an open area should be well argued in line with criteria from central government that indicate that preferable development should take place within the existing urban areas (ladder voor duurzame verstedelijking). Provinces often have also strict regulations that prevent municipalities from developing rural land. A real estate developer depends on the decision of the local government.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: no, not specific; however there are some possibilities for protection in regulations how to use farmland, but these should be motivated from a spatial planning (including landscape) point of view, not from an environmental or ideological point of view.
Outside the planning system, possibilities exist for example in special designated areas (in or close to Natura 2000 areas for example); in these certain activities can be forbidden without permission.
In the NL often private law (land lease, ground lease) is used to safeguard ecological farming.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: yes; the NL has quite a history with regard to land consolidation. Nowadays however, the use of enforced LC is rather limited due to the time span and lack of support.
A voluntary system, in which a smaller number of landowners exchange land (using some fiscal exemptions that prevent paying tax on the land transfer) is still used, especially in certain regions of the NL's

2) if yes: is it **often used**? (yes, sometimes, rare, no).

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: not positive, maybe a bit negative (because it sometimes allows farmers to enlarge there farms)

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> **If more than three arrangements are used, insert a row in the table below.**

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: pre-emption right for the government (voorkeursrecht)	answer: it is only applicable if established by the government (municipality, provincial government), and cannot be used in rural areas
If applicable: Name of Arrangement 2 (English and in National language)	answer: pre-emption right for the farmer leasing land	answer: in the whole country

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: Pre-emption right for the government	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Preemption Act (Wet voorkeursrecht gemeenten)
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: separate decision needed, designation of the area by the government (municipal, provincial, central: all three can take the decision)
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: introduced in 1981 because of pressure on the land market, came into force for urban renewal areas in 1985, since 1996 is it used for all kind of development projects, mostly urban but also for recreational areas. For rural areas, in 1981 also a possible preemption right has been introduced (Wet agrarisch grondverkeer), however: this act never came completely into force so this pre-emption right cannot be used.

4) Please provide a short description of the arrangement (how it works)	answer: it can only be used in situations in which the intended land use is not agricultural, so no meaning for access to farmland
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: not relevant
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: not relevant
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: not relevant
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: not relevant
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: not relevant
10) How frequently is the arrangement used? If infrequently, why?	answer: not relevant
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: not relevant
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: not relevant
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a	answer: not relevant

specific areas and or innovative applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: not relevant

3C Arrangement 2

Arrangement 2, Name: pre-emption right for the farmer leasing land	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language): Dutch Civil Code (Burgerlijk wetboek), art. 378 - 384
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: in force by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: it exists for a long time, originates from the Land lease Act (Pachtwet), specific legislation for land lease, and has been transferred to the civil code
4) Please provide a short description of the arrangement (how it works)	answer: if the owner of leased land wants to sell his land, the farmer leasing the land has a pre-emption right in case of two types of land lease, Regular land lease and Land lease in designated areas in which nature is protected. The farmer has a month to decide whether he wants to buy; if the selling price is disputed, the farmer can ask the independent Grondkamer assess the value of the land. The right is not applicable if the land is sold to a 'safe landowner', who declares that the farmer can continue leasing based on the same rules as before (so the new owner will not end the lease)
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	answer: no
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: yes, only preference right for the farmer leasing the land

7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: the farmer has one month to decide whether he is interested in buying, and after the assessment of the value by the <i>Grondkamer</i> he has a month to decide if he wants to go on. If he does not stick to the decision period, the land owner is free to sell to someone else. The independent <i>Grondkamer</i> advices on the market value, if necessary.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: it is based on private law; the consequence of not obeying the preference right, is that the new landowner cannot end the lease for 12 years on the argument that he wants to use the land himself
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: yes, if the farmer decides to buy the land and within a period of ten years decide to sell it to someone else (as unleased land, of which the market value is higher), he has to pay the original landowner part of the profit, the first year 90%, second year 80% and so on; constructions to avoid this are also not allowed
10) How frequently is the arrangement used? If infrequently, why?	answer: no data available
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: some people argue the pre-emption right could better be replaced by certainty that the lease cannot be easier terminated by the new owner than the original owner (see f.t. https://www.grondbezit.nl/files/fpg_pdfs/Evaluatie%20Pachtregelgeving.pdf)
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: no data available, in general it can protect the interest of the more vulnerable farmers
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: not relevant
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicates the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Guarantee on subordinated loans to help young farmers to take over the company (Garantieregeling Vermogensversterkend krediet)	(Subsidizing, tax, financing, <u>guarantee</u>)	answer: yes, whole country
If applicable: Name of Arrangement 2 (English and in National language)	answer: no transfer tax in land consolidation / exchange of rural land in certain cases	(Subsidizing, tax, financing, <u>guarantee</u>)	answer: yes, whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Guarantee on subordinated loans to help young farmers to take over the company	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: Recently been introduced by new government (announced in 2018, implemented in 2019), to help young farmers take over the farm of their parents and invest in a more sustainable farm
2) Please provide a short description of the arrangement (how it works)	answer: easier to get a loan; the loan is linked to investments for innovation for sustainability and the sustainable strengthening of the socio-economic position of the agricultural company in the chain, taking into account the objectives of Dutch Vision on the

	future of agriculture. This should be reflected in the business and investment plan
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	answer: type of farming; see above
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	answer: meant for young farmers who begin farming / take over a farm
5) Please describe any other features related to application of the arrangement.	answer: ...
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	answer: agency from central government / Rijksdienst voor Ondernemend Nederland
7) Indicate the amount of money involved , related to the land price in the transaction	answer: total budget of 64 mln euro
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: unknown; 0101200 introduced
10) How frequently is the arrangement used? If infrequently, why?	answer: unknown; 0101200 introduced
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	answer: not yet
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: because it is linked to investments for innovation for sustainability and the sustainable strengthening of the socio-economic position of the agricultural company, a positive effect is expected
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: not yet

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: https://www.rijksoverheid.nl/actueel/nieuws/2019/09/03/jonge-boerenfonds-open-op-1-januari-2020
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4C Arrangement 2

Arrangement 1, Name: No transfer tax in land consolidation / exchange of rural land in certain cases	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: Originates from the land consolidation legislation; at this moment implement in the Wet inrichting landelijk gebied (Rural development act)
2) Please provide a short description of the arrangement (how it works)	answer: if rural land is (1) legally exchanged in a land consolidation process, or is (2) exchanged voluntary based on an agreement with at least three parties involved, no transfer tax needs to be paid
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	answer: no
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	answer: no
5) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	answer: (1) -> the provincial government (2) -> the landowners
7) Indicate the amount of money involved , related to the land price in the transaction	answer: depends on the fiscal position of the parties involved, up to 6% of the transaction
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: the voluntary exchange can be used in many cases, no check anymore whether it is in the public interest
10) How frequently is the arrangement used? If infrequently, why?	answer: (1): rather limited; (2) ca 5000 ha / a year (voluntary), see https://asrrealestate.nl/media/213563/themabericht-kavelruil-2017-063-silvis_def.pdf
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	answer: no

<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>answer: unknown / not directly expected, depends on the broader context (see for example 13)</p>
<p>Other comments on the arrangement</p>	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>answer: nature inclusive voluntary exchange of land in Wilnis, https://www.nationaalgroenfonds.nl/projecten/kavelruil-wilnis</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>answer: https://www.managementboek.nl/boek/9789013125245/kavelruil-j-w-a-rheinfeld</p>

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

22 Poland, reporters Joanna Perzyna, Robert Skrzypczyński

Joanna Perzyna, Nyeleni Polska
Robert Skrzypczyński, UWR

Contact in consortium: UWR

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (*yes, sometimes, rare, no²¹)

2) Is land often **rented (or leased)** by the farmer? (yes, * sometimes, rare, no)

/ dzierżawa – 693-709 kodeks cywilny both for money or other valuables / NAJEM – to samo ale bez zysku/

3) Are **other types of individual farmland tenure** used? (yes, *no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	lending for use for free ("umowa użyczenia")	(yes, <u>no</u>)
(optional) Name 2 (English and in National language)	perpetual usufruct („użytkowanie wieczyste")	(yes, <u>no</u>)
(optional) Name 3 (English and in National language)	purchase with a lifelong support for the seller ("umowa o dożywocie")	(yes, <u>no</u>)

4) Do **collective ownership or use rights** exist? (yes, *no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	ownership by legal entities ("własność osób prawnych")	(<u>yes</u> , no)
Name (English and in National language)	lease by legal entities ("dzierżawa przez osoby prawne")	(yes, <u>no</u>)
Name (English and in National language)	cooperative ownership ("własność spółdzielcza")	(yes, <u>no</u>)

5) Do **informal land rights or customary land rights** exist? (*yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table.

Informal or customary land rights	Name	Often used?
Name (English and in National language)	land leased without an agreement ("użytkowanie bez umowy")	(yes, <u>no</u>)

²¹ For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/*no)

If yes, which?

The Civil Code (Art. 704) states that if the contract does not specify the notice period for ending the contract of farmland lease, this period is equal to one year (counting from the first day of a “rental year” – i.e. if the contract was signed on June 3rd, then the period starts on the nearest June 3rd).

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/*no)

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/*no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

This is in theory regulated by the Civil Code, and in particular Section X of Book IV of the Civil Code on the special regulations of farm inheritance („Przepisy szczególne o dziedziczeniu gospodarstw rolnych”). However, in 2011 the Constitutional Court of Poland decided that placing restrictions of the inheritance process of farms is not legal, and therefore since then it is regulated by the general inheritance regulations of the Civil Code (that apply to all types of inheritance). This means that one no longer has to be a farmer to be able to inherit a farm (as it was before 2001).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Yes, but only on the basis of a completely new contract between the owner and the family member. There are no restrictions for the owner to lease the land to anyone else (as long as s/he meets other requirements, i.e. is a farmer).

3) To what extent these rules can **prevent fragmentation** of rural land?

These rules do not help prevent the fragmentation of rural land.

4) To what extent these rules help or hinder **access to land for new generations**?

Since farms can be now inherited by people who are not farmers, heirs other than farmers are more prone to sell the farms. This means that the supply of farmland is slightly higher, which in theory could lower the prices; however, this seems to have no significant impact on farmland prices.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

- As Sikorska et al. (2018) show, about 80% of farms in Poland are using exclusively land that is privately owned; about 20% of farms use land that is in part owned, and in part leased. Ca. 1% of farms – and most often the ones larger than 20ha – are established on leased land only (percentage points do not sum up due to rounding).
- A farmer who is operating on leased farmland can make a legal request to a court demanding the owner to reduce the rent in case of force majeure (e.g. drought) that significantly reduced the farmers’ revenue (Civil Code, art. 700).
- If both parties of the contract agree, the rent for leased farmland can be paid partly or completely in yields (Civil Code, art. 693 § 2).
- A farmer who has been leasing the farmland for longer than 3 years gets the pre-emption right if the owner decides to sell it (Act on the Formation of Agricultural System, art. 3 §1)..

Sikorska et al. (2018) *Rynek ziemi rolniczej. Stan i perspektywy* [Agricultural land market. Current state and perspectives]. Warszawa: Instytut Ekonomiki Rolnictwa i Gospodarki Żywnościowej. Available at: https://ierigz.waw.pl/download/22954-ziemia_rolnicza_2018_internet.pdf [Accessed 27.07.2020].

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (*yes/no)
- 2) Is this protection based on **national policies**? (*yes/no)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (*yes/no)

If yes, please explain

In Poland, agricultural land is classified into 6 categories of soil quality, where category 1 is the best and 6 – the worst from the point of view of agricultural production. The land of quality belonging to categories 1-3 is protected from being used for purposes other than agriculture by the regulation of the Act from 03.02.1995 on Agricultural and Forest Land (“Ustawa z 03.02.1995r. o ochronie gruntów rolnych i leśnych”) as well as the Act from 27.03.2003 on Spatial Planning and Development (“Ustawa z 27.03.2003 r. o planowaniu i zagospodarowaniu przestrzennym”).

Whenever the owner wants to change the land-use of an agricultural plot into non-agricultural uses, s/he has to go through a procedure consisting of two steps.

In the first step, the official land-use of a plot has to be changed into non-agricultural purposes within the framework of the spatial planning law. The land-use of a given plot is established in the Local Spatial Development Plan (“Miejscowy plan zagospodarowania przestrzennego”) prepared by municipalities. Changing the land-use of any farmland of categories 1-3 into non-agricultural uses in the plan generally requires an approval of the Minister of Agriculture and Rural Development. Whenever there is no valid local development plan for the plot (it is not obligatory), anyone can apply to the municipality for a Decision on the Conditions for Development (“Decyzja o warunkach zabudowy”) of the plot, but it is practically impossible to get an approval if the land belongs to categories 1-3 of soil quality.

In the second step, the owner has to apply for “excluding the plot from agricultural production (“wyłączenie gruntu z produkcji rolnej”), which applies to all categories of land. This is only a formal decision, but its administrative cost ranges from ca. 100,000 PLN/ha (ca. 25,000 EUR) for the lowest soil quality up to ca. 500,000 PLN/ha for the highest soil quality land – which makes it a rather costly procedure.

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

2B Land consolidation and fragmentation

- 1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

The Act from 19th March 1982 on consolidation and exchange of parcels (Ustawa z dnia 26 marca 1982 r. o scalaniu i wymianie gruntów) provides the framework for consolidation and exchange of agricultural land. The process of consolidation is initiated by the farmers who form the majority of owners of the farms located on the plots in question or who are owning the majority of land belonging to the plots in question. In some special cases the process can be also initiated by the

authorities of the county level (NUTS4). The process includes both reparcelling and, if necessary and viable, exchange of farmland parcels between the owners.

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

In general, the farmers who take part in the consolidation process receive land of equal value that the land they put into the process. Whenever it is impossible to assign land of equal value, the maximum difference between the given and received land can be 3% (except when the parties voluntarily decide otherwise). In case it is not possible to reassign the land in this way, the farmers can also receive direct payments making up for the reduction of value of the land they received.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

It generally improves access to land since after the consolidation/exchange process it is easier to create an agricultural holding of sufficient area and more efficient shape that in consequence is more economically viable for farming.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/*no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Act from 11.04.2003 on the Formation of Agricultural System ("Ustawa z dnia 11 kwietnia 2003 r. o kształtowaniu ustroju rolnego") with further amendments	the whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: Act from 11.04.2003 on the Formation of Agricultural System	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	<p><i>Act from 11.04.2003 on the Formation of Agricultural System</i> (“Ustawa z dnia 11.04.2003 r. o kształtowaniu ustroju rolnego”) and its further amendments:</p> <ul style="list-style-type: none"> • Act from 14.04.2016 on halting the sale of property of the Agricultural Property Stock of the Treasury and the amendment of other Acts („Ustawa z 14.04.2016 r. o wstrzymaniu sprzedaży nieruchomości Zasobu Własności Rolnej Skarbu Państwa oraz o zmianie niektórych ustaw”) • <i>Act from 26.04.2019 on the amendment of the Act on the Formation of Agricultural System and other Acts</i> („Ustawa z dnia 26.04.2019 r. o zmianie ustawy o kształtowaniu ustroju rolnego oraz niektórych innych ustaw”)
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	in force by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	<p>The agricultural land policy of Poland is generally based on the <i>Act from 11.04.2003 on the Formation of Agricultural System</i> and its further amendments in 2016 and 2019.</p> <p>The main aim of the <i>Act on the Formation of Agricultural System</i> was to improve the structure of farms, prevent excessive concentration of land (individual farms up to 300 ha), and ensure appropriate qualifications of farmers (agricultural education, temporary restrictions on the sale of agricultural land).</p> <p>The 2016 <i>Act on halting the sale of the property of the Agricultural Property Stock of the Treasury and the amendment of other Acts</i> halted the sale of lands from the Agricultural Property Stock of the Treasury and also introduced a limitation according to which agricultural land can only be purchased by individual farmers (except for plots of land up to 0.3 ha; the right to purchase land was also guaranteed to religious associations).</p> <p>The political goal of the 2016 Act was to block the possibility of purchasing land by foreigners after the 12-year period of protection from this that followed the accession of Poland to the EU. Poland's transitional EU accession rules on the liberalisation of its land market banned foreigners from buying land until May 2016. Consequently, the participation of foreign farmers in the ownership structure of land in Poland is minimal (foreign organic farmers report problems with land purchase), however it does not</p>

	<p>prevent the phenomenon of buying shares in companies which own land in Poland by companies with foreign capital.</p> <p>Then, in 2019, an amendment to the Act on the Formation of Agricultural System was introduced that slightly loosened the restrictions of access to land by non-farmers. This amendment increased the area of land that is excluded from the regulations of the Act from 0.3ha to 1ha.</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>After two amendments, the rules of the Act are as follows:</p> <ul style="list-style-type: none"> • a farm or farmland can be purchased only by individual farmers, i.e. a person who (1) has been active in farming in the municipality where (s)he wants to buy the farm or farmland for at least 5 years, and (2) owns not more than 300ha of farmland, and (3) who has appropriate farming qualifications; • exceptions to that rule include, i.a., family members of the seller, religious associations, and national parks; • whenever someone else wants to buy farmland, they require a consent of the Director of the State Centre for Agricultural Support (Krajowy Ośrodek Wsparcia Rolnictwa, KOWR); • the consent can be granted to, i.a., individual persons with farming qualifications who declare that they will be running a farm on the purchased land for at least 5 years, universities buying land for scientific purposes, • the consent can theoretically be granted to anyone, provided that the seller proves that there was no possibility to sell the land to a farmer; • the buyer of the land regulated by this Act has to cultivate it for 5 years after the purchase (and the land cannot be sold in this period); • the regulations are applied to purchases of farms or farming land, both in terms of property rights and perpetual usufruct; • the regulations are not applied to, i.a., parcels smaller than 1ha, parcels with min. 70% of area covered by ponds, and parcels within administrative boundaries of cities that are planned as housing areas; • KOWR keeps the pre-emption right, except when the land is leased to a farmer for at least 3 years – in this case that farmer has the pre-emption right (and when (s)he waives the pre-emption right, in which case KOWR gets it); • KOWR also has the pre-emption right for buying shares of companies that own more than 5ha of farmland, as well as for buying agricultural land from companies who enter the stock market.
Rules of application of the arrangement	
<p>5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. –</p>	<p>The arrangement does not apply to:</p> <ul style="list-style-type: none"> • parcels smaller than 1ha; • parcels located within cities that are planned to be used for housing development.

or type of farming practiced on the land?). Please indicate and explain.	
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The arrangement differentiates between farmers and non-farmers, thus indirectly – due to how farmers is defined – taking into account professional qualifications, place of residence and the amount of possessed land. These regulations strongly support individual farmers, i.e. farmers with professional qualifications who have been living in the municipality where the land that they want to buy is located and running a farm there for at least 5 years, and who possesses less than 300ha of land.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	The arrangement is strongly centralized with KOWR playing the central role in its enforcement. In case of the pre-emption purchase by KOWR, the price of land is set by a court of law.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The arrangement is monitored by the State Centre for Agricultural Support (KOWR), a governmental agency created specifically for these purposes.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	It is possible that on some occasions the land is purchased by the so-called "dummies", or buying shares in Polish companies owning lands by companies with foreign capital. this phenomenon hardly appears in the Polish public discourse and there is no reliable data; the European report speaks about 200,000 ha acquired in West Pomerania by foreign companies. Also, some critics mention that concentrating so many competences in one institution – the Director of KOWR – can naturally result in less transparency and more vulnerability of the process.
10) How frequently is the arrangement used? If infrequently, why?	Very frequently, as this is the current law.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The law is criticized by business representatives for being too bureaucratic (limiting the possibility of buying agricultural land and granting too much power to the Director of KOWR). Some criticise the extent to which this Act lets the government nationalize farmland. In general, KOWR has now the capacity to use most market transactions to nationalize the land, which for some conservative commentators is too radical. On the other hand, activists still see this arrangement as insufficient to provide appropriate protection from land grabbing. The amendment in 2019 loosened the regulations to some extent, and so no further changes are planned for now.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms	It seems that this arrangement supports smaller (not necessarily ecological) farms, since it is more difficult to create large agricultural holdings which, in some cases, may use their position to eliminate smaller holdings. This arrangement has been

<ul style="list-style-type: none"> - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>beneficial for environmental and landscape preservation, as it curtailed the often chaotic development of non-agricultural functions (e.g. housing) on land that is not suitable for this purpose. Although it was projected that the arrangement will lead to a significant drop in land prices, this has not happened (however, one can argue, that land prices would have risen much more were it not for the restrictions). Certainly, this arrangement reduced land speculation in Poland.</p>
Other comments on the arrangement	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>Since this arrangement encompasses the entire country and is a general law, there are no cases of specific areas or innovative applications.</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>Bieluk, J. (2017) ‘Spółki prawa handlowego a ustawa o kształtowaniu ustroju rolnego’ [A Commercial Law Company and the Act on the Formation of Agricultural System], <i>Studia Iuridica Lublinensis</i>, 26(1), pp. 23-34. doi: 10.17951/sil.2017.26.1.23</p> <p>Truskiewicz, Z. (2017) ‘O własności rolniczej w kontekście zmian w obrocie własnościowym prywatnymi gruntami rolnymi’ [On agricultural property in the context of the changes in the private agricultural land market], <i>Studia Iuridica Agraria</i>, 15, pp. 235-262. doi: 10.15290/sia.2017.15.16</p> <p>Warmińsko-Mazurski Ośrodek Doradztwa Rolniczego (2018) <i>Obrót ziemią rolną</i> [Agricultural land market transactions in Poland]. Available at: https://wmodr.pl/files/uCPFKnyOnDojTzVSG4Xqh5xyLjGiQyDmEh9SbYcX.pdf</p>

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
If applicable: Name of Arrangement 1 (English and in National language)	Preferential loans for farmers for farmland purchase – line “Z” („Kredyty preferencyjne dla rolników na zakup użytków rolnych – linia <<Z>>”)	(subsidizing)	the whole country
If applicable: Name of Arrangement 2 (English and in National language)	Preferential loans for young farmers for farmland purchase – line “MRcsk” („Kredyty preferencyjne dla młodych rolników na zakup użytków rolnych – linia << MRcsk >>”)	(subsidizing)	the whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Preferential loans for farmers for farmland purchase – line Z („Kredyty preferencyjne dla rolników na zakup użytków rolnych – linia Z”)	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The arrangement has been introduced by the Agency for Restructuring and Modernization of Agriculture (<i>Agencja Restrukturyzacji i Modernizacji Rolnictwa, ARiMR</i>) in order to support farmers in taking loans for a number of purposes, one of which is the purchase of land (line “Z” according to the classification of ARiMR).
2) Please provide a short description of the arrangement (how it works)	This arrangement allows farmers to apply to ARiMR for preferential loans taken from one of the banks with which ARiMR is cooperating; in practice, it means that ARiMR is paying some of the costs of the loan (up to 40%, or even up to 60% of the total loan amount in case of young farmers and areas difficult for farming). The amount of support is decided on an individual basis.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	Yes – the loan can be granted only for farms whose total area exceeds the average farm area of the region (NUTS2) in which it is located. Also, this arrangement specifies that for areas with difficult conditions for farming the value of support for the farmer can reach up to 60% (instead of up to 40% which is the regular case). There are no restrictions related to type of farming.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes, young farmers (up to 40 years old) and new entrants into farming (<5 years) can apply for subsidizing up to 60% of the total loan value (instead of up to 40%). All the rules of the Act on the Formation of the Agricultural System apply here too, which means that e.g. a farmer who owns more than 300ha would not be eligible for this support (and that, in general, only farmers can apply for the loan except for the cases when the Director of KOWR gives her/his consent for the purchase of land).

5) Please describe any other features related to application of the arrangement.	The money received by the farmer has to be returned if the farmer stopped paying up the loan, sold or leased the land, ceased production or in any other way did not realise the investment plan that is the basis for applying for the loan.
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Agency for the Restructuring and Modernization of Agriculture (ARiMR) – a governmental agency
7) Indicate the amount of money involved , related to the land price in the transaction	Up to 40% of the total loan value, or up to 60% in case of young farmers (up to 40 years old), new entrants into farming (<5 years), and farms that are facing difficult farming conditions; according to the regulations of <i>de minimis</i> support, this amount cannot exclude 20.000 EUR for three years.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The arrangement specifies that the farmer has to ask the bank that gave the loan for permission to introduce changes in the directions of development of the farm. Clearly, it results from the desire of the bank to ensure that the farm will be profitable and that the farmer will pay up the loan in time. This, however, might lead the farmers to taking decisions that follow only the economic benefit of the farm, while ignoring other dimensions of sustainability.
10) How frequently is the arrangement used? If infrequently, why?	Frequently. For instance, in 2019 alone ARiMR supported 1,637 loans for purchasing farmland.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement seems to be generally accepted. No changes are foreseen as of today.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The arrangement has a positive affect for all farmers that want to enlarge their holdings or create a new one (although in the latter case the positive impact is limited due to the regulations of the Act on the Formation of the Agricultural System which restricts the purchase of farmland). The logic of the mechanism – public money going directly to banks – is solidifying the dominant model of farming, which is revolving around debt and economic profitability (possibly at the expense of other profits related to farming). Therefore, although this mechanism certainly supports farmers, one could probably discuss other ways of supporting the creation and expansion of farms.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	-
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Agencja Restrukturyzacji i Modernizacji Rolnictwa, nd., <i>Kredyty preferencyjne</i> . Available at: https://www.arimr.gov.pl/pomoc-krajowa/kredyty-preferencyjne.html [Accessed 27.07.2020]

4B Arrangement 2

Arrangement 2, Name: Preferential loans for young farmers for farmland purchase – line “MRcsk” („Kredyty preferencyjne dla młodych rolników na zakup użytków rolnych – linia << MRcsk >>”)	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The arrangement has been introduced by the Agency for Restructuring and Modernization of Agriculture (<i>Agencja Restrukturyzacji i Modernizacji Rolnictwa, ARiMR</i>) in order to support young farmers in setting up new farms (line “MRcsk” according to the classification of ARiMR).
2) Please provide a short description of the arrangement (how it works)	This arrangement allows young farmers (<40 years old) who have never run a farm to apply to ARiMR for preferential loans taken from one of the banks with which ARiMR is cooperating. The loan can cover not more than 90% of the total cost of setting up a farm, and the farmer has to prepare a business plan that shows that this farm can become profitable in terms of ESU: the contract requires the value of 4 ESU in not more than 5 years from setting up the farm. In practice, it means that ARiMR is paying up to 60% of the total loan value but not more than 20,000 EUR. The amount of support is decided on an individual basis.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	Yes – the loan can be granted only for setting up new farms whose total area exceeds the average farm area of the region (NUTS2) in which it is located. There are no restrictions related to type of farming, however there are restrictions related to their profitability – at least 4 ESU achieved not more than 5 years from setting up the farm. This means that the farm has to be run as a business oriented on financial profitability.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes, the arrangement is aimed specifically at young farmers, who are setting up their first farm. All the rules of the Act on the Formation of the Agricultural System apply here too, which means that e.g. a farmer who owns more than 300ha would not be eligible for this support (and that, in general, only individual farmers can apply for the loan, except for the cases when the Director of KOWR gives her/his consent for the purchase of land).
5) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Agency for the Restructuring and Modernization of Agriculture (ARiMR) – a governmental agency
7) Indicate the amount of money involved , related to the land price in the transaction	Up to 40% of the total loan value, or up to 60% in case of young farmers (up to 40 years old), new entrants into farming (<5 years), and farms that are facing difficult farming conditions; according to the regulations of <i>de minimis</i> support, this amount cannot exclude 20.000 EUR for three years.

8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The arrangement specifies that the farmer has to ask the bank that gave the loan for permission to introduce changes in the directions of development of the farm. Clearly, it results from the desire of the bank to ensure that the farm will be profitable and that the farmer will pay up the loan in time. This, however, might lead the farmers to taking decisions that follow only the economic benefit of the farm, while ignoring other dimensions of sustainability.
10) How frequently is the arrangement used? If infrequently, why?	nd.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement seems to be generally accepted. No changes are foreseen as of today.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The arrangement has a positive effect on the prospects of young farmers who want to set up their first agricultural holding. The logic of the mechanism – public money going directly to banks – is solidifying the dominant model of farming, which is revolving around debt and economic profitability (possibly at the expense of other profits related to farming). Therefore, although this mechanism certainly supports young farmers, one could probably discuss other ways of supporting the creation of farms.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	-
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Agencja Restrukturyzacji i Modernizacji Rolnictwa, nd., <i>Kredyty preferencyjne</i> . Available at: https://www.arimr.gov.pl/pomoc-krajowa/kredyty-preferencyjne.html [Accessed 27.07.2020]

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

23 Portugal, reporters Joaquim Cabral Rolo, José Ramos Rocha

Joaquim Cabral Rolo - Agricultural engineer (1976) and landscape architect (1984) from the Higher Institute of Agronomy, University of Lisbon. He is a retired coordinating researcher at the National Institute of Agrarian and Veterinary Research (INIAV, Portugal).

José Ramos Rocha - Agricultural Engineer (1976) from the Higher Institute of Agronomy, University of Lisbon. DSPU "Agrifood Development and Sectoral and Interregional Planning" of the Mediterranean Agronomic Institute of Montpellier (IAMM, 1979-1981). Retired senior executive of the General Planning, Policy and Administration (GPP) of the Ministry of Agriculture, Forestry and Rural Development (Portugal).

Contact in consortium: CNRS

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

See tab 1

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no²²)

Table 1 shows the predominance, stable over time, of owner farms (owner farming), almost 95% in number and 70% of the UAA).

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

The importance of farms with access to land by lease (rent/lease²³) remains at 10%, with 20.8% of the surface area, and decreased after accession to the EU (then EEC). Table 1 shows quite clearly the differences in the importance of leasing in land access between the mainland (8.7% of farms with land under leasing arrangements, accounting for 19.9% of the surface area) and the Madeira Islands (1.6%/3.6%) and the Azores (42.8%/46.3%).

The relative importance of leasing/farming as a form of tenure also increases with the size of holdings: 5% of holdings and 4% of utilised agricultural area (UAA) on holdings with less than 5 hectares, 16.8%/11% on holdings between 5 and 20 hectares, 34%/22.1% on holdings between 20 and 50 hectares and 37.8%/25% on holdings over 50 hectares.

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	"other forms of tenure" (other forms of exploitation; see Table 1) - transfers of land under informal agreements.	(yes, <u>no</u>)

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language) 'common land' (<i>Baldios</i>).	'Land with its plots and integral equipment, owned and managed by the local community of shares, constituting its common backyard, in particular for grazing livestock, firewood and bushwood collection, cultivation and hunting, electricity generation and any other economic potential, according to local law and custom' (INE ²⁴);	(<u>yes</u> , no)

²³ See definition in footnote to Table 1.

²⁴ <http://smi.ine.pt/ConceitoPorTema?clear=True>. See Law No 75/2017 of 17 August: Regime applicable to wasteland and other Community means of production.

	According to the National Statistical Office (INE), there were 633 "Baldios" in the north and centre of the continental territory of Portugal in the total number of agricultural holdings with 127 660 ha of UAA (INE), which were farmed under the Community "Baldios" scheme. However, in addition to those with characteristics for this registration as an agricultural holding, it should be noted that the entity "Baldio" occupies "an area of more than 680,000 hectares, or 8% of the country" (Beires, 2013).	
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5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Other forms of exploitation (transfers of land under informal agreements between family members and neighbours).	(<u>yes</u> , no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

In the form of a Rural Lease Law (Lei do Arrendamento rural)²⁵.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

Decret-loi nº 294/2009 de 13 de outubro. According to this legal norm, it is only possible to increase the rent on the basis of the Consumer Price Index (CPI) and if the landlord, with the agreement of the tenant, has made improvements to the land subject to the contract.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

In the 2000s, the administrative setting (by the government) of regional maximum rent thresholds came to an end.
Land transaction prices, the same today as the value of rents, are not subject to any regulation, so there is no maximum determined by law.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

²⁵ Decree-Law n.º 294/2009, 13 de outubro. See footnote to Table 1.

The purpose of Portuguese law is not to preserve and ensure the transfer of the agricultural holding. In general, it determines the form of transfer of ownership, including land and means of production, to the heirs and ensures an equal distribution among all the parties concerned: equal shares from parents to children or, in the case of a surviving spouse, half for the latter plus the party who agrees to the sharing of the other half by the remaining heirs.

By individual agreement between heirs, or by traditional practice in a northern region of the country (Maia), but without national expression and legislative support, the principle of "preservation of exploitation" can be practised. In these isolated cases, the farm is left to one of the heirs, who must pay the other heirs the amount that would be due to them as part of an equal distribution of the value of the inheritance.

The lack of expression of this practice means that the principle of equal sharing of the land of the agricultural unit is predominant, leading to a systematic increase in the fragmentation of farms in all areas. In the case of small farms, this situation is more serious, as it increases the already existing fragmentation and means that, due to the area limits in hectares (Cultivation Unit) imposed for the individual registration of owners, there are several co-owners (heirs) on the same land.

There was a legal provision (which had little expression and was suspended in the middle of the 2000s - PAR Credit) which aimed at answering the previous questions, "offering advantageous financing conditions: to rural tenants the possibility of acquiring agricultural land which was on their direct farm; to the heir who ensured the preservation of the family agricultural unit the means of payment to the other heirs; for land consolidation actions".

Under the CAP, there are incentives (financial and other support) for: (a) The establishment of young farmers; (b) Cessation of farming activity²⁶.

On the basis of these instruments, some transfers of land/farms have taken place, but without significant impact on the national land framework.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Under rural lease legislation, the "Lease Contract" is compulsorily transmitted, by death in the case of natural persons, to the surviving spouse not separated from persons and property who, at the time of his or her death, had been living with him or her for two years under conditions similar to those of spouses and close relatives, in a straight line and, in the case of extinction of legal entities, to whom the rights and obligations of the extinguished entity should be transmitted, on the condition that the intention to continue the lease is communicated within the maximum period of six months after the death or extinction.

The Act is silent on the conditions of transmission in the event of retirement.

3) To what extent these rules can **prevent fragmentation** of rural land?

