

Małgorzata Blaszkę

West Pomeranian University of Technology in Szczecin

e-mail: mblaszke@zut.edu.pl

ORCID: 0000-0001-7806-6710

IMPACT OF LEGISLATIVE CHANGES ON AGRICULTURAL PROPERTY TRADING

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Abstract: This paper attempts to describe selected elements regarding the situation on the agricultural property market and the assumptions of the policy in this respect in Poland. Particular attention was paid to legislative changes related to agricultural property trading. Statistical data from the Property Market Analysis and Monitoring System (AMRON), the Central Statistical Office, the Agency for Restructuring and Modernization of Agriculture (ARiMR) and the National Center for Agricultural Support, were used. The purpose of the study was to attempt to assess changes in land prices in Poland after systemic transformation. Attention was also paid to the issue of changes in the conditions for purchasing a property after the entry of the amended provisions of the Act on shaping the agricultural system came into force. An attempt was made to answer the question whether the introduced restrictions caused the prices of agricultural properties in Poland to change in spatial terms.

Keywords: agricultural property, agricultural property trade, trade restrictions.

1. Introduction

The state controls socio-economic relations by introducing a number of restrictions, making the performance of a specific legal act subject to a number of requirements. In most cases, this was dictated by a rational premise, and sometimes for reasons understood only by the legislator (Blaszkę, 2018a, p. 46).

The legal norm contained in Art. 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms provides that “all natural and legal persons have the right to respect for their property. No-one may be deprived of

his/her property, except in the public interest and on the conditions laid down by law and in accordance with the general principles of international law” (Protokół nr 1 do Konwencji o ochronie praw człowieka i podstawowych wolności z dnia 16 września 1963 r., art. 1). The above provisions of the Convention should in no way limit the right of states to lay down such provisions as they deem necessary to regulate the use of property in accordance with the general interest. Lichorowicz pointed out that in the adopted Treaty of Rome, it was decided that all matters affecting the legal regime of property constitute the exclusive sphere of internal law of the member countries (Lichorowicz, 2010, p. 1). Therefore, the impact of the European Union on agricultural property in the member countries takes place through the internal legislation of these countries.

Trading agricultural property in Poland has always been subject to restrictions. Initially, only a privileged group of society could own agricultural properties, and regulations were liberalized over time, but there are still some restrictions today (Blaszkę, 2018b, p. 100). The agricultural real estate market in Poland can be divided into two segments:

- the private market, called ‘neighbourly’, trading takes place between private entities,
- the state market, in which agricultural property is included in the Agricultural Property Stock of the Treasury, managed by the National Agricultural Support Center (Marks-Bielska and Bieniek, 2018, p. 228).

The purpose of the study was to attempt to assess changes in land prices in Poland after the system transformation. Particular attention was paid to the issue of changes in the conditions for purchasing property after the entry of the amended provisions of the Act on shaping the agricultural system came into force. An attempt was made to answer the question of whether the introduced restrictions caused the prices of agricultural properties in Poland to change in spatial terms. The prices of agricultural property in the period before the entry of the amended provisions came into force and during their validity were presented. Many statements and expert assessments indicated that there was a real threat that agricultural land prices would change drastically (decrease) and their turnover would be significantly stopped. This prompted the authors to look for information on whether the forecasted changes had indeed taken place.

This publication used domestic and foreign subject literature and legal acts, which allowed to capture the theoretical context outlined in the title and purpose of the publication.

Transaction prices and the number of transactions related to agricultural property were obtained from the Property Market Analysis and Monitoring System (AMRON), the Central Statistical Office, the Agency for Restructuring and Modernization of Agriculture (ARiMR) and the National Agricultural Support Center. The assessment was based on data for the period 2015-2019.

2. Restrictions on property transactions related to the formation of the agricultural system in Poland

When analyzing the course of creating the legislation on the agricultural system during the Polish People's Republic and the Third Polish Republic, it turns out that in the former (the so-called PRL), interference in structural problems of agriculture was wider and more intensive than in the latter. Lichorowicz stated that during the Polish People's Republic, efforts were made to shape the legal framework for enlargement, at the expense of individual farms, of the 'socialist' sector in agriculture. However, the authorities' desire was to halt the process of dividing the agricultural land and secure the existence of farms capable of producing goods (Lichorowicz, 2010, p. 7).

