





LANDNET

2nd International Workshop

Session on pre-emptive rights

**Budapest
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FARLAND, DLG, FAO

2nd International Workshop on Land Consolidation and Land Banking – Budapest, 6-9 June 2011

Farland
Future Approaches
to Land Development

MA
Ministry of Agriculture
and Rural Development


Government Service for Land and
Water Management
Ministry of Agriculture, Fisheries and
Rural Development


FAO
FOOD AND AGRICULTURE
ORGANIZATION


Overview

	R?	Pre-emptive rights?			Generally / particular applied		To whom is the right granted?			Widely used?		?	Purpose
		Yes	Limited	No	General	Particular	State	Municip.	Co-owners/ Lease hold	Yes	No		
1 Albania	✓		✓		✓				✓			✓	Local users
2 Bosnia & Herzegovina	✓		✓		✓				✓			✓	Local users
3 Bulgaria													
4 Croatia													
5 Cyprus													
6 Denmark	✓	✓				✓	✓	✓			✓		Nature / LC
7 Estonia	✓					✓							Islands / Nature / Local users
8 Georgia	✓		✓						✓			✓	Local users
9 Hungary													
10 Kosovo													
11 Lithuania	✓	✓			✓	✓	✓		✓	✓			Nature / LC / Local Users
12 FYROM	✓		✓		✓				✓			✓	Local users
13 Moldova													
14 Montenegro	✓		✓		✓	✓		✓	✓				Family / building
15 Netherlands	✓	✓			✓	✓	✓	✓	✓		✓		Red / green public goals
16 Portugal	✓	✓			✓	✓	✓		✓		✓	✓	Local users / LC
17 Romania	✓	✓			✓		✓		✓			✓	Culture / Forestry / Infrastr / Local users
18 Serbia	✓	✓			✓		✓		✓			✓	Agricultural structure
19 Galicia/Spain	✓	✓			✓		✓				✓		Agricultural structure / land abandonment
20 Sweden	✓	✓			✓		✓	✓		✓			Agricultural structure / building
21 Turkey	✓												
22 Ukraine	✓			✓									
22	14												

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Different cases

1. Co-owners and lease holders have the first right for agricultural purpose (BG, AL, GE)
2. Co-owners, lease holders and neighbours have the first right for agricultural / forestry purpose (MK, SER, ES, LT)
3. Farmers in the same area have the first right, followed by the State for agricultural purpose (FR)
4. The state has the first right in land consolidation areas (GAL, PT, DK)
5. The state has the first right for other public objectives like nature conservation, Forestry cultural heritage or infrastructure development (DK, RO, NL)

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Variation in:

- **Objectives:** agricultural structure (via LC or not), nature, culture heritage, infrastructure, forestry, recreation, building
- **General < > particular situations**
- **Rights to:** private and/or local government, national government
- **Restrictions:** sometimes minimal term to maintain in ownership / agricultural use
- **Monitoring / experience:** unclear

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Government Service for Land and Water Management
Ministry of Economic Affairs, Agriculture and Innovation




Questions


1. **What are the objectives to achieve by pre-emptive rights? (look at the cases)**
2. **Can these objectives be achieved by other instruments? (think about the difference between positive / negative incentives)**
3. **If applied, what are necessary pre-conditions? (think about: does it block / facilitate the land market? How to make it transparent? What is the bureaucratic load? How to attain support by the target group?)**

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Questions

4. **In what cases in this region would you support pre-emptive rights?**
5. **Can we come up with a joint advice when and in what form to apply?**
6. **Do we know enough about the application or should we do further research first?**

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