The legislator has created an instrument to avoid the fragmentation of land by defining limits for cultural units (Unidades de Cultura) that differ according to the region, and which establishes the lower limits of the surface of the land that can be detached for individual registration²⁷ (. However, this instrument does nothing more than prevent the largest properties from being divided below the defined surface thresholds, i.e. it keeps the possibility of their fragmentation and, more importantly, it does not resolve the cases of properties that no longer reach the limits and therefore become jointly owned.

It should be noted that, within the framework of the CAP, there are special conditions relating to specific activities/crops such as vineyards²⁸.

²⁶ See Regulation implementing the aid scheme for the cessation of agricultural activity - Portaria [Ministerial Order] No 854/94 of 22 September 1994, Diário da República [Journal de la República] n.º 220/1994, Series I-B of 1994-09-22.

²⁷ See Portaria [Ordonnance ministérielle] n.º 19/2019 du 15 janvier.

²⁸ See detailed rules for the implementation of the aid scheme for the restructuring and conversion of vineyards (VITIS) for the period 2019-2023 - Portaria n.º 323/2017 of 26 October, Diário da República n.º 207/2017, Series I of 2017-10-26.

4) To what extent these rules help or hinder **access to land for new generations**?

With the mastery of the patrimonial logic vis-à-vis the production function and the supply of food and other goods, with the principle of succession of equal sharing of the patrimony prevailing over the maintenance of the farm unit, this instrument, as well as the support for the setting up of "young farmers", has had little impact, especially in regions/areas of fragmented ownership, on changing the land structure towards the establishment of units of relevant size (scale).

Law No. 89/2019 of 3 September introduced amendments to the 2015 Law on the Land Structure Regime, aimed at providing "more effective incentives and exemptions to the cultivation unit and to broaden incentives and exemptions for the annexation of rustic land and the improvement of the land structure of the property".

It should be noted that the changes introduced by Law No. 89/2019 are intended to place greater emphasis on the "cultivation unit" and, therefore, with an impact on the rustic property and not on the agricultural holding²⁹.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

See Tab 2 (Fragmentation of farms and transactions of rustic buildings) gives an overview of the Portuguese land framework

A) You notice: The universe of farms occupies 50% of the territorial surface (Table 2). In the other 50% of the surface area, forest owners predominate, who are, above all, privately owned and with a generally fragmented real estate heritage, especially in the north and centre of the Portuguese Continent³⁰. Information from the tax administration (Tributary Authority) indicates that in 2019 there will be 11,534,451 rustic buildings³¹. In view of this value, the n.º of rustic buildings traded annually indicates how insignificant the land market is (0.5%). In the land market, in addition to the information from the INE, to which is added the information on the declarations of "rustic buildings" traded annually, the real estate companies, i.e. those associated with banking institutions, report certain data (price and characteristics, according to use, of the land put on the market). However, there are no institutionalised public accountability initiatives providing access to respective information and analysis in this area, as for example in Spain, France or the United Kingdom³². It is now expected that such an initiative will be supported by the development of the National Land Exchange "Bolsa de Terras" (see below).

B) The website of the Directorate General for Agriculture and Rural Development (DGADR³³) indicates the instruments of intervention on land tenure structure:

- (a) Location Rural (Arrendamento Rural) - to which reference has already been made.
- (b) Rural reparceling (Emparcelamento Rural) - the intervention that corrects the dispersion and fragmentation of ownership, the configuration and size of rural buildings, by introducing improvements in road and drainage networks, is the instrument used in hydro-agricultural development projects developed by the State and with public financing. Balance sheets for the years 1960-2000 show that the results of public interventions aimed at land

²⁹ Law nº 89/2019 derives from the Law of the General Bases of Public Soil Policy... (approved in 2014) - see below, part 5) in terms of land structuring.

³⁰ See Canadas and Novais, 2018; Baptista and Santos, 2005.

³¹

https://info.portaldasfinancas.gov.pt/pt/dgci/divulgacao/estatisticas/estatisticas_patrimonio/Documents/IMI2019_Mapa.pdf

³² See Rolo, 2006:105-119; Mendes, 2018.

³³ <https://www.dgadr.gov.pt/estruturacao-fundiaria>. Vd. DGADR, *Guia de Apoio aos Instrumentos de Estruturação Fundiária*

consolidation for agricultural purposes have been very modest and at very high costs³⁴. For a long time, leasing and land consolidation have been the only policy instruments called for to solve what is considered the "Portuguese deficient land structure", especially in the North and Centre where the importance of small farms is higher³⁵.

- (c) The National Land Exchange (Bolsa Nacional de Terras) - aims to facilitate access to land by making land available³⁶. It is a tool institutionalized in 2012 (Law n.º 62/2012, which creates the National Land Exchange for agricultural, forestry or sylvopastoral use, known as "Bolsa de Terras") and which has subsequently undergone operational developments. Among these, reference is made to the Management Regulations of the Stock Exchange³⁷, which stipulates the competence of the Stock Exchange's managing entity - the DGDR of the Ministry of Agriculture - to "Analyse, at the national and regional level, the evolution of the land market and the mobilisation of rural land,..."; and "Prepare... annual reports and periodic indicators of prices and dynamics of the rural land market, at the regional and sub-regional level,...". It is on the Bolsa de Terras that the crucial instrumental issue of land tenure falls: the lack of complete and homogeneous cadastral information throughout the Portuguese territory. Reference should be made, by the way, to recent legislation (2017): Law n.º 78/2017, which creates a cadastral information system.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**?
(yes/no)

There is no provision in the Act for the prohibition of land transactions, the application for an authorization or approval or the application of a preferential right granted to Organizations or the Government. In any case, the Act provides for a preferential right for the tenant if the owner wants to sell the rented property, or for the neighbour in the case of buildings not waiting for the thresholds established in the "Unidade de Cultura" regime.

Recent policy oriented legal provisions insist on two instruments: georeferencing of rustic buildings (the cadastre)³⁸ and land consolidation³⁹. For this purpose, a programme of support for simple land consolidation has been created, called "Emparcelar para Ordenar" [Land consolidation for development]. This includes financial support with a credit line for land consolidation and a non-refundable grant for the acquisition of rustic buildings.

There is also the existence of sub-national policies (initiatives at the municipal level) aimed at creating land banks at this level. The aim is to mitigate "the increasing abandonment of land suitable for agriculture", to promote "functional land consolidation" and, through this, to create another "local development tool" for the promotion of "livelihood opportunities, alternative sources of income and the encouragement of entrepreneurship"⁴⁰. The impact of these actions is still rather limited in terms of land development.

³⁴ See Baptista, 2005: 2-3; Santos, 2005: 63 et 78 ; AA.VV., 2004:125; Avillez et Jorge, 2005:156.

³⁵For the post-reform period of the CAP of 1992, see the Law of the Bases of Agrarian Development - Law n.º 86/95, of 1 September, Diário da República n.º 202/1995, Series I-A of 1995-09-01..

³⁶ <https://www.bolsanacionaldeterras.pt/>.

³⁷ Portaria [Ministerial Order] n.º 197/2013 of May 28.

³⁸ For a historical analysis of the cadastre problem in Portugal, see Beires, 2013.

³⁹ See Guidelines and Strategies for Cadastre and Rural Management, Resolution of the Council of Ministers no. 56/2012 and Valorisation program of Interior, Resolution of the Council of Ministers no. 116/2018.

⁴⁰ See Law n.º 89/2019 of 3 September, which establishes the legal framework for land tenure, and Decree-Law n.º 29/2020 of 29 June, which creates the programme called "Emparcelar para Ordenar".

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: ...

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

answer: ...

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: ...

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to **PART 4**

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

The agrarian reform process that took place in the second half of the 1970s, carried out mainly in the south of the Portuguese mainland (Alentejo), was carried out in the legal forms of expropriation and large-scale nationalization of properties (latifúndios).

In the 1990s, the State still intervened in the granting of land expropriated by the agrarian reform to small farmers and cooperatives⁴¹. However, this process, which gave rise to legal disputes, disappeared with the reversal of land ownership to the former owners. In 2015, the reversal was definitively established and enshrined in law⁴².

Today, it should be noted, in terms of perception, that there is no general pressure on land in terms of market demand for the production of agri-food products. The more relevant policy issue is the reorganisation of land ownership to address the problems of land abandonment, human desertification and fires, all linked to the problems of regional economic development, demography, climate change and decarbonisation of the economy. Some policy measures, such as game reserves⁴³ (associative, municipal, tourist) and forest intervention zones (ZIF⁴⁴ - predominantly forested areas with certain minimum thresholds in terms of area, owners and buildings), try to give a management dimension to the exploration of activities they seek to organize without touching on the issue of ownership. However, its effect is limited in areas of small-scale ownership.

Despite this, there are certain localised pressures on land, especially in areas of intensive horticulture and the planting of shrubs and trees (e.g. the case of the hydro-agricultural perimeters surveyed with public funding, so the large hydro-agriculture A recent example in the municipality of de Paredes (see Aviso [Advertisement] no. 10 443/2020 Regulamento do Banco de Terras, in Diário da República, 2nd series, Part H, no. 135, 14 July 2020, p. 235. See another example in Mafra: Bolsa de Terras de Mafra in <https://www.cm-mafra.pt/pages/906ral> perimeter of Alqueva stands out) and in some areas with more fragmented land tenure characteristics, extensive livestock rearing (indigenous breeds).

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

⁴¹ A recent example in the municipality of de Paredes (see Aviso [Advertisement] no. 10 443/2020 Regulamento do Banco de Terras, in Diário da República, 2nd series, Part H, no. 135, 14 July 2020, p. 235. See another example in Mafra: Bolsa de Terras de Mafra in <https://www.cm-mafra.pt/pages/906>

⁴² See Decree-law nº 349/91 du 19 de septembre, Diário da República n.º 216/1991, Série I-A de 1991-09-19.

⁴³ See Law No. 92/2015 of 12 August, which amended the Basic Agrarian Development Act - Law No. 86/95, of 1 September.

⁴⁴ <http://www2.icnf.pt/portal/florestas/gf/zif>. See especially Decree-Law n.º 27/2014 in Diário da República n.º 34, Series I of 2014-02-18: establishes the regime of the Zonas de Intervenção Florestal (ZIF), as well as the principles of regulation of its establishment, operation and extinction...

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

Two legal instruments stand out:

- (a) the National Agricultural Reserve (RAN), which is defined "as the set of lands which, by virtue of their characteristics, in agro-climatic, geomorphological and pedological terms, are more suitable for agricultural activity. Thus, the RAN is an instrument of territorial management, which is materialized by a restriction of public utility, by the implementation of a set of constraints to non-agricultural land use, and which plays a fundamental role in the preservation of the soil resource and its allocation to agriculture" (DGADR, National Authority of the RAN⁴⁵).
- b) the national ecological reserve (REN), which is defined as "a biophysical structure that integrates all areas which, because of their ecological sensitivity, function and value or because of their exposure and sensitivity to natural hazards, are subject to special protection. REN is a constraint in the public interest, to which a special territorial regime is applied, establishing a set of conditions for the occupation, use and transformation of land ..."⁴⁶.

In terms of territorial organisation, the following national policy instruments can be distinguished:

- the National Programme of Spatial Planning Policy (PNPOT⁴⁷). This is "the instrument of territorial development of a strategic nature which sets out the main options for the organisation of the national territory, constitutes the reference framework to be considered in the development of the other instruments of territorial management and is an instrument for cooperation with the other Member States for the organisation of the territory of the European Union"⁴⁸.
- following the Law on the General Bases of Public Land Policy, Spatial Planning and Town Planning⁴⁹, Decree-Law No 80/2015 of 14 May⁵⁰, which identifies territorial resources, in particular "agricultural and forest areas". And, for the latter, it stipulates that "territorial programmes and plans identify the areas affected by agricultural, forestry and livestock uses, namely agricultural reserve areas, hydro-agricultural works and forestry regime" and that "allocation to uses other than agriculture, forestry or livestock is of an exceptional nature, being allowed only when necessary".
- The Law on the General Basis of Public Soil Policy⁵¹ and subsequent related legislation⁵² underlined the exceptional character of this transformation.
- The allocation of "agricultural and forest areas" to different uses such as agriculture, forestry or livestock farming is exceptional, and also determines the exceptional character of the "reclassification of rustic soils into urban soils" being this possibility subject to fairly strict rules. However, this is possible, especially in terms of sub-national (municipal) planning, although "limited to cases of lack of available urban space and demonstrated as necessary for economic and social development and the indispensable character of urban qualification...".

⁴⁵ <https://www.dgadr.gov.pt/ambord/reserva-agricola-nacional-ran#enquadramento>

⁴⁶ See decree-law n° 166/2008 du 22 août, Diário da República, N.º 162, Série I de 2008-08-22.

⁴⁷ see Law n° 99/2019 du 5 septembre, Diário da República n.º 170/2019, Série I de 2019-09-05.

⁴⁸ http://www.dgterritorio.pt/ordenamento_e_cidades/ordenamento_do_territorio/pnpot/ e http://www.dgterritorio.pt/sistemas_de_informacao/snit/

⁴⁹ See supra, C 3) in part 1.

⁵⁰ Diário da República, n.º 93/2015, Série I de 2015-05-14..

⁵¹ Law n° 31/2014, du 30 mai, Diário da República n.º 104/2014, Série I de 2014-05-30

⁵² Including the aforementioned Decree-Law n° 80/2015 du 14 mai, Diário da República, n.º 93/2015, Série I de 2015-05-14, and Regulatory Decree n°15/2015 de 19 août, Diário da República, n° 161/ 2015, Série 1 de 2015 -08-14.

As a result of the 2016 Law on the Legal Framework for Land Structuring, the maximum area resulting from the resizing of farms was set at NUTS-3 level⁵³, with a view to improving the land structure of the farm and the cropping unit⁵⁴.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

On estates owned by the state and handed over to the administration/management of a municipality, Idanha-a-Nova, a project is a course on 300 ha of land for young entrepreneurs with innovative agricultural projects, paying a reduced rent⁵⁵.

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⁵³ law n º 111/2015 du 27 août, Diário da República, N. º 167/2015, Série I de 2015-08-27.

⁵⁴ <https://www.dgadr.gov.pt/estruturacao-fundiaria/projectos-emparcelamento>

⁵⁵ <https://www.cm-idanhaova.pt/investimento/incubadora-de-base-rural.aspx>

Table 2 Fragmentation of farms and rural building transactions

	Area km ²	Inhabitants in 2019	Farms in 2009						Sales contracts of preproperties			
			Total		agricultural area (ha)	parcels in agricultural area	agricultural area per parcel (ha)	3-years average 2018-17-16		3-year average 2010-09-08		
			#	area (ha)				Total	Rural	Total	Rural	
Portugal	92,226	10,286,263	305,266	4,709,131	3,668,145	1,789,777	2.0	222,770	55,473	218,601	58,462	
Continent	89,102	9,789,343	278,114	4,571,531	3,542,305	1,655,120	2.1	212,556	51,221	207,003	53,428	
Nord et Centre côtier	27,023	4,795,115	140,915	926,624	628,576	857,384	0.7	94,482	27,364	95,051	30,010	
Nord et Centre intérieur	22,462	995,773	107,674	885,030	585,454	793,789	0.7	30,059	16,654	31,855	16,877	
Sud	39,617	3,998,455	62,181	2,759,878	2,328,274	214,112	10.9	88,014	7,203	80,097	6,542	
Alentejo	31,605	705,018	42,196	2,484,177	2,152,389	110,393	19.5	13,633	3,710	14,565	3,414	
Açores	2,322	242,821	13,541	130,463	120,412	82,012	1.5	5,609	3,010	6,283	3,065	
Madeira	802	254,100	13,611	7,138	5,428	51,061	0.1	4,606	1,242	5,316	1,969	

Source: Authors' calculations (JCR |RR) based on INE (<http://www.ine.pt>). (i) Area (km²) of territorial units by geographical location (NUTS - 2013): Annual - General Directorate of Territory; (ii) Average annual resident population (n-), annual estimates of resident population; (iii) Purchase and sale contracts (n-) of buildings (urban, rustic and mixed) by location and type of building; Annual - DGPI, Real Estate Operations

Notes: a) INE: Contract values include only purchase and sale contracts concluded in Portugal and referring to buildings located on national territory. b) The number of contracts for the purchase and sale of rustic buildings is compiled by the Directorate General for Justice Policy (DGJP) and its information has been extracted from the INE website. It is important to keep in mind the conceptual difference between the rustic building and the block of agricultural land: rustic building - "building located outside an urban agglomeration that is not classified as land for construction as long as it is affectionate or, in the absence of a concrete allocation, has as its normal use a use generating agricultural income, as it is considered for the purposes of the Personal Income Tax (IRS) and does not have the specified allowance, is not built or has only buildings or buildings of an accessory nature, without economic autonomy and of low value" or, according to the Civil Code, "a delimited part of the land and existing buildings that do not have economic autonomy". Block of agricultural land - "Part of a farm completely surrounded by land or other elements, not belonging to the operation" (INE Metadata). A block may consist of several rural buildings

24 Romania, reporters Szocs-Boruss Miklos Attila, Sebastian Bruma

Szocs-Boruss Miklos Attila (Land Rights Program manager, Eco Ruralis)

Sebastian Bruma, (Academic Researcher, Romanian Academy, Iasi branch)

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (**yes**, sometimes, rare, no⁵⁶)
- 2) Is land often **rented (or leased)** by the farmer? (**yes**, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Concessions (RO: Concesiune)	Concessions are long term leases of agricultural lands. If a conventional rent period is 3 years, concessions can last 49 years. Usually these concessions are done between private companies and the State. 3% of the agricultural lands are currently under concessions.	(yes, no)
Usufruct (RO: uzufruct)	A "right of usufruct" is a right for a person to hold and use an asset owned by another person and to benefit from its products. The beneficiary of the right of usufruct cannot sell or otherwise dispose of the relevant asset and cannot alter the asset's substance in any way, but can assign the right.	(yes, no)

- 4) Do **collective ownership or use rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Co-ownership (co-proprietate)	Ownership by two or more persons holding ascertained shares over the property.	(yes , no)
Common indivisible ownership (devălmășie)	Ownership by two or more persons without shares or quotas.	(yes, no)

- 5) Do **informal land rights or customary land rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table.

Informal or customary land rights	Name	Often used?
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56 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, **no**)

Squattage or informal settlement (instalare fără drept în loc)	Occupying land without the official right on it. Squattage is still used widely in certain peasant communities from Romania, especially in under-privileged/under-developed rural areas. It can represent a conflictual situation or an informal consent between the parties (the owner and the squatter).	(yes, no)
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1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

Yes, but minimal. In case of selling the land by the owner, the renter has a pre-emption right to but the land. Also, in case the leasing contract doesn't have a due date, then the renter has the right to use the land until the harvest is done even if the owner ended the contract before.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

The leasing contract specifies the price of the rent which in terms of a yearly fee. The contract represents the protection. There are no other specific protection measures in this case. Practice shows that rent prices are well defined per region and cases of sudden and unjustified rent increases are not at all common.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

Prices are not regulated in Romania but there is a well established informal set price per hectare in each region depending on several factors: local dynamic, fertility, proximity, consolidation degree etc.

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

The Romanian law provides for two types of inheritance: the legal inheritance and the inheritance established through a last will or testament.

The legal inheritance becomes applicable when the deceased has not issued a will during his life where he had decided about the distribution of his goods after his death. Under the Romanian law there are two categories of legal inheritors: the surviving spouse and the deceased's relatives up to the fourth degree.

The deceased's relatives called by the law to inherit are divided in four classes in order of preference: (i) the deceased's descendants (without limitation to the degree or number; for example: children, grandchildren); (ii) the deceased's privileged ascendants (the parents) and privileged collaterals (the deceased's brothers and sisters and their descendants until the fourth degree); (iii) the deceased's ordinary ascendants (without limitation to the degree or number; for example: grandparents, grand-grandparents, etc.); (iv) the deceased's ordinary collaterals (relatives until the fourth degree; for example: uncles, aunts, primary cousins and the brothers and sisters of the grandparents).

The more preferable classes of inheritors exclude the less ones. Thus, the deceased's descendants (first class) exclude all the other classes of descendants and collect the inheritance left by the deceased.

The Romanian law always calls at the inheritance, together with all the classes of inheritors, the deceased's surviving spouse.

In case the deceased has left a last will then, at the division of the inheritance, the provisions of this testament are to be applied together with the ones of the mandatory law. The mandatory law refers to the inheritance reserve which is awarded only to certain inheritors like the deceased's surviving spouse or the deceased's descendants.

The inheritance can be divided either in court or in front of a notary public. The second option is preferable due to the rapidity, efficiency and confidentiality.

Inheritors must take into consideration also the taxation applicable to the inheritance. The Romanian law is very flexible in what regards the applicable taxes to an inheritance. Thus, there is applicable a tax only in case the inheritors did not open and finalize the inheritance procedure within 2 years from the death of the author of the inheritance. This tax is in quantum of 1% from the established value of the inheritance. So, there is no tax applicable to the inheritance in case the inheritors are diligent and finalize the inheritance procedure within the 2 years period mentioned above.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Yes, but only in case of inheritance, and even in this case, only if the successor(s) mention the leasing contract in the inheritance process. In this case, the owner of the land must give its approval also for the rent to be inherited by the successors.

In case the farmer who rents land retires from farming the rent contract ends and other parties (from the family) need to create a new rent contract with the owner.

3) To what extent these rules can **prevent fragmentation** of rural land?

These rules do not prevent the fragmentation of rural land. Moreover, the current inheritance law has a fragmenting effect over land due to the fact that the successors receive equal parts of the inherited land.

4) To what extent these rules help or hinder **access to land for new generations**?

Due to the post-communist redistribution of former collectivised lands, the majority of rural Romanians are land owners. Thus, intra-family farm and land succession is very high in Romania and represents a great access to land possibility for new generations. On the other side, if new generations want to rent or buy land, the current set-up hinders their access to land, as they might have to engage into contracts with many land owners all of them owning small parcels of lands. Also, in Romania rent laws are very oriented and safeguard the rights of the owners and lack in offering secure and more long term rent possibilities for the tenants.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Pre-emption rights when buying extra muros agricultural land (RO: Drepturi de preemtiune)	<p>Law no. 17/2014 gives pre-emption rights to buy agricultural land (extra muros) for sale at an equal price and on equal conditions to the following categories in the order described below:</p> <ul style="list-style-type: none"> • co-owners of the land that is being sold; • tenant farmers who have been working on the agricultural land that is being sold; • neighbors of the land for sale; and 	<p>The arrangement is applicable in the whole country as it is based on a national law.</p> <p>The law was an official response to the liberalization of the land market after the ending of Romania's moratorium of land sales after the accession to EU.</p>

- | | | |
|--|---|--|
| | <ul style="list-style-type: none"> • the Romanian State (through the State Domain Agency). | |
|--|---|--|

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement. NOT APLICABLE FOR ROMANIA

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, **no**)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, **no**) There are discussions in the Ministry for Agriculture and Rural Development about supporting young farmers with concessions of max. 50 ha of agricultural land from the public lands that the country still holds in its State Domains Agency, but at the time of the survey nothing official was enacted.

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

25 Slovakia, reporter Anna Bandlerova

Prof. JUDr. Anna Bandlerová, PhD, Slovak University of Agriculture Nitra

Contact in consortium: UWR

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often owned by the farmer? , rarely,

Most agricultural enterprises farm on leased land. It is estimated that about 85 to 90% of the agricultural land used for farming is leased. The largest land leaser is the Slovak Land Fund, which manages state land (about 5%) and land of unknown owners (about 15-20 %). The rest of the land is land owned by private individuals.

In Slovakia, the land is cultivated by :

-small farmers (physical person who cultivates land as his business. This group usually farm their own land- up to ten hectares (more in the paper no. 104-in attachment),

-business companies(legal persons) such as: limited liability companies , join-stock companies and agricultural cooperatives- some of them cultivate more than thousand hectares of land.

This group manages a larger portion of agricultural land, which it does not own but leases it from owners such as: private natural persons, Slovak Land Fund, the Church and municipalities.

2) Is land often rented (or leased) by the farmer? yes

The farmers would like to rent as much land as possible and the land renting market is more prominent recently.

3) Are **other types of individual farmland tenure** used? yes,

If yes, which one (indicate: name + frequency of use in the chart below):

-> *If more than three types are used, insert a new row in the chart*

Other types of individual farmland tenure	Name	Is it used often?
Borrowing	It is very similar legal institute to land renting but the borrower is not obliged to pay for land use. The land use is free of charge.	NO

4) Do **collective ownership or use rights** exist? yes

If yes, which one (indicate: name + frequency of use in the chart below):

-> *If more than three types are used, insert a new row in the table*

Collective rights	Name	Is it used often?
(Share) co-ownership	A land plot is owned usually by more than one owner with or without family relations between them. It is a common phenomenon to find in the real estate cadastre a title deed which states that 1029 m2 of arable land belongs to 535 owners registered on the title deed, of which some owners do not own even 1 m2. According to Ministry of Agriculture of SR ,2020 The number of ownership plots is 8.4 mil.,	yes

	The number of registered landowners is 4.4 mil., the number of co-ownership relationships per plot is 11.93. The average number of plots per owner is 22.74 . Land fragmentation in Slovakia is one of the major problems and therefore it is necessary to enforce Land consolidation.	
(No share) Co-ownership of spouses	This type of co-ownership can only arise between spouses .	Yes
Co-ownership in land associations (more in the paper no. 98 in attachment)	This form of co-ownership is regulated by Act no. 97/2013 Coll. on Land Associations. Land associations in Slovakia are legal entities conducting agricultural business on agricultural land, forests or in water areas; moreover, they can provide also other business activities according to particular legal regulations. Land associations conduct business on real estate property or, more commonly, properties, which are usually owned by many co-owners.	Yes

5) Do **informal land rights or customary land rights** exist? **no**

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **terminating the contract**? **yes**
If yes, what kind of protection?

The lease relationship can be terminated in several ways, e.g. by expiry – if an end date was indicated in the contract; termination if the agreement is open-ended; by withdrawal from the agreement under the law or under the terms of the lease agreement; by agreement of the parties on the termination of the lease.

A fixed-term lease agreement expires at the end of the indicated period. The lease term is a matter of agreement between the parties, but the Act on the Lease of Agricultural Land for the lease of land for agricultural purposes when operating an enterprise prescribes a minimum lease term of 5 years. With this provision, the legislator seeks to stabilize leased relationships, the subject of which is agricultural land, and to motivate the lessee to invest in agricultural land. In the case a lease agreement when operating an enterprise is being agreed as fixed-term, the lease term may not exceed 15 years.

The denunciation is the unilateral legal act of the lessor or lessee addressed to the other party. An open-ended lease agreement may be terminated until 1st November with a one-year notice period if the agreement is concluded for an indefinite period and provided that there is no other agreement of the parties. However, in regards to the length of the notice period, this provision applies only to non-business lease, since the second part of the Act on the Lease of Agricultural Land provides the notice period of 5 years without the possibility to sign another agreement. Even if there is no access to the land, the lease will not end before land consolidation is carried out unless the situation can be resolved.

Some EU member states use so-called pre-emptive right to agricultural land in favour of the lessee. E.g. Belgium, Italy, Netherlands, Scotland and France guarantee pre-emptive rights ex lege, while Germany offers an option of negotiating a pre-emption right in favour of the lessee in the lease agreement. In Hungary and Poland, the pre-emptive right for a lessee is guaranteed ex lege

only in case of a lease lasting more than three years, while in Lithuania one-year lease term is sufficient to create the pre-emption right (Ciaian et al., 2012). In Slovakia, the law does not guarantee ex lege the lessee's pre-emptive right, although nothing prevents the parties from including it in the lease agreement. However, the law guarantees lessee the so-called preferential right to conclude a new lease agreement. The Act on the Lease of Agricultural Land, regulates the preferential right of the lessee to land leased from natural and legal persons. The lessee's preferential right to the lands from the Slovak Land Fund is regulated separately in the Act on the Lease of Agricultural Land.

The Act on the Lease of Agricultural Land defines the conditions under which the lessee is entitled to conclude a new lease agreement. According to this Act, if the lessee duly and timely fulfils their obligations under the agreement, they have a preferential right to sign a new lease agreement to the land that they have previously used (for the usual fee). In its supplement, the Act specifies the cases where the lessee does not have this right even in the case of a due and timely fulfilment of the conditions of the lease agreement, namely:

- (1) in case of termination of the lease by the expiry of the agreed lease term or by the expiry of the notice period if the lessor does business in agriculture;
- (2) if the lessee is to be a close person of the lessor;
- (3) if the lessee is to be a legal person to whom the lessor is a member or a companion;
- (4) in the case of land which is, under a special regulation, intended for other than agricultural purposes;
- (5) if the transfer of ownership right to the land happened.

Entrepreneurs' investments into agriculture is guaranteed by the law maker. The entrepreneur also knows or should know his planned business return of investments and thus, before he starts his business activities, he should negotiate with the lessor the period of the duration of the lease to be agreed within the lease contract. Withdrawal from such negotiated lease contract is only possible based on the explicit agreement reached by contracting parties or in case the ownership of the immovable matter is changed but the lessee is the only authorised person to give notice of termination. Finally, return of investment to the lessee is guaranteed by law, when the lease is terminated before the period of return of expenditures incurred for maintenance of land in condition appropriate for a proper agricultural use expires, the lessee has the right for adequate prolongation of term of lease or for adequate compensation (more in the attached paper no. 92 (some amendments were adopted after the publications of this papers related to the prior right, therefore the news are mentioned in the paper no. 103) and no. 103 in attachment.

2) In case of farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? YES

If yes, what kind of protection?

Yes, the rent is stipulated in the agreement as fixed amount of money per hectare which is valid during the whole duration of the agreement which is usually 10 years. Minimum duration is 5 years as stipulated by law. The law indicates some situations when lessor can ask for a higher rent but it is usually not exercised because the lessor usually does not have the necessary information to ask a higher rent:

Law on lease of agricultural land allows modification of rent during the contract duration due to the defect or extraordinary circumstances not caused by the lessee and in case of the products price market regulation. The law maker allows the rent modification to motivate the lessee to keep on farming in case of worsened economic or natural conditions, to the detriment of the lessor's right on rent agreed and despite mostly stronger position of lessees in the contract in practice. Lessees are mostly entrepreneurs and the subject of the lease contract concerns their business activities, it means that they have more practical experience with legal lease relationships than natural persons owning the leased land. Lessees particularly dictate conditions

for the lease contract conclusion, limiting lessors to negotiate the rent. In case the average prices of agricultural products cultivated on leased land increased by more than 20% during the three consecutive years and if these products are subject of the market regulation, legislation allows the lessor to require higher rent. Agricultural land lessors usually primarily work outside of the agriculture sector ; therefore they rarely have information allowing them to claim their right for higher rent. If the lessor does not find out the prices of agricultural products have been regulated (they either do not know where to find this information or they do not know if the lessee produces these products on their land) and they do not claim their right till 6 months, this right is precluded (ceases). This causes rare claim of provisions allowing the lessor to modify the rent. Contracting parties may solve this problem through the contractual provision obliging the lessee to inform the lessor about the facts necessary to claim the right on the rent modification.

3) In case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be demanded)? **no**
If yes, in which way?

There are **no maximum or minimum land prices** when transferring the land.
As for land renting (leasing) of agricultural land the law defines that minimum rent for agricultural land shall be **minimum 1%** **Maximum rent is not stipulated by law.**

1C Land transfers within the family

1) If a farmer who owns land ceases farming (retires, dies) in what way can the farm be transferred within the family: what rules apply?

There are no differences to transfer farming within or out of family. The legal successor enters into rights and duties of the previous farmer if there is not any other agreement among the land lessors.
If farmer passes away their heirs are legal successor if they want to continue in the agricultural business. If farmer is still alive but wants to stop their business, they are entitled to sell their business by the rules of Commercial Code (agreement for the sale of the enterprise is usually used).

2) If a farmer does not own land, can their **rent or lease** still be transferred within the family?

Yes, it can; however, the lessor is entitled to terminate the land lease agreement. The Act on the Lease of Agricultural Land (§ 12 Section 5) allows the lessor to terminate the lease even if, during the lease, the enterprise is sold, the majority share of the enterprise is sold and most of the lessee's majority of shares is sold. In this case, the Act explicitly provides for the termination of the lease after harvest.

3) To what extent these rules can **prevent fragmentation** of rural land?

These rules are not of too much importance for land fragmentation. We can distinguish fragmentation of land ownership (refers to the number of landowners who use a given piece of land), land use (refers to a high density of land users and the consequent small farm size), internal fragmentation (considers parcel size, parcel shape, and parcel distance as well), separation of ownership and a situation where there is a discrepancy between ownership and use. For Slovakia, the first, third and fourth type of land fragmentation is common. The land is used by large corporations such as agricultural cooperatives and agricultural companies therefore the land use fragmentation is not relevant for Slovakia. Other types of land fragmentation cause that the land owners are not able to use their land – more in the paper no. 99 in attachment.

4) To what extent these rules help or hinder **access to land for new generations**?

The rules on land transfer or farming transfer are not very relevant for access to land for new generations. More importantly there are the rules such as preferential rights to conclude the new land lease agreements with the lessees mentioned above – more in the paper no. 103 in attachment.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

They are mentioned in the papers no. 103, 92, 99 and 98 in attachment . In case of further questions, please do not hesitate to contact me.

PART 2: Land organisation

In this part of the questionnaire, we would like to learn about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? **YES**

Spatial planning is regulated by Act no. 50/1976 Coll. on Spatial Planning and Building Regulations (Building Act). Spatial planning systematically and comprehensively addresses the spatial arrangement and functional use of the territory, determines its principles, proposes material and temporal coordination of activities affecting the environment, ecological stability, cultural and historical values, territorial development and landscape creation in accordance with the principles of sustainable development (ie development that preserves the ability of current and future generations to meet their basic living needs without reducing the diversity of nature and preserving the natural functions of ecosystems). Spatial planning creates the preconditions for the lasting coherence of all activities in the territory, with special regard to caring for the environment, achieving ecological balance and ensuring sustainable development, careful use of natural resources and preservation of natural, civilizational and cultural values.

However, we have a special Act no. 220/2004 Coll. on the agricultural land protection (paper no. 108 and 110 in attachment).

2) Is this protection based on **national policies**? **YES**

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**?

