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The agricultural land trade – Theory and practice\*\*

*Abstract*

*This paper aims to provide a report on the conference titled The agricultural land trade. Theory and Practice, which was held on 26 November 2020 by Adam Mickiewicz University (UAM) in Poznań. The conference report deals with the three sessions of the conference in separate chapters, and in the end, it contains concluding remarks. In parallel with the presentation of the sessions, legal literature is provided in connection with each issue.*

**Keywords:** conference report, agricultural land, land trade, theory, practice.

## 1. Introduction

An online scientific conference entitled ‘The agricultural land trade. Theory and Practice’ was held on 26 November 2020 by Adam Mickiewicz University (UAM) in Poznań (Poland).<sup>1</sup> This one-day event was co-organised by the Department of Agricultural Law of Adam Mickiewicz University, Notarial Chamber in Poznań, Ministry of Agriculture and Rural Development, and National Support Centre for Agriculture<sup>2</sup> (hereinafter: Government Agency). The conference provided an excellent opportunity for experts and practitioners to share their experiences and seek solutions to the difficulties arising under the interpretation of the Act of 11 April 2003 on Formation of the Agricultural System, which constitutes the main legal act governing the trade of private farmland in Poland (hereinafter: AAS).<sup>3</sup>

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\*\* Conference report (selected papers), Poznań, 26 November 2020

<sup>1</sup> The original title of the conference: *Obrót nieruchomościami rolnymi. Teoria i praktyka.*

<sup>2</sup> A state institution whose main tasks include managing agricultural property of the State Treasury (sale and lease), the free transfer of land and non-returnable financial assistance, supervision of companies of special importance for the national economy, issuing decisions regarding consent to private turnover land, promoting Polish agri-food products in the country and abroad, and developing and disseminating information related to the implementation of active agricultural policy mechanisms on the markets of agricultural and food products.

<sup>3</sup> Ustawa z dnia 11 kwietnia 2003 r. o kształtowaniu ustroju rolnego (Act of 11th April 2003 on Formation of Agricultural System), published in *Dziennik Ustaw* (Journal of Laws) of 2003 No. 64, item 592 as amended. For a more detailed work on the Polish framework for the agricultural land trade, see: Kubaj 2020; Stacherzak, Heldak, Hájek & Przybyła 2019; Źróbek-Różańska & Zielińska-Szczepkowska 2019; Kalinowski 2017. For Hungarian framework for the agricultural



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The conference was divided into 3 sessions, during which 14 presentations were made. This report focuses on the key issues addressed at the conference, contributing to the discussion on restricting agricultural land trade, which is a subject of great concern both in Poland and Hungary.

The conference was opened by *Prof. dr hab. Bogumiła Kanińska*, the rector of UAM. Thereafter, the participants were welcomed by the representatives of all four organisers. *Prof. dr hab. Roman Budziniowski*, chairman of the Polish Association of Agrarian Lawyers, delivered the opening lecture, during which he reminded the audience that the tradition of joining efforts by scholars and practitioners in the field of agricultural law dated back exactly 20 years. The first conference of this kind was held in 2000 in Rydzyna, and was followed by several meetings and scientific conferences countrywide.

## 2. First Session

During the first session, *Prof. dr hab. Paweł Czechowski* and *dr hab. Konrad Marciniuk* (University of Warsaw, Warsaw)<sup>4</sup> delivered the keynote address, providing a brief overview of the main concepts underlying the regulation of the agricultural real estate market in Poland. They explained that the restrictions imposed on the free trade of real estate during the communist regime were liberalised after the political transformation in 1989. However, since the adoption of the AAS in 2003, state interventionism in the agricultural real estate market has reappeared, significantly restricting the free enjoyment of ownership rights. The latter, according to the classic approach in civil law, includes the rights to possession, to use and derive income, and to disposition. In Poland, restrictions on ownership rights with regard to agricultural property are twofold. First, such restrictions have been introduced through the adoption of regulations that are *lex specialis* to the Polish Civil Code<sup>5</sup>, for example, the AAS and Act of 19 October 1991 on the management of the agricultural property of the State Treasury.<sup>6</sup> Consequently, the Civil Code framework for sale and purchase, lease, or donation agreements has been significantly modified in case the aforementioned agreements are concluded with respect to agricultural real property. Second, state control over the agricultural real estate market is exercised through the application of pre-emptive rights or provisions allowing the State Treasury to acquire shares in companies that own farmland or hold the right of perpetual usufruct.

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land trade see: Csák 2010; Csák, Kocsis & Raisz 2015; Olajos 2017; Raisz 2017; Szilágyi 2016; Szilágyi, Csák, Olajos & Orosz 2019.

<sup>4</sup> Title of presentation: *Współczesne uwarunkowania prawne rynku nieruchomości rolnych (Contemporary legal framework of the agricultural real estate market in Poland)*. Authors' other works include: Czechowski & Niewiadomski 2016; Czechowski & Niewiadomski 2015; Czechowski & Niewiadomski 2013; Czechowski & Wiczorkiewicz 2006; Marciniuk 2020; Marciniuk 2017.

<sup>5</sup> Ustawa z dnia 23 kwietnia 1964 r. - Kodeks cywilny (Act of 23rd April 1964 on the Civil Code), published in *Dziennik Ustaw* (Journal of Laws) of 1964 No. 16, item 93 as amended.

<sup>6</sup> Ustawa z dnia 19 października 1991 r. o gospodarowaniu nieruchomościami rolnymi Skarbu Państwa (Act of 19th October 1991 on the management of agricultural property of the State Treasury), published in *Dziennik Ustaw* (Journal of Laws) of 1991 No. 107, item 464 as amended.