Legal and policy arrangements for access to land in Europe

Willem Korthals Altes, TU Delft
Based on work of RURALIZATION project partners and national reporters
Introduction

Context:
- H2020 project RURALIZATION
- Issues of rural development and access to land

Methodology
- Questionnaire and national reporters

Outcomes

Discussion
Urbanisation and rural decline

Troubled access of new generations to the farming sector.

- Most farmers > 55 years
- Few farmers < 35 years
- The EU allocated € 9.6 billion 2007-2020 as specific aid to young farmers; Not very effective (ECA, 2017)

Concentrated landownership

<table>
<thead>
<tr>
<th>Eurostat indicators</th>
<th>Urban areas</th>
<th>Rural areas</th>
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<tbody>
<tr>
<td>Population growth 2014-2050</td>
<td>+12%</td>
<td>-7%</td>
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<tr>
<td>GDP per head (2014)</td>
<td>€ 34,179</td>
<td>€ 19,104</td>
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(EP, 2017)
Work plan

Framework for research and innovation

Foresight analysis to identify opportunities

Facilitating: rural newcomers and new entrants to farming

Tools to provide access to land

Policy design and assessment

Communication and Dissemination
Methods: Access to land

- **General qualitative analysis of legal and policy arrangements**
  - Reports on 28 EU Member states (incl. UK)
- Selective in depth qualitative analysis of legal and policy arrangements
  - 8 Case studies
- Quantitative analysis of land holdings and land market trends
  - EU wide regional data and more focused data covering few regions
- Reflection on current and novel innovative practices
  - Based on experience of innovation partners
- Focus group discussions
Methodology

- Questionnaire (main author: Herman de Wolff, TU Delft)
  - land tenure system
  - organisation of the land market
  - legal arrangements that directly influence transactions
  - arrangements that indirectly influences transactions
  - arrangements actively offering land to farmers
  - other relevant issues

- Partners approached national experts
  - In house national expert
  - External national expert
  - Interview by project partner
  - Variety of expertise and depth between responses

- Draft report, Expert meeting (Online), Final report
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<th>MS</th>
<th>Reporter</th>
<th>Partner</th>
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<tbody>
<tr>
<td>AT</td>
<td>Gottfried Holzer</td>
<td>Florian Ahlmeyer, Kati Volgmann (ILS) (support by Titus Bahner Kulturland)</td>
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<tr>
<td>DK</td>
<td>Martin Hvarregaard Thorsøe</td>
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<td>DE</td>
<td>Andreas Tietz</td>
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<td>HR</td>
<td>Frederic Moulin</td>
<td>Nicole Mathieu, Viviane de Lafond (CNRS), Alice Martin-Prevel (TDL)</td>
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<td>PT</td>
<td>Joaquim Cabral Rolo &amp; José Ramos Rocha</td>
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<td>FR</td>
<td>William Loveluck</td>
<td>(TDL)</td>
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<tr>
<td>FI</td>
<td>Kalle Konttinen &amp; Leena Kristeri</td>
<td>Pertti Ruuska, Tuomas Kuhmonen (UTU)</td>
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<tr>
<td>HU</td>
<td>Boldizsar Megyesi, Imre Kováč, Attila Bai &amp; László Fodor</td>
<td>Megyesi &amp; Kováč (UNIDEb)</td>
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<td>SK</td>
<td>Anna Bandlerova</td>
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<td>CZ</td>
<td>Antonín Vaishar</td>
<td>Skrzypczyński, Sylwia Dolzbiasz, Krzysztof Janc (UWR)</td>
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<td>LI</td>
<td>Giedrius Pašakarnis</td>
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<td>PL</td>
<td>Joanna Perzyna &amp; Robert Skrzypczyński</td>
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<td>Lorenza Paoloni</td>
<td>Silvia Sivini (UNICAL)</td>
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<td>ES</td>
<td>Pablo Amat, Clara Blasco, Miquel Correa &amp; Dionisio Ortiz</td>
<td>Blasco &amp; Correa (XCN)</td>
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<td>IE</td>
<td>Austin Finn &amp; Edward MacAuley</td>
<td>Aisling Murtagh (NUIG) (for IE support by Anne Kinsella, Teagasc)</td>
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<td>MT</td>
<td>Malcolm Borg</td>
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<td>UK</td>
<td>E&amp;W: Edward Nutting &amp; Angela Cropley</td>
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<tr>
<td>UK</td>
<td>S: Annie McKee &amp; Malcolm Combe</td>
<td>(TU Delft)</td>
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<tr>
<td>NL</td>
<td>Herman de Wolff</td>
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<td>BE</td>
<td>Hans Leinfelder</td>
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<td>BG</td>
<td>Minko Georgiev</td>
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<td>CY</td>
<td>Demetris Demetriou</td>
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<td>EE</td>
<td>Evelin Jürgenson &amp; Marii Rasva</td>
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<td>EL</td>
<td>Konstatinos Lalenis</td>
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<td>LV</td>
<td>Edvins Kapostins &amp; Velta Parsova</td>
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<td>LU</td>
<td>Gérard Conter</td>
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<td>SE</td>
<td>Margareta Brattström</td>
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<td>SI</td>
<td>Anka Lisec</td>
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Presenters expert meeting: Evelin Jürgenson, Willem Bruil, Martin Hvarregaard Thorsøe, Coline Perrin, Anka Lisec, Lucia Palšová.
Land tenure systems