If yes, please explain

It is disputable if it is easy. In Slovakia, it is possible regardless the quality of the land but of course some administrative steps are necessary. The procedure is described in the paper no. 108 and 110 in attachment.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (**yes**)

If yes, please explain

Spatial planning according to the Building Act defines protected areas, protected objects, areas of peace and protection zones and ensures the protection of all protected parts of the landscape. However, the land protection is regulated by the Act. no. 220/2004 Coll. on agricultural land protection. According to this Act, there is no absolute prohibition for withdrawal of land of the best quality. The state bodies take into account the protection of the agricultural land of the best

quality. However, if there is no other alternative to locate the buildings, the agricultural land of the best quality can be withdrawn (more detailed in paper no. 108 and 110 in attachment).

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

The land consolidation is regulated by the Act No. 330/1991 Coll. on land arrangements, settlement of land ownership rights, district land offices, the Land Fund and land associations, but there are only few implemented projects. There are several reasons for it. It is a long-term process to prepare the project, to approve it by all entitled persons and to implement it. Moreover, the land consolidations are realised by the state bodies where the public procurement is necessary. In addition, there are often suspicions of rule-breaking in public procurements. Lastly, the entitled persons, especially natural persons who are owners of the land refuse to approve the land consolidation projects because they falsely believe that the land consolidation is a new form of land collectivization. Land consolidation procedure is described in the paper no. 105 in attachment.

2) If yes: is it **used often**? (rare).

3) If yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

No, there are no differences with regard to the type of areas, land or farmers. But there is difference between complex and simple land consolidation (more in the paper no. 105 in attachment.).

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

There is no important impact on them because the measure is used very rarely. The previous government wanted to start the land consolidation in 168 municipalities but there is a question of the new government's will to continue these projects. The new generation of farmers has still problems to access the land.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**
- organisations / people and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? YES

-> If no, go to **PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> If more than three arrangements are used, **insert a row** in the chart below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Preference right in renting land	if the tenant duly and timely fulfils their obligations arising from the contract, they have a right of a priority conclusion of a new contract for the lease of land in return for usual price of the lease. There are five cases when the tenant does not have this right even if the conditions of the lease contract are fulfilled in a proper and timely manner: (1) the landlord conducts business in agriculture in the time of termination of the lease before the expiry of the agreed period of lease or the expiry of the notice period; (2) the new tenant will be a person close to the landlord; (3) the new tenant will be a legal person of which the landlord is a member or a partner; (4) the land plot is intended for other than agricultural purposes under a special regulation and (5) the ownership of the land plot was transferred to a third person. If the priority right is interrupted by concluding the new land lease contract with a third person and no above mentioned exemption is fulfilled the new land lease contract is void. (More detailed in paper no. 103 in attachment)	Whole country

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: ... Preference right in renting land	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Act no. 504/2003 Coll. on the lease of agricultural land, agricultural enterprise and forests and on the amendment of certain acts
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly in force by the above mentioned law

3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	It exists from 1st January 2004 when above mentioned Act entered into force. The main aim was to maintain the land cultivation in the hand of famers which fulfilled their rights and duties in a proper and timely manner and to protect the agricultural land (more in paper 103 and 92 in attachment)
4) Please provide a short description of the arrangement (how it works)	if the tenant duly and timely fulfils their obligations arising from the contract, they have a right of a priority conclusion of a new contract for the lease of land in return for usual price of the lease. There are five cases when the tenant does not have this right even if the conditions of the lease contract are fulfilled in a proper and timely manner: (1) the landlord (land owner) conducts business in agriculture in the time of termination of the lease before the expiry of the agreed period of lease or the expiry of the notice period; (2) the new tenant will be a person close to the landlord (relatives); (3) the new tenant will be a legal person of which the landlord is a member or a partner; (4)the land plot is intended for other than agricultural purposes under a special regulation and (5) the ownership of the land plot was transferred to a third person. If the priority right is interrupted by concluding the new land lease contract with a third person and no above mentioned exemption is fulfilled the new land lease contract is void. (More detailed in paper no. 103 in attachment)
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	NO
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The preferential law is applied to all farmers without any differences.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	More information is in the paper 103 and 92 in attachment.
Effectiveness of the arrangement	

8) How is the arrangement enforced/monitored and who is in charge?	If the lessee, the earliest one year and the latest two months before the lease termination, delivers to the lessor, in a demonstrable manner, the proposal for a new lease and if, within two months from the date of proposal delivery, the lessor does not refuse this proposal for one of the reasons mentioned in paragraph 2 or because the proposed rent is not the usual amount, a lease relationship will arise under the terms of the contract proposal.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	After the last amendments, there are measures to prevent abuse - the avoid lease contract concluding with the third persons when the preferential right of previous farmer – lessee is given.
10) How frequently is the arrangement used? If infrequently, why?	Upon the termination of the lease contract.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	Actually not.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	These rules limit the ownership rights to be free in decision how to handle their own land ownership after the termination of land lease contract. Moreover, the rent should be agreed on at the level of the usual price. It means average prices of land rent in the particular municipality. It affects very seriously the land rental prices on the market. More in the paper 103 and 92.in attachment
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	NO
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Papers no. 103 and 92 that are in the attachments of the mail.

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

- 1) Do these kinds of arrangements **exist** in your country?
- a granting / subsidizing scheme for specific transactions NO

- special tax regulations supporting specific transactions or making the transactions less attractive NO
- a financing scheme for specific transactions (giving the buyer a loan) YES
- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan) NO

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

Slovak Guarantee and Development Bank supplies the financing schemes to buy the agricultural land for agricultural businessmen. There are products called

- MY LAND,
- MY LAND for young farmers
- LAND

MY LAND is provided to agricultural businessmen to buy agricultural land; the credit can range from 20 000 EUR to 330 000 EUR. The client should have at least 15% of own financial sources. The maximum duration of credit contract is 20 years. The entitled clients are the agricultural businessmen who are carrying on their business in agriculture in the field of animal and plant production; or doing business only in the field of plant production, where it is true that specialized plant production must be carried out min. on an area of 10% of the total area on which the agricultural operator carries out his object of activity.

MY LAND for young farmers is provided to agricultural businessmen to buy agricultural land. They need to meet the criteria of young farmers by the EU legislation. The credit can range from 5 000 EUR to 30 000 EUR. The client should have at least 10% of own financial sources. The maximum duration of credit contract is 15 years.

LAND is a financial scheme provided to agricultural businessmen to buy agricultural land; the credit can range from 20 000 EUR to 330 000 EUR. The client should have at least 20% of own financial sources. The maximum duration of credit contract is 20 years. The entitled clients are the agricultural businessmen who are carrying out their business in agriculture for at least 2 years.

Loans for the purchase of agricultural land are also provided by commercial banks.

4B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Slovak Guarantee and Development Bank has supplied the financial support for agricultural land purchase for more than 10 years; however the commercial banks are interested in agricultural land credits only during the last three years when the agricultural land started to become a very valuable asset.
2) Please provide a short description of the arrangement (how it works)	The financial schemes are described above.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	NO

4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes, each financial scheme stipulates who is entitled to ask for the credit. The entitled persons are mentioned above.
5) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	banks
7) Indicate the amount of money involved , related to the land price in the transaction	It is mentioned above
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NO
10) How frequently is the arrangement used? If infrequently, why?	Not frequently, because the owners are not willing to sell their land plots under the value which is offered by farmers. Moreover, the land fragmentation complicates the land purchase when the purchase agreement should be agreed with all owners. In many cases the land ownership is not documented and therefore unable to be transferred.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	NO
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No effect because of infrequent use.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	NO
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://www.szrb.sk/sk/uvery/

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? NO

-> **If no, go to PART 6**

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

26 Slovenia, reporter Anka Lisec

Assoc. Prof. Anka Lisec, Ph.D, Chair of Geo-informatics and Real Estate Cadastres, University of Ljubljana, Faculty of Civil and Geodetic Engineering

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (**yes**, sometimes, rare, no⁵⁷)
- 2) Is land often **rented (or leased)** by the farmer? (**yes**, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, **no**)
- 4) Do **collective ownership or use rights** exist? (**yes**, no)

If yes, which (mention name + frequency of use in the table below):

Collective rights	Name	Often used?
Name (English and in National language)	Agrarna skupnost (agrarian community)	(yes, no) Statistics for 2016: <ul style="list-style-type: none"> • 638 registered communities • 77,486, 47 ha • 3,67% of the country

- 5) Do **informal land rights or customary land rights** exist? (yes, **no**)

Remark: Traditional rights like the right to access the water areas, the right for recreation in forest areas, the right to pick forest fruits etc., are not informal rights but as not all the countries have these rights in the legislation maybe it is interesting to mention them here.

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (**yes/no**)

If yes, which?

The Agricultural Land Act (Official Gazette of the Republic of Slovenia, No. 71/2011 - official consolidated text, 58/2012, 27/2016, 27/2017 - ZKme-1D and 79/2017) defines leasing period (the parties might shorten this period, if they agree, in the contract):

- 25 years for vineyards, orchards and hop fields;
- 15 years for fast plantages of fast-growing deciduous trees;
- 10 years for other agriculture land use.

The Agricultural Land Act further provides the possibility of judicial extension of the duration of a land lease (whether for a fixed or indefinite period).

The contract may be terminated by mutual agreement at any time. The contract also terminates if the leased land is not cultivated as "good practice".

Some exceptions are when the state is the land owner. In this case, the land is managed by the Farmland and Forest Fund of the Republic of Slovenia. According to the legal provision in the "Rules on the leasing of farms and agricultural land" (slov. *Pravilnik o zakupu kmetij in kmetijskih zemljišč*), the leasing/renting period is usually:

- 40 years for olive and walnut crops;
- 30 years for vineyards;
- 25 years for orchards and hop fields;
- 15 years for fast plantages of fast-growing deciduous trees;

57 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, **no**)

- 10 years for other agriculture land use. (See: <http://www.s-kzg.si/en>)

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent?** (yes/**no**)

If yes, which?

There is no particular regulation regarding the rent – it should be defined in the contract. However, the Farmland and Forest Fund of the Republic of Slovenia is updating their rents on an annual basis based on (1) market value of agricultural land and, if applicable, (2) considering the amortisation of “permanent” crop-lands, which is also clearly defined in the contract.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/**no**)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

Land transfers within the family are privileged in that way that the land transactions between spouses or close relatives do not require permission from the land transfer authorities. Namely, the agricultural land transactions (as well as forests and farms) are regulated by the Agricultural Land Act (Official Gazette of the Republic of Slovenia, No. 71/2011 - official consolidated text, 58/2012 , 27/2016 , 27/2017 - ZKme-1D and 79/2017), where a gift/donation contract is also foreseen. The owner is allowed to sign the contract without the approval of the state administrative office (which is in principle required for all transactions of agricultural land, forests and farms) with:

- spouse or cohabitating partner, his/her lawful heir, except in the event of a transaction involving a protected farm;
- daughter-in-law or cohabiting partner of a child or adoptive child provided that they are members of the same;
- the “farm operator” following the law governing agriculture and has obtained funding from the rural development programme as a young acquirer of the farm, provided that no more than five years have passed since the takeover of the farm;
- local community or state.

In the case the farmer dies:

- the rented land (contract) is transferred (according to the legislation in the field of inheritance) to the heir;
- the ownership is transferred (according to the legal provisions in the field of inheritance) to the heir.

For transactions within a family, the Inheritance of Agricultural Holdings Act (Official Gazette of the Republic of Slovenia, No. 70/1995 , 54/1999 - US decisions and 30/2013) is also important. A protected farm under this Act is an agricultural or agroforestry economic unit owned by one person or owned, co-owned or jointly owned by a married couple or persons living in a registered partnership, or co-owned by one of the parents and the child etc., and covers at least 5 ha and not more than 100 ha of comparable agricultural area.

Remark: For 1 ha of comparable agricultural area under this Act are considered:

- 1 ha of high-quality agricultural land which (50 to 100 bonita points),
- 2 ha of low-quality agricultural land which (under 50 bonita points),
- 8 ha of land, registered in the land cadastre as forest land.

A protected farm is not allowed to be subdivided – the exceptions are if another farm is increasing or a new protected farm is established, if building land is the object of the transaction if the local community or state is the new owner of the subdivided part etc.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Yes.

3) To what extent these rules can **prevent fragmentation** of rural land?

The most important for preventing fragmentation of rural land is the institute of “protected farm”, defined in the Inheritance of Agricultural Holdings Act (Official Gazette of the Republic of Slovenia, No. 70/1995 , 54/1999 - US decisions and 30/2013). There are strict rules regarding the fragmentation of protected farms.

However, the pre-emption rights in the case of transferring the agricultural land (or farms or forest) also prevent the fragmentation.

4) To what extent these rules help or hinder **access to land for new generations**?

There is still an issue, how to stimulate the transactions of land rights to the younger generation. Besides the legal provision, presented in the previous paragraphs, the state is financially supporting “young farmers” (partly also by EU funds under RDP).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (**yes/no**)

2) Is this protection based on **national policies**? (**yes/no**)

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (**yes/no**)

If yes, please explain

There is no easy answer as spatial planning is a complex process where various, often conflicting interests are meeting the rural cultural landscape. The Spatial Planning Act (Official Gazette of the Republic of Slovenia, No. 61/2017) gives the framework legislation that regulates the spatial planning system of Slovenia. Slovenia operates a hierarchical system of plans. The highest level planning document is the Spatial Development Strategy of Slovenia, which outlines the main objectives for spatial development. It focuses on the description and development of spatial systems of national importance and considers settlements, transport, infrastructure, and environmental and landscape protection. The national, regional and municipal spatial plans have to consider the strategic orientation of spatial development.

The spatial planning process in Slovenia is based on the active participation of citizens. As many initiatives are present in particular for changing agricultural land to urban land, there are many regulations in the legislation. Among the others, The Agricultural Land Act contains classifications of agricultural land, aiming to protect the land of high soil quality permanently from development (here, relief and the other factors are also considered).

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (**yes/no**)

If yes, please explain

Currently, a new classification of agricultural land is being prepared for the purpose of spatial planning according to the amendments of the Agricultural Land Act (Official Gazette of the

Republic of Slovenia, No. 71/2011 - official consolidated text, 58/2012 , 27/2016 , 27/2017 - ZKme-1D and 79/2017), namely:

- Permanently protected agricultural land (there are some exception when the land use can be changed but are very limited);
- Other agricultural land.

This data will replace the old system of agricultural land classification, introduced in 1980s.

The proposal of permanently protected agricultural land is prepared at the municipal level considering the geographic conditions and fragmentation of agricultural land, where the following criteria are also considered.:

- soil quality (bonita points higher than 35 out of 100);
- relief (slope up to 11 %);
- areas of executed land consolidations, irrigations;
- availability of water resources suitable for irrigation,
- permanent crop fields,
- local characteristics of agricultural production and use of agricultural land.

The ministry responsible for agriculture is responsible for this classification, where the proposal has to be communicated by the municipality/local community before it is published as the input for spatial planning.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (**yes/no**)

If yes, please explain

Land consolidation, together with the instrument of the agricultural land exchange, are important instruments in Slovenia to deal with the problem of land fragmentation. However, the initiative has to come from the land owners. In the past 5 years, an important initiator has been also the state via the Farmland and Forest Fund.

2) if yes: is it **often used**? (**yes**, sometimes, rare, no).

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

Each project is unique. Consequently, the proves, criteria and the results differs in the practices despite a common legal framework.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

No direct impact but the restructured farmland definitely contribute to the farm competitiveness and this, hopefully, attract also the young generation to continue in the sector.

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (**yes/no**)

- Only within the National Agricultural state fund.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (**yes**, no)

-> If no, go to **PART 4**

2) If yes, please describe which arrangements: please indicates the names:

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Odobritev prodaje (selling approval)	The whole country
	Odobritev zakupa (leasing approval)	The whole country
	Predkupna pravica (pre-emption right)	Protected areas according to specific legal provision from the field of nature conservation, water management, environment etc.
	Zaščitena kmetija (protected farm)	The whole country

3B Arrangement 1

Arrangement 1, Name: Selling approval	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Zakon o kmetijskih zemljiščih (<i>The Agricultural Land Act</i>), Official Gazette of the Republic of Slovenia, No. 71/2011 - official consolidated text, 58/2012, 27/2016 , 27/2017 - ZKme-1D and 79/2017
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly, by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The arrangement has its roots in the legislation from 1965, where the private landowner had to publicly announce the intended transaction aiming to provide the opportunity to the "state farm organisations" to buy/lease the land as pre-emption right holders. With the amendment in 1973, this arrangement was better defined in the legislation, when the private/family farmers also got a priority in buying the land (on the second place, after state farm organisations).

	With the transition to the market economy, the “state farm organisations” were cancelled, the amendments of the legislation in 1990s and the new Agricultural Land Acst in 1996 provided the basis for current provisions.
4) Please provide a short description of the arrangement (how it works)	<p>All transactions of agricultural land, forests and farms should be based on a specific procedure defined by the act:</p> <ul style="list-style-type: none"> • Each intended transaction (selling), either of agricultural land, forest or farms, has to be announced publicly (30 days). • The relevant state administration office has to approve the purchase with a special provision that resolves pre-emption rights. The exceptions are when the transaction is done within a family; • Within the public announcement (state administration office and e-portal), the price should also be defined, which is later not negotiable any more;
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	No
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	<p>When selecting the offer (state administration office), the priority rules should be considered.</p> <ul style="list-style-type: none"> • 1. the co-owner; • 2. the farmer whose land is adjacent to the land to be sold; • 3. the leaseholder of the land to be sold; • 4. another farmer; • 5. agricultural co-operative or a self-employed person that requires land or a farm holding to perform their agricultural and/or forestry activities and • 6. the National Farmland and Forest Fund of the Republic of Slovenia. <p>Among farmers ranked at the same place under the same conditions, the farmer whose agricultural activity is the sole or main preoccupation has the pre-emption right, followed by the farmer who himself/herself cultivates land and then by the farmer designated by the seller. The exception is the purchase of an agricultural land, forest or farm holding, which constitutes state property. In these cases, the seller has to designate the farmer by the public auction.</p> <p>If none of the pre-emption beneficiaries asserts the right of pre-emption and if the contract is approved by the state administration office, the owner may sell the land to any person who accepts the offer in time and in compliance with The Agricultural Land Act.</p> <p>Approval of the purchase is not required, if the transaction is made:</p>

	<ul style="list-style-type: none"> • between spouses or cohabitating partners, owner and his/her lawful heir, except in the event of a transaction involving a protected farm; • between co-owners, where agricultural land, forest or farm is in the ownership of two or more co-owners; • on the basis of a lifelong maintenance contract, gift mortis causa, except in the event of a transaction involving a protected farm; • if agricultural or forestland is involved, on which buildings are erected and they are accordant with the building regulations (building land and land reserved for special purposes); • if agricultural land, a forest or farm is acquired within spatial planning operations of agricultural land (i.e. land consolidations).
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	NA
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The transaction cannot be executed without the official approval (the requirement for the entry in the land registry) – state administration office.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NA
10) How frequently is the arrangement used? If infrequently, why?	For each transaction, except those defined by the law.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement is well-rooted in the society and as such accepted. However, there is a discussion regarding the order of pre-emption rights that also refers the problem of land accessibility to the young generation.
12) Can you provide indications of the effect of the arrangement on: <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	There are no particular provisions regarding the mentioned issues.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative	NA

applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Lisec at al. (2008). Modelling the rural land transaction procedure. Land Use policy, 25. doi:10.1016/j.landusepol.2007.08.003

3B Arrangement 2

Arrangement 2, Name: Leasing approval	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Zakon o kmetijskih zemljiščih (<i>The Agricultural Land Act</i>), Official Gazette of the Republic of Slovenia, No. 71/2011 - official consolidated text, 58/2012, 27/2016 , 27/2017 - ZKme-1D and 79/2017
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly, by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	See arrangement 1
4) Please provide a short description of the arrangement (how it works)	The Agricultural Land Act defines the procedure for leasing agricultural land (Articles 26-38): <ul style="list-style-type: none"> • Each intended renting, either of agricultural land, forest or farms, has to be announced publicly. • The relevant state administration office has to approve the renting contract with a special provision that resolves pre-emption rights. • Within the public announcement (state administration office and e-portal), the price should also be defined, which is later not negotiable any more;
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	No
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	When selecting the offer (state administration office), the priority rules should be considered: <ol style="list-style-type: none"> 1. the tenant; 2. the tenant or the owner of the adjacent to the land to be leased; 3. Another farmer, co-operative or a self-employed person that requires land or a farm holding to perform their agricultural and/or forestry activities. Approval is not required, if the transaction is made within the family (see also the arrangement 1).

7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	NA
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The leasing cannot be executed without the official approval (the requirement for the entry in the land registry) – state administration office.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NA
10) How frequently is the arrangement used? If infrequently, why?	For each leasing, except those defined by the law.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement is well-rooted in the society and as such accepted. However, there is a discussion regarding the order of pre-emption rights that also refers the problem of land accessibility to the young generation.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	There are no particular provisions regarding the mentioned issues.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	NA
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Lisec at al. (2008). Modelling the rural land transaction procedure. Land Use policy, 25. doi:10.1016/j.landusepol.2007.08.003

3B Arrangement 3

Arrangement 3, Name: Preemption rights	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Zakon o ohranjanju narave (<i>Nature Conservation Act</i>), Official Gazette of the Republic of Slovenia, No. 96/2004 - official consolidated text, 61/2006 - ZDru-1, 8/2010 - ZSKZ-B, 46/2014 , 21/2018 - ZNOrg, 31/2018 and 82 /2020)

	<p>Zakon o varstvu okolja (<i>Environmental Protection Act</i>), Official Gazette of the Republic of Slovenia, No. 39/2006 - official consolidated text, 49/2006 - ZMetD, 66/2006 - US decision, 33/2007 - ZPNačrt, 57/2008 - ZFO-1A, 70/2008, 108/2009, 108/2009 - ZPNačrt-A, 48/2012, 57/2012, 92/2013, 56/2015, 102/2015, 30/2016, 61/2017 - GZ, 21/2018 - ZNOrg in 84 /2018 - ZIURKOE)</p> <p>Zakon o varstvu kulturne dediščine (<i>Cultural Heritage Protection Act</i>), Official Gazette of the Republic of Slovenia, No. 16/2008, 123/2008, 8/2011 - ORZVKD39, 90/2012, 111/2013, 32/2016 and 21/2018 - ZNOrg)</p> <p>Zakon o vodah (<i>Water Act</i>), Official Gazette of the Republic of Slovenia, No. 67/2002 , 2/2004 - ZZdri-A, 41/2004 - ZVO-1, 57/2008 , 57/2012 , 100/2013 , 40/2014 , 56/2015 and 65/2020.</p> <p>Zakon o obrambi (<i>Defense Act</i>), Official Gazette of the Republic of Slovenia, No. 103/2004 - official consolidated text and 95/2015 Etc.</p>
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly, by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	<p>The pre-emption right is defined as the right by which a beneficiary has an advantage but not an obligation to buy a specific property that is the subject of pre-emption.</p> <p>The pre-emption right can be established through a contract (this might also refers to the rural land transactions but is beyond the scope of this report) or by law. The pre-emption rights defined by the law, have been known in the Slovenian legislation for decades and have been related to the protected areas.</p>
4) Please provide a short description of the arrangement (how it works)	<p>The particularity of the rural land purchase refers to special pre-emption rights established by means of special laws (besides the provisions in the Agricultural land Act).</p> <p>Special protected areas: The state or local community have the pre-emption right in transactions involving real property in the protected areas, notwithstanding the provisions in other acts regulating pre-emption rights to agricultural, forest, water or building land. The owner of the protected area shall inform the manager of the protected area (the ministry or local community) on the intended sale. In case of the acceptance of the offer, the pre-emption beneficiary has to notify the owner about the decision within 60 days from receiving the notification. When the state or local community does not have interest (or resources) regarding the purchase of such property, the next pre-emption beneficiary is defined in accordance with The Agricultural Land Act.</p> <p>Water land: Concerning the sale of water and waterside land, which is the land located in the protected area intended for public water supply, the state is the only beneficiary. The owner of the water land, regarding The Waters Act, has to inform The Ministry</p>

	<p>of the Environment and Spatial Planning of the intended sale and submit all the data about the property, including the price and terms of purchase. The ministry responds with the notification about the acceptance of the offer within 60 days of receiving the offer. If the state does not exercise the pre-emption right, the next pre-emption beneficiary is defined according to the Agricultural Land Act.</p> <p>Land of special importance for defence purposes: In transactions involving the rural land located in the area of special importance for defence purposes, the approval of the Ministry of Defence is required in compliance with The Defence Act. For such land transaction, the consent of the Ministry of Defence has to be obtained prior to concluding any legal transaction.</p>
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	Yes (explained in the previous paragraph)
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	No
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	NA
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The transaction cannot be executed without the official approval (the requirement for the entry in the land registry) – state administration office.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NA
10) How frequently is the arrangement used? If infrequently, why?	Not often (based on land policy of the institutions involved).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	In particular, in the case of protected land, the owners often have to accept the restricted rules due to the protection/conservation policy. On the other hand, the active participation of institutions (national parks, local communities, state) is missing in the land

	market aiming to actively contribute to the protection/conservation goal – the issue is becoming an important topic of public discussion in Slovenia.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	As the measure is not often used, there are no indications of the effects of the arrangements on the mentioned issues.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	NA
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Lisec at al. (2008). Modelling the rural land transaction procedure. Land Use policy, 25. doi:10.1016/j.landusepol.2007.08.003

3B Arrangement 4

Arrangement 4, Name: Protected farms	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Zakon o dedovanju kmetijskih gospodarstev (<i>Inheritance of Agricultural Holdings Act</i>), Official Gazette of the Republic of Slovenia, No. 70/1995 , 54/1999 - US decisions and 30/2013
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Directly, by law
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The arrangement has its roots in the legislation from 1973, when the government tried to solve the problem of farmland fragmentation which had (has) been present for centuries in the territory. With the transition to the market economy in 1990s, the legal provisions have been adjusted to the new market situation.
4) Please provide a short description of the arrangement (how it works)	A protected farm is not allowed to be subdivided – the exceptions are if another farm is increasing or a new protected farm is established, if building land is the object of the transaction if the local community or state is the new owner of the subdivided part etc.
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. –	Yes A protected farm is an agricultural or agroforestry economic unit owned by one person or owned, co-owned or jointly owned by a married couple or persons living in a registered partnership, or co-

or type of farming practiced on the land?). Please indicate and explain.	owned by one of the parents and the child etc., and covers at least 5 ha and not more than 100 ha of comparable agricultural area. <i>For 1 ha of comparable agricultural area under this Act are considered:</i> <ul style="list-style-type: none"> • 1 ha of high-quality agricultural land which (50 to 100 bonita points), • 2 ha of low-quality agricultural land which (under 50 bonita points), • 8 ha of land, registered in the land cadastre as forest land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	No
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	NA
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The transaction can not be executed without the official approval (the requirement for the entry in the land registry) – state administration office.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NA
10) How frequently is the arrangement used? If infrequently, why?	For each transaction of protected farm.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement is well-rooted in the society but there are many doubts about its effects in agriculture and rural development.
12) Can you provide indications of the effect of the arrangement on: <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	-
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a	NA

specific areas and or innovative applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (**yes**, no)

For land consolidation and agricultural land exchange there is no transfer tax.

2) If yes, please describe which arrangements: please indicates the names

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Mladi prevzemnik (young farm acquirer)	Subsidising	Whole country

4B Arrangement 1

Arrangement 1, Name: Young farm acquirer	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	This measure is supported within the Rural Development Programme 2014–2020
2) Please provide a short description of the arrangement (how it works)	The measure has been introduced to stimulate the elder generation to give the opportunity the younger generation by transferring the ownership to their heirs. The precondition to get the subsidies for the investments at the farm is that the new owner is younger than 40 years. Based on the transaction and approved investment plan the young farmer get the subsidies within the RDP scheme.

Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	No
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	No
5) Please describe any other features related to application of the arrangement.	NA
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	State agency responsible for RDP
7) Indicate the amount of money involved , related to the land price in the transaction	NA
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No
10) How frequently is the arrangement used? If infrequently, why?	The plan has been that 3.5% of holdings receive support for young farmers to get started and for structural adjustment after the initial setting-up in 2014-2020.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	Acceptable but still not used as it was planned.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	The opportunity for younger generation.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	There are many successful stories, presented also at RDP programme webpage (See the next answer).
14) Please list any research/resources about the arrangement (in English or	See: https://www.program-podezelja.si/en/rural-development-programme-2014-2020

your own language, please copy/paste URLs when possible)

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

- 1) Do one or several of these kinds of arrangements **exist** in your country? (**yes**, no)

See the answer in the 1st chapter – this role is partly played by the State land Fund.

-> **If no, go to PART 6**

- 2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Najem zemljišč Sklada kmetijskih in gozdnih zemljišč (land leasing provided by the Farmland and Forest Fund of the Republic of Slovenia)	Whole country

5B Arrangement 1

Arrangement 1, Name: Land leasing provided by the Farmland and Forest Fund of the Republic of Slovenia	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	Governmental organisation Farmland and Forest Fund of the Republic of Slovenia
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	The Fund is managing the state agricultural and forest land. With its active participation in the market, the Fund is selling and buying the land. The state owned land is further offered for a long-term leasing. As already explained, the Farmland and Forest Fund of the Republic of Slovenia is one of the pre-emption right holders by agricultural land (and forest and farms) transactions according to the Agricultural Land Act. There is no expropriation used for this purpose.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The Land Fund was established in 1993, during the restitution process for the purpose of management of state agricultural land and forests. The Land Fund has been obliged to take an active role in the process of denationalisation in the sense of providing land for denationalisation rightful claimants.

4) Please provide a short description of the arrangement (how it works)	The Land Fund acts also as a market trader and promotes land consolidation through sale (protected areas in order to promote sustainable land management, small fragmented land plots for the purpose of land consolidation etc.) and lease. Where small units are held by the Land Fund, and the land ownership pattern is complex, the small units are going to stay in the hands of the State unless a buyer comes forward.
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	Yes, as defined in the Agricultural Land Act.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	See answers in chapter 1.
7) Please describe any other features related to application of the arrangement.	NA
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Farmland and Forest Fund of the Republic of Slovenia
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	NA
10) How frequently is the arrangement used? If infrequently, why?	See reports at: http://www.s-kzg.gov.si/en/
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	NA
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	NA
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative	

applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	See http://www.s-kzg.gov.si/en/

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

27 Spain, reporters Pablo Amat, Clara Blasco, Miquel Correa, Dionisio Ortiz

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Key information provided by: Calavia, Antonio (Farm Adviser, Agrozarxa), on Part 4; Cuevas, José Ángel (Public Service Head, Spanish Ministry on Agricultural Affairs), on Part 4; Dadon, Josep (Public Service Head, Catalan Department on Rural Affairs), on Part 4; Llaveró, Jordi (Area Manager, SAECA), on Part 4; Santonja, Ismael (Farm Engineer), on Part 2; and the Focus Group on Access to Land organized by the Spanish Ministry on Agricultural Affairs.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country⁵⁸

- 1) Is land often **owned** by the farmer? **YES**
- 2) Is land often **rented (or leased)** by the farmer? **YES**
- 3) Are **other types of individual farmland tenure** used? **YES**

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	Usufruct – land use leases (<i>usufructo</i>)	No
(optional) Name 2 (English and in National language)	Crop sharing (<i>aparcería</i>)	No
(optional) Name 3 (English and in National language)	Informal cessions	No

- 4) Do **collective ownership or use rights** exist? **YES**

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	Communal forests (<i>bosques vecinales en mano común, bosques comunales</i>). This legal figure is found only in some regions of Spain, mostly in Galicia, under Law 55/1980, November 11 th)	No

- 5) Do **informal land rights or customary land rights** exist? **NO**

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? **YES**

If yes, which?

By Law 49/2003, November 26th, on Rural Land Leases, land leases will have a minimum duration of five years. Within this period, the owner cannot terminate the contract. At the end of the first 5-year period, if the owner does not notify the lessee the end of the contract, it can be extended for an additional 5-year period. Beyond the minimum rental period, the law gives the right to a priority purchase by the lessee in case the owner wants to sell the land.

- 2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? **YES**

⁵⁸ According to Spanish Farm Holdings Survey (2016), 59% of land in Spain is hold through ownership, 32.6% through land leases, 2.5% are communal forests, and 5.9% is hold under other types of tenure.

If yes, which?

By the same law, the rent will be fixed in cash (not in kind) and will be the one that the parties freely stipulate. The owner cannot increase the rent by himself/herself. The owner must reach an agreement with the tenant if he/she wants an increase. The parties may establish the rent review system that they consider appropriate. In the absence of an explicit agreement, no rent review will be applied. The law establishes also an official Index for rents in case this is not specified in the contract.

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? **NO**

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

a) In case of a farmer's death, the Civil Code rules the inheritance system in Spain, though there are some additional and different regulatory frameworks at the regional level. In general, the Civil Code establishes that heirs (descendants) have the same right to inherit the land, based on the principle of equality. If there is only one heir, he/she will acquire all the assets including the land. If there are two or more heirs, the options are: 1) One heir can acquire the land (agreement needed) and if he/she exceeds the hereditary quota, he/she will pay the difference in cash to the other heirs; 2) The land can be acquired in community by all the heirs and continue cultivating it; 3) The land can be sold and the income distributed among the heirs.

b) In case of a farmer's retirement, the retired farmer continues to own the land as long as he/she lives. Then some options can be considered: 1) Donation of land in favour of a son/daughter; 2) Free transfer of the use of the land to the son/daughter; 3) Leasing the land to the son/daughter; 4) Constitution of an usufruct in favour of the son/daughter, the father reserving the property.

It must be taken into account as well that the taxation system in terms of cession is regulated by the Royal Law Decree 1/1993, September 24th, a consolidated text on the Tax Law on Property Transfers. However, the national Law 19/1995, July 4th, on the Modernization of Agricultural Holdings, sets up some tax incentives in the case of farmland. In a similar vein, some regions also consider tax incentives for farm land transfers within the family.