In turn, during the Third Republic of Poland, attention was paid to the rational management of the Agricultural Property Stock of the Treasury, while the impact on the agrarian structure was mainly reduced to structural pensions, as well as to the development of the Act of April 11, 2003 on shaping the agricultural system, which is the failure of the legislator.

The Act on shaping the agricultural system introduced on July 16, 2003 together with other legal acts, defines the legal basis for trade in agricultural property in the territory of the Republic of Poland (Gawroński and Prus, 2005, p. 8). The assumption was that these provisions were to improve the area structure of farms, prevent from the excessive concentration of agricultural property and ensure that farms are run by persons with appropriate qualifications (Ustawa z dnia 11 kwietnia 2003 roku..., Art. 1). The said act was intended by the legislator to implement the constitutional principle according to which "the basis of the agricultural system of the state is a family farm" (Konstytucja Rzeczypospolitej Polskiej... 1997, Art. 23).

The created system of restrictions on trade in agricultural property was supposed to refer to the constitutional concept of a family farm, however, many commentators of the discussed Act doubted whether this reference was correct (see Kurowska, 2004, p. 45; Stefańska, 2002, p. 171; Wierzbowski, 2016, p. 169, 2005, pp. 24-37).

Some elements of the agricultural property trading mechanism in force before 1990 were restored, i.e. those that existed before the far-reaching liberalization of agricultural property trading in Poland (Stelmachowski, 2007, p. 330). Provisions of the current law brought some associations with the decree of 1944 on carrying out the land reform, especially Art. 1 saying that the agricultural system in Poland was to be based on strong, healthy and capable of efficient production by farms being the private property of their owners (Dekret Polskiego Komitetu Wyzwolenia Narodowego z dnia 6 września 1944 r. o przeprowadzeniu reformy rolnej, Art. 1). The improvement of the area structure of farms, which was expressed in an increase in the average acreage of a farm, was to be the expected result of the systemic transformation in agriculture (Wilkin and Czyżewski, 2017, p. 212).

The purpose of the introduction of the Act on shaping the agricultural system was to ensure control of trade in the ownership of agricultural property in order

to optimally shape the agricultural system in Poland (Stefańska, 2012, p. 293). The management of agricultural land in the aforementioned Act was focused on supporting the family farms (Czyżewski and Stępień, 2010, p. 11). The pursuit of its hasty implementation resulted in the fact that it contains regulations that do not fully correspond to its title and the described in Art. 1 purposes of its establishment. Wierzbowski stated that the title of the Act was exaggerated, because it is difficult to shape the agricultural system without introducing mechanisms conducive to rational shaping of agricultural space (Wierzbowski, 2005, p. 233). The Act, which should cover all issues related to the formation of the agricultural system, only touches on a certain fragment of the issue – ownership trading in agricultural property (Litwiniuk, 2017, p. 271). Czyżewski and Majchrzak pointed out that the regulations concerning the agricultural land market in Poland differ from the legislation of other European countries and do not stimulate the processes of concentration of resources in agriculture (Czyżewski and Majchrzak, 2014, p. 192).

The amended Act on shaping the agricultural system is based on the existing control instruments in the form of pre-emption and purchase rights (purchase right), and also introduces another – very significant – limitation in the disposal of agricultural property, which, according to Lichorowicz, is doubtful in terms of compliance with the Constitution of the Republic of Poland (Lichorowicz, 2010, p. 12). Namely, the buyer of an agricultural property is obliged to run a farm, which includes the acquired agricultural property, for a period of at least five years from the date of purchase of the property by him/her, and in the case of a natural person run this farm in person (Ustawa z dnia 11 kwietnia 2003 roku..., Art. 2b item 1). During this time the buyer of the property can neither sell it nor give it to other entities. An exception is made to this limitation, which applies if the future purchaser of agricultural property (Truszkiewicz, 2017, p. 97) is:

- a close relative of the seller;
- successor of the farmer, who owns the farm, in the event of the execution of the contract described in Art. 84 of the Act of December 20, 1990 on social insurance for farmers – the successor must be an individual farmer at the time of purchase;
- local government units, the Treasury or the National Agricultural Support Center acting on its behalf;
- a state or local government legal entity in a situation where the agricultural property is intended for public purposes specified in the final decision on the location of the public purpose investment;
- a person who has been granted assistance in accordance with Art. 3 item 1 point 6 letter a of the Act of February 20, 2015 on supporting the rural development with the participation of the European Agricultural Fund for Rural Development under the Rural Development Program for 2014-2020;
- commercial law companies:
 - the sole shareholder of which is the State Treasury, being the operator of the transmission system or having a license to send liquid fuels, in accordance with the Energy Law of April 10, 1997;

- which is the operator of the gas distribution system, in accordance with the Energy Law of April 10, 1997, in the case of the acquisition of agricultural property for purposes related to the construction, modernization or expansion of the gas distribution system;
- a capital company or capital group mentioned in Art. 1 item 1 of the Act of March 18, 2010 on special powers of the Minister responsible for state assets and their exercise in certain capital companies or capital groups operating in the electricity, oil and gas fuels sectors, in the case of the acquisition of agricultural property for purposes related to construction, modernization or extension of property including:
 - in the electricity sector – infrastructure for generating or transmitting electricity;
 - in the crude oil sector – infrastructure for the extraction, refining, processing of crude oil as well as storage and transmission of crude oil and petroleum products via pipelines, as well as port terminals for trans-shipping these products and crude oil;
 - in the gas fuels sector – infrastructure for the production, extraction, refining, processing, storage, transmission of gas fuels via gas pipelines and liquefied natural gas (LNG) terminals;
- a person obliged to purchase part of the land in connection with the unintentional crossing of the border when erecting a building or device, in accordance with Art. 151 of the Civil Code,
- a person who erected a building or other device on someone else's land with a value significantly exceeding the value of the land occupied for that purpose, obliged to purchase it in accordance with Art. 231 of the Civil Code.

These entities are not bound by the said restriction. The limitation also does not apply if the ownership of agricultural property is to be transferred to the buyer through inheritance, inheritance division or debt recovery order. The provision also does not apply to agricultural property with an area of less than 1 ha, located within the administrative boundaries of the city and located in a mining area regardless of the area of the property (Marciniuk, 2017, p. 96).

In order to avoid the purchase of agricultural property by persons who are not individual farmers within the meaning of the provisions of the Act, or do not have the appropriate education, or even buy agricultural property for speculative purposes, the legislator used the control instrument known from the previous version of the Act in the form of pre-emptive right of the National Agricultural Support Center (Marks-Bielska, Kisiel, and Lizińska, 2017, p. 19). However, it can be assumed that a control measure that depends on the financial capacity of the body that controls trade and possibly prevents the transfer of ownership of the property to a given entity will be effective. After all, the National Agricultural Support Center operates on a self-financing basis, does not receive budget subsidies for its financing, and the scope of its tasks and related expenses will be significant.

Pursuant to the provisions of the Act on shaping the agricultural system, only an individual farmer may be the buyer of agricultural property with some exceptions (Pijanowska and Brożyna, 2018, p. 47). An individual farmer is a natural person who is the owner, perpetual usufruct, independent owner or tenant of agricultural property, whose total area of arable land does not exceed 300 ha. In addition, such a person must have agricultural qualifications and have lived in the commune for at least five years, in which one of the agricultural properties included in the farm is located and runs the farm in person (Klusek, 2017, p. 45).

If the agricultural property acquired would enter the property covered by matrimonial property, then at least one of the spouses was required to be an individual farmer. In addition, agricultural property may be purchased by an individual farmer if the area of the agricultural property purchased, together with the area of agricultural property included in the family farm, does not exceed 300 ha of arable land (Mikołajczyk, 2016, p. 127). One is dealing with the exception for this rule, when the buyer is:

- a person close to the seller;
- a local government unit;
- The Treasury or the National Agricultural Support Center acting on its behalf;
- a commercial law company:
 - the sole shareholder of which is the State Treasury, being the operator of the transmission system or having a license to send liquid fuels, in accordance with the Energy Law of April 10, 1997;
 - which is the operator of the gas distribution system, in accordance with the Energy Law of April 10, 1997, in the case of the acquisition of agricultural property for purposes related to the construction, modernization or expansion of the gas distribution system;
- a capital company or capital group mentioned in Art. 1 item 1 of the Act of March 18, 2010 on special powers of the Minister responsible for state assets and their exercise in certain capital companies or capital groups operating in the electricity, oil and gas fuels sectors, in the case of the acquisition of agricultural property for purposes related to construction, modernization or extension of property including:
 - in the electricity sector – infrastructure for generating or transmitting electricity;
 - in the crude oil sector – infrastructure for the extraction, refining, processing of crude oil as well as the storage and transmission of crude oil and petroleum products *via* pipelines, as well as port terminals for trans-shipping these products and crude oil;
 - in the gas fuels sector – infrastructure for the production, extraction, refining, processing, storage, transmission of gas fuels via gas pipelines and liquefied natural gas (LNG) terminals;

- a legal person operating under the provisions of the State's attitude towards the Catholic Church in the Republic of Poland, about the State's attitude towards other churches and religious associations as well as guarantees of freedom of conscience and religion;
- a national park, in the case of the acquisition of agricultural property for nature conservation purposes;
- a Special Purpose Vehicle, referred to in the Act of May 10, 2018 on the Central Communication Port;
- an agricultural production cooperative as a result of exercising the right of pre-emption or disposal of the land contribution by a member of this cooperative;
- a member of an agricultural production cooperative, having a land contribution in that cooperative, in the event of a land contribution being sold to him/her by another member of the same cooperative.

In other cases, if the purchaser of the agricultural property is not an individual farmer, the consent of the Director General of the National Agricultural Support Center is required, expressed by means of an administrative decision (Truszkiewicz, 2016, p. 142). Permission to purchase of agricultural property under certain conditions may be applied for by (Muller, 2017, p. 122):

- the seller of the agricultural property,
- a natural person intending to set up a family farm,
- a natural person intending to enlarge a farm,
- a university,
- the buyer of the agricultural property.

In a situation when the Director General of the National Agricultural Support Center does not agree to the purchase of agricultural property by one of the above-mentioned entities, the seller of the property has the right to request the purchase of this property by the National Agricultural Support Center (Brożyna and Pijanowska, 2019, p. 16). The National Agricultural Support Center is obliged to purchase agricultural property paying the price corresponding to its market value. If the price proposed by the National Agricultural Support Center does not suit the seller, then he/she may apply to the court to determine the price corresponding to its market value or submit a written statement on the withdrawal of the request to purchase this property by the National Agricultural Support Center.

If the agricultural property, which is the subject of the transaction for at least three years, is the subject of a lease agreement with a certain date and is part of the tenant's family farm, then the lessee has the right of first refusal for such property. In a situation where there is no tenant entitled to pre-emption or the tenant does not want to exercise his/her right, then the right of pre-emption is granted by virtue of the Act to the National Agricultural Support Center acting on behalf of the Treasury.

If the owner of an agricultural property wants to sell it on the basis of a legal transaction other than a sales contract, then the National Agricultural Support Center acting for the benefit of the Treasury must be notified by the buyer. In such

a situation, the National Agricultural Support Center may submit a declaration on the purchase of this property for payment of a monetary equivalent of its market value. If the seller of the agricultural property believes that the price specified by the Center does not correspond to the market value, he/she may, within one month, ask the court to determine the monetary equivalent of the market value of the agricultural property purchased by the Center. The court determines the monetary equivalent of the market value of the acquired agricultural property using the methods of determining the value of the property provided for in the provisions on property management (Ustawa z dnia 11 kwietnia 2003 roku..., Art. 4 item 2a).

Establishing some of the restrictions mentioned above is ill-considered from the point of view of agricultural practice, because it goes too far into the sphere of ownership.

The amended wording provides for far-reaching control over trade in agricultural property in order to prevent the purchase of agricultural property by persons who do not have Polish citizenship. The effects of the legislator's actions can also be strongly felt by Polish farmers.