- Ownership and lease both common forms; in certain countries combination of tenure in one farm
- Lease: 3 main alternative conceptions:
  - As business contract (full contractual freedom)
  - Acknowledging specific agricultural context (no termination outside growing season, length related to specific crops, easy access to rent tribunal for both parties)
  - Full protection of tenure for farmers and their families
- In a member state several types may exists
  - main farm versus extra lands,
  - older rights vs newer rights
Land tenure systems 2

- Unresolved ownership in some countries in CEE (such as Bulgaria, Romania, Slovakia).
  - Land undivided owned by heirs of owners of pre-communist times
    - Heirs do not live local
  - Small plots, high transaction costs,
  - No trust in government to issue tools to breach stalemates
  - Registration in Cadastre (example in Slovakia): 535 persons are joint owner of 1092 m2 arable land.

- Reverse tenure situation
  - Many small landowners
  - Big-company tenants with good relationships with authorities

- In other CEE countries small farms were not collectivised (Poland, Slovenia, Croatia) or privatisation happened differently (Hungary)
Reporters: weak protection

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

Answer: yes;

- only few exceptions relating to higher governments or compensation payments for taking agricultural land (CZ).
Direct land policy instruments

- Land consolidation in 21 member states
  - More used for modernisation, enlarging farms
  - Many MS: heydays in the past (political priorities different)
  - Use for more values than modernisation: smaller scale
  - Less for providing access to land for new farmers
- Pre-emption regulations: few contexts in use, but reporters evaluate these positively
- Compulsory purchase: more threat to farmers than supporting access to land
- Land reform: historical examples (Ireland, Andalucía, Alentejo) not all made a difference; land redistribution in CEE: often not carefully planned and executed
- Land banking: some examples exist
- Auctioning of land: promotes stronger players, no new entrants
Indirect policy instruments

- Rules about who can hold/use agricultural land
  - Professional qualification for farmers
  - May be also barrier to new entrants

- Taxation instruments
  - Less taxes for succession of farmland: May also attract others who aim to evade tax and result in higher farmland prices

- Many financial instruments boost land values
Few policies and legal instruments exist to promote access to land for new generations.

Policies and instruments promote the process of farm modernisation:
- Larger farms
- More efficient plot structures

So, the outcome of few new farmers and enlargement of farms is implicitly being promoted by policies and legal systems.

In the project also bottom-up initiatives have been studied. These are not policy driven, but need support.

Next step: more focused analysis in case studies.