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

By Law 49/2003, the tenant may assign or sublease the contract in favour of the spouse or one of their descendants, for all the time remaining in the lease term and for a rent that may not be higher than that agreed between owner and tenant. The owner's consent is not needed in this case. If the tenant dies before the end of the contract, their legitimate successors (descendants) can continue it for the remaining time, and under the same conditions and rights of the deceased tenant.

3) To what extent these rules can **prevent fragmentation** of rural land?

The Spanish hereditary legal regime does not greatly favour the conservation of undivided land. If there are several heirs (community of owners) the general rule is the extinction of the community and the division of property. Only if there is an agreement, one of the heirs can acquire the land by paying the rest in cash. But of course, this means that this heir should have enough money for it, and it is not always possible. So, in general terms, in Spain these rules have caused the fragmentation of the land by dividing it among the heirs.

4) To what extent these rules help or hinder **access to land for new generations**?

Access to land through inheritance is a way for young farmers to create their own agricultural holding. If there is only one heir, there will not be a problem. If one of the heirs is a regular collaborator with the father on the farm, it is possible that the father benefits the son/daughter in the final distribution of the inheritance so that he/she can acquire the land and continue the activity.

The challenge of access to land remains, of course, for those new generations which are not descendants of a family with territorial capital and/or some type of farm holding. To this regard, there are other regulations that favour the access of youth to the ownership of an agricultural holding, irrespectively of inheritance processes. For example, in the aforementioned law 15/1995 on the Modernization of Agricultural Holdings, it is set that in order to rejuvenate the agricultural sector, aid will be granted to young farmers who settle for the first time in a priority agricultural holding as owner, joint owner or partner of the same (see arts. 17, 18 and 19).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? **YES**
- 2) Is this protection based on **national policies**? There are national policies in place which relate to farmland protection, but regions develop their own farmland protection laws and policies as well.
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? **NO**

If yes, please explain

It is forbidden to change the use of the land from farming to other urban use unless it is included into an officially designed urban development area by the local authority after the assessment of the regional governments.

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? **YES**

If yes, please explain

The Royal Legislative Decree 7/2015 on Land Law and Urban Rehabilitation is the general regulation that defines, for legal purposes, the basic land situations in Spain. To this regard, "rural land" is that kind of land preserved by urban planning of its transformation through urbanization, due to various circumstances and values that are present in rural areas (landscape, natural, environmental, agrarian or cultural values, among others). Likewise, "rural lands" can be used in this way: the powers of the property right include those of using, enjoying and disposing of the land in accordance with its nature. Within the limits set by laws and territorial and urban planning, those powers must be devoted to agricultural use, livestock, forestry, hunting or any other use linked to rational use of natural resources. When urban planning qualifies certain agricultural lands as "rural land", these may be part of an agricultural holding. For this, it will be necessary that territorial planning legislation (at regional and local level) considers that these properties meet the legal conditions or show typical agricultural values (production, agricultural activity...). At the same time, the lands will be excluded from the urban transformation and its conversion into urbanized land (although never definitively).

From a regional perspective, different laws have been recently put in place developing rules for the protection of specific types of land. For example, Law 3/2019, June 17th, on Farmland, in Catalonia, mandates to design territorial plans enabling specific protections for “High Agricultural Value Land”, which refers to farmland of high value, this being defined according to a diversity of criteria: their particular interest for the preservation or continuation of the farming activity; their social, ecological or historic value; their peri-urban location; or their functionality in terms of fire prevention.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? **YES**

If yes, please explain

Land consolidation (*concentración parcelaria*) is an activity developed by the field of agronomic civil engineering, consisting on the regrouping of the parcels of an owner into the fewest number of them. The resulting parcel or group of parcels is called a replacement holding. The goal is to unify holdings and facilitate cultivation, which is achieved by increasing the size of the farm. This activity has been carried out in Spain where, basically for historical reasons, the land has been divided by inheritance causing an excessive division of agricultural real estate (Law of 1952 on Land Consolidation). The Law of 1973 on Agrarian Reform and Development, the basis on which this agronomic procedure has been carried out in Spain, defines its purpose in article 173: the land consolidation has as its primary purpose the constitution of farms with adequate structure and dimensions.

Starting in 1985, land consolidation is the responsibility of the regions (Autonomous Communities), which have developed their own laws regulating these processes. As a recent example, the Community of Valencia approved the Law 5/2019, February 28th, on Farmland Structures, which singularly defines the so-called “*Iniciativas de Gestión Común*” (“Common Management Initiatives”), intended to facilitate the processes of restructuring, rearranging and regrouping of land holdings.

2) if yes: is it **often used**? Sometimes or rarely used.

Sometimes or rarely used.

Regarding the regional initiative in Valencia, they might be more often used in the future. Indeed, under an EIP-Agri Operational Group (“Innoland”), two of these Common Management Initiatives are already in place, run by farmers’ cooperatives.

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

In general, the application of this type of interventions has been always complex and it extends largely in time, that is why they are just sometimes or rarely used. Previously, it was often used in regions like Castilla-León or Galicia. Frequently, land consolidation has been linked to irrigation modernization projects, aiming at the same time for a rationalization of the water distribution networks to land plots. This argument was sometimes useful to convince farmers on the benefits of land consolidation processes, implying the exchange of land plots, towards they were reluctant initially.

In relation to the already functioning Common Management Initiatives in Valencia, these are mainly aimed at land in which fruit trees are cultivated, since land parcels of this type of crops are usually small, so the benefits from consolidation are larger. These processes are particularly interesting as well for retiring farmers.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

Not evident, but promising in the case of the Common Management Initiatives in Valencia.

2C Land redistribution1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? *Not de facto.*

Nevertheless, there are a couple of historical regulations in relation to land redistribution processes worth mentioning in Spain, because they are indeed still in force, despite not really used. One is the Law 34/1979, November 16th, on Clearly Improvable Agricultural Holdings, and the other is the Law 8/1984, July 3rd, of Land Reform in Andalucía, the southernmost region in Spain, and historically the most affected in terms of land ownership concentration, which usually motivated the emergence of protest social movements by agricultural workers, also affected by vulnerable working conditions. Both regulatory frameworks aimed at improving and guaranteeing the social function of agriculture, allowing for forced expropriation (confiscation) and subsequent redistribution to small farmers and cooperatives of those agricultural holdings which were not fulfilling the social function, according to different criteria. These criteria were mainly related to the degree of proper farming use of the land (allowing for the taxing and expropriation of those underused lands), and they applied only to large farms: those above 50 hectares (in irrigated lands) and those above 300 hectares (in dry lands). Small farmers' associations and cooperatives were given preference in the allocation of public land after expropriation.

2) if yes: is it **often used**?

Not now, and they were not often used neither in the past, due to strong confrontation by large farmers, among other factors. Indeed, the public organization which was created under the Law of Land Reform to administer the expropriated land, closed down in 2011, after a privatisation process under public auctioning, which didn't benefit neither the small farmers (supposedly the target of the Law), because of the high prices of land.

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

The aforementioned Law of Land Reform distinguished different areas (counties) according to their agronomic conditions, when considering the application of criteria for expropriation.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

These laws had few real effects, and indeed that was one of the reasons which motivated the escalation of protest movements by agricultural workers, including the development of more radical direct actions in the region of Andalucía, such as land occupations. Nevertheless, the laws also set a precedent for current widespread land banks as a tool for redistribution of land to new generations.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? **YES**

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> **If more than three arrangements are used, insert a row in the table below.**

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Minimum Cultivation Unit (<i>unidad mínima de cultivo</i>)	Applicable in the whole country. But it is the responsibility of the Autonomous Communities to determine the extension of the minimum cultivation unit (hectares) for dry and irrigated land in the different municipalities, areas or regions of their territorial area.
If applicable: Name of Arrangement 2 (English and in National language)	Preferential Acquisition Rights: adjacent retraction; right of first refusal (<i>derechos de adquisición preferente: retracto de colindantes; derecho de tanteo</i>)	Applicable in the whole country.

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name: Minimum Cultivation Unit	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Law 19/1995, July 4 th , on the Modernization of Agricultural Holdings (arts. 23 – 26).
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	It is in force by Law 19/1995, but Autonomous Communities have to determine the extension of the minimum cultivation unit in their territory.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Origin: Law of June 15, 1954, developed by a Ministerial Order of May 27, 1958, which regulated it by determining in a table the applicable dimensions by provinces and populations of the country. Goal: preserve the sufficient surface that an agricultural parcel must

	have so that the fundamental tasks of its cultivation, using the normal and technical means of production, can be carried out with a satisfactory yield, taking into account the socioeconomic characteristics of agriculture in the region or area.
4) Please provide a short description of the arrangement (how it works)	When transferring an agricultural parcel, if the owner wants to divide or segregate it, the division or segregation of this parcel will only be valid when it does not give rise to parcels of a less dimension than the minimum cultivation unit. This rule applies to <i>inter vivos</i> contracts (purchasing, donation) or <i>mortis causa</i> business (inheritance).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	It depends on the size of the agricultural parcel.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	It does not depend on the type of actor. It applies to everyone involved in the transaction.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	There are some exceptions, in several cases division or segregation under the minimum cultivation unit is permitted (art. 25).
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Enforcement: They will be null and will not produce effect between the parties or in relation to a third party, the legal acts or businesses that cause the division of parcels but infringing the provisions of the law. Monitoring: notaries, property registrars and courts.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No. Legal system of property transfers and other operations prevent abuses.
10) How frequently is the arrangement used? If infrequently, why?	Frequently. Every transfer or legal operation of land division should be controlled by notaries and property registrars.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	No information available.
12) Can you provide indications of the effect of the arrangement on:	No information available.

<ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No information available.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<ul style="list-style-type: none"> - José María de la Cuesta Sáenz (2005). “La unidad mínima de cultivo y el registro de la propiedad”, in <i>Las nuevas orientaciones normativas de la PAC y de la legislación agraria nacional</i>, Ángel Sánchez Hernández and Pedro de Pablo Contreras (coordinators). - Francisco Millán Salas (2014). “La partición de la herencia y la unidad mínima de cultivo”. <i>Revista Jurídica del Notariado</i>, 90-91, pp. 81-126. - Ángel Sánchez Hernández (1997). “La unidad mínima de cultivo y el régimen del suelo no urbanizable”. <i>Revista de derecho agrario y alimentario</i>, 30, pp. 47-52. - Andrés Miguel Cosialls Ubach (2008). “La transmisión de finca inferior a la Unidad Mínima de Cultivo”. <i>Revista Crítica de Derecho Inmobiliario</i>, 707, pp. 1073-1142.

3C Arrangement 2, 3,

-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

Arrangement 2, Name: Preferential Acquisition Rights	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Civil Code of 1889 (art. 1523); Law 19/1995, July 4 th , on the Modernization of Agricultural Holdings (art. 27); Law 49/2003, November 26 th , on Rural Land Leases (art. 22).
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	It is in force by different laws.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	The law was introduced to give preference in the purchase of land to certain people due to their special situation (neighbors, tenants). The purpose is to avoid the small holdings and encourage the improvement of agricultural production.
4) Please provide a short description of the arrangement (how it works)	If the owner of the land decides to sell it to a third person, he/she must communicate to their tenant the price of the sale in case he/she is interested in buying it (right to first refusal). If the owner of the land has already sold it to a third person, the neighbour or the

	tenant may subrogate in the buyer's position paying the same sale price and other expenses (right to retraction).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	It depends on the size of the land parcel sold: -The owners of the adjoining lands can buy the parcel whose capacity does not exceed one hectare (art. 1523 Civil code). -The owners of neighboring parcels, that are also owners of priority agricultural holdings (a specific type of holding model), can buy in the case of the sale of a parcel with an area of less than double the minimum cultivation unit (art. 27, Law 19/1995).
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	It depends on the type of actor: -Law 49/2003 (art. 22) states that the tenant who is a professional farmer or is one of the entities referred to in article 9.2*, will have the right of first refusal and retraction. *Art. 9.2 entities: agricultural cooperatives; community-owned land cooperatives; agrarian transformation societies and property communities.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	Different terms to exercise the rights: - nine days counted from the inscription in the Property Registry, and failing that, since the neighbour owner had knowledge of the sale (Civil code). - one year counted from the inscription in the Property Registry, unless previously the owners of the neighbouring parcels are reliably notified of the sale of the property, in which case the term will be sixty days from the notification (Law 19/1995). - The tenant will have 60 days from the receipt of the notification to exercise his/her right to acquire the property at the same price and conditions. In the absence of notification from the owner, the tenant will have 60 days to purchase, counting from the date on which, by any means, he/she became aware of the transmission.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	It is enforced and monitored by notaries, property registrars and courts.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Yes, in case the seller sells the parcel to a third party without notifying the neighbour or tenant, and the period of exercise of the right passes. Also, when notifying the sale for a price much higher than what is actually sold.
10) How frequently is the arrangement used? If infrequently, why?	No information available.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	No information available.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation	No information available.

- employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No information available.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<ul style="list-style-type: none"> - Domingo Bello Janeiro (2009). <i>El retracto de comuneros y colindantes del Código civil</i>. Cizur Menor, Navarra. Aranzadi, ed. - José María Caballero Lozano (1996). "El retracto de colindantes en la Ley de Modernización de las Explotaciones Agrarias". <i>Revista Crítica de Derecho Inmobiliario</i>, 632, pp. 65-94. - José María de la Cuesta Sáenz (2007). "El minifundio en España. Los retractos de colindantes como solución del problema". <i>Revista de derecho agrario y alimentario</i>, 50, pp. 75-79. - Laura Gázquez Serrano (2007). "Tanteo, retracto y adquisición preferente en la ley de arrendamientos rústicos", in <i>Derecho agrario y alimentario español y de la Unión Europea</i>, Pablo Amat Llombart (coord.), pp. 289-306.

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions, **YES**
- special tax regulations supporting specific transactions or making the transactions less attractive, **YES**
- a financing scheme for specific transactions (giving the buyer a loan), **YES**
- a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan), **YES**

2) If yes, please describe which arrangements: please indicates the names

-> *if more than three arrangements are used, insert a row in the table below*

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Rural Development Program's Measure on Business Start-Up Aid for Young Farmers	Subsidizing (+ associated Loan/Guarantee in some regions)	In the whole country, but Rural Development Programs are developed at the regional level in Spain, so regions must

			include this measure, and they all do, indeed.
Name of Arrangement 2 (English and in National language)	Rural Development Program's Measure on Investments in Agricultural Holdings	Subsidizing (+ associated Loan/Guarantee in some regions)	In the whole country, but Rural Development Programs are developed at the regional level in Spain, so regions must include this measure, and they all do, indeed.
Name of Arrangement 3 (English and in National language)	Tax Benefits for Agricultural Holding Transfers	Tax	In the whole country.
Name of Arrangement 4 (English and in National language)	National Public Agricultural Guarantee Scheme by SAECA	Guarantee	In the whole country.

Beyond these specific financial instruments for the farming sector, some additional public financial instruments, mainly loans, both at the national and regional level, with preferential conditions in relation to private financial instruments, can be used to buy land.

4B Arrangement 1

Arrangement 1, Name: Rural Development Program's Measure on Business Start-Up Aid for Young Farmers	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Legislative antecedent: Law 49/1981, December 24 th , on the Statute of Family Holding and Young Farmers. Problems of aging of the farming population persist over time. The current level of aging of many owners of farms is one of the main obstacles to the modernization of agriculture. It is necessary to facilitate the access of the youth to the responsibility and ownership of the agricultural holdings. That's the motivation of including this subsidy in the Rural Development Programs. Today the measure is stabilised by articles 17 and 19 of Law 19/1995 on the Modernization of Agricultural Holdings.
2) Please provide a short description of the arrangement (how it works)	It is not specifically a direct aid to the purchase of land. It is an aid for the effective setup of the farmer's activity and to reach the condition of a priority agricultural holding within a given period of time. But obviously, the aid can be used to rent land or to buy it. The young farmer is required to have a business plan. The objectives to be achieved and the terms in which the requirements for the farm and its owner are to be met must be described in this plan.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	Yes. The allocation of the aid is linked to a specific type of farm (priority agricultural holding, as defined in Law 19/1995).

4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes. The allocation of the aid is linked to a specific type of farmer (active farmer and professional farmer).
5) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The young farmer interested in the aid must apply for it. Every year calls for aid arise. The competent (regional) authority on the Rural Development Program then grants or denies the aid. It is an administrative procedure.
7) Indicate the amount of money involved , related to the land price in the transaction	The aid consists of a premium whose overall amount depends on socio-economic factors associated with the applicant and / or the holding. A basic amount is set at 20.000 €, which can be increased depending to different circumstances (i.e., if the young farmer buys territorial capital), but the total amount of aid can reach a maximum of 70.000 €. Considering the average land price in Spain in 2018 (10.000 €/ha.), it'd allow for 2-7 has.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not to the available knowledge.
10) How frequently is the arrangement used? If infrequently, why?	A total of 26.211 young farmers in Spain have received this grant since 2007 and are still active as young farmers in 2018, so it is frequently used (around 2.500 grants per year) ⁵⁹ .
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	To the available knowledge, it is in general a well appreciated support, despite it receives critiques because of the complex administrative procedures which involves benefiting from this support.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Despite the fact that this is a measure favourable to the provision of employment to the youth in rural areas, the aging rates of the farmers and the rural population in general remain high. And the abandonment of land and farms continues, especially in certain areas of Spain.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Some regions (Castilla y León, Extremadura) facilitate the supplementation of this aid with the financial instrument developed by the Spanish Government in the framework of the RDP (" <i>Instrumento Financiero de Gestión Centralizada</i> "), which is constituted as a guarantee, in which the Spanish Government assumes 80 % of the associated risk to a loan taken by the farmer to perform the investment.

⁵⁹ According to a diagnosis document by the Working Group on Generational Renewal of the Spanish Ministry on Agriculture and Food (2019).

	Catalonia facilitates the supplementation of this aid with a loan issued by a regional public bank, in which the Catalan Government assumes as well 80 % of the risk, but no public guarantee is provided. The aid is used in this case to pay the loan's instalments in advance.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<p>- Pablo Amat Llobart (2003). "Régimen de la Ley 19/1995 y del Real Decreto 613/2001 sobre inversiones en explotaciones agrarias y ayudas a la primera instalación de agricultores jóvenes". <i>Revista General Informática de Derecho</i>, 3.</p> <p>- Beatriz Llopis Gilabert (2017). <i>La política de desarrollo rural en el marco de la PAC y su concreta aplicación a España: análisis de la ayuda a la instalación de jóvenes agricultores del programa de desarrollo rural de la Comunidad Valenciana</i>. Doctoral thesis directed by Pablo Amat Llobart and Luisa Vicedo Cañada. Universidad Católica de Valencia San Vicente Mártir (2017).</p> <p>- Pilar Larumbe Martín, Beatriz Preciado Biurrun, Amaia Yaben Aróstegui (2017). "Plan Estratégico de Apoyo a la Instalación de Jóvenes en el Sector Agrario". <i>Navarra agraria</i>, 223, pp. 10-18.</p>

4C Arrangement 2, 3,

Arrangement 2, Name: Rural Development Program's Measure on Investments in Agricultural Holdings	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	This type of arrangement has been long motivated in terms of modernization, competitiveness and sustainability of agricultural holdings, being part of Rural Development Programs since the 1990s. As such, this measure has a legal structural support through Law 19/1995 on the Modernization of Agricultural Holdings, but also through Law 13/2003 on the Promotion of Cooperatives' Consolidation.
2) Please provide a short description of the arrangement (how it works)	It is an aid aimed at the improvement of the overall performance of a priority agricultural holding, through an investment which allows to increase capacity or to adjust production technically. It allows for buying land, but just up to a 10% of total investment, according to European regulations.
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	Yes. The allocation of the aid is linked to a specific type of farm (priority agricultural holding, as defined in Law 19/1995).
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Yes. The allocation of the aid is prioritized to a specific type of farmer (active farmer and professional farmer), and also to a specific type of company (cooperatives or related farmers' associative organizations).

5) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	The competent (regional) authority on the Rural Development Program grants or denies the aid. It is an administrative procedure.
7) Indicate the amount of money involved , related to the land price in the transaction	The aid consists of a premium whose overall amount is defined as a percentage of the total investment, which can be increased according to different factors. There is a maximum investment amount which can be subsidized. All these parameters vary for different Rural Development Programs. A threshold set at 500.000 € would allow for a maximum of 50.000 € investment in land, and considering the average land price in Spain in 2018 (10.000 €/ha.), that would mean 5 hectares of land involved.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not to the available knowledge.
10) How frequently is the arrangement used? If infrequently, why?	Information not available.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	Information not available.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Information not available.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Some regions (Castilla y León, Extremadura) facilitate the supplementation of this aid with the financial instrument developed by the Spanish Government in the framework of the RDP (" <i>Instrumento Financiero de Gestión Centralizada</i> "), which is constituted as a guarantee, in which the Spanish Government assumes 80 % of the associated risk to a loan taken by the farmer to perform the investment. Catalonia facilitates the supplementation of this aid with a loan issued by a regional public bank, in which the Catalan Government assumes as well 80 % of the risk, but no public guarantee is provided. The aid is used in this case to pay the loan's instalments in advance.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Pablo Amat Llombart (2003). "Régimen de la Ley 19/1995 y del Real Decreto 613/2001 sobre inversiones en explotaciones agrarias y ayudas a la primera instalación de agricultores jóvenes". <i>Revista General Informática de Derecho</i> , 3.

	<p>- Beatriz Llopis Gilabert (2017). <i>La política de desarrollo rural en el marco de la PAC y su concreta aplicación a España: análisis de la ayuda a la instalación de jóvenes agricultores del programa de desarrollo rural de la Comunidad Valenciana</i>. Doctoral thesis directed by Pablo Amat Llombart and Luisa Vicedo Cañada. Universidad Católica de Valencia San Vicente Mártir (2017).</p> <p>- Pilar Larumbe Martín, Beatriz Preciado Biurrún, Amaia Yaben Aróstegui (2017). "Plan Estratégico de Apoyo a la Instalación de Jóvenes en el Sector Agrario". <i>Navarra agraria</i>, 223, pp. 10-18.</p>
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Arrangement 3, Name: Tax Benefits for Agricultural Holding Transfers	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	<p>Legislative antecedent: Law 49/1981, December 24th, on the Statute of Family Holding and Young Farmers. Problems of aging of the agrarian population persist over time. The current level of aging of many owners of farms is one of the main obstacles to the modernization of agriculture. It is necessary to facilitate the access of the youth to the responsibility and ownership of the agricultural holdings.</p> <p>Today this measure is stabilised by article 9 of Law 19/1995 on the Modernization of Agricultural Holdings. Moreover, article 20 provides additional special benefits in the case that the transaction involves the participation of young farmers.</p>
2) Please provide a short description of the arrangement (how it works)	<p>The transfer or acquisition by any title, onerous or lucrative, "inter vivos" or "mortis causa", of the full domain or lifetime usufruct of an agricultural holding in its entirety by the owner of a priority agricultural holding, will have a reduction of 90% of the taxable base that taxes the transfer or acquisition of the holding or its elements. The reduction will be of a 100% in the event of continued exploitation by the surviving spouse. There is total tax exemption when the transaction involves the youth.</p>
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	<p>Yes. The tax benefit is linked to a specific type of farm (priority agricultural holding).</p>
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	<p>Yes. The tax benefit is linked to a farmer, and to a young farmer in the case of the additional special benefits.</p>
5) Please describe any other features related to application of the arrangement.	<p>Condition: the acquired land cannot be sold, leased or transferred during the following five years, except in cases of force majeure. Otherwise the farmer must pay the full tax.</p>

Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Any farmer interested in the tax benefit must apply for it to the fiscal authority. The competent (national) authority then applies the tax reduction. It is an administrative procedure.
7) Indicate the amount of money involved , related to the land price in the transaction	As informed previously, a 90 % or even 100 % reduction of the transfer tax, which varies according to the region (Autonomous Community), same as the land price, upon which the tax is paid.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No. It is controlled by the fiscal administration.
10) How frequently is the arrangement used? If infrequently, why?	It is frequently used, every time a transfer is confirmed.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	Total acceptance.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Despite the fact that this is a measure favourable to the purchasing of lands by any type of farmers (the youth included) in rural areas, the number of farmers and the rural population still decrease, and the agricultural holdings are still abandoned, especially in certain areas of Spain.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	-
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	- Germán Orón Moratal (1997). "Beneficios fiscales en favor de las explotaciones agrarias", <i>Anuario jurídico de La Rioja</i> , 3, pp. 147-166. - Juan Enrique Varona Alabern (1996). "Los incentivos fiscales de la Ley 19/1995 de 4 de julio de modernización de las explotaciones agrarias", <i>Quincena fiscal</i> , 19, pp. 11-26. - Iñigo Fernández de Córdova Claros (1995). "Aspectos civiles y fiscales de la Ley de 4 de julio de 1995, de Modernización de las Explotaciones Agrarias", <i>Revista de derecho agrario y alimentario</i> , 27, pp. 23-38.

Arrangement 4, Name: **National Public Guaranteeing Scheme by SAECA ("Sociedad Anónima Estatal de Caución Agraria")**

Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	SAECA is a 100% public society that provides guarantees in relation to any type of agrarian and rural activity since 1988, with the aim of facilitating access to capital (either investments or liquidity), particularly to SME. It can be used for the acquisition of territorial capital.

2) Please provide a short description of the arrangement (how it works)	SAECA guarantees 100% of the financial credit, with a maximum of 250.000 € for individuals, and 400.000 € for companies. Conditions are better than those of other private guarantees schemes, in terms of period of amortization (longer, up to 15 years) and type of guarantees asked to the client (only personal, no land mortgages).
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	Not directly, because conditions are always the same. Nevertheless, the decision on approval of the operation, the final amount to be guaranteed, and the amortization period, will of course depend indirectly on size and type of land, and type of farming, because of the associated risks and potential for income generation of the planned activity.
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	Not directly, because conditions are always the same. Nevertheless, the decision on approval of the operation, the final amount to be guaranteed, and the amortization period, will of course depend indirectly on the amount of land already in possession, because of the associated risks.
5) Please describe any other features related to application of the arrangement.	The product applies to all regions in Spain, and all agrarian sectors.
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	A Risk Committee, twice per week, takes decisions on approval or rejection of the transaction.
7) Indicate the amount of money involved , related to the land price in the transaction	Maximum of 250.000 € for individuals, 400.000 € for companies. In relation to 2018 average land price in Spain (10.000 €/hectare), this would allow for a transaction on 25 or 40 hectares, respectively, but will depend on region, sector and other determinants on land price.
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not in principle.
10) How frequently is the arrangement used? If infrequently, why?	In 2018, 251 transactions were approved (almost 5 per week), worth 20.3 € millions, in an upward trend from 2017 (195, 15 €M) and 2016 (191, 16.8 €M), for an accumulated total since 1986 of 2.835 transactions worth 178.8 €M.
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	In 2018, land acquisition transactions represented just 5.6 % of total transactions, but 29.7 % of total volume of transactions by SAECA, so this will continue to be a key arrangement.
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Not direct effects, but depending on the type of farming activity to be further developed in the corresponding land plots.
Other comments on the arrangement	

13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Currently, SAECA is studying the possibility of creating a specific guarantees scheme for young farmers, because usually their financial position is weaker (in terms of capacity to assume risk), especially if they are not family successors but new entrants to the activity.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	https://saeca.es/

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? Yes, at regional level.

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Under-used farmland register in Catalonia, under Law 3/2019, June 17 th , on Farmland, chapter VII	In a specific region, Catalonia.
Name of Arrangement 2 (English and in National language)	Land Bank in Asturias, under Law 4/1989, on Farmland Planning and Rural Development	In a specific region, Asturias.
Name of Arrangement 3 (English and in National language)	Land Bank in Galicia, under Law on Land Mobility	In a specific region, Galicia.

There are, indeed, more regional arrangements by which farmland is made available through land banks or similar procedures, such as: under-used farmland register in Valencia, irrigated land bank in Extremadura, and land bank in Murcia. We don't analyze them since a majority of their features can be found in the previous land banks described in this part.

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

5B Arrangement 1

Arrangement 1, Name: Under-used Farmland Register in Catalonia, under Law 3/2019, June 17th, on Farmland, chapter VII	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an	A governmental organisation at regional (NUTS 2) level, in Catalonia, <i>Generalitat de Catalunya</i> .

organisation supported by the government? What is the name of the organisation?	
<p>2) In which way(s) the organisation has become / becomes owner of the land they offer?</p> <p>From the state (already in possession)?</p> <p>By land acquisition?</p> <p>Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)?</p> <p>Is expropriation used?</p> <p>Other ways ?</p>	<p>The organisation does not become owner of the land they offer, since it takes over land through a mechanism that does not involve ownership but rights. The chapter VII of the aforementioned law defines the establishment and roles of the “register of abandoned farmland”, which should allow the management of those lands declared as under-used, taking into account the declaration, application and rent processes. It essentially gives the organisation the right to force landowners to put their abandoned lands on rent or to transfer management rights. Moreover, if this does not occur, or if the landowner cannot be identified, then the law gives the organisation the right to manage the rent of the abandoned land.</p>
<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>The law was approved in June 2019, though some key instruments within it have not been developed yet. These include the set of rules that will govern the use of the register of abandoned or “under-used” lands. This arrangement has been introduced because the organisation estimates that 45.000 hectares are abandoned (“under-used”) farmlands, which represents 1.4% of total farmlands in Catalonia. Thus, there is a need to establish a mechanism to turn these farmlands active, in agronomic terms (see further reasons in answer to question 11).</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>This arrangement presents the public authority (<i>Generalitat de Catalunya</i>) as an intermediary between landowners and farmers, in the case farmland is abandoned or under-used. First of all, the arrangement establishes the criteria which define what farmlands can be considered as “abandoned” or “under-used” (although criteria must be further detailed in the forthcoming set of rules): 1) those which do not achieve 50% of the average yield of the farms located in the same area/county, 2) those that are “damaged”, 3) those where “bad practices” are being implemented (thus affecting farming in the nearby farmland or negatively impacting the environment), 4) those lands in peri-urban areas that contribute to wildfire risk, 5) those that have not had farming or grazing activity for three consecutive years, 6) those that have not had productive or conservation activities for the last five years. If a farmland matches any of these situations, the public authority can begin a process to classify the land as “under-used”, provided that the affected landowners are informed in advance. Once a land is classified as “under-used” and if the landowner does not reactivate any activity during the next three months, the public authority is then able to rent it out to third parties. Regardless of this process, landowners can also register their land in the register if they wish to and if the criteria are met. The law identifies some exceptions in relation to the aforementioned criteria (for instance, natural protected areas with a management plan that involves a non-farming or low intensity farming use of the identified land). The whole process can affect land classified as “developable” (built</p>

	assets can be developed there) for as long as the development plan is not carried out.
Rules of application of the arrangement	
5) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	The law establishes the priority criteria that the public authority will follow when allocating the land to third parties. This will be further detailed in the set of rules that will govern the overall register. Yet, the law already gives preference rights to rent or transfer management to 1) young individuals, 2) women, 3) individuals who have gone through an official training program on farming, 4) organisations that have established the farming use of land as one of their main goals, 5) individuals already working in the nearby farmland, 6) organisations that work with groups at risk of social exclusion.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	Land is expected to be rented or management rights are expected to be transferred. The process for establishing the rent price is not specified in the law. The law determines that the register will establish the annual rent price for each of the under-used plots and that this will be according to what is already established by other laws.
7) Please describe any other features related to application of the arrangement.	-
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The law establishes that "the Register" will monitor the accomplishment of the clauses established in the rent contract or management transfer contract.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	(See answer to question 11.)
10) How frequently is the arrangement used? If infrequently, why?	Not used yet because the set of rules that will govern the register is still being defined.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	<p>The Catalan Association of Municipalities (ACM) is doubtful about the suitability of the criteria used to determine whether a farmland can be classified as under-used ("these are not objective and fair in territorial terms"). In general, the ACM reclaims a reinforced governance that actively involves the local authority in the design and implementation of the law. Additionally, they claim that anyone should be able to identify under-used farmland and to let it know to the administration (and not only main farmers' unions, public authorities and farming-related professionals, which is what is now established by the law).</p> <p>In spite of the fact that there has not been an official response to the arrangement on behalf of the environmental and agro-ecological sector, there might be some discussions or critics on it. For instance, XCN (Catalan Network for Nature Conservation) identifies several weaknesses related to the motivation and conceptual framework of the law, stated in the preamble, which have subsequently an impact on the way the land bank can be developed. For example, the urge of an increase in global food production, which should be better contextualized at the regional</p>

	<p>and national level, or the focus on farm productivity and intensive farming systems, which don't match with the environmental issues which the law pretends to address as well. This is why, beyond the preamble and underlying narrative, and rather as a consequence of the latter, the ecological transition is not fostered by this arrangement. Amongst others, the law does not establish and "agro-ecological perspective" or "organic farming" or similar concepts as a priority criterion for the allocation of land use rights under this arrangement, failing to meet proper sustainability standards.</p> <p>Yet, the set of rules that will govern the implementation of the under-used farmland register (bank) have still to be properly developed. This might be an opportunity to maximize the potential positive impacts and gain further societal acceptability.</p>
<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>Already mentioned above.</p>
Other comments on the arrangement	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>Not yet.</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>The Law can be found online here: https://portaldogc.gencat.cat/utillsEADOP/PDF/7900/1749651.pdf The comments by ACM are further developed in this article: https://www.acm.cat/juridic/comunicats/aportacions-de-lacm-la-lei-despais-agraris-de-catalunya.</p>

5C Arrangement 2

<p>Arrangement 2, Name: Land Bank in Asturias, under Law 4/1989, on Farmland Planning and Rural Development</p>	
Description of the arrangement	
<p>1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?</p>	<p>The organisation offering land is the "<i>Comisión Regional del Banco de Tierras</i>" (Regional Land Bank Commission), which is an autonomous entity dependant of the "<i>Consejería de Medio Rural y Pesca</i>" (Department of Rural Areas and Fishery), of the regional government of Asturias, and which was created by the Law.</p>
<p>2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition?</p>	<p>1) As for the process through which the organisation becomes owner of the land they offer, at least three different mechanisms or situations are observed.</p> <p>2) In some cases, land was already in possession, not by the state but by the regional government. In some cases, the land was acquired (regardless of the land bank) to tackle a</p>