Some provisions of the act on shaping the agricultural system raise some doubts among theoreticians of agricultural law as to compliance with Arts. 21 and 64 item 3 of the Polish Constitution. The amended provisions strongly interfere with the essence of the ownership right limiting the owner's rights. The right to property may of course be subject to certain restrictions, but their scope and form are expressed in Art. 64 item 3 of the Polish Constitution, which states that "property may be restricted only by statute and only to the extent that it does not infringe the essence of the right to property" (Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 ..., Art. 64 item 3). In its judgment of May 25, 1999, the Constitutional Tribunal explained what constitutes the essence of the right to property, the violation of which is not permissible. Namely, the restrictions imposed cannot destroy the basic rights constituting the content of the property right. The Tribunal pointed out that the basic right of the owner is the possibility of disposing of the thing in question, among others, by disposing of it (Wyrok Trybunału Konstytucyjnego z dnia 25 maja 1999...).

3. Impact of changes in regulations on agricultural property trading

The statutory conditions for obtaining the consent for the purchase of agricultural property are inextricably linked to both the subject of the purchase and the person of the buyer. Applications for consent to the purchase of a specific agricultural property by a specific person are considered in the field branches of the National Agricultural Support Center (formerly the Agricultural Property Agency) responsible for the location of the agricultural property. The Act on shaping the agricultural system, amended in 2016, introduced the aforementioned new regulations regarding trade in agricultural property on the private market, according to which land with an area

of up to 300 ha of arable land can be purchased, and only individual farmers as defined in its content can be purchasers of such property provisions of the said Act. The acquisition of agricultural property by persons who are not individual farmers may take place by means of an administrative decision issued by the Director General of the National Agricultural Support Center (until August 31, 2017 – of the President of the Agricultural Property Agency) at the request of the seller of the agricultural property or a person intending to create a family farm.

In the period from 30 April 2016 to 31 December 2016, the Agency received 6 954 applications for the transfer of ownership of agricultural properties, in respect of which 4 087 administrative decisions were issued regarding the purchase of agricultural properties (for a total area of 11 542 ha), including 3 730 decisions which were positive (91% of all decisions) regarding a total area of 10 116 ha (Tables 1 and 2).

Table 1. Number of applications submitted and administrative decisions issued regarding the permission to purchase agricultural property in 2016-2019

Years	Applications submitted	Administrative decisions issued	Positive administrative decisions issued
2016	6 954	4 087	3 730
2017	11 630	9 348	8 618
2018	19 874	18 581	17 152
2019	21 598	20 423	19 897
Total	60 056	52 439	49 397

Source: own study based on the reports of the Agricultural Property Agency and the National Agricultural Support Center (Agencja Nieruchomości Rolnych, 2016; Krajowy Ośrodek Wsparcia Rolnictwa, 2017, 2018, 2019).

Table 2. Total area of agricultural property being the subject of applications submitted and administrative decisions issued regarding the consent to purchase agricultural property in 2016-2019

Years	Agricultural property area [ha] resulting from:		
	applications	issued decisions	issued positive decisions
2016	13 768	11 542	11 386
2017	33 406	28 842	24 202
2018	55 493	50 798	43 890
2019	62 597	59 994	56 302
Total	165 264	151 176	135 780

Source: own study based on the reports of the Agricultural Property Agency and the National Agricultural Support Center (Agencja Nieruchomości Rolnych, 2016; Krajowy Ośrodek Wsparcia Rolnictwa 2017, 2018, 2019).

In the period from January to August 2017, the local branches of the Agricultural Property Agency received a total of 11 630 applications for the consent to purchase agricultural property (Table 1). A total of 9 348 administrative decisions were issued, which concerned agricultural properties with a total area of over 28.8 thousand ha, of which 8 618 decisions were positive (for properties with a total area of 24.2 thousand ha – approximately 2.81 ha on average), which constituted 92.2% of all decisions issued (Tables 1 and 2).

In the period from September to December 2017, the Local branches of the National Agricultural Support Center received a total of 6 086 applications for consent to purchase agricultural property for agricultural property with a total area of 16.9 thousand ha (average of 2.78 ha per application). A total of 5 828 administrative decisions were issued, which concerned agricultural properties with a total area of 15.6 thousand ha, of which 5 357 decisions issued were positive (for property with a total area of 13 900 ha – approximately 2.59 ha on average), which constituted 91.9% of all decisions issued (Tables 1 and 2).