<p>Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)?</p> <p>Is expropriation used?</p> <p>Other ways ?</p>	<p>specific issue. After some years, this land is integrated in the land bank. That would be the case for the “<i>Monte Carbayal, Pastur y Entrerríos</i>” private estate, acquired by the regional government in 1989 to prevent the transfer of title and the consequent loss of use rights by different individual farmers farming there. Afterwards, it was managed through the land bank from 1993 on. The built assets’ use rights were transferred to the public authority for free.</p> <p>3) Similarly, the regional government has acquired farmland with the purpose to integrate it in the land bank in different other occasions. For instance, <i>Finca Amaida</i> (acquired through different acquisition processes that took place in 1990 and 1991), <i>Finca El Banzao</i> (acquired and integrated in the land bank in 1996) and other similar cases, such as <i>Cueva del Cares, Finca e Instalaciones en Granda, Finca en Vega de Poja</i> and <i>Monte Niseria</i>.</p> <p>4) In other cases, the acquisition has involved national real estate. That would be the case of the estate “<i>Secadero de Piñas (Siero)</i>”, owned by the national government, which was acquired by the regional government by using a Royal Decree on Functions and Services Transfers from the State to the Government of Asturias in terms of Nature Conservation.</p> <p>5) In other cases the land is not acquired by the public authority. Instead, the public authority fosters and facilitates the transfer, either of ownership or use rights, between generations (see “early cessation of agrarian activity” later on), and only acts as an intermediary.</p> <p>6) Similarly, the regional land bank has an agreement with the central government of Spain to manage some national agrarian properties located within Asturias.</p>
<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>This arrangement aims at promoting modernisation, agricultural and social development and “rational, direct and personal farming” of the land. The Commission thus aims at:</p> <p>1) Ensuring the administration of the land bank by undertaking competencies related to the conservation, defence, inspection, management and surveying of affected assets (land).</p> <p>2) Fostering the up-scaling and strengthening of the land bank, by acquiring new real estates and taking part in the procedures related to expansion or exclusion of affected assets.</p> <p>3) Safeguarding the ecological values associated to the land bank, demanding a rational use of natural resources.</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>On the one hand, the public authority fosters the rent of public lands through tenders and concessions. On the other hand, it acts as in intermediary between landowners or right holders and farmers, fostering the ownership transfer or the transfer of rights, depending on the case.</p> <p>Since its creation, the land bank was linked to a rural development measure, which was part of the Rural Development Plan.</p>

	Specifically, that measure was included in the set of measures named “accompanying measures to foster rural development” and it consisted in the early-retirement of farmers, also called “cese anticipado de la actividad agraria” (early cessation of agrarian activity). This measure was set up at the beginning of the 90’s and co-funded by the European Union until 2013, when it was excluded from the RDP. This measure aimed at facilitating an early retirement to those farmers willing to transfer their farming real estates.
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	Yes, the requirements are: 1) to have or to commit to acquire the status of professional farmer and 2) to be a legally established cooperative or agrarian organization. Additionally, some priority criteria are established, but these are different depending on the mechanism used (public land rent, private land rent...). For instance, in the case of private land rent (public authority only acting as a catalyser through the RDP measure explained in answer 4 and as an intermediary), landowners are able to choose one of the candidates. If he or she does not do it, then the following 4 priority criteria are defined: use right on bordering plots, young farmer, recipient of the aid for the initial set-up of farming or a farm improvement plan during the last three years, and organic farming.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?	As it was mentioned in question 2, apparently the type of land tenure that is transferred can be either full ownership, leasehold or rent.
7) Please describe any other features related to application of the arrangement.	Farmers that have accessed public land through this arrangement must: 1) achieve the production goals defined in the concession agreement, 2) allow any improvement work that may affect the land and that were to be implemented by the Department, 3) pay the annual canon, and 4) implement improvement works defined in the concession agreement. Land or farm concessions cannot be transferred.
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Regional Land Bank Commission
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Not to the available knowledge
10) How frequently is the arrangement used? If infrequently, why?	No data available
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	No information available

12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	No proper information or data available
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	-
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	-

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- *interesting examples of the use of the above mentioned arrangements in a specific area*

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	Matarraña land bank (county, below NUTS3), in the region of Aragón	Mapping of abandoned crops and selection of priority areas for recovery, the possible action is analysed assessing: wildfire risk, the level of degradation, landscape preservation, agronomic quality, biodiversity, establishing agreements with farmers and ranchers.	-
Name of Arrangement 2 (English and in National language)	El Bierzo land bank (county, below NUTS3), in the region of Castilla y León	Very dynamic land bank, versatile, with proper intermediation and direct action, a long track record already and with prestige all over Spain.	-
Name of Arrangement 3 (English and in National language)	Baix Camp land bank (county, below NUTS3), in the region of Catalonia	Pioneering land bank in the region of Catalonia, still a reference in the region.	-
Name of Arrangement 4 (English and in National language)	Priorat Land Bank (county, below	Very dynamic, reaching more than a 100 transactions in few years,	-

	NUTS3), in the region of Catalonia	developed under a Territorial Competitiveness project.	
Name of Arrangement 5 (English and in National language)	Public Farmland Development in Ribera de Arriba (below NUTS3), in the region of Asturias	Public farmland is developed in an area of almost 600 thousand squared meters, with high agronomic potential, on a plain (scarce in Asturias), to be further tendered in pieces to those interested in developing a farming activity. To be executed under a formal agreement.	-

Beyond the featured local land banks, there are many more local initiatives, which share some similarities with the aforementioned banks, such as: Garraf land bank (below NUTS3), Viver de Rufeá (below NUTS3), Ges, Bisaura and Orís Valley land bank (below NUTS3), Montserrat land bank (below NUTS3), Sant Vicenç dels Horts land bank (municipal level), Torrelles del Llobregat land bank (municipal level), Ebre Biosfera (below NUTS3), Rincón de Ademuz (below NUTS3), la Pobla de Vallbona land bank (below NUTS3), Valencia land bank (municipality), Valencia regional authority land bank (NUTS3), Luciana land bank (below NUTS3), Bizkaia land bank (NUTS3)...

28Sweden

No reporter has been found for Sweden. The questionnaire has been compiled by the project team (TU Delft, responsible: Willem Korthals Altes) based on literature.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶⁰)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no) ?
- 4) Do **collective ownership or use rights** exist? (yes, no) ?
- 5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table.

Informal or customary land rights	Name	Often used?
Sami grazing rights	answer: In the North, Sami have grazing land rights, this can be cross border (Carstens, M. (2016) Sami land rights: the Anaya Report and the Nordic Sami Convention, Journal on Ethnopolitics and Minority Issues in Europe 15(1), 75-116.).	(<u>yes</u> , no)
Sami hunting and fishing rights	answer: Swedish Supreme Court has ruled that hunting and fishing rights North of the agricultural boundary in Norrbottens län rest with the Sami communities and not with the county administrative board as was stated in the Reindeer Husbandry Act of 1886 because the Sami already exercised these rights, at least, since the mid-1700s (Ravna, Ø. (2020) A Sámi Community Wins Case against the Swedish State in the Supreme Court, Arctic Review on Law and Politics 11, 19-21.)	(<u>yes</u> , no)

1B Protection of tenants and other farmland users

- 1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer: There is a difference between a farm lease (Gårdsarrende) and a side lease (Sidoarrende) for extra land. Farm leases provide tenants security of tenure. Side leases need mutual consent from both parties to be continued.

Erik Andersson, Eric Larsson (2019) Capital Investments in the Presence of Tenancy Relations-a case study on farmers that lease land from institutional landowners, Master Thesis SLU, Uppsala, https://stud.epsilon.slu.se/14823/1/andersson_e_larsson_e_190816.pdf

60 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

Wästfelt, A. and Q. Zhang (2018) Keeping agriculture alive next to the city – The functions of the land tenure regime nearby Gothenburg, Sweden, Land Use Policy 78, 447-59.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer: farm leases provide this protection. Note that the costs of investments in land improvements and buildings must in some cases be paid by the landowner resulting in debates (see Andersson and Larsson, 2019 quoted above)

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer: inheritance rules

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer: yes, for whole-farm leases the 'lease contract is inheritable between generations' (Wästfelt, Zhang, 2018, p. 448)

3) To what extent these rules can **prevent fragmentation** of rural land?

answer: The Nordic rules preventing fragmentation of farms did not persist in Sweden. There used to be 'bördsrätt' a right that provided restrictions to split inherited land. This has, different from Norway's 'odelsrett', which survived, been abolished in 1863.
Dackling, M. (2020) Traditional or Modern Peasants? Odelsrett and Bördsrätt in Parliamentary Debates, 1810 – 1860, Scandinavian Journal of History, 1-21.

4) To what extent these rules help or hinder **access to land for new generations**?

answer: The easy side lease rights make that retiring farmers prefer to lease their land to other existing farmers and not to new generations
Grubbström, A. and C. Eriksson (2018) Retired Farmers and New Land Users: How Relations to Land and People Influence Farmers' Land Transfer Decisions, Sociologia Ruralis 58(4), 707-25.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)

2) Is this protection based on **national policies**? (yes/no)

"Although the state issues sectoral plans for infrastructure such as roads, railroads, harbours, and airports of national interest, territorial planning is mainly left to the regions and municipalities." (Persson, 2020, p. 1190)

Persson, C. (2020) Perform or conform? Looking for the strategic in municipal spatial planning in Sweden, European Planning Studies 28(6), 1183-99.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: Municipalities have a 'planning monopoly'. They have a big say in future development of urban development Allocating land to homes for the population has higher priority than preserving farmland.

Slätmo, E. (2017). Preservation of Agricultural Land as an Issue of Societal Importance. Rural Landscapes: Society, Environment, History, 4(1), 2. DOI: <http://doi.org/10.16993/rl.39>

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)?

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: Sweden has a long history of land consolidation

Mats Backman (2008) Land Consolidation in Sweden and Land Reform in Romania – Similarities and Discrepancies - a Comparison, FIG Working Week 2008, Stockholm, Sweden 14-19 June 2008, https://www.fig.net/resources/proceedings/fig_proceedings/fig2008/papers/ts02e/ts02e_01_bac kman_2655.pdf

2) if yes: is it **often used**? (yes, sometimes, rare, no).

The impression is that it is used not that often anymore. Literature and research are older and people publishing these have retired some time ago.

3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: Land consolidation has been used more often for forest areas than for agricultural areas. Vitikainen, A. (2004) An Overview of Land Consolidation in Europe, Nordic Journal of Surveying and Real Estate Research 1(1), 25-44.

4) What is the **impact** of such policies on **access for land for new generations**?

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land.

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to **PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> If more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Pre-emption right to tenant of farm if the farm is sold	answer: "The basic rule is that the lessee must work the property and also live on it. A lessee interested in purchasing the property should it come up for sale must notify the land registration authority to this effect, so that an entry can be made in the land register. The landowner must be informed of the entry thus made. The entry is valid for ten years and then has to be renewed, or else it will lapse." (p. 273 in Zevenbergen, J., Ferlan, M., Mattsson, Hans-Åke (2008) Pre-emption rights compared: Netherlands, Slovenia and Sweden. In: Zevenbergen, J., Frank, A., Stubkjaer, E. (Eds) Real property transactions: Procedures, transaction costs and models, Delft University Press, IOS-press, Amsterdam, pp. 261-279)	answer: ...yes

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to **PART 5**

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: Use of municipal land bank	answer: depends on local land portfolio

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: Use of municipal land bank	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	answer: Municipality of Gothenburg
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	answer: Wästfelt and Zhang (2018) have studied the use of municipal land portfolio in Hisingen, a suburb on a 199 km ² large island at the other side of the river at Gothenburg. It has a more urbanised part in which large car industry (Volvo) factories are located and closed shipyards have been redeveloped to residential waterfront areas, and a more rural part further away from the city. The municipality has acquired a large land portfolio to accommodate further urban growth in 1967. This growth has not happened, at least not at the scale foreseen in the 1960s. This is so long ago that land acquisition instruments used have been changed nowadays.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: Although the municipality had bought the lands in anticipation to urban development, land use has not changed. So there are many agricultural leases with the City of Gothenburg as landlord. Over a longer period, the municipality has used this land portfolio to accommodate farmers that were disposed by urban development elsewhere in the City and they could move their farms to Hisingen. In their renting policies the continuation of farming in this area is important next to the proceeds of the rent.

4) Please provide a short description of the arrangement (how it works)	answer: The city owns land and rents it to farmers, including those who need land as they were disposed by urban development
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	answer: The policies do not favour new farmers (unless they aim to keep horses to serve the demand for horse-back riding of the urban population): "The administrator explained that, when a piece of land is to be leased out, priority is given to existing farmers to let them add on land. When a tenement of a large whole-farm lease becomes free, they have been keen on separating houses from large pieces of land, leasing a few hectares with houses under whole-farm lease to horse farms and leasing the additional lands under side lease to nearby existing farms." (Wästfelt and Zhang, 2018, p. 453)
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?	answer: Whole farms are leased in farm tenure, land without farms in side tenure.
7) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: The city is in charge and has a land administrator
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: The question is whether debates on local food production and agroecological farming will impact this arrangement. A good lobby form a Community-Supported Agriculture organisation to allocate land for local food production may find political support in Gothenburg
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: The context has potential to be changed in a way to improve the position of ecological farms, but this is not taken. "The recent growing interest in locally produced food in local politics has strengthened the municipality's idea of supporting the growth of food production farms. Nevertheless, the paradoxical consequence of the municipality's leasing practices is that the number of new small horse farms under whole-farm lease continues to grow, while the number of food production farms does not; instead, existing food production farms depend on adding land through side lease for development." (Wästfelt and Zhang, 2018, p. 453) It has been positive to keep the agricultural area of Hisingen in agricultural use and in this way, it has prevented sprawl.

	<p>Employment possibilities are no big issue in the Gothenburg metropolitan region. Many of the owned farms (where land has not been acquired by the municipality) are smaller and people work also in the city, but they may also lease some extra land by side leases from the City.</p> <p>Gender equality is not addressed effectively: “The dominance of the male interviewees is a reflection of the gender structure of farm managers in the area rather than the result of the research design.” (Wästfelt and Zhang, 2018, p. 451)</p>
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: The practice in the City of Gothenburg has potential (after a change of political priorities), but is currently not promising for new entrants in farming.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: Wästfelt, A. and Q. Zhang (2018) Keeping agriculture alive next to the city – The functions of the land tenure regime nearby Gothenburg, Sweden, Land Use Policy 78, 447-59.

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

29 United Kingdom

29.1 England and Wales, reporters Edward Nutting and Angela Cropley

This is based on interviews carried out by Aisling Murtagh from the NUIG team with:

1. Edward Nutting, Partner, Lanyon Bowdler Solicitors and Wales regional contact for the Agricultural Law Association
2. Angela Cropley Associate Professor; Programme Director MSc Rural Land and Business Management; Director of Academic Tutoring Real Estate and Planning, Henley Business School University of Reading

The interviews were also supplemented with some desk-based research.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶¹)

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Both ownership and letting are found. Around one third of agricultural land in England and Wales is tenanted. This has remained fairly stable in recent years. The proportion of owner occupied/tenanted land varies between regions, often for geographic or historical reasons (e.g. north Wales mix of ownership and rental, while mid-Wales tendency for more ownership).

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Grazing licence	Licence to use the land for grazing/mowing for a short period, often April to October. Landowner considered in occupation and remains responsible for field operations.	Yes – in some areas, as alternative to Farm Business Tenancies for informal, short-term arrangements.
Profit a prendre	Similar to a grazing licence, but less common. This is a right to take a crop of grass (grazing/mowing) from land owned by others. It is sometimes attached to land and sometimes not. There is more obligation on the landlord to ensure a good crop of grass.	No
Cropping licence	Short-term arrangement for growing vegetables/forage crop/bulbs for one season.	Yes, in some areas such as Eastern counties growing specialist vegetable crops or forage crops that need rotation.

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Common land	Land registered as commons where others (commoners) hold traditional rights of common, e.g. to graze or to take produce from the land.	It depends – there are significant areas of registered common land in some upland areas (e.g. Lake district, Yorkshire Dales, Dartmoor). Overall:

61 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

		Wales = 8.5% (see National Assembly for Wales, 2018, p.2) England = 3% (see Foundation for Common Land)
'Right to roam'	The Countryside and Rights of Way Act 2000 allows public access to areas of open country and registered commons.	Hard to say, but can be used as demand exists.

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
'Gentlemen's agreement'	Informal, oral arrangement	Still used, often between neighbouring farmers - but uncertain how common and can be relatively common in some areas. Also to note this is not the only situation that an oral arrangement can occur. Formal arrangements can also potentially be oral. The 1986 Act tenancies can also be based on an oral agreement if for less than 3 years.

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

This differs depending on the type of tenancy.
For tenancies under the **Agricultural Holdings Act 1986** (1986 Act) the provisions are complicated. 1986 Act tenancies are often annual tenancies that do not last for a set number of years but roll on from year to year. This means some action is needed to terminate the tenancy (e.g. landlord serves a notice to quit (NTQ) or the tenant dies). The landlord can serve a NTQ to bring the tenancy to an end, but the operation of this is severely restricted by the legislation so, in effect, the tenant has lifetime security of tenure, unless the landlord has particular grounds to gain possession of the holding. Notice must usually be served at least 12 months before the termination date of the tenancy. If no grounds for possession are stated and the tenant does not want the lease to end, they can serve a counter notice. This freezes the operation of the NTQ. The landlord can then apply to the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage in England or the Agricultural Lands Tribunal in Wales for consent to the operation of the notice. The Tribunal will determine if termination is justified within certain grounds (e.g. in the interests of good husbandry or sound estate management, or hardship impact on the landlord) but will only allow the NTQ to take effect if a 'fair and reasonable landlord' would insist on possession (see [Part III, Notices to Quit](#)). Certain situations may give rise to a so-called 'incontestable' notice to quit (e.g. if the land is required for non-agricultural use and planning permission has been obtained, the tenant has not complied with the rules of good husbandry or has breached the agreement) but the tenant still has the opportunity to challenge the notice in certain cases.

The situation is much more straightforward for Farm Business Tenancies (FBTs) under the Agricultural Tenancies Act 1995 (1995 Act). FBTs are usually for a fixed term and the tenant has no security beyond the term. If the term is two years or more, a 12 month NTQ is required to bring the tenancy to an end and no grounds for possession are necessary. In the absence of a NTQ, the tenancy will continue on an annual basis after the original term expires until brought to an end by service of a NTQ.

Common law remedies can also play a role in the termination of tenancies. Either type of tenancy can also be ended by the parties agreeing a surrender or by forfeiture for breach of tenancy, if the agreement allows.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

The parties can agree to change the rent by agreement at any time during the tenancy, and most rent reviews are settled by agreement. However, there are statutory rules governing the review of rent under both the 1986 Act and the 1995 Act. In the case of both tenancy types, if rent cannot be agreed, an arbitrator can be appointed to determine the rent, or the parties can use third party determination. The appointment of an arbitrator is normally a last resort if the landlord and tenant cannot agree the amount of rent.

Under the **1986 Act** there can only be a rent review with an interval of at least three years. Rent review does not automatically happen but must be triggered. Either party can trigger a rent review by service of a trigger notice, which has the effect of referring the rent to arbitration. The process allows time for the parties to negotiate and most rent reviews are settled without involving the arbitrator. However, the Act requires the arbitrator to arrive at the 'rent properly payable' by application of a statutory formula, and this tends to guide the parties' negotiation. The formula takes account of the terms of the tenancy, the character/situation of the holding, the productive capacity/related earning capacity of the holding and current levels of rent for comparable holdings. It disregards certain factors including improvements made by the tenant, dilapidations, and the fact that the tenant is in occupation and would be prepared to pay more (see Schedule 2 – Amount of rent).

Under **the 1995 Act** the parties have greater freedom of contract, but with a fallback of reviews every three years to open market rent (defined in the Act) if the agreement does not specify a different approach (see Part II, Rent Review Under Farm Business Tenancy).

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

On death, the farm can be passed on by the farmer by wishes detailed in a will. If there is no will the rules of intestacy apply as per the Inheritance and Trustees' Powers Act 2014, Administration of Estates Act 1925 and The Administration of Estates Act 1925 (Fixed Net Sum) Order 2020. This details the entitlements of relatives (spouse, children, parents, siblings) (for more detail see - What are the intestacy rules in England and Wales?).

Transfer of land has tax implications. Inheritance Tax (IHT) is payable in the UK when someone dies or a lifetime transfer of assets is made but relief is available through Agricultural Property Relief (APR) or Business Property Relief (BPR), allowing farm assets to be passed to the next generation free of IHT or with a reduced level of payment. APR applies if the farm has been owned and occupied for agricultural purposes immediately before the transfer for 2 years if

occupied by the owner, or 7 years if occupied by a tenant. The rate of relief is 100% if the land is farmed by the owner, or let on a tenancy that began on/after 1st September 1995. The rate of relief is 50% in other cases. BPR may apply if APR is not available at 100%, depending on the class of asset transferred and subject to the requisite ownership period (see [HMRC Guidance](#)).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

This depends on the type of lease. Tenancies under the 1986 Act and granted before 12th July 1984 provide for succession to a close relative (not infinitely, but two successions) on death or retirement of the tenant. Right to succession is subject to eligibility tests. The successor must have received their principal source of livelihood from the holding, not already occupy a commercial unit of agricultural land and be deemed a suitable successor based on criteria set out in the Act (see [Part IV](#)). The landlord is able to oppose the succession tenancy. Applications are dealt with in England by the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage and by the Agricultural Lands Tribunal in Wales.

Changes to the eligibility tests are currently proposed by government. It is proposed to remove the 'Commercial Unit Test' and modernise the 'Suitability Test' to ensure that skilled and commercially successful tenants can succeed to a 1986 Act tenancy. The DEFRA agricultural tenancy consultation document discusses the proposals and consultation responses. The removal of the 'Commercial Unit Test' had a mixed response, while there was majority agreement to modernise the suitability test (see - [Government response and summary analysis of responses, DEFRA, 2020, p.6-9](#)).

Statutory succession does not apply to tenancies under the 1995 Act.

3) To what extent these rules can **prevent fragmentation** of rural land?

Rules relating to transfer of farmland that is owned do not prevent fragmentation as farm inheritance may result in sub-division of land, particularly if intestate succession occurs.

Tax reliefs on farm asset transfer are important to prevent fragmentation so that new generations do not have to potentially sell land to raise capital to pay tax liabilities.

4) To what extent these rules help or hinder **access to land for new generations**?

The terms of tenancies under the 1986 Act were considered prohibitive for landowners considering letting lands because of lifetime security of tenure, possible succession and the tax disadvantages of let land. As a result, the traditional let sector declined and landowners increasingly looked at other forms of tenure. The 1995 Act created Farm Business Tenancies to reinvigorate the let sector by offering more flexibility to landlords and therefore improving the availability of farm tenancies. Whether it has achieved this is arguable. Tenancies are still in short supply and are frequently offered to experienced farmers rather than new entrants to the industry. It is thought that most tenanted land is still governed by tenancies under the 1986 Act. Where 1995 Act tenancies do exist they tend to be of three to five years in length. The length of leases can therefore also be an issue, hindering the new generation with shorter leases/less secure tenancy providing little opportunity to allow for development of a farm business. However both 1986 Act and 1995 Act tenancies provide for compensation to the tenant for improvements made on the land when the tenancy ends which should overcome this issue to some extent.

Reinvigorating the let sector is also impacted by wider challenges. Seen as more favourable to landowners, there is a growing popularity of contract and share farming arrangements. The wider barrier of the high cost of entry into farming is also a key issue for new entrants.

Owning land grows increasingly inaccessible for new entrants meaning the expectation or idea that land can be owned by farmers is decreasing. Movement in the land market can be low but also can see occasional increases in availability of land for sale. However, prices are a barrier, particularly exacerbated if land for sale is part of a large estate. Land can be perceived as a safe

investment, also driven by tax advantages for the landowner as a place to invest wealth that can potentially be passed on without/with low IHT because of reliefs available.

Succession on retirement under 1986 Act tenancies is subject to a minimum age of 65 (see [Part IV, section 51 \(3\)](#)) of the retiring farmer, which may be interpreted as hindering access to land for new generations, although it is rare in farming families. The DEFRA agricultural tenancy consultation document discusses the issue and government proposals exist to amend this part of the 1986 Act (see [Government response and summary analysis of responses, DEFRA, 2020, p.4-5](#)).

The succession rights attached to 1986 Act tenancies (granted before 12th July 1984) could be interpreted to hinder access to land for new generations of farmers seeking to *newly* enter farming as the land can remain in the family for three generations.

Joint ventures, such as share farming or contract farming, have been used since the 1980s as an alternative to traditional tenure (tenancy or land ownership) and are seen by some as an opportunity for new entrants to get into farming.

Challenges remain for new entrants to the sector: land prices remain prohibitive, farm tenancies are hard to come by (with some exceptions, such as County Farms and the National Trust), and the costs of starting a farm business are significant.

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

Reform of agricultural tenancy law in England was subject to a government consultation in 2019. Some of the specific reform proposals are mentioned in this questionnaire, but more broadly the proposals 'aim to remove barriers to productivity improvements and facilitate structural change in the tenant farming sector'. A summary of the consultation proposals, responses and next steps has been published (see [DEFRA, 2020](#)).

Land reform and the land ownership concentration question has been much more prominent on the Scottish agenda than in England and Wales. However debate around the potential need for land reform is starting to emerge. For example, the book '[Who Owns England](#)' opens with the dilemma around how difficult it is to find out who owns land in England and works to build a picture of land ownership (also see the website '[Who Owns England](#)' that works to build a public map of land ownership in England).

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no) ?

No blanket protection of farmland, but polices do exist to protect farmland from development in certain circumstances (as discussed in 3 and 4 below).

A number of national (e.g. Area of Outstanding Natural Beauty, Area of Special Scientific Interest, Special Areas of Conservation) and international designations (Natura 2000 sites – SPA and SAC) protect the natural environment (see [England's National Planning Policy Framework, Section 15, p.49-53](#) and [Planning Policy Wales, p. 131-141](#)). Land under these designations can also include farmland and protect it from development.

2) Is this protection based on **national policies**? (yes/no) **It depends**

If above is considered 'farmland protection' this is based in national and international policy. Green Belt is a UK level policy, but specific approaches to protect agricultural land tends to emerge in national level planning policy.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) It depends – explained below

If yes, please explain

The 'green belt' designation gives protection to open land and is intended to curb urban sprawl. Land part of a green belt is not necessarily farmland, but tends to be land used for agriculture, forestry or recreation but can also include for example sports fields and nurseries (see- [Landscape Institute, 2018, p.6-7](#)).

This is a UK level policy, which is then governed by each national level planning policy. In Wales Green Belts or Green Wedges can be identified in development plans. The Green Wedge designation is less fixed and can be reviewed as part of new development plans, while the Green Belt is intended to be a longer term designation and can impact more than one local authority area (see [Planning Policy Wales, p. 39](#)). Planning principles governing Green Belts are similar in England and Wales. Generally any development that inhibits the purpose of the designation would not be appropriate (e.g. safeguard the county side from encroachment, support urban regeneration by use of derelict urban land) (see [England's National Planning Policy Framework, p.40-43](#) and [Planning Policy Wales, p. 39-41](#)).

The natural environment designations mentioned above could also protect farmland from being changed into an urban development area.

Beyond this, the planning system will determine if farmland can be used for urban development. Local development plans and neighbourhood plans are important in steering local development. The context of these plans in particular will have impact on development in a particular area.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

The Agricultural Land Classification (ALC) system classifies farmland in England and Wales based on a 5-tier system from very high quality to very poor quality (see [DEFRA, 2003, Agricultural Land Classification](#)). Planning policy and law in England and Wales includes provisions to protect the best and most versatile (BMV) agricultural land and soils (or ALC grades 1, 2 and 3a) (e.g. see [Section 15 of England's National Planning Policy Framework, p.49-53](#) and [section 3.54-3.55 Planning Policy Wales, p. 38](#)). So there are protections, but not outright protections. In England for example, the Town and Country Planning (Development Management Procedure (England) Order) 2015 requires that Natural England is consulted on certain development proposals impacting BMV land (when non-agricultural development and not in line with the local development plan) (see – [Natural England Technical Information Note TIN049](#)). Natural England also encourages the use of ALC by local planning authorities when assessing planning applications (see [Natural England, 2018 - Guidance](#)).

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**
- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, [no](#))

-> If no, go to PART 4

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country? No

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (no)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

*In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which **farmland is made available for farming and possible rural newcomers**. **The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.***

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, [no](#))

-> If no, go to PART 6

2) If yes, please describe which arrangements: please indicates the names:

-> if more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1	County Farms	England and Wales only/not UK wide

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: County Farms	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	Yes a government organisation Local Authority/County Council designated as 'smallholding authorities' under the Agriculture Act 1970. Officially termed 'local authority smallholdings' but more commonly known as County Farms.
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	The land is already in possession of the local authority. In the present day, additional land is not often acquired and more often existing land is disposed of. For example, the 2019 annual report in England shows 104 hectares acquired and 1254 hectares sold (see - DEFRA, 2019, p15-16) while for Wales the 2017-18 annual report showed 2 hectares acquired yet 184.14 sold (see - Welsh Government, 2019, p.6).
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	County Farms were introduced to provide opportunities for farming to those who are 'reasonably skilled' to farm by providing land for rent. The aim was to provide full-time employment for not more than two people (see Agriculture Act 1970 – General aim of statutory smallholdings). It is well recognised County Farms provide an important route into farming for new entrants, originally intended to provide new entrants with an entry route into farming as 'starter farms'. But in practice, some County Farm tenants can remain for long periods meaning they can struggle to serve this purpose (e.g. as discussed by Graham et al. 2019 and Prince, 2012). This is particularly thought to be an issue if the farmer has a 1986 Act tenancy where they effectively have lifetime security of tenure (discussed in Part 1, 1B, Q1). Wider issues also impact on the capacity of a farmer to move on from a County Farm (e.g. wider availability of tenancies).
4) Please provide a short description of the arrangement (how it works)	Rent is paid at a rate 'reasonably expected' to be paid for an agricultural holding. The local authority may provide equipped holdings or bare land. Tenancies are governed by the 1986 and 1995 Acts. However 1986 Act tenancies on County Farms do not have succession rights as they do otherwise (discussed in Part 1C, Q2).

Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	Lettings are made to those who are deemed 'reasonably qualified' to farm the holding in their own right or will soon become experienced enough to run a farm (see - <u>Agriculture Act 1970 – Management of smallholdings</u>). In the present day, farms also tend to be part-time. The size of County Farm holdings makes earning a full-time income on these farms difficult. Prince (2012) notes that dairy farming is the exception.
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	Land is rented from the local authority based on a tenancy arrangement (e.g. Farm Business Tenancy, Agricultural Holdings Act Tenancy).
7) Please describe any other features related to application of the arrangement.	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	The Local Authority holds general powers of management. The Agriculture Act 1970 also requires government to prepare a national report on activities relating to County Farms (see DEFRA 2019 and Welsh Government 2019 below).
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No
10) How frequently is the arrangement used? If infrequently, why?	There are approximately 2,400 County Farm smallholdings in England and 963 in Wales (DEFRA 2019; Welsh Government 2019). The availability of County Farms is in long-term decline because of sale of this land, influenced by downward pressures on Local Authority budgets. Due to the trend towards sale of this land, its future is however uncertain. However some Local Authorities are more actively trying to preserve County Farms. Also some advocate for their preservation (e.g. see <u>RSA Food, Farming and Countryside Commission, 2019</u> and CPRE report/ <u>Graham et al. 2019</u>).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The Agriculture Act 1970 does not impose a duty on the Local Authority to provide County Farms as the previous 1947 legislation did. So they can be managed as an asset (as noted by <u>Prince, 2012</u>). The trend towards sale of this land leaves the future significance of County Farms uncertain. A CPRE report has recommended the need for legislation to protect County Farms, place a lock on their disposal and develop clear rules on how they should be managed for social and environmental purposes (see <u>Graham et al. 2019, p.4</u>). The DEFRA agricultural tenancy consultation discusses the issue of council farm retirement notices to quit. Proposals exist to amend the 1986 Act so that retirement notices to quit can only be served when the tenant has reached state pension age. While most respondents to the consultation agreed with the proposal,

	it also raised issues related to the purpose of County Farms – some argued that tenants should move on before retirement age so that County Farms can be availed of by more new entrants (see - Government response and summary analysis of responses, DEFRA, 2020, p.5-6).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	A CPRE report on County Farms notes the value of County Farms goes beyond food production and farm employment but have engaged with improving habitats, education and care farming (see Graham et al. 2019, p4).
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	A young farmer renting a farm from Staffordshire County Council (England) was awarded young farmer of the year in 2019. He entered farming at age 21 (with no farming background) through renting a County Farm from Staffordshire County Council (see - DEFRA, 2019, p24-25).
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Prince, N. 2012. Agricultural property rights and the county farms estate in England and Wales . PhD Thesis. Graham, K., Shrubsole, G., Wheatley, H. and Swade, K. 2019. Reviving County Farms . CPRE: The Countryside Charity (England context) DEFRA, 2019. 68th annual report to Parliament on smallholdings in England . Welsh Government, 2019. Local authority smallholdings: annual report 2017 to 2018 . Welsh Parliament, Rural Development Sub-Committee. Inquiry into Local Authority Farms - Evidence from Elin Jones, Minister for Rural Affairs

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	Formal joint venture arrangements	Covers a wide variety of collaborative business arrangements e.g. partnerships, contract farming and share farming. Often used, particularly in the arable sector. Helps increase land mobility to the next generation of farmers.	Farming Connect's 'Venture' Programme supports matching of new entrants and farmers and establishment of joint venture arrangements. Also supported by Fresh

			Start Land Enterprise Centre (Arrangement 2).
Name of Arrangement 2 (English and in National language)	Fresh Start Land Enterprise Centre CIC**	Experienced land professionals support new and established land-based businesses develop new skills to become established and grow. Services often include supporting people with joint venture arrangements, succession, mentoring, sign-posting to specialist land agency services to help draft land agreements, and developing business skills. It particularly supports people without a background in farming.	Case studies on 'graduates' of Fresh Start Academies available here
Name of Arrangement 3 (English and in National language)	Ecological Land Cooperative (ELC)**	Develops sites for farming, forestry and other land-based enterprises. Purchases land and subdivides it into a number of ecological residential small farms. Provides affordable opportunities for ecological land-based businesses, particularly for new entrants. Also supports farms in other ways e.g. gain planning permission for housing, source funding. Also works in advocacy and policy space to increase ecological agriculture and the causes of concentrated land ownership.	Five sites in England and Wales. ELC has plans to expand over the next three years. ELC has raised £500,000 in investment to create 18 new small farms on six new sites by the end of 2023.
Name of Arrangement 4 (English and in National language)	Soil Association Land Trust**	Safeguards legacies and gifts of productive land, donated by retiring farmers and landowners, often those with no dependents. This means land can be kept for farming and growing, and opportunities for people to enter farming, often for the first time, can be provided. Farmers also benefit from wider supports such as advice on organic farming matters, farm planning and identifying new opportunities.	Currently 5 farms, with another 18 pledged to be donated within the next 10-20 years.
Name of Arrangement 5 (English and in National language)	Land Workers' Alliance FarmStart Network (England, Wales and Scotland)	Provides entry route into farming profession for new entrants. FarmStart projects provide new entrants with opportunities to test and develop their farming skills by providing access to land, equipment and training.	OrganicLea FarmStart**
Name of Arrangement 6 (English and in National language)	Community Land Advisory Service Wales (CLAS Cymru)**	Supports community groups navigate the complex process of land access and to work with public bodies and other landowners, enabling local people to access, own and improve green spaces in their area. This includes a range of 'green space' projects such as supporting wildlife, but also projects related to food growing (e.g. CSAs, community gardens). Supports can be related to identifying and managing the land, gaining planning permission, legal issues relating to land access.	Supported over 350 projects to date e.g. Cilybebyll Community Growers; Clydach Community Garden – see case studies here

**Description based on data gathered for T6.4 inventory. Detailed questionnaire is also available prepared for T6.4. (D6.1)

29.2 Northern Ireland, reporter: Peter Brown

This is based on an interview of Aisling Murtagh (NUIG) with:
Peter Brown (Solicitor, Martin King French & Ingram LLP Solicitors and Northern Ireland regional contact for the Agricultural Law Association
The interview was also supplemented with some desk-based research.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶²)

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Mostly owned, but also large portion rented, most often under a conacre (short-term) rental agreement. About 30% is let under the conacre system and 65% of land is owned (also estimate 5% longer-term letting arrangement). It would be rare in Northern Ireland for a farmer to rent all of the land they farm, and more common that they own land and rent a portion.

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	Conacre - short-term agreement (generally 11 months or one growing season) to cultivate or graze land	Yes – but changing space and reducing future use is a key policy issue

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> If more than three types are used, **insert a row** in the table

Collective rights	Name	Often used?
Name (English and in National language)	Commons land - Land where two or more people have use rights e.g. farmers have rights to use the land for grazing.	No – more common in upland areas but otherwise not often found.

5) Do **informal land rights or customary land rights** exist? (yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

There is no specific agricultural tenancy law in Northern Ireland. Farmland tenancies are governed by general law regulating the relationship between landlord and tenant (which goes back to the Landlord and Tenant Law Amendment Act (Ireland) 1860 also known as Deasy's Act). A lease agreement does not have to be written but can be a verbal agreement. If there is a tenancy agreement the terms of this contract would have the freedom to include a clause around ending the contract. Specific laws govern business tenancies, but farmland and buildings are specifically excluded.

62 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

However, the most commonly used agreement to rent farmland in Northern Ireland is the conacre system. This arrangement is particular to and found both in Northern Ireland and the Republic of Ireland. It is a traditional, generally short-term arrangement. It is not a lease, but is similar to an agistment agreement. Conacre agreements will also generally be verbal. While this is a short-term agreement, it generally tends to be renewed from year to year.

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

The wishes of the owner can be outlined in a Will. But there is an issue also with a trend towards not having a will, not because the farmer does not want to make a will but the difficulty of deciding how they wish the farm to transfer. This is more of an issue when farmers do not have an identified successor. National Farmers Union research has identified succession planning as a significant issue (see- [National Farmers Union, 2016 – Succession Planning in Northern Ireland](#)). If there is no Will land is transferred to next of kin according to the rules of intestacy. Transfer of land has tax implications. Inheritance Tax (IHT) is payable in the UK when someone dies or a lifetime transfer of assets is made but relief is available through Agricultural Property Relief (APR) or Business Property Relief (BPR), allowing farm assets to be passed to the next generation free of IHT or with a reduced level of payment. APR applies if the farm has been owned and occupied for agricultural purposes immediately before the transfer for 2 years if occupied by the owner, or 7 years if occupied by a tenant. The rate of relief is 100% if the land is farmed by the owner, or let on a tenancy that began on/after 1st September 1995. The rate of relief is 50% in other cases. BPR may apply if APR is not available at 100%, depending on the class of asset transferred and subject to the requisite ownership period (see [HMRC Guidance](#)).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

No there are no provisions for this in law. However if a successor takes over a farm, they may also take over the lease of land rented or leased by the original farmer if agreed with the landowner.

3) To what extent these rules can **prevent fragmentation** of rural land?

Land ownership in Northern Ireland is dominated by smaller farms. Historical land reform (end of 1800s/start of 1900s Land Acts to reduce ownership concentration) has led to this structure which could be described now as a more fragmented ownership structure. Wider issues of farm viability and farm size have more impact on preventing fragmentation than ownership and tenure law. If land is sold there is a tendency that it is consolidated into another farm holding to improve economy of scale rather than sub-divided further.

If land is passed on via the rules of intestacy this puts further fragmentation of land at risk as it may pass to a number of people. When a Will is made and a successor identified, culturally this can tend to pass to one male successor (e.g. son). So the wider issues related to lack of planning around succession can lead to fragmentation which is more impacted by culture and tradition, but also is not inhibited by the current laws around land ownership and tenure.

Tax relief on farm transfer are important to prevent fragmentation so that new generations do not have to potentially sell land to raise capital to pay tax liabilities.

4) To what extent these rules help or hinder **access to land for new generations**?

The dominance of the traditional conacre system of short-term 11 month rental raises a number of issues relating to access to land for new generations. Its flexibility can mean landowners are not reluctant to lease land, helping with the availability of land for rental. But the lack of tenure security is an inhibitor to farm business development for new entrants, as well as the wider farming sector more generally. Policy discussion raise the issue of conacre as less suited to farmers needs than longer term leasing. While use of the land may extend for longer than the 11 months, it is still generally accepted that this type of rental agreement is a dis-incentive to long term planning and making longer-term investments or improvements to the farm and the land. This is a debated policy issue in Northern Ireland. For example, the action plan for the agri-food industry 'Going for Growth' raises the need to identify key issues relating to how conacre inhibits the most effective use of farmland. This led to the Expert Working Group on Sustainable Land Management investigating the issue. A key issue was the (mis)understood tax implications of longer-term leases. The group clarified that longer leases would also qualify for inheritance tax relief under the Agricultural Property Relief. Also referenced in the group's report and welcomed to assist the greater use of longer-term leases, the Central Association of Agricultural Valuers and the Northern Ireland Rural Valuers Association has developed a model tenancy agreement covering key aspects of a tenancy agreement (e.g. parties responsibilities, rent reviews).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

The legal and policy arrangements influencing access to farmland in Northern Ireland are a potentially changing area, particularly now in light of Brexit. Discussions in recent years have for example pointed to the potential relevance of the tax relief system for long-term leasing introduced in the Republic of Ireland. However tax is not an area in control of the devolved government of Northern Ireland. This means reform within the control of national policy-makers is limited to certain areas. Land tenure law may be area of future reform because it is an area that national policy-makers can influence.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)?

No blanket protection of farmland, but polices do exist to protect farmland from development in certain circumstances (as discussed in 3 and 4 below).

A number of national (e.g. Area of Outstanding Natural Beauty, Area of Special Scientific Interest, Nature Reserves) and international designations (Natura 2000 sites – SPA and SAC) protect the natural environment (see Protected Areas). Land under these designations can also include farmland and protect it from development.

2) Is this protection based on **national policies**? (yes/no)

If above is considered 'farmland protection' this is based in national and international policy. Green Belt is a UK level policy, but specific approaches to protect agricultural land tends to emerge in national level planning policy.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) It depends – explained below

If yes, please explain

The 'green belt' designation gives protection to open land and is intended to curb urban sprawl. Land part of a green belt is not necessarily farmland, but tends to be land used for agriculture, forestry or recreation but can also include for example sports fields and nurseries (see- [Landscape Institute, 2018, p.6-7](#)). This is a UK level policy, which is then governed by each national level planning policy. In Northern Ireland, [Policy GB/CPA 1 Designation of Green Belts and Countryside Policy Areas](#) provides for how Green Belts can be designated in development plans. But rather than a direct link to protecting land for agriculture, an important strategic role of this policy is to meet outdoor recreation needs of urban dwellers.

The [Planning Policy Statement 21 Sustainable Development in the Countryside](#) governs development outside of areas covered within local development plans. This policy governs development in the countryside (covers both agricultural and non-agricultural land) and takes precedence over Green Belt policy (discussed above) and Policy AG 1 Agricultural Land Quality (discussed in 4 below). The policy sets out development types generally acceptable in the countryside and broadly speaking are housing developments but also non-residential development in certain circumstances (e.g. farm diversification, tourism, renewable energy, utilities).

In the context of managing housing growth and more sustainable residential development patterns in urban areas, guidance is provided in national spatial strategy for Northern Ireland ([Regional Development Strategy 2035: Building a Better Future](#)). This states that in meeting future housing needs it should not use a disproportionate amount of agricultural land.

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

[Policy AG 1 Agricultural Land Quality](#) deals with protection of high quality agricultural land. This policy states that when land is zoned for development planning policy should work to avoid loss of high quality agricultural land. Also when assessing applications for development potential loss of this land is to be given considerable weight as a material factor considered as part of the assessment.

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. re-parcelling, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land.*

Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 4

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> If no, go to PART 6

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	Land Mobility Service	Provides broker type service to facilitate collaborative farming arrangements (e.g. share farming, partnerships, long-term leasing). The Land Mobility 2017-19 report (p.6) notes these concepts are not common and relatively new to farming in Northern Ireland. Emerged in response to National Farmers Union research (Succession Planning in Northern Ireland) identifying need for such a service. Piloted in 2017-2019 and now extended to phase 2. It is a multi-actor programme coordinated by the Young Farmers Clubs of Ulster (YFCU) in conjunction with the Ulster Farmers' Union (UFU) with funding from Department of Agriculture, Environment and Rural Affairs (DAERA) alongside other funders and sponsors (see – Land Mobility Scheme Northern Ireland)	28 arrangements facilitated in the pilot period (see Land Mobility 2017-19 Report).

29.3 Scotland, reporters Annie McKee and Malcolm M. Combe

Based on interviews of Aisling Murtagh (NUIG) with:

1. Dr Annie McKee Social Researcher in Land Management, James Hutton Institute
2. Mr Malcolm M. Combe Senior Lecturer in Law, University of Strathclyde

The interviews were also supplemented with some desk-based research.

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶³)

2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)

Comment on 1 & 2: Land can be owned by farmers and/or rented/leased. Also, farmers may both own and rent/lease additional land. However, availability of tenancies is an issue. The scale is important in ownership and rental/leasing of farms. Generally, larger farms (which are less numerous) can be owned, such as a farm that is part of a large estate. Croft smallholdings are more often tenanted. It is complex to answer clearly and this is a changing situation. (Detailed agricultural tenure statistics were published in 2014 as part of the Scottish Agricultural Tenure Evidence Review)

3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	Crofting - a unique type of smallholding in Scotland, most are tenanted, but also a portion are owned. Crofter is defined in law and crofters have to abide by duties set out in law (see <u>Crofters Duties, Crofting Commission</u>). Crofting land tenure is governed by legislation that applies in 'crofting counties' (former counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Shetland – defined in Crofters (Scotland) Act 1993).	Yes – 20,867 registered with the Crofting Commission in 2018/2019 (see <u>Crofting Statistics 2018/2019, Crofting Commission</u>)
Name (English and in National language)	Small landholding – small land units established under schemes from 1912-1927 administered by the Board of Agriculture for Scotland under the Small Landholders (Scotland) Act 1911 which gave powers to create new tenanted small landholdings on privately owned land where demand existed (Tindley et al. 2018). This type of smallholding is also governed by legislation and applies in all areas of Scotland outside of crofting counties.	No - 68 remain (peak of 476) (see <u>Tindley et al. 2018 - Small Landholdings Landownership & Registration Project Report</u>)

4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

63 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

Collective rights	Name	Often used?
Name (English and in National language)	Common grazing – crofters and others with rights to graze on specific land. Commons grazing rights are governed by regulations managed by Commons Grazing Committees	Yes – 1,000 commons covering 500,000 hectares (see Common Grazings , Crofting Commission)
Name (English and in National language)	Community land ownership – Communities buy land with aims that this asset is used to support local development. This applies to all types of land assets (for farming and non-farming purposes, not just land, also buildings). Facilitated by a number of different ‘Rights to Buy’ legislation (discussed in Part 3 below)	Yes – and Scottish Land Commission seeking to further develop this and ‘normalise it (see – Community Ownership and Community Right to Buy)
Name (English and in National language)	Right of responsible access – provides for public recreation/education use rights and responsibilities in Scotland’s ‘outdoors’ which includes farmland. Introduced as part of the Land Reform (Scotland) Act 2003 and detailed in the Scottish Outdoor Access Code .	Hard to say how much rights are used by the public in farmland contexts. Land where crops are growing is excluded from land that is accessible.

5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	Commonly – a traditional shared usage right which has seen marked decline through the years, following on from a 17th century statute that allowed for “division” of the commonies, but some rural communities still express a degree of connection with such land by way of local civic events.	No

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

This differs depending on the tenancy agreement. A range of different types of agricultural tenancy exist in Scotland governed by different legislation. Beyond specific protections, in relation to issues relating to agricultural tenancies more broadly, the Scottish Land Court and the Tenant Farming Commissioner are important institutions to note. The Tenant Farming Commissioner is one of a number of land commissioners appointed by the Scottish Land Commission. The Tenant Farming Commissioner promotes good relations between landlords and tenants, publishes codes of practice and has powers to investigate disputes related to code breaches (see [Tenant Farming](#), also [Chapter 3 of the Land Reform \(Scotland\) Act 2016](#)). The Scottish Land Court deals with disputes relating to agricultural tenancies. It will make a legal decision on cases brought before it (see – [Scottish Land Court – Overview](#)). There are two forms of fixed-duration tenancies that can be offered at present, and the means by which they can be brought to an end may vary depending on which form is adopted. After the

tenancy starts, **Short Limited Duration Tenancies** (SLDT, up to 5 years) and **Modern Limited Duration Tenancies** (MLDT, minimum 10 years)) can be terminated in writing if agreed by the landlord and tenant. Apart from where this occurs, they will extend for the period agreed. For an MLDT, if not ceased at the end of the agreement the tenancy continues for 7 years (Section 87, Land Reform (Scotland) Act 2016 amending the Agricultural Holdings (Scotland) Act 2003). To end the MLDT at the end of the agreed period, tenants must give notice in writing to the landlord. If a landlord wants to end the tenancy at the end of the agreed period, they must also give written notice to tenants in two stages (see – Code of Practice – Agreeing and Managing Agricultural Leases – Scottish Land Commission).

Further to this, MLDTs can include a break clause when the tenant is a new entrant to farming. This allows the tenant or the landlord to terminate after 5 years (again in writing and giving at least 1 year/no more than 2 years notice before the 5 years). But the landlord can only terminate under the break clause if land is not used in accordance with good husbandry or the tenant is not complying with the lease terms (Section 87, 8B, Land Reform (Scotland) Act 2016). Prior to the enactment of the 2016 Act another form of fixed-duration tenancy, with the similar name of Limited Duration Tenancy, was available. It did not provide for such a break clause.

An older form of tenancy agreement are ‘**Secure tenancies**’ provided for in the Agricultural Holdings (Scotland) Act 1991 and provides strong security of tenure to tenants. Leases do not end at the end of the stated lease period but are continued by ‘tacit relocation’ unless notice to quit is issued by the landlord or tenant (Section 3, Agricultural Holdings (Scotland) Act 1991). However if a landlord issues a notice to quit the tenant can serve a counter notice meaning that for the landlord to enforce their notice requires approval from the Scottish Land Court, which is unlikely to be given where the tenant has complied with the obligations of the lease and managed the holding appropriately (Part III, Agricultural Holdings (Scotland) Act 1991 and see SPICE Briefing Tenant Farming, p. 12-13). It is still competent to grant a ‘secure’ 1991 Act tenancy but these are virtually unheard of in the current market.

Crofting tenancies can be terminated if the crofter has a year’s rent unpaid, is not abiding by the statutory conditions of tenure or is in breach of crofter duties. Complaints are made to the Crofting Commission and termination of tenancy decision made by the Scottish Land Court (see section 5, Crofting Reform Act 2010). The landowner can also seek to terminate a croft tenancy because of some ‘reasonable purpose’ through the Scottish Land Court e.g. public interest. If terminated, the landlord must provide adequate compensation or land to rent of equivalent value (see section 20, Crofting Reform Act 2007).

Outside of crofting counties, the very rare class of tenant farmers on what are deemed Small Landholdings can have their tenancy terminated based on a ruling by the Scottish Land Court for not paying rent for a year, not cultivating or occupying the landholding, as well as other statutory conditions linked to tenure (see Scottish Government, 2017 – Small landholdings in Scotland: legislation review, Annex 4) . However records of these tenancies are poor (see Tindley et al. 2018 - Small Landholdings Landownership & Registration Project Report). This can mean tenant farmers are uncertain what tenancy they hold. This leaves protection under law uncertain, but also lack of documentation may not impact security of tenure (see Scottish Government, 2017 – Small landholdings in Scotland: legislation review).

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

Relating to tenancies under the Agricultural Holdings (Scotland) Act 1991 rent reviews cannot be conducted more often than every three years. Rent to be paid is normally agreed by negotiation, but if not the 1991 Act specifies procedures e.g. determination by the Scottish Land Court. Aimed at tenancies under the 1991 act, guidance on rent reviews has also been published by National

Farmers Union of Scotland, Scottish Land and Estates and Scottish Tenant Farmers Association in association with the Scottish Government's Independent Adviser on Tenant Farming (see [Negotiating and Conducting Rent Reviews](#)). There are also rules preventing "upward only" rent review clauses (i.e. it must be possible for a rent to be reassessed to a lower level as well as a higher level) and in relation to landlord-only rent reviews.

Other leases (MLDT, SLDT) will often specify details of the procedure for rent review. If not detailed in the lease, the Scottish Land Commission recommends that existing guidance is followed until the planned 'Fair Rent' system is introduced (see - [Conducting Rent Reviews – Updated Guidance from the Tenant Farming Commissioner, 2018](#)) provided for in the Land Reform (Scotland) Act 2016 (see [Chapter 5, Rent Review](#)).

In relation to crofting tenancies, rent is agreed by the landowner and tenant and can also be altered by agreement. The landlord or tenant can apply to the Land Court who can intervene to determine a 'fair rent' which lasts for 7 years. If rent is set by the Land Court this is the rent due (see [Section 6, Crofters Act 1993](#)). Small Landholding tenancies are also subject to the same conditions described in relation to crofting tenancies (see [Scottish Government, 2017 – Small landholdings in Scotland: legislation review, Annex 4](#)).

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

No farmland prices for sale, rental or leasing are not regulated.

However, it may be worth noting that the Community Right to Buy sets out procedures for buying land (including farmland), that has been specifically and publicly targeted by a local community such that it impacts price. The price offered by the community can be agreed by the community and landowner, or if agreement is not reached the land value it assessed by a valuer and this is the price offered ([Section 56, Land Reform \(Scotland\) Act 2003](#)). The community can also appeal to the Lands Tribunal to reassess the valuation made by the valuer ([Section 62, Land Reform \(Scotland\) Act 2003](#)).

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

In Scottish inheritance law there are two property distinctions - immovable (or heritable) property (i.e. land and buildings) and moveable property (which encompasses any other property, including investments). If there is a Will, family are protected from being disinherited when it comes to moveable property, but not immovable property. This allows room for the tradition of passing a farm solely on to a single heir (e.g. son). This issue has been considered by the Scottish Land Reform Review Group and it has argued land should not be treated differently to other forms of property in relation to inheritance seeing it as an issue of social justice (see – Land Reform Review Group, 2014 [The Land of Scotland and the Common Good](#)). Review and reform has been considered by Scottish Government, but the decision not to reform was made (see discussion by [Combe and Rudd, 2018](#), and also Rudd, M.2018 'Reform of Legal Rights in Succession: Retaining Viable Agricultural Units', *Juridical Review*, p. 172-90).

Where there is no Will, rules of intestacy under the Succession (Scotland) Act 1964 apply (see [Part 1 – Intestate Succession](#)). Spouses and civil partners are favoured in inheritance, also with some rights for children (see Harvie-Clark, 2019 - [SPICe Briefing – Inheritance Law in Scotland](#)). Debate exists as to whether the law adequately reflects modern society and discussions on reform are ongoing (e.g. [Law of succession consultation in 2019](#)).

Transfer of land has tax implications. Inheritance Tax (IHT) is payable in the UK when someone dies or a lifetime transfer of assets is made but relief is available through Agricultural Property

Relief (APR) or Business Property Relief (BPR), allowing farm assets to be passed to the next generation free of IHT or with a reduced level of payment. APR applies if the farm has been owned and occupied for agricultural purposes immediately before the transfer for 2 years if occupied by the owner, or 7 years if occupied by a tenant. The rate of relief is 100% if the land is farmed by the owner, or let on a tenancy that began on/after 1st September 1995. The rate of relief is 50% in other cases. BPR may apply if APR is not available at 100%, depending on the class of asset transferred and subject to the requisite ownership period (see HMRC Guidance).

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

Tenancy can be passed on to another individual based on entitlements under the Succession Act 1964, and to a list of near relatives or more remote relations (see [Appendix A, Guide to the Transfer of Tenancies by Assignation and Succession](#)). But there are specific additional rules governing transfer to near relatives or more remote relations. Transfer of tenancy can occur during the tenancy holder's lifetime. The specific rights of transfer differ depending on the type of tenancy (e.g. 1991 Act Tenancies, MLDT), but SLDT cannot be transferred during the tenancy. A tenancy can be left to a successor (remote relation or near relative) in a Will but the lease must allow for this based on the terms of the contract. If the successor is not left the tenancy in a Will, there is also a process that enables succession. Generally landlords also have rights and may object on certain grounds in relation to the specific type of tenancy The Scottish Land Court deals with appeals. The Tenant Farming Commissioner's [Guide to the Transfer of Tenancies by Assignation and Succession](#) provides more details and rules for specific tenancies.

Transfer of **croft tenancies** can be made in a Will to one or a number of people. Transfer without a Will is also possible but according to the Crofting Commission is much more legally complex and it is recommended that succession is dealt with in a Will (see [Crofting Commission guidance on succession](#)). Crofts can also be passed to successors with the consent of the Crofting Commission (see [section 8 – Crofting Acts \(1993, 2007, 2010\)](#)).

Small landholding tenancies can be passed on based on entitlements under the Succession Act 1964 or to a son-in-law (see [Scottish Government, 2017 – Small landholdings in Scotland: legislation review, Annex 4](#)).

3) To what extent these rules can **prevent fragmentation** of rural land?

Fragmentation of rural land in Scotland is not a policy concern. Scotland has a concentrated pattern of land ownership and the distinction made in Scottish inheritance law relating to inheritance (described in 1 above) enables the continuance of concentrated ownership of large estates. This prevents fragmentation, but the issue for Scotland is to enable more equitable land ownership structures. On the other hand, in relation to small-scale farmland, this rule could be viewed positively when considering prevention of fragmentation. When land is passed on under the rules of intestacy, this allows a number of people to inherit land so potentially leaves room for fragmentation.

The drive for greater community ownership facilitated by the community and crofting community right to buy can be linked with enabling more equitable land ownership structures, but also preventing land fragmentation.

Crofts can be subdivided, but not without the consent of the Crofting Commission (see [Section 9 – Crofting Reform Act 2007/2010](#)).

Tax relief on farm transfer are important to prevent fragmentation so that new generations do not have to potentially sell land to raise capital to pay tax liabilities.

4) To what extent these rules help or hinder **access to land for new generations**?

The introduction of new types of tenancies as part of Scottish land reform aims to encourage and support new entrants into farming. The newer tenancies, while with less long-term security of

tenure, gives both landowners and tenants more flexibility. For example, the MLDT is described as providing greater flexibility so as not to deter landowners from leasing land, but also enough security/length to allow new entrants establish themselves in farming. It also includes a break clause (with conditions) specific to new entrants so that either party can exit the lease early (Scottish Land Commission – A Guide to the Essential Features of the Modern Limited Duration Tenancy).

However, the availability of tenancies is still an issue for the farming sector impacting access to land for new generations. For example, Moody (2018) notes that the legislative environment grows more complex and barriers to landowners leasing land still exist, with the need for simplified tenancy law. Tax relief for landowners on rent is suggested as a potential way forward to encourage more landowners to lease land (Encouraging agricultural land lettings in Scotland for the 21st century: A discussion paper).

If a farmer possesses a secure 1991 Act tenancy there is tendency to hold on to the lease. However in an effort to improve land availability to new entrants legislation is due to come into force to improve land availability. The tenant can serve a notice to quit to the landlord detailing they wish to end the tenancy provided the landlord pays them compensation (determined based on the legislation). This then releases the land for a potential future tenancy. However if the landlord does not accept the notice to quit this then allows farmers to assign the lease to a new entrant in return for a fee based on a value assigned to the tenancy (see – A guide to the proposed legislation of relinquishment of 1991 act tenancies).

The Crofting Commission is an important entity that works with landowners, crofters and new entrants under the relevant legislation to facilitate succession, letting and division of crofts. It also works on issues relating to vacant crofts or ongoing succession issues. 2018 saw 200 new entrants enter crofting (Scottish Government, 2018 – Economic Condition of Crofting). If crofts are not passed on through succession, the land generally remains as a croft tenancy. In the crofting counties, taking up a crofting tenancy is perhaps a route to enter farming for new entrants that removes the barrier of high land prices or higher rents under other types of tenancy as croft rents tend to be very low. That said, access to land is not the only issue. Looking at economic analysis of crofting carried out by the Scottish Government, they are generally not full-time farms (11.7 hours a week) and generate low revenues (e.g. average £4,900) (see – Economic Condition of Crofting 2011-14).

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

The barriers to landowners leasing land can also be linked to emergence of other arrangements which are not tenancy based and not governed by tenancy law. Notably the 'contract farming' arrangement is one established way that this happens in Scotland (as noted by Moody, 2018 and McKee et al. 2018). But this is a business arrangement and, assuming the documentation is suitably drafted, governed by the law of the contract (Moody, 2018). Also referred to further in section 6 below.

Repairing tenancies are a new form a tenancy provided for (but not yet enacted) in the Land Reform (Scotland) Act 2016. Intended for farmland in need of significant improvements, this is a 35 year lease, with an initial 5 year repairing period to improve the farmland. It is potentially a favourable lease type for new entrants giving long-term rental and along with a likely low rent (as noted by McKee et al. 2018, see p. 25). However, given the nature of the land that would be subject to a repairing tenancy this could well be a challenge to some new entrants.

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)?

A number of national (National Parks, National Scenic Area, Site of Special Scientific Interest, National Nature Reserve) and international designations (Natura 2000 sites – SPA and SAC) that protect the natural environment (see Scottish Planning Policy, section 80, p.45-49). Land under these designations can also include farmland and protect it from development. To some extent the ‘green belt’ can protect farmland, also – discussed further below

2) Is this protection based on **national policies**? (yes/no)

If above is considered ‘farmland protection’ this is based in national and international policy. Green Belt is a UK level policy, but specific approaches to protect agricultural land tends to emerge in national level planning policy.

3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no) It depends – specific protection (green belt) exists in urban areas where most threat

If yes, please explain

The ‘green belt’ designation gives protection to open land and is intended to curb urban sprawl. This is a UK level policy and governed by each national level planning policy. Planning authorities designate areas as green belts as appropriate, such as around cities and towns and only certain types of development are permitted in this area, such as development associated with agriculture. But rather than a direct farmland protection policy, this designation aims to direct development to most appropriate locations, protect and provide access to open space (see Scottish Planning Policy, section 80, p.15-16). Land part of a green belt is not necessarily farmland, but tends to be land used for agriculture, forestry or recreation but can also include for example sports fields and nurseries (see- Landscape Institute, 2018, p.6-7). The effectiveness of green belts has been questioned raising the question of a need for stricter regulation (e.g. see Findlay, 2019). In broader and general terms, turning farmland into an urban development area will be regulated by the planning system, local and strategic development plans, when applications for planning permission are made. The natural environment designations mentioned above could also protect farmland from being changed into an urban development area. More broadly, a policy principle part of Scottish Planning Policy (national level policy that sets out priorities for how planning system should work and land development/use) is that ‘planning should direct the right development to the right place’. This should be guided by ‘considering the re-use or re-development of brownfield land before new development takes place on greenfield sites’ (see - Scottish Planning Policy, section 80, p.13).

4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

In relation to promoting rural development, development on prime agricultural land (as defined by the land capability classification) or locally important lesser quality land is not permitted unless where essential, such as essential infrastructure, small scale rural business development, renewable energy (see Scottish Planning Policy, section 80, p.22). The National Planning Framework (provides national framework for spatial development) also notes, as part of strategic priorities for change, the need to manage change on the edge of urban areas and that much of Scotland’s prime agricultural land is located close to cities. This is also where development pressure can be high, particularly in Eastern areas (see Scotland’s Third National Planning Framework, p. 46).

2B Land consolidation and fragmentation

1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparation, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

2C Land redistribution

1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

2) if yes: is it **often used**? (yes, sometimes, rare, no). But it also depends on the measure e.g. see text below

3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

The high concentration of land ownership in Scotland has driven land reform to support more equitable land ownership that serves the public good. Large scale ownership of rural land is a persistent pattern. The need for change is an ongoing policy concern and evolving policy space. For example, the Scottish Land Rights and Responsibilities Statement aims to help guide the process (see – [Scottish Government, 2017](#)). The Land Reform Review Group recommended in 2014 that proposals be developed by the Scottish Government for an upper limit on the amount of land that can be owned by a private landowner or single beneficial interest (see – Land Reform Review Group, 2014 [The Land of Scotland and the Common Good](#), p. 167).

In relation to the type of farmers benefiting, individual tenant crofters can purchase their crofts from their landlord. This was introduced under the Crofting Reform (Scotland) Act 1976. The number of owned crofts has increased, however the majority are still tenanted (see – Land Reform Review Group, 2014 [The Land of Scotland and the Common Good](#), p. 182-183, also discussed in part 3 below).

Farmers with a secure tenancy under the 1991 Act also hold a pre-emptive right to buy the land leased by them (in terms of Part 2 of the Agricultural Holdings (Scotland) Act 2003). This is not a right to force sale, but gives a right to buy if the landowner decides to sell (see – Land Reform Review Group, 2014 [The Land of Scotland and the Common Good](#), p. 199), also discussed in part 3 below).

The Land Reform (Scotland) Act 2003 introduced a community right to buy rural land and a separate crofting community right to buy crofting and crofting-related land ([also discussed in part 3 below](#)). In relation to type of areas, a wide geographic spread is identified in relation to the community right to buy (see - Mulholland et al 2015 – [Impact Evaluation of the Community Right to Buy](#), p.13-14). However support for communities to exercise the Community Right to Buy is said to be unbalanced. The support offered by Highland and Islands Enterprise is important in the area it covers but similar is lacking in areas outside of its remit (see - Land Reform Review Group, 2014 [The Land of Scotland and the Common Good](#), p. 114 and French, 2016, [Evaluation of the Scottish Land Fund 2012-16](#)). Crofting is a tradition stronger in western Scotland, which also sees a greater impact from the crofting community right to buy.

4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

Collective 'right to buy' policies in theory enable access to land for new entrants as they help to create a more equitable land ownership structure. Communities are owners of land rather than this just being concentrated with large landowners with familial succession being the dominant way land is accessed by new generations. Communities then become the landlords that farmers

rent land from. However, evidence is lacking on the impact on specifically on access to land for farming and new generations.