In 2018, the local branches of the National Agricultural Support Center received a total of 19 874 applications for consent to purchase agricultural property with a total area of 55 493 ha. In 2018, a total of 18 581 administrative decisions were issued (against 9 348 decisions in 2017), which concerned agricultural property with an area of 50 798 ha (compared to 28 842 ha in 2017). The Director General of the National Agricultural Support Center in 2018 issued 17 152 positive decisions (for property with an area of 43 890 ha), which accounted for 92.3% of all decisions issued (Tables 1 and 2).

In 2019, 21 598 applications were submitted, the subject of which was a total of 62 597 ha of agricultural property. Of all decisions issued in 2019 by the Director General of the National Agricultural Support Center, 97.4% were positive.

In relation to the entire period under analysis, there is a growing trend in the number of applications submitted as well as the number of administrative decisions issued in the case. In the period from May 2016 to December 2019, a total of 60 056 applications were submitted for permission to purchase agricultural property by persons who were not individual farmers and who did not meet the statutory conditions for exemption from restrictions (Table 1). The applications concerned the purchase/sale of 165 264 ha of agricultural land (Table 2).

Despite the fact that agricultural land buyers can now be agriculture-related individuals (individual farmers, entities exempted from restrictions and natural persons who have been approved by the General Director of the National Agricultural Support Center), prices of agricultural property in the ‘neighbouring’ (local) trade are rising. This may indicate farmers’ interest in expanding their farms. The dynamics of growth is no longer as was with the participation of a speculative factor, but adjusted to the purchasing power of farmers on the local market.

Table 3. Average prices of 1 ha of agricultural land in 2016-2019

Voivodeship	Average prices of 1 ha of arable land in individual years				
	2015	2016	2017	2018	2019
Dolnośląskie	37 409	36 146	35 700	37 085	35 839
Kujawsko-Pomorskie	55 134	53 940	57 479	54 697	55 864
Lubelskie	26 539	29 154	31 732	32 453	34 226
Lubuskie	25 792	28 284	29 491	29 258	29 767
Łódzkie	35 142	36 444	37 255	39 122	41 591
Małopolskie	29 992	31 140	31 766	33 500	34 235
Mazowieckie	37 136	37 156	40 279	39 017	40 205
Opolskie	47 349	47 067	47 094	47 714	47 318
Podkarpackie	21 993	24 035	25 144	26 618	27 840
Podlaskie	34 703	37 913	38 047	41 271	46 390
Pomorskie	41 227	38 981	39 198	41 004	41 232
Śląskie	33 705	33 414	38 779	36 953	39 217
Świętokrzyskie	26 130	26 961	29 391	29 598	31 154
Warmińsko- -Mazurskie	37 736	39 051	41 789	45 163	42 700
Wielkopolskie	54 574	54 661	58 945	63 519	61 508
Zachodniopomorskie	27 432	28 885	28 694	27 569	29 423

Source: own study based on data obtained from the Property Market Analysis and Monitoring System (AMRON), the Central Statistical Office, the Agency for Restructuring and Modernization of Agriculture (ARiMR)

Compared to 2016, the average sale prices of 1 ha of private agricultural land in Poland increased by over 5% in 2017. Between 2015 and 2016 the price of 1 ha of arable land increased by more than 1%. Many commentators on the amendments to the provisions of the Act on shaping the agricultural system speculated that the introduction in May 2016 of restrictions on agricultural property would cause a drastic increase in the price of 1 ha of agricultural land in the period before the amended provisions entered into force. By analyzing the price changes between 2015 and 2016, it can be assumed that this was not the case. Between 2014 and 2015 agricultural land prices increased by 13%. In a sense these data confirm the thesis that along with the limited number of buyers of agricultural land, the dynamics of the increase in prices of agricultural land decreased. It should be borne in mind that the increase in prices in voivodeships with high demand for arable land is definitely higher than the national average.

In 2019, agricultural land prices were the highest in the Wielkopolskie and Kujawsko-Pomorskie voivodeships. One hectare of arable land cost respectively PLN 61 508 and PLN 55 864. The lowest prices of agricultural land occurred in the

Podkarpackie voivodeship, where the average price of a hectare of agricultural land in 2019 was PLN 27 840.