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

*- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system***

*- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).*

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> *If more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Community Right to Buy	Scotland only/not UK wide
If applicable: Name of Arrangement 2 (English and in National language)	Crofting Community Right to Buy	Scotland (crofting counties) only/not UK wide
If applicable: Name of Arrangement 3 (English and in National language)	Right to Buy Land to Further Sustainable Development	Scotland only/not UK wide
If applicable: Name of Arrangement 4 (English and in National language)	Crofter Individual Right to Buy	Scotland (crofting counties) only/not UK wide
If applicable: Name of Arrangement 5 (English and in National language)	Pre-emptive Right to Buy - Secure 1991 Act Tenancies	Scotland only/not UK wide
If applicable: Name of Arrangement 6 (English and in National language)	Community Right to Buy Abandoned, Neglected or Detrimental Land	Scotland only/not UK wide

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

3B Arrangement 1

Arrangement 1, Name: Community Right to Buy	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Land Reform (Scotland) Act 2003
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Arrangement is directly in force by law. An application is made to government to exercise the right and if approved the right comes into force.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Introduced in 2003 as part of Scottish land reform to facilitate greater community ownership of land. This supports the goals of Scottish land reform to support more diverse, equitable land ownership structures. Community ownership must support the public interest and is intended to support sustainable development (see- Scottish Government, 2019 – Community Right to Buy: Route map).
4) Please provide a short description of the arrangement (how it works)	Communities must first register an interest in buying the land and demonstrate this is in the public interest. They must also form a valid community body which is committed to sustainable development to do this. If registration of interest is successful and the land comes up for sale, the community has preferential rights to buy the land. If the community decides to proceed and exercise the right to buy a valuer is appointed by Scottish Ministers to determine the market value of the land. The local community is also balloted and a minimum of 50% must be in favour of the purchase (see- Scottish Government, 2019 – Community Right to Buy: Route map).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	Communities can register an interest in most land or buildings (e.g. farmland, vacant buildings, churches, pubs), as well as in rights (e.g. salmon fishing). Some land is excluded. This is when rights to certain activities on the land are owned separately to the land (e.g. gathering mussels, oysters) (see- Scottish Government, 2019 – Community Right to Buy: Route map). Applies to both urban and rural land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded, a preference	The arrangement applies to communities and the community must be clearly defined. There are a number of options to do this e.g. area covered by a postcode, electoral ward, locality. The community should not be disconnected and not include smaller disconnected areas as part of a wider community. Community members must be resident in this area and registered to vote in local elections (see- Scottish Government, 2016, Community Right to Buy Guidance for Applications, p.10-13).

right for certain actors)? Please indicate and explain.	
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	Approval of registration of interest lasts for 5 years. A process also exists to allow for extension when an application to re-register is submitted by the community (see- Scottish Government, 2019 – Community Right to Buy: Route map). Once the right to buy is activated and price agreed, communities have 8 months to complete the transfer (see- Scottish Government, 2016, Community Right to Buy Guidance for Applications).
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Applications to register an interest in land are assessed, processed and approved by Scottish Ministers (see- Scottish Government, 2019 – Community Right to Buy: Route map).
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The registration of interest process includes consultation with the landowner. There is also an appeals process allowing both the landowner or community to appeal the decision (see- Scottish Government, 2019 – Community Right to Buy: Route map). The Community Right to Buy aims to support land ownership in the public interest and sustainable development. Applications should not be made to block development, however a review identified this can happen (see McMoran, 2018 - Review of the effectiveness of current community ownership mechanisms and of options for supporting the expansion of community ownership in Scotland , p. iii).
10) How frequently is the arrangement used? If infrequently, why?	It is widely used but issues still exist around the concentration of land ownership (e.g. see Scottish Land Commission, 2019 – Briefing Note) and the need to support 'normalisation' of community ownership through supporting it as a more realistic option that communities can pursue (e.g. see policy change recommendations made by the Scottish Land Commission, 2018).
11) Please comment on the social acceptability of the strategy: are there societal/legal discussions on the strategy? Foreseen changes?	The arrangement is socially accepted but a range of issues have been identified to support greater community ownership. Assessment has identified a range of challenges such as complexity of the process, time required, understanding of commitment needed/process, legal technicality issues/legal challenges, managing relations with landowners, population critical mass to sustain a community body, local specialist knowledge, securing finance (see McMoran, 2018 - Review of the effectiveness of current community ownership mechanisms and of options for supporting the expansion of community ownership in Scotland , p. iii and Mulholland et al 2015 – Impact Evaluation of the Community Right to Buy)
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms	The social impact in rural areas is significant. An impact evaluation focused on a range of case studies found outcomes of the Community Right to Buy process included improvement of awareness of funding supports, improved knowledge and skills (e.g. legal, communication, organisational) and created sense of empowerment/voice for the local community. Economic outcomes were found when the purchase was

<ul style="list-style-type: none"> - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>complete, such as income generating potential for the community (e.g. through leasing land to farmers or rental of property) and supporting existing/expansion of employment in the community body. It was also found to increase potential for further investment (public or private) supporting future development (see - Mulholland et al 2015 – Impact Evaluation of the Community Right to Buy).</p>
Other comments on the arrangement	
<p>13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.</p>	<p>The community land buyout on the Isle of Ulva is significant because of its scale (€4.4 million and 2,000 hectares). The community company buying the land is the North West Mull Community Woodland Company (NWMCWC). For more general background see BBC News, 2018 - Deal reached on community buyout of Ulva Estate or the NWMCWC website.</p>
<p>14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)</p>	<p>Scottish Land Commission, 2018. Community Ownership and Community Right to Buy Recommendations to Scottish Ministers. Impact Evaluation of the Community Right to Buy: https://www2.gov.scot/Resource/0048/00487185.pdf Community Land Ownership and Community Resilience: https://www.sruc.ac.uk/downloads/file/17/community_land_ownership_and_community_resilience_full_report_high_resolution MacKenzie, A. F.D. 2013 <i>Places of Possibility: Property, Nature and Community Land Ownership</i>. Oxford: Blackwell Publishing. Combe, M.M. 2018, Community Rights in Scots Property Law. In eds. T Xu and A Clarke, <i>Legal Strategies for the Development and Protection of Communal Property</i>. Proceedings of the British Academy, Oxford University Press, p. 79–101. Combe, M.M. 2020. Legislating for Community Land Rights in eds. M.M. Combe, J. Glass and A. Tindley eds. <i>Land reform in Scotland history, law and policy</i>. Edinburgh: Edinburgh University Press, p.154-176. Also see references in text above (links provided to full reports)</p>

3C Arrangement 2

Arrangement 2, Crofting Community Right to Buy	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Land Reform (Scotland) Act 2003
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Arrangement is directly in force by law. An application is made to government to exercise the right and if approved the right comes into force.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	As part of land reform in Scotland, the Crofting Community Right to Buy was introduced in 2003 and seeks to encourage the collective ownership of land within a croft community by a crofting community body (CCB) (Scottish Government, 2009 - Crofting community right to buy: Guidance).
4) Please provide a short description of the arrangement (how it works)	Formation of a CCB is essential to exercise the Crofting Community Right to Buy. The CCB must have consent of the majority of the crofting community and crofters in the

	community to apply for the Crofting Community Right to Buy. Land does not have to be for sale for the right to buy to be exercised. The eligible croft land to be purchased must be clearly established (e.g. via the Land Register). Resources needed to undertake the process and purchase the land must be identified (Scottish Government, 2009 - Crofting community right to buy: Guidance). Overall, four detailed phases are involved, depicted by this route map (Scottish Government, 2019 - Crofting community right to buy: route map).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	It depends on crofting taking place on the land.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	This applies to crofters, a specific type of actor and type of land tenancy unique to Scotland, along with other people who live in a crofting township. Crofters must reside on their croft or within 32km of it.
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Applications are made to the relevant the Scottish Government Ministers to exercise the Crofting Community Right to Buy. Ministers will consult with relevant individuals/bodies (e.g. the landowner, adjacent landowners the Crofters Commission). Ministers will then assess the application meets the criteria for consent (Scottish Government, 2009 - Crofting community right to buy: Guidance).
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Measures exist to allow for compensation if e.g. tenants or landowners have incurred loss due to the Crofting Community Right to Buy. Appeals can also be made against the decision by impacted parties (Scottish Government, 2009 - Crofting community right to buy: Guidance).
10) How frequently is the arrangement used? If infrequently, why?	Rather than exercising the Crofting Community Right to Buy and the complex procedures it entails, communities are encouraged to negotiate purchase of land by agreement rather than using the process provided by the Crofting Community Right to Buy

	(Scottish Government, 2009). According to the Scottish Government, this appears the more common route (see Crofting Community Right to Buy).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	Crofting is recognised and supported in Scotland as an important practice to development in rural and remote regions. Recommendations emerging from the Land Reform Review Group 2014 report relating to Crofting Community Right to Buy were that the burden on the crofting community to exercise the right is too high and the Land Reform Act should be amended (Land Reform Review Group, 2014 The Land of Scotland and the Common Good , p.247). Some key challenges identified include mapping of croft holdings, community capacity to realise the process, availability of funding support, time required/overall complexity of process (see McMoran, 2018 - Review of the effectiveness of current community ownership mechanisms and of options for supporting the expansion of community ownership in Scotland , p. iii-v).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Crofts are by their nature small farms. They are of recognised social, cultural and economic importance to crofting communities. Broadly speaking, the positive impact of community ownership is well recognised. For example Skerratt (2013) notes: “Communities buy the land they live on because they see land as the foundation on which all other developments sit. Ownership leads directly to the development of: private enterprise, investment due to security of tenure, affordable housing for rent and purchase, renewable energy schemes, infrastructure development, as well as ongoing estate management. This combination supports increased population and school numbers. The emphasis is on long-term stewardship, investment and growth”.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	Pairc Trust is a successful crofting community buyout of land on the Isle of Lewis. Described as a test case for the legislation. Trust established in 2003 with process completed in 2015 (see Pairc Trust – Community Land Scotland members).
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	MacKenzie, A. F.D. 2013 <i>Places of Possibility: Property, Nature and Community Land Ownership</i> . Oxford: Blackwell Publishing. Combe, M.M. 2018, Community Rights in Scots Property Law. In eds. T Xu and A Clarke, <i>Legal Strategies for the Development and Protection of Communal Property</i> . Proceedings of the British Academy, Oxford University Press, p. 79–101. Also see references in text above (links provided to full reports)

3D Arrangement 3

Arrangement 3, Name: Right to Buy Land to Further Sustainable Development	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Land Reform (Scotland) Act 2016

2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Arrangement is directly in force by law. An application is made to government to exercise the right and if approved the right comes into force.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Legal basis in Land Reform (Scotland) Act 2016, but only brought into force in April 2020. Aims to facilitate communities to buy land to facilitate sustainable development in the public interest.
4) Please provide a short description of the arrangement (how it works)	If right to buy is approved, the community has a right to buy the land even if it is not for sale. A community body meeting certain criteria must make the application and or it can also nominate a third party purchaser. The community first writes to the landowner to request purchase and if agreed this is a private sale. If this is not agreed the application process proceeds but must wait for at least six months from writing to the landowner. A community ballot must be carried out showing community support. Scottish Ministers publish a public notice of the application and invite comments from relevant parties (see – Scottish Government, 2019).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	Applies to both urban and rural land. Some land is excluded (e.g. croft land, privately owned homes and gardens, government owned land) (see – Scottish Government, 2019).
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	'Community' boundaries must be clearly defined (see – Scottish Government, 2019 , p.23-4).
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	Decisions can be appealed by the community or landowner. Those who have suffered a loss can apply to seek compensation (see – Scottish Government, 2019 , p.41).
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Applications to register an interest in land are assessed, processed and approved by Scottish Ministers.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Conditions must be met to show how the application achieves sustainable development. For example the transfer of land must

	be in the public interest and the only practical/most practical way to achieve this benefit (see – Scottish Government, 2019 , p.41).
10) How frequently is the arrangement used? If infrequently, why?	Not possible to say yet - only recently brought into force.
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	Only recently brought into force, but the fact that a third party purchaser can be nominated by the community is seen as an important feature, different to existing rights to buy (e.g. see Combe, 2020).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	As the purpose is ‘sustainable development’ it should have impact on environment and landscape preservation and employment opportunities and social link in rural areas. ‘Benefit’ to the community is also linked to a range of considerations (economic development, regeneration, public health, social wellbeing; environmental wellbeing) (see – Scottish Government, 2019).
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No – only recently brought into force.
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Scottish Government, 2019. The right to buy land to further sustainable development. Consultation Document.

3E Arrangement 4

Arrangement 3, Name: Crofters Individual Right to Buy	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Crofting Reform (Scotland) Act 1976
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Arrangement is directly in force by law.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Most croft land is tenanted and this right facilitates purchase.
4) Please provide a short description of the arrangement (how it works)	Crofters can apply to their landlord to buy the land they rent. If the landlord does not agree crofters can apply to the Scottish Land Court for an order to authorise the sale. The application can also be refused, but this is normally only when the sale would significantly impact on the landlord (e.g. cause severe hardship) (see Shelter Scotland – Crofters’ right to buy).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of	No

<p>the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.</p>	
<p>6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded, a preference right for certain actors)? Please indicate and explain.</p>	<p>Applies to land held in croft tenure.</p>
<p>7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)</p>	<p>If the Scottish Land Court issues an order to authorise sale this lasts for two years. If sale price cannot be agreed, the Scottish Land Court can also get involved to determine the sale price (see Shelter Scotland – Crofters’ right to buy).</p>
<p>Effectiveness of the arrangement</p>	
<p>8) How is the arrangement enforced/monitored and who is in charge?</p>	<p>If not agreed by the landlord and tenant, the Scottish Land Court.</p>
<p>9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?</p>	<p>The involvement of the Scottish Land Court would appear a strong feature that would prevent abuse.</p>
<p>10) How frequently is the arrangement used? If infrequently, why?</p>	<p>The number of tenanted crofts has decreased over time but the majority of croft land is still tenanted and not owned. Croft rents are generally very low which could perhaps act as a disincentive to buying croft land.</p>
<p>11) Please comment on the social acceptability of the strategy: are there societal/legal discussions on the strategy? Foreseen changes?</p>	<p>No foreseen changes, not an issue raised in the recommendations of the Land Reform Review Group 2014. The clarification of rights of tenanted crofts and owner occupied crofts (aiming to afford the same rights and duties to each) has been dealt with in law (Crofting (Amendment) (Scotland) Act 2013) which has been an issue in the past. Generally however reducing the complexity of crofting legislation is an issue highlighted as part of future land reform (see - Land Reform Review Group, 2014 The Land of Scotland and the Common Good, p. 182-4).</p>
<p>12) Can you provide indications of the effect of the arrangement on:</p> <ul style="list-style-type: none"> - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality 	<p>Some reports suggest (e.g. Grant, 2019) this right is pushing up the price of croft land and is a barrier to new entrants wishing to buy a croft and enter into crofting a small-holding</p>

Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<u>Crofting Law Blog feature – evaluates ‘To Buy or Not to Buy?’</u> MacLellan, E.I.M. 2020. Crofting Law, in eds. M.M. Combe, J. Glass and A. Tindley eds. <i>Land reform in Scotland history, law and policy</i> . Edinburgh: Edinburgh University Press, p.293-310.

3F Arrangement 5

Arrangement 3, Name: Pre-emptive Right to Buy - Secure 1991 Act Tenancies	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Agricultural Holdings (Scotland) Act 2003 Also future reforms (not yet enacted) in the Land Reform (Scotland) Act 2016
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	To exercise the right it is required to register. Registration lasts for 5 years after which it needs to be renewed if the tenant wishes to continue to have this right (see - <u>Pre-emptive right to buy - Agricultural holdings and tenant farming guide</u>).
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Introduced as part of Scottish land reform with the broad aim that regulations better serve the public interest (see - Land Reform Review Group, 2014 <u>The Land of Scotland and the Common Good, p. 199-200</u>).
4) Please provide a short description of the arrangement (how it works)	This arrangement gives tenants a pre-emptive right to buy if the land is offered for sale. If the tenant has registered their interest, the landlord must notify them of the intention to sell. If a price cannot be agreed a valuer can be appointed. Valuations can also be appealed to the Scottish Land Court (see - <u>Agricultural Holdings (Scotland) Act 2003 – Part 2</u>).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	No – just dependent on having a secure tenancy under the 1991 Act.
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	No

7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Registrations are managed by the Registers of Scotland's Register of Community Interests in Land (see - Pre-emptive right to buy - Agricultural holdings and tenant farming guide).
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	The Land Reform Review Group in its 2014 reported noted that tenants many not find out if land is being sold in a timely manner. It is suggested that landlords should have to notify tenants of their intent to sell also giving tenants a set period of time to decide if they will exercise their right to buy (see The Land of Scotland and the Common Good, p. 200).
10) How frequently is the arrangement used? If infrequently, why?	1463 registrations in 2014 (and 906 still active). In 2012 there were 5402 of secure 1991 act tenancies (see The Land of Scotland and the Common Good, p. 198-199).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	The need to register is due to be removed when 2016 reforms are introduced. This was recommended by the Land Reform Review Group in 2014 as an 'unwarranted constraint on the public interest intent of giving the right to all tenants with secure 1991 tenancies' (see The Land of Scotland and the Common Good, p. 199).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	n/a
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	
Other comments on the arrangement	

3F Arrangement 6

Arrangement 6, Name: Community right to buy abandoned, neglected or detrimental land	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	Land Reform (Scotland) Act 2003
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	Arrangement is directly in force by law. An application is made to government to exercise the right and if approved the right comes into force.
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Introduced by the Community Empowerment (Scotland) Act 2015, by way of an amendment to an earlier statute, as part of Scottish land reform to facilitate greater community ownership of land. This supports the goals of Scottish land reform to support more diverse, equitable land ownership structures. Enacted in 2018.
4) Please provide a short description of the arrangement (how it works)	If right to buy is approved, the community has a right to buy the land even if it is not for sale. An eligible community body meeting certain criteria must make the application. Before making the application they must seek to buy the land from the owner, if unsuccessful and application to exercise this right to buy can be made. Community support must be demonstrated through a ballot. Scottish Ministers will also consult with relevant parties once the application is received to seek views on the application. If consent is granted, Scottish Ministers appoint a valuer (see - Scottish Government, 2018). A 'route map' of the process also provides further details highlighting the numerous steps and phases in the process (see Abandoned, Neglected or Detrimental Land Right to Buy Routemap).
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land ?). Please indicate and explain.	Land must be 'wholly or mainly abandoned or neglected', or how it is currently used is causing harm to the environmental wellbeing of the community. If the latter is the case, before making an application the community must seek that regulators rectify this, but if unsuccessful can proceed to make an application. Some land is ineligible (e.g. croft land, private homes and gardens) (see - Scottish Government, 2018).
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	The arrangement applies to communities and the community must be clearly defined. There are a number of options to do this e.g. area covered by a postcode, electoral ward, locality. The community should not be disconnected and not include smaller disconnected areas as part of a wider community. Community members must be resident in this area and registered to vote in local elections (see - Scottish Government, 2018 , p.23-25).
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not	Communities have six months from the date of approval of the application to pay for the land and complete the transfer. Communities must source funds to pay for the purchase (see - Scottish Government, 2018).

applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	Applications are assessed, processed and approved by Scottish Ministers.
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	Decisions can be appealed by the community or landowner. The valuation arrived at can also be appealed. If any person feels they have suffered a loss as a result of the decision they can claim compensation (see - Scottish Government, 2018).
10) How frequently is the arrangement used? If infrequently, why?	In 2019, no community had applied to exercise this right (see Ross, 2019). At the time of writing, three community bodies had submitted an application to Scottish Ministers (one declined, two pending (see Register of Applications by Community Bodies to Buy Land).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	This right to buy raises similar issues to the Community Right to Buy – it is a complex and time consuming process for communities to embark on.
12) Can you provide indications of the effect of the arrangement on : - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Potential for strong impact on environmental and landscape preservation.
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	None currently
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	<p>Scottish Government, 2018. Community right to buy abandoned, neglected or detrimental land. Guidance for Applications.</p> <p>Land Reform (Scotland) Act 2003 – Part 3A - Community right to buy abandoned, neglected or detrimental land</p> <p>Combe, M.M. 2020. Legislating for Community Land Rights in eds. M.M. Combe, J. Glass and A. Tindley eds. <i>Land reform in Scotland history, law and policy</i>. Edinburgh: Edinburgh University Press, p.154-176.</p>

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicate the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Scottish Land Fund	Financing	Scotland only/not UK wide

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name: Scottish Land Fund	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	Public sector funding body that provides grants to support community purchase of land.
2) Please provide a short description of the arrangement (how it works)	Applications involve a two stage application process. Stage 1 involves an eligibility check and stage 2 involves a full application where a case officer is assigned to support the application. Funding is also available to provide technical assistance to develop the project (e.g. valuations, professional fees, business plan development) (see – <u>Scottish Land Fund Guidance Notes</u>).
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming?). Please indicate and explain.	Covers acquisition of land, land assets (e.g. timber, energy opportunities) and buildings. In assessing applications assets are assessed as to whether they are considered an asset or a liability and must not be a risk of becoming a liability (e.g. capable of generating some income) (see – <u>Scottish Land Fund Guidance Notes</u>).
4) Does application of the arrangement depends on the type of actor (e.g.	The fund aims to support communities and an organisation representing this community applies to the fund. The community

profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	must be clearly defined (e.g. as a particular parish, ward or postcode area) (see – Scottish Land Fund Guidance Notes).
5) Please describe any other features related to application of the arrangement.	The community organisation applying for funding is required to meet certain criteria. It must be a corporate body (i.e. there is a separate legal entity to its members which can hold property), its purpose must be to benefit the local community, have open membership, community control and not distribute funds among members (i.e. they must be re-invested in the organisation to further its work) (see – Scottish Land Fund Guidance Notes).
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	Fund is managed jointly by the National Lottery Community Fund and Highlands and Islands Enterprise. Funding decisions are made by the Scottish Land Fund Committee appointed by Scottish Ministers (National Lottery Community Fund, no date, Scottish Land Fund).
7) Indicate the amount of money involved , related to the land price in the transaction	Provides grants of £10,001 and up to £1 million (see – Scottish Land Fund Guidance Notes)
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	No
10) How frequently is the arrangement used? If infrequently, why?	It is well used and needed. There is more demand for grants than funds available (National Lottery Community Fund, no date, Scottish Land Fund).
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	In the case of communities buying land from government, the Land Reform Review Group has noted the ‘circularity’ of funding (borrow money from government to buy a government asset) and argues there is scope for better integration within government between sale of government owned assets and public funding (see - Land Reform Review Group, 2014 The Land of Scotland and the Common Good, p. 111-2).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	The operation/benefit of the fund in the Highland and Islands area appears more effective than other areas of Scotland. The wider support and additional funding available through Highland and Islands Enterprise in this area is credited for these better outcomes (see French, 2016, Evaluation of the Scottish Land Fund 2012-16). The need for greater support similar to that provided by through Highland and Islands Enterprise in other areas is an issue.

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	French, M. 2016. Evaluation of the Scottish Land Fund 2012-16 . Also see references in text above (links provided to full reports)
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-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

The arrangement described below does not fit the definition above (in terms of government trying to buy or take-over land) but is an example of how government is using public land to actively offer land to new entrant farmers.

-> If no, go to PART 6

2) If yes, please describe which arrangements: please indicates the names:

-> if more than three arrangements are used, **insert a row** in the table below.

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	Starter Farms	Scotland only/not UK wide

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name: Starter Farms	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	Developed as part of wider Scottish Government commitments to supporting new entrants into farming and as part of the Farming Opportunities for New Entrants (FONE) group made up of public and private organisations (see FONE). Land is offered by public bodies, such as the Forestry and Land Scotland on Scotland's National Forest Estate (see Scottish Government, 2016, Report on New Farming Starter Opportunities on Publicly Owned Land).
2) In which way(s) the organisation has become / becomes owner of the land they offer?	The land is already in possession of the state bodies providing starter farms.

<p>From the state (already in possession)? By land acquisition? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?</p>	
<p>3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)</p>	<p>The Starter Farm scheme was piloted in 2012 by Forestry and Land Scotland on Scotland's National Forest Estate, followed by nine further starter farm tenancies on the estate. At this stage, one further starter farm was developed on government land (Scottish Government's Rural Payments and Inspections Division). Starter Farms emerged in the context of Scottish Government aims to increase the use of public land to help farmers entering the industry establish themselves (see Scottish Government, 2016. Report on New Farming Starter Opportunities on Publicly Owned Land).</p>
<p>4) Please provide a short description of the arrangement (how it works)</p>	<p>Through a longer-term (10 year) tenancy, land as well as necessary equipment and infrastructure are provided to the new entrant, providing them with an opportunity to start a farm business. Farms tend to be small, 60-70 hectares in size. These may be part-time farms and farmers are permitted to earn a second income (see Scottish Government, 2016, Report on New Farming Starter Opportunities on Publicly Owned Land).</p>
Rules of application of the arrangement	
<p>5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.</p>	<p>Starter Farms are provided to new entrants. They can have some farming experience, but must not have a permanent land holding. They must also demonstrate how taking on a Starter Farm enables them to develop a new farm enterprise and have an exit strategy for the end of the 10 year tenancy.</p>
<p>6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land?</p>	<p>Starter farms are tenancies let on a 10 year tenancy (by way of an MLDT) on publicly owned land (see - Scottish Government, 2016. Report on New Farming Starter Opportunities on Publicly Owned Land).</p>
<p>7) Please describe any other features related to application of the arrangement.</p>	<p>It is intended the farmer moves on after the 10 year period meaning an exit strategy is important (see – Starter Farms FAQs).</p>
Effectiveness of the arrangement	
<p>8) How is the arrangement enforced/monitored and who is in charge?</p>	<p>Applications are made to the relevant public body e.g. the Forestry and Land Scotland and they are scored in accordance with a scoring scheme (see – Starter Farms FAQs).</p>
<p>9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?</p>	<p>No</p>

10) How frequently is the arrangement used? If infrequently, why?	Number available has increased with reports from 2019 suggesting 94 of these arrangements were in existence (see Martin, 2019).
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	Making more public land available is an issue and competing priorities can inhibit public bodies prioritising making land available for new entrants. The cost of establishing starter units (£200,000 approx) is also noted as a barrier, such as investment requirement to upgrade buildings (see - Scottish Government, 2016. Report on New Farming Starter Opportunities on Publicly Owned Land).
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	Starter Farms help overcome land access barriers to entering farming, allowing the new entrant over a relatively long period (10 years) to build a farm business and gain experience in farming. But it is a time limited opportunity. Issues have also been raised from the side of the new entrants benefiting from the scheme. The initial starter farms established in 2012 now face leases due to expire in 2022 and need to find a new tenancy beyond this (e.g. see Davidson, 2019).
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	No
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	Scottish Government, 2016. Report on New Farming Starter Opportunities on Publicly Owned Land

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations

- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

-> if you want to inform us about more than four arrangements, **insert a row** in the table below.

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	Scottish Farm Land Trust	Established circa. 2017 this organisation seeks to develop a similar trust model to Terre de Liens in France supporting affordable access to land for new entrants and ecological farming. Raised funds to hire a Development Worker in 2020 to further the organisation (see Scottish Land Trust website).	Too early in development to provide examples
Name of Arrangement 2 (English and	Scottish Land Matching Service	Focus is on facilitating joint ventures in farming as a route to access land, rather than tenancy or ownership. It provides advice and	Just established in late 2019 on a 2 year pilot basis (see

in National language)		facilitation to both parties (e.g. farmer seeking and farmer offering the opportunity) to support finding, setting-up and development of joint ventures (see <u>SLMS</u> website).	<u>Rural Innovation Support Service, 2019</u>).
Name of Arrangement 2 (English and in National language)	Joint ventures e.g. share farming, contract farming, farm partnerships	Contract farming in particular has become well established in Scotland as a more flexible arrangement for landowners than tenancies and for new entrants to overcome capital investment needs related to land purchase. The 'promising' nature of contract farming is not undisputed. McKee et al. (2018) observe contract farming arrangements are increasing in place of tenancies and it is an effective way that a business opportunity in farming can be provided but does not provide secure access to land.	FAS case studies: <u>Contract pig farming</u> <u>Clachan Farm</u> <u>McKee et al. (2018)</u> – see p.19-24 for assessment of joint ventures

30 Questionnaire

Questionnaire Legal and policy arrangements that influence access to farmland in EU member states

Country:

Reporter:

Version, date:



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Introduction

This questionnaire is part of the RURALIZATION project (<https://ruralization.eu/>), which studies the drivers and factors behind rural regeneration and generational renewal in agriculture. With this questionnaire, we aim to get an overview of the legal and policy arrangements that influence access to farmland in different EU countries. The way the land market is organized and functions in European member states influences the possibilities for new generations in the farming sector.

- in **appendix A** you can find background information on the RURALIZATION project, and the context of this questionnaire.
- In **appendix B** you can find information on how the answers to the questionnaire are processed and used within the project, and what to do if you have any questions regarding the questionnaire. In general:
 - the answers to the questionnaires will be used to write a report giving an overview of the arrangements in different countries by the RURALIZATION team
 - the country reports will be in the appendix of the overall report
 - a reporter will get feedback on the draft report
 - if you have questions with regard to the topics addressed, don't hesitate to ask us.

Two remarks, before introducing the structure of the questionnaire:

First, the terminology. We use the concept of “**Legal and policy arrangements**”.

Legal and policy arrangements are available instruments or strategies in governmental policy, based on specific legislation (for example laws and permission systems regulating transactions) or governmental policies (for example fiscal policy, granting schemes, etc.).

The questionnaire focusses on three types of arrangements that affect access to land:

- legal arrangements that directly influence land transactions (e.g. requirement of a permit for certain transactions, ban on certain transactions, preference right(s) for certain buyers / renters, etc.)
- policy arrangements that indirectly influences land transactions (e.g. financial instruments, tax exemption(s) for certain land transactions, etc.)
- policy arrangements that actively offer land to farmers (e.g. a governmental land bank) and/or regulate access and preservation of land through planning (e.g. zoning policy)

Second, the level of reporting. For each EU Member State (and the United Kingdom), we are asking a reporter to report briefly on existing arrangements in their country. Our main focus in this questionnaire are **national level arrangements**.

In some countries, the subnational level also has legislative competence with regard to land issues. In that case, we ask to report if relevant on both levels (national and sub-national).

Although this is not the focus of this questionnaire, we realise that also arrangements may exist at more local levels (regions, county, towns) that are relevant for access to farmland. At the end of the questionnaire, there is a possibility to mention these arrangements, if you want to share them with the project.

Structure of the questionnaire

-> The questions are **structured in six blocks**:

- questions about the land tenure system in the country (PART 1)
- questions on the organisation of the land market (PART 2)
- questions on legal arrangements that directly influences transactions (PART 3)
- questions on arrangements that indirectly influences transactions by using financial instruments (PART 4)

- questions on arrangements that actively offers land to farmers, for example a governmental land bank (PART 5)
- at the end of the questionnaire you are able to inform us with other relevant issues (PART 6)

-> in the questionnaire we use **multiple choice questions** in combination with **open questions**. For the multiple choice questions, mark your choice, for the open questions type the answer in the box

-> if you **don't know the answer**, please indicate; if you think **another person** is better capable to answer the questions in (part of) the questionnaire, please inform us, so we can contact the person for the relevant information

-> the questionnaire might seem a bit long, but we expect that **often only some parts are relevant for a specific country**

-> If you have any **questions** while answering the questionnaire, don't hesitate to ask (1) the partner of the RURALIZATION team that asked you to fill in the questionnaire or (2) the coordinator for this questionnaire of Delft University of Technology H.W.deWolff@tudelft.nl

We are very pleased that you want to share your knowledge with the RURALIZATION project.

GOOD LUCK!

PART 1: Land tenure system

The concept of 'land tenure' is used for the way land is 'held' in the country. With regard to access to farmland, we like some short information about some specific issues in the country, that might influence access to land.

1A: In which way farmland is used by farmers in the country

- 1) Is land often **owned** by the farmer? (yes, sometimes, rare, no⁶⁴)
- 2) Is land often **rented (or leased)** by the farmer? (yes, sometimes, rare, no)
- 3) Are **other types of individual farmland tenure** used? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Other types of individual farmland tenure	Name	Often used?
Name (English and in National language)	answer:...	(yes, no)
(optional) Name 2 (English and in National language)	answer:...	(yes, no)
(optional) Name 3 (English and in National language)	answer:...	(yes, no)

- 4) Do **collective ownership or use rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table*

Collective rights	Name	Often used?
Name (English and in National language)	answer:...	(yes, no)
(optional) Name 2 (English and in National language)	answer:...	(yes, no)
(optional) Name 3 (English and in National language)	answer:...	(yes, no)

- 5) Do **informal land rights or customary land rights** exist? (yes, no)

If yes, which (mention name + frequency of use in the table below):

-> *If more than three types are used, insert a row in the table.*

Informal or customary land rights	Name	Often used?
Name (English and in National language)	answer:...	(yes, no)

64 For the multiple choice questions (possible answers between brackets), mark the relevant choice, for example (yes, *sometimes, rare, no)

(optional) Name 2 (English and in National language)	answer:...	(yes, no)
(optional) Name 3 (English and in National language)	answer:...	(yes, no)

1B Protection of tenants and other farmland users

1) for farmers renting or leasing farmland (or having some other right to use the land), is there some kind of protection against an owner **ending the contract**? (yes/no)

If yes, which?

answer:...

2) for farmers renting or leasing farmland, is there some kind of protection against an owner wanting to **increase the rent**? (yes/no)

If yes, which?

answer:...

3) in case of transfer (selling, renting or leasing to another person), are farmland prices regulated on (sub)national level (e.g. is there a **maximum price** that can be asked for)? (yes/no)

If yes, in what way?

answer:...

1C Land transfers within the family

1) if a farmer who owns land ceases farming (retires, dies) in which way can the farm be transferred within the family: which rules apply?

answer:...

2) if a farmer does not own land, can their **rent or lease** still be transferred within the family?

answer:...

3) To what extent these rules can **prevent fragmentation** of rural land?

answer:...

4) To what extent these rules help or hinder **access to land for new generations**?

answer:...

1D Other relevant information with regard to the land tenure system in the country for RURALIZATION?

answer:...

PART 2: Land organisation

In this part of the questionnaire, we ask you about the way the land market is organised

2A Planning policy

- 1) Does the land planning system in the country include some kind of **farmland protection**? (yes/no)
- 2) Is this protection based on **national policies**? (yes/no)
- 3) Is it easy for public or private entities (e.g. local governments, real estate developers, etc.) to **change farmland into an urban development area**? (yes/no)

If yes, please explain

answer: ...

- 4) Does the planning system enable specific protections based on land quality (e.g. **preferential protection for organic/agro-ecological farmland, natural land, etc.**)? (yes/no)

If yes, please explain

answer: ...

2B Land consolidation and fragmentation

- 1) Does the member state have some kind of legally based **land consolidation system**, by which fragmented land can be reallocated (e.g. reparable, regrouping of land holdings, land rehabilitation, land distribution and exchange schemes)? (yes/no)

If yes, please explain

answer: ...

- 2) if yes: is it **often used**? (yes, sometimes, rare, no).

- 3) if yes: do **differences occur** with regard to the **type of areas, the type of land or the type of farmers** that benefit from land consolidation schemes?

answer: ...

- 4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: ...

2C Land redistribution

- 1) Does the member state have some kind of redistribution/community asset policies which enable the **fragmentation of large concentrations of land** for use by communities / peasants / farmers for productive purposes? (yes/no)

- 2) if yes: is it **often used**? (yes, sometimes, rare, no).

- 3) if yes: do **differences occur** with regard to the **type of areas or type of land or the type of farmers** that benefit from the use of the land redistribution?

answer: ...

- 4) What is the **impact** of such policies on **access for land for new generations**?

Please explain

answer: ...