When analysing the statistics of the Central Statistical Office on agricultural land prices, it should be remembered that on the agricultural property market, which is stronger than on other agricultural markets, the local factor is very important. Therefore, country-wide statistics do not fully reflect local phenomena. Sales prices within voivodeships are very diverse and this is particularly visible in those areas where dynamically developing farms are located, such as in the Wielkopolskie, Kujawsko-Pomorskie, as well as in some of the Opolskie, Dolnośląskie, Zachodniopomorskie and Warmińsko-Mazurskie voivodeships.

Agricultural land has a higher value also when located near urban agglomerations and in communes where very intensive animal production is carried out.

Since the introduction of the new regulations in agricultural land handover, from the second half of 2016 the changes in land ownership within families have intensified. This is also related to the new regulations, which do not treat transactions between relatives as rigorously as in the case of sales transactions. In Poland, the sale of land by farmers to their descendants is of marginal importance. Donations and increasingly popular lease agreements with successors predominate, which are rent-free contracts with their children on their retirement. According to some experts (including from IERiGŻ), the increase in the importance of family handovers in agricultural land trading may slow down land concentration processes, because it is mainly affected by market trade in agricultural land.

4. Conclusion

Among many issues related to property management, those regarding the analysis of the property market are important. The property market in Poland is not perfect, both due to the short duration of the market economy rules, as well as the small number of sales transactions occurring in some areas of the country, regions or municipalities. In addition, in May 2016 a number of restrictions were introduced affecting trade in agricultural property in relation to Polish entities and to foreigners.

The pending Act on shaping the agricultural system in force from 1 May 2016 was a topic of interest, therefore those notified about upcoming significant changes in land turnover could act quickly and sometimes irrationally. However, the available data on agricultural land prices from the period immediately before the amended regulations entered into force and from the period they were in force, indicate that although there was a slight decrease in prices before May 2016, it was so insignificant that prices returned back the following year to those from before the information about these changes was received.

It is difficult to determine the impact of the introduction of the amended Act on shaping the agricultural system in April 2016. There were no significant changes in agricultural land prices immediately after its introduction. Perhaps this will only

matter in the long term. At present, it can only be said that the predictions regarding a drastic fall in prices for arable land in Poland have not been fulfilled. Significant regional differences in land prices in Poland should be pointed out. In terms of voivodeships, the highest prices were maintained for many years in regions with larger farms. These are the Kujawsko-Pomorskie and Wielkopolskie voivodeships. Land prices in these regions were more than twice as high as, for example, in the Podkarpackie voivodeship, where there are mainly small farms.

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WPLYW ZMIAN USTAWODAWCZYCH NA OBRÓT NIERUCHOMOŚCIAMI ROLNYMI

Streszczenie: W niniejszym artykule podjęto próbę opisu wybranych elementów dotyczących sytuacji na rynku nieruchomości rolnych i założeń prowadzonej polityki w tym zakresie w Polsce. Szczególną uwagę zwrócono na zmiany legislacyjne związane z obrotem nieruchomościami rolnymi. Wykorzystano dane statystyczne pochodzące z Systemu Analiz i Monitorowania Rynku Obrotu Nieruchomościami (AMRON), Głównego Urzędu Statystycznego, Agencji Restrukturyzacji i Modernizacji Rolnictwa

(ARiMR) oraz Krajowego Ośrodka Wsparcia Rolnictwa. Celem opracowania była próba oceny zmian w cenach ziemi w Polsce po transformacji systemowej. Szczególną uwagę zwrócono na zagadnienie zmiany uwarunkowań zakupu nieruchomości po wejściu w życie znowelizowanych przepisów ustawy o kształtowaniu ustroju rolnego. Podjęto próbę odpowiedzi na pytanie, czy wprowadzone ograniczenia spowodowały, że ceny nieruchomości rolnych w Polsce uległy zmianie w ujęciu przestrzennym.

Słowa kluczowe: nieruchomość rolna, obrót nieruchomościami rolnymi, ograniczenia obrotu.