PART 3: Land policy tools: arrangements/instruments with direct intervention in the land market

In this part of the questionnaire, we ask you about arrangements that directly influence land transactions. For instance, legislation that is in force might:

- **forbid** certain transactions and / or certain transactions may need approval based on some kind of **permission system**

- organisations / people and also the government can have a **preference right** in buying or renting land. Aspects that determine the applicability can for instance be the amount of land in the transaction, the type of land, the person / organisation that wants to buy or rent the land (including a self-farming obligation).

3A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 4**

2) If yes, please describe which arrangements: please indicates the names:

-> **If more than three arrangements are used, insert a row in the table below.**

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ...	answer: ...
If applicable: Name of Arrangement 2 (English and in National language)	answer: ...	answer: ...
If applicable: Name of Arrangement 3 (English and in National language)	answer: ...	answer: ...

-> *if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.*

3B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) what is the legal basis of the arrangement (which Act/Law?)	answer (English + own language):
2) Is the arrangement directly in force by law, or is a separate decision needed to let the arrangement come into force for a specific area (e.g. the designation of an area by local government)?	answer: ...
3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...

4) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
5) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming practiced on the land?). Please indicate and explain.	answer: ...
6) Does application of the arrangement depend on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land (e.g. actors are excluded , a preference right for certain actors)? Please indicate and explain.	answer: ...
7) Please describe any other features related to application of the arrangement (e.g. time period for validity of the rules (e.g. if no one wants to buy the land, the rules are not applicable anymore), existence of conflict resolution mechanism (e.g. the actors involved do not agree on the selling price of the land) , etc.)	answer: ...
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a	answer: ...

specific areas and or innovative applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

3C Arrangement 2, 3,

-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

PART 4: Land policy tools: arrangements / instruments with indirect intervention in the land market

In this part of the questionnaire, we ask you about arrangements that indirectly influence land transactions, for example supporting specific transactions by making them more financially feasible/attractive, or hindering transactions by making less attractive.

Relevant aspects that determine the applicability, might for instance be the amount of farmland in the transaction, the type of land, or the organisation that wants to buy or rent or lease the land.

4A Intro

1) Do these kinds of arrangements **exist** in your country?

- a granting / subsidizing scheme for specific transactions
 - special tax regulations supporting specific transactions or making the transactions less attractive
 - a financing scheme for specific transactions (giving the buyer a loan)
 - a guaranteeing scheme for loans for specific transactions (making it easier for the buyer to get a loan)
- (yes, no)

-> If no, go to PART 5

2) If yes, please describe which arrangements: please indicates the names

-> if more than three arrangements are used, insert a row in the table below

	Name:	Type of arrangement	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ...	(Subsidizing, tax, financing, guarantee)	answer: ...
If applicable: Name of Arrangement 2 (English and in National language)	answer: ...	(Subsidizing, tax, financing, guarantee)	answer: ...
If applicable: Name of Arrangement 3 (English and in National language)	answer: ...	(Subsidizing, tax, financing, guarantee)	answer: ...

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

4B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...
2) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
3) Does application of the arrangement depend on land features (e.g. size of the plot being transferred, type of land – natural, protected, soil quality, etc. – or type of farming ?). Please indicate and explain.	answer: ...
4) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession, etc.) that wants to get or use the land.	answer: ...
5) Please describe any other features related to application of the arrangement.	answer: ...
Effectiveness of the arrangement	
6) Who is in charge of the decision to use the arrangement for a concrete transaction?	answer: ...
7) Indicate the amount of money involved , related to the land price in the transaction	answer: ...
8) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the arrangement : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a	answer: ...

specific areas and or innovative applications? If yes, please describe them.	
14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

4C Arrangement 2, 3,

-> In case of: another arrangement, please describe this one / these in the same format; copy paste the table above from the original document

PART 5: Arrangements/instruments actively offering land to farmers

In this part of the questionnaire, we ask you about possible policy arrangements in the EU member state, by which farmland is made available for farming and possible rural newcomers. The government or an organisation working with support of the government tries to buy land or take over land, and is distributing the land, selling, renting it out or using for example leasehold.

5A Intro

1) Do one or several of these kinds of arrangements **exist** in your country? (yes, no)

-> **If no, go to PART 6**

2) If yes, please describe which arrangements: please indicates the names:

-> *if more than three arrangements are used, **insert a row** in the table below.*

	Name:	Is the arrangement applicable in the whole country, or only in specific regions?
Name of Arrangement 1 (English and in National language)	answer: ...	answer: ...
If applicable: Name of Arrangement 2 (English and in National language)	answer: ...	answer: ...
If applicable: Name of Arrangement 3 (English and in National language)	answer: ...	answer: ...

-> if different type of arrangements in different regions or if more than one arrangement is used, please answer the questions below for each separate arrangement.

5B Arrangement 1

Arrangement 1, Name:	
Description of the arrangement	
1) Is the organisation that offers land a governmental organisation or an organisation supported by the government? What is the name of the organisation?	answer:
2) In which way(s) the organisation has become / becomes owner of the land they offer? From the state (already in possession)? By land acquisition ? Is land acquisition facilitated by a preference right on the land market when an owner sells land (e.g. a pre-emption right)? Is expropriation used? Other ways ?	answer:

3) Please provide a short history of the arrangement (since when it exists, why it has been introduced)	answer: ...
4) Please provide a short description of the arrangement (how it works)	answer: ...
Rules of application of the arrangement	
5) Does application of the arrangement depends on the type of actor (e.g. profession (farmers), place of residence, amount of land already in possession etc.) that wants to get or use the land (e.g. actors are excluded a preference right for certain actors)? Please indicate and explain.	answer: ...
6) Please describe the conditions used in offering the land: the type of land tenure that is transferred (e.g. full ownership, leasehold, rent), the policy behind the prices to be paid for the land ?	answer: ...
7) Please describe any other features related to application of the arrangement.	answer:
Effectiveness of the arrangement	
8) How is the arrangement enforced/monitored and who is in charge?	answer: ...
9) Is the arrangement vulnerable for abuse and how? Are there measures to prevent abuse?	answer: ...
10) How frequently is the arrangement used? If infrequently, why?	answer: ...
11) Please comment on the social acceptability of the strategy : are there societal/legal discussions on the strategy? Foreseen changes?	answer: ...
12) Can you provide indications of the effect of the arrangement on: - the position of small ecological farms - environment and landscape preservation - employment opportunities and social link in rural areas - gender equality	answer: ...
Other comments on the arrangement	
13) Do you know promising examples of the use of the arrangement in a specific areas and or innovative applications? If yes, please describe them.	answer: ...

14) Please list any research/resources about the arrangement (in English or your own language, please copy/paste URLs when possible)	answer: ...

5C Arrangement 2, 3,

-> *In case of another arrangement, please describe this one / these in the same format; copy paste the table above from the original document*

PART 6: Other arrangements and practices

In this last part of the questionnaire, we like to give you the opportunity to mention briefly:

- interesting or promising arrangements at the regional or even the local level that influence access to land for new generations
- interesting examples of the use of the above mentioned arrangements in a specific area

If you don't have any extra information, you can skip this part

*-> if you want to inform us about more than four arrangements, **insert a row** in the table below.*

Strategy	Name	Why is it promising?	Concrete example
Name of Arrangement 1 (English and in National language)	answer: ...	answer: ...	answer: ...
Name of Arrangement 2 (English and in National language)	answer: ...	answer: ...	answer: ...
Name of Arrangement 3 (English and in National language)	answer: ...	answer: ...	answer: ...
Name of Arrangement 4 (English and in National language)	answer: ...	answer: ...	answer: ...

Many thanks!

Annex A: Background information with regard to RURALIZATION

The economic, social and territorial cohesion of the EU is threatened by the unequal development of urban and rural areas. Whereas the main scenario of the population forecast expects a population growth of 12% between 2014 and 2050 in urban regions, it expects for rural regions a decline of 7% (EUROSTAT, 2017, urt_proj_pms3). The difference in gross domestic product (GDP at current market prices) per head of the population is even more striking. The 2014 figures show in urban regions € 34,179 GDP/P in intermediate regions € 23,726 GDP/P and in rural regions € 19,104 (GDP/P (EUROSTAT, 2017a, urt_10r_3gdp and urt_10r_3pgdp). The current trend in the EU (and the World in general) is that of urbanisation, resulting in issues of rural decline and threats to the economic, social and territorial cohesion of the EU.

On top of this comes the issue of **access of new generations to the farming sector**. Landownership is highly concentrated. The European Parliament (EP, 2017) is worried by the fact that 52.2 % of EU agricultural land is controlled by only 3.1 % of the farms and that the 76.2 % smallest farms cultivate only 11.2 % of the EU land in 2013. Most farmers are above 55 years of age and only few farmers are below 35 years of age. The EU has allocated € 9.6 billion between 2007 and 2020 as specific aid to young farmers to improve competitiveness and generational renewal. However, as the Court of Auditors indicated, the EU support “is based on a poorly-defined intervention logic” and it “should be better targeted to foster effective generational renewal” (ECA, 2017, 8). Therefore, these policies do not change the fact that many rural areas provide few opportunities to new generations, which inevitably strengthens the current urbanisation trend.

What is needed is a novel perspective for rural areas, a perspective that triggers a process of ruralisation as counterforce to current processes of urbanisation. Such a process of ruralisation fits into a smart specialisation strategy of regions and contributes to achieving the aims of the Cork 2.0 Declaration ‘A Better Life in Rural Areas’.

RURALIZATION aims to contribute to the development of a new rural frontier, the development of rural areas that provide exciting opportunities to new rural generations to realize their dreams.

- Part of this result can be achieved by providing opportunities to existing inhabitants of rural areas, who in many areas are faced with the difficult dilemma that their attachment to the area does not match the economic opportunities the area offers. This may also result in return migration back to the rural area.
- Part of this result can be achieved by attracting rural newcomers, bringing novel perspectives, economic activities, consumer habits and networks of relationships to rural areas. These rural newcomers will not only come from nearby urban centres, but may also include, e.g., citizens from other European member states and asylum seekers.

However, migrants active in a process of “counterurbanisation”, that is, “migration from cities to rural areas beyond the commuting hinterland” (Šimon, 2014, 118) indicate that “rural areas are seen predominantly as a place of consumption” (2014, 131), which fits to an idea of a post-productive countryside. This is not the approach chosen in RURALIZATION.

We will look at rural areas as a context for economic activities. In this way the approach adds to insights on the shift from post-productivism to neo-productivism – “new characteristics of the material utilization of nature, including pressures to increase raw material production while considering environmental and social sustainability” (Rannikko & Salmi, 2017, 13) – in rural areas. This relates to concerns of the European parliament (EP, 2017) on the globalisation of land for this new production and a communication by the Commission (EC, 2017a) indicating the boundaries set by the single

European market. This focus on a context for economic activities, however, does not exclude rural newcomers that are attracted to a rural lifestyle first and search for a way to economically support this lifestyle second. ☑ Our approach does, however, not limit itself to only primary production of agriculture and forestry, but also looks at the wider range of activities in rural areas, such as the role rural small towns have in place making (Csurgo & Megyesi, 2016; Mathieu, 2017), the accommodation of refugees in rural areas, tourism and the creation of a context for rural innovation and entrepreneurship.

If you want to know more about the project, visit the website <https://ruralization.eu/> and sign in to our newsletter.

Annex B: The procedure

- The reporter is contacted by one of the partners in the RURALIZATION project, to make a brief document, answering the questions in the questionnaire.
- Format: text document (MS Word or other), with combination of multiple choice and open questions
- Type the answers to the open questions in the text boxes
- Mark the answers on the multiple choice questions, by underlining the relevant answer
- Please answer the questions in English, and as far as specific names or official terms are concerned, we appreciate it if you mention between brackets the official term in the language of the country.
- In part 3, part 4 and part 5 questions are asked for a specific arrangement; if more than one arrangement exists, please copy paste a blank table for each arrangement you want to inform us about
- If you have any questions answering the questionnaire, don't hesitate to ask (1) the partner of the RURALIZATION team that asked you to fill in the questionnaire or (2) the coordinator for this questionnaire of Delft University of Technology H.W.deWolff@tudelft.nl
- Please hand in the draft report to the partner before the agreed deadline
- You will receive feedback on the draft report, and are asked if necessary to update the report, taking care of the questions
- The final report is handed in before the agreed deadline
- The full document will be put in the appendix of the final report that will be made; the names of the reporters will be mentioned in the main report
- The main report will give an overview of the arrangements in the EU member states (and the UK), based on the reports of the reporters of the EU member states (and the UK). The report will quote these member state reports, if relevant. In writing this main report, besides the member state reports also other literature, research outcomes, opinions will be used



Expert meeting access to land

Evelin Jürgenson

15.10.2020



Eesti Maaülikool
Estonian University of Life Sciences

www.emu.ee





European Economic
and Social Committee

Land grabbing in Europe/family farming

This page is also available in [fr](#)

Adopted on 21/01/2015

Reference: NAT/632-EESC-2014-00926-00-00-ac-tra

Opinion Type: **Own-initiative**

Rapporteur: [Mr Kaul NURM](#) (Diversity Europe - GR III / Estonia)

Plenary session: 504 - Jan 20, 2015 - Jan 21, 2015

Accaparement des terres en Europe / Agriculture familiale

This page is also available in [en](#)

Adoptés on 21/01/2015

Référence: NAT/632-EESC-2014-00926-00-00-ac-tra

Opinion Type: **Avis d'initiative**

Rapporteur: [M. Kaul NURM](#) (Diversity Europe - GR III / Estonia)

Session plénière: 504 - janv 20, 2015 - janv 21, 2015

STELLUNGNAHME

des Europäischen Wirtschafts- und Sozialausschusses
zum Thema

Jagd nach Agrarland – ein Alarmsignal für Europa und eine Bedrohung für bäuerliche Familienbetriebe
(Initiativstellungnahme)

ADVIES

van het Europees Economisch en Sociaal Comité
over

De opkoop van landbouwgrond - Een waarschuwing voor Europa en een bedreiging voor agrarische familiebedrijven
(initiatiefadvies)

Evelin Jürgenson

 Estonian University of Life Sciences

My background

- 2000 -2016 Estonian Land Board
- 2007 - ... Estonian University of Life Sciences

- Land policy
- Land administration
- Sustainable (agricultural) land use
- Land reform
- Land consolidation

Evelin Jürgenson



Some observations

- The situation is different in former socialist countries and „old“ European countries
 - Social context
 - Farming traditions
 - (Agricultural)land price
 - ...
- The tool that is suitable for „old“ European countries do not always fit for former socialist countries.
- Need for holistic understanding



Leading trends in Estonia

- Leading idea – free market is best solution
 - So few rules as possible
 - Avoid to redistribution
- Missing of long-run vision (young country)
- Plenty of land (per person)
- Missing of understanding for the need of monitoring of the situations and processes
 - Lack of information about the real situation



Need for regulation

- According to Alexander (2014): *“Land and property are not ‘normal’ market goods, because they do not share the defining characteristics of the goods and services that are the objects of competitive market transactions.”*
- Free (liberal) market do not solve all problems!

Legal and policy instruments in Estonia

- Agricultural land rent is different from other kind of rent and specific regulations are in the Law of Obligation Act.
- The Planning Act consists the preservation of valuable agricultural land
 - Unfortunately, there has not explained the meaning and criterions for valuable agricultural land.
 - Initiated law project that determines criterions is still under the discussion.
- Land Consolidation Act is valid since 1995
 - Usage for the agriculture land is marginal.
- Agricultural land use is concentrated (biggest agricultural land user has more than 5 000 ha)
 - The total area is great, however the plots are scattered (land use is fragmented)
 - The situation concerning land ownership is not so clear
- The agricultural producers with a mixture of tenures (more rented land).



Thank you for the listening!

Eesti Maaülikool

Ruralization legal & policy instruments

Willem Bruil

Institute for Agricultural Law

University of Groningen

2020



Farming under pressure

- Environmental issues
 - Nitrates and phosphates
 - Natura 2000
- Climate issues
- Policy for circular agriculture
- Soil sustainability
- Economic issues
- Farmers Defence Force

Legal instruments

- Farming is overwhelmingly regulated
 - Spatial planning – odour – manure act etc. etc.
- Land use regulations
 - Hardly any protection against seizure of land for other destinations (industry, housing, energy plantations, nature)
 - Land lease act is bankrupt: only short term land lease contracts (not sustainable)
 - Free market – high prices of land
- Taks laws facilitating farming very much

Access to farming

- Still a competitive agricultural sector
- Very capital intensive
- 70% of farmers have no successor
- Upscaling of farming enterprises
- More producing in chains (farm to fork)
- Small local producers with other economic branches (health care, shops, tourism)

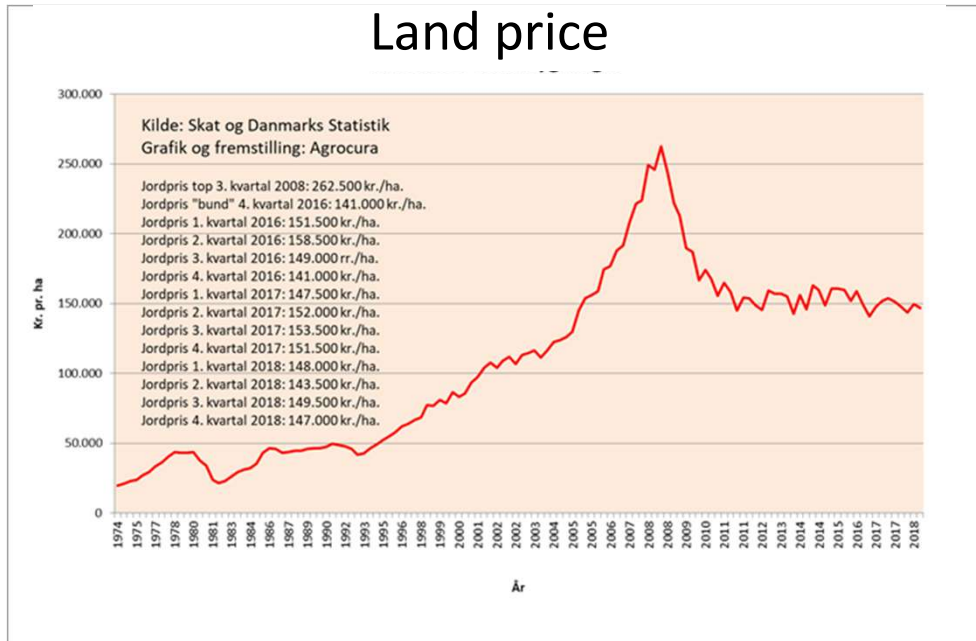
What is necessary?

- Restoration of national physical planning policy
- Farmers must use possibilities of CAP for escaping competition law (producers organization)
- Back to market organizations?
- Change legal systems from regulation “means” to regulating “goals” (?)

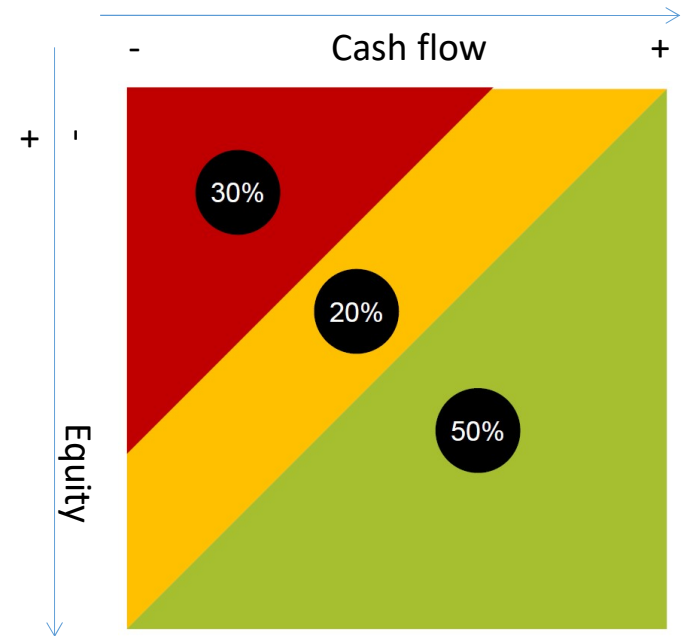
Emerging modes of ownership and investment in Danish farming

Martin Hvarregaard Thorsøe, Aarhus University

Current financial situation in Danish farming



Financial performance



Policy response and effects

Policy response

- Banks have changed their risk profile has changed in the banks – difficult for farmers to gain access to investment capital.
- Institutional reform has enabled new forms of ownership (2014)

New investment rationales

#1 Family business	#2 Investment asset
#3 Local sustainability	#4 Control of the value chain

Concluding remarks

- Danish farming currently undergoes a fundamental restructuring that change some of the foundations of the sector
 - Private ownership is challenged (difficult to attract investment capital)
 - New forms of ownership emerge
 - This is also an identity crisis – which role should the future farmer fulfill?
- Who should own and operate the future danish farming sector?

H2020 RURALIZATION MEETING

Dr. Coline Perrin

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National Research Institute dedicated to
Agriculture, Food and Environment

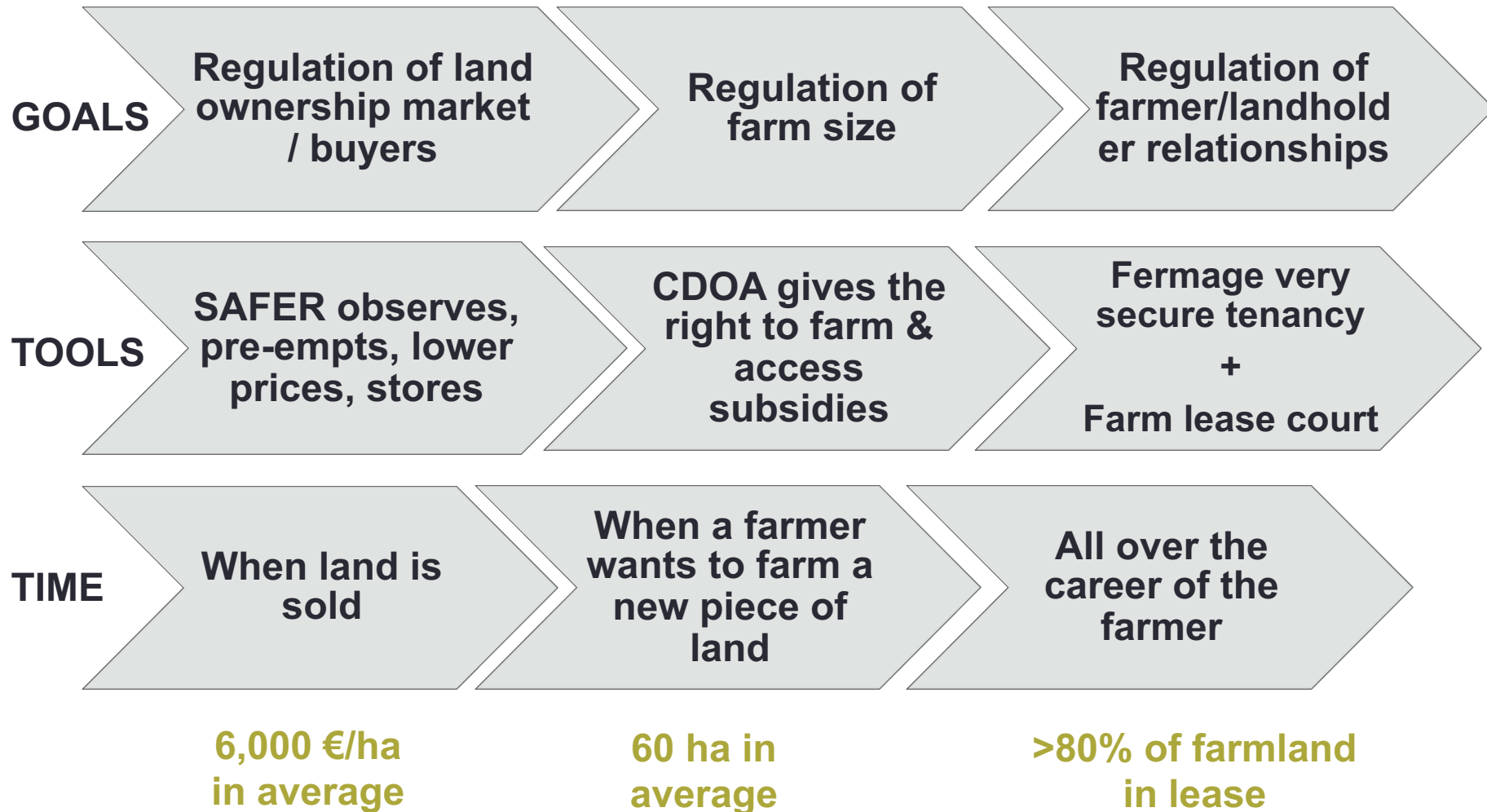


General comments on draft report

- Great work!
- Legal & policy arrangements do not work in isolation but as a system → find a way to compare them **as systems**
- Consider the **impact of the degree of devolution of power to local bodies** (decentralised/centralised states): multi-level governance structure in France (Perrin et al. 2018)
- Interest to consider how these legal and policy arrangements on farmland **interact with environmental regulations/ measures** (e.g. spatial compensation for biodiversity, specific tools on groundwater protection areas in France)

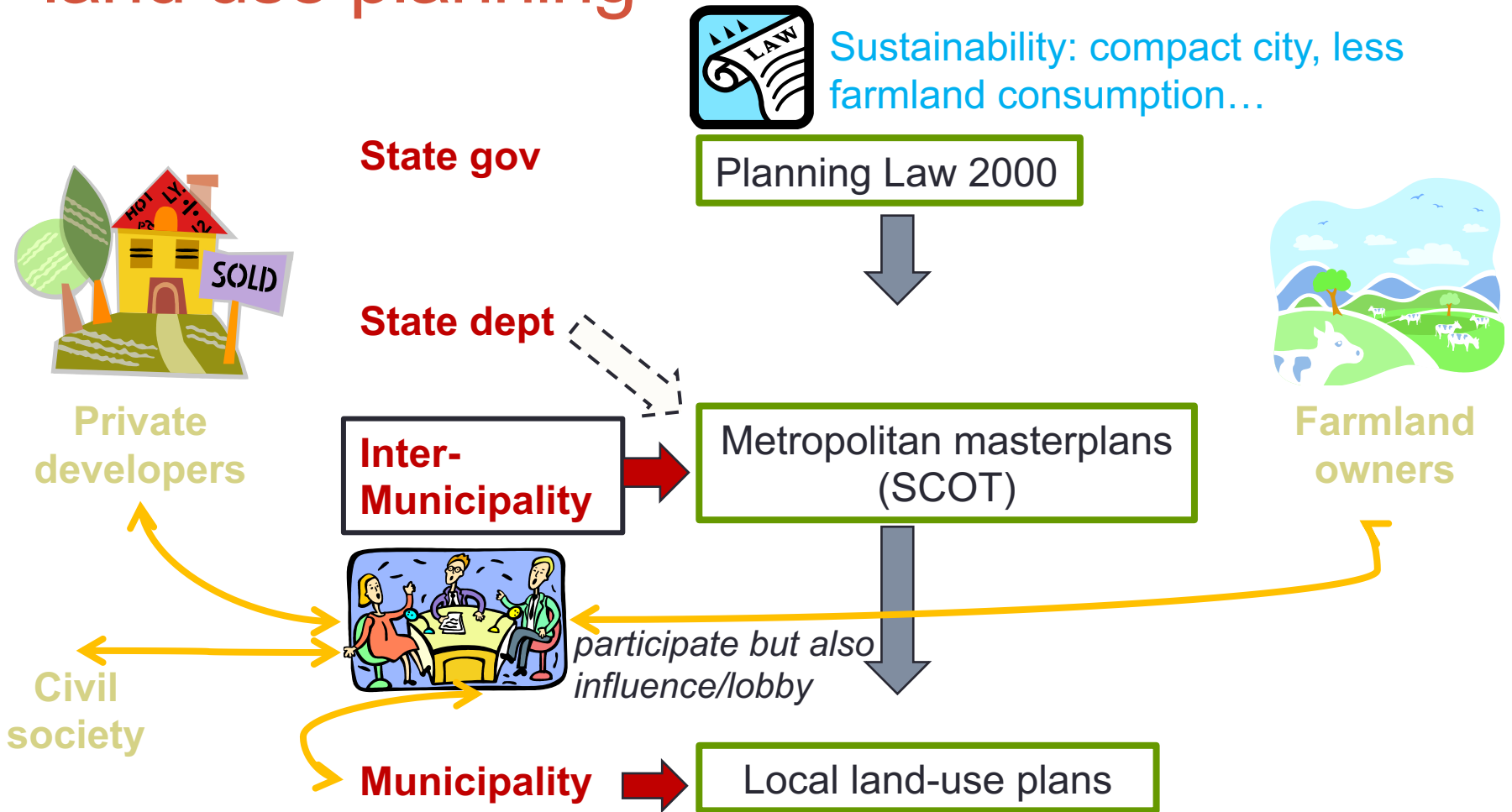
Access to farmland controlled by state services and farmers' unions: a combination of legal tools

Baysse-Lainé and Perrin 2018



Participatory multi-level governance of land use planning

Perrin et al. 2018



Which impact on access to land for new entrants?



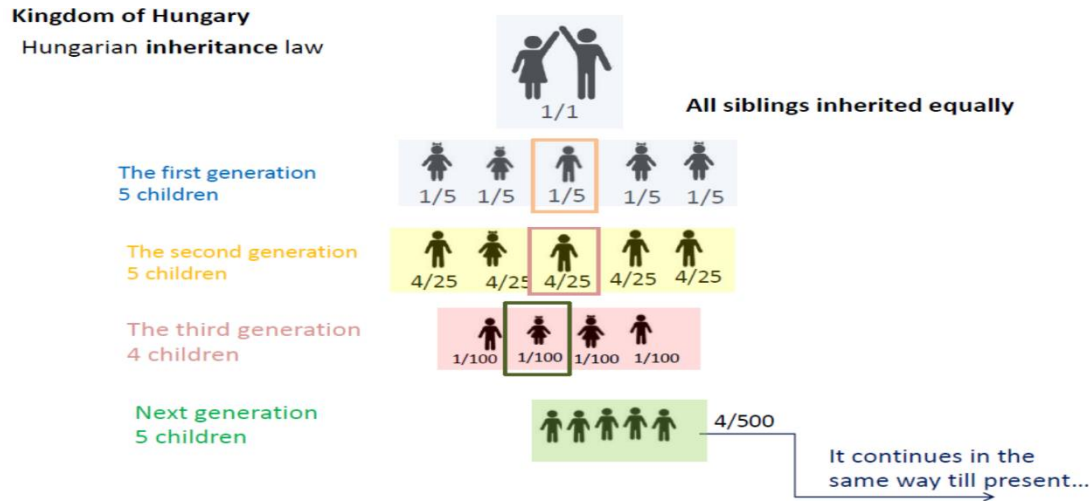
Lucia Paľšová

Department of Law

Slovak University Agriculture in Nitra, Slovakia

Historical conditionality

- before 1918: fragmentation (legal, technical, spatial)



- 1918-1989: consolidated land use

Process of confiscation
and collectivisation

Consolidated land use
to huge plots

Land registry registered
only rights of use

After 1989

Restoration
of
ownership
rights/
Return of
land to
owners



Land fragmentation (2020)

- 8,4 million of ownership parcels;
- 4,4 million of owners,
- 100,7 million of co-ownership relations;
- 11,93 average numbers of owners in 1 parcel (22,73 parcels own 1 owner)



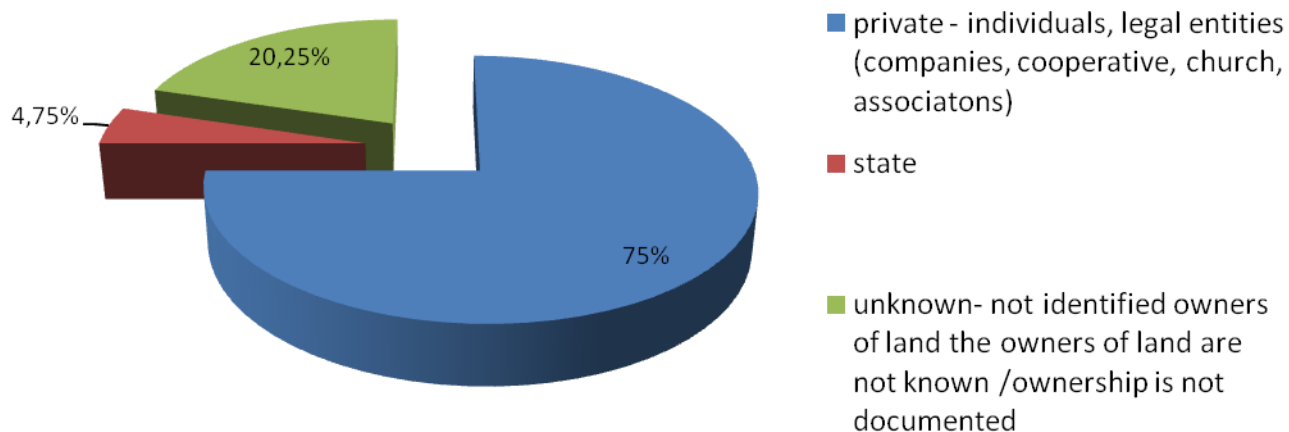
Insufficient
data in the
Land
registry



Low interest
of owners in
their
property
(including
low interest
to farm on
land)

Structure of agricultural land (2020)

Structure of the agricultural land ownership



Source: GEODESY, CARTOGRAPHY AND CADASTRE AUTHORITY OF SR. 2020. Statistical Yearbook of the Land Fund in the Slovak Republic according to the data of the Real Estate Cadastre as of 1 January 2020. ISBN 978-80-89831-10-4.

Problem... How to farm effectively on the land?

Land tenancy

- more than 90% of agricultural land is rented
- special legal regulation of agricultural rental contract

Temporary substitute land use

- temporary legal institute of simple land consolidation

Land consolidation

- 8,7% of all territory is consolidated
- extremely complicated process

Barriers with access to land

- Fragmented agricultural land - > unfinished land consolidation
- Unsolved problems with unknown owners -> approx. 20% under the control of state
- Ownership/Tenure concentration





Thank you for your attention
Questions

