



Access to Land for Farmers in the EU: Conference Report



On 7 December 2016 the European Economic and Social Committee, the Greens/EFA Group in the European Parliament and the European Coordination Via Campesina co-organized an event to discuss the problems of access to land in Europe. The full-day conference took place in Brussels at the European Economic and Social Committee and the European Parliament. Delegates heard presentations, summarized below, but also participated in discussions to help identify key issues facing farmers in Europe, and how government and civil society can support a future of diverse agriculture in Europe.

Panel 1: Analysis of the Current Situation

Executive Summary:

Five panelists explored the current state of land concentration in Europe, identifying the serious barriers to access to land which are preventing young and small farmers from accessing land, or retaining access to their land. There was consensus amongst most panelists on the importance of preserving small-scale farming in Europe for social, environmental, and economic reasons which many elaborated. Panelists proposed theoretical frameworks for understanding the challenges of European land policy. In particular the correct definition of land grabbing was discussed by panelists and participants: does land acquisition need to be illegal in order to be considered land grabbing, or can the term be used to describe systemic effects where existing legal and economic regimes have the end result of concentrating control of land and removing this from local communities? Presenters and participants also identified the importance of distinguishing between land worked by owners and land bought for the purposes of speculation, and problematized the idea that foreign ownership of land was inherently problematic.



This event was part of the Hands on the Land Campaign, an education and awareness raising campaign carried out with the financial support of the European Union. For more information visit <https://handsontheland.net>



Introduction: Brendan Burns, European Economic and Social Committee:

- Scotland is a particular case: highly concentrated control of land and very limited access for communities, developed over the last 300 years.
- Experiment going on which will produce very interesting results in the coming years.
- Situation has been changing since 1999, when Scottish parliament was re-established.
- Have faced challenges along the way, but are working together in Scotland for a new kind of solution, which could be copied more broadly in Europe.
- The situation in Scotland offers both an example of how land use planning can go wrong and, hopefully, an example of how it can change.

Sylvia Kay, Transnational Institute:

- Land concentration is a growing issue in Europe. Study of Eurostat data reveals a major trend:
 - Land concentration in Europe is significant: 3% of farms own 52% of farmland.
 - Large-scale farming is spreading across Europe while small farms are disappearing: 4 million small farms, 33% of the total, have been lost in Europe between 2003 and 2013.
 - Land inequality is structural, and distribution of farmland is dramatically more unequal than concentration of wealth.
- This trend is related to both exit of small farmers and entry denial for new farmers, with real implications for European food security, employment, welfare, and biodiversity, as well as for the well-being and viability of rural communities and European society as a whole.

Véronique Rioufol, Terre de Liens:

- Young and new farmers face a variety of challenges in accessing land, even when they come from established farming families.
- A variety of examples illustrate the different challenges, from access to capital to competition with other land buyers, which make it difficult for farmers to gain access to enough land to make a viable living.
- Community solutions including community land trusts are emerging, attempting to remedy the situation and help farmers access land.

Atilla Miklós Szócs-Boruss, EcoRuralis:

- Communism led to a first wave of land-grabbing, displacement, and loss of agricultural knowledge in Romania. Now, following return of land to original owners, a new wave of land-grabbing is taking place.
- Land in Romania is enormously concentrated, increasingly in the hands of speculators or very large-scale industrial producers, and the rural population is ageing and diminishing as a result.
- Small farmers and peasants are viewed as a problem: it is time to dramatically re-think European land policy to recognize the valuable contribution that thriving peasant agriculture can make to the EU.
- Peasants are ready to help shaping new policies.
- The European Coordination Via Campesina developed a definition of land-grabbing which is available online [here](#).

Helmut Klüter, University of Greifswald:

- Germany offers an important case-study: Eastern Germany is dominated by large-scale industrial agricultural production, while Western Germany is controlled by family farms.

- Detailed data on German regions shows that small-medium scale farming can be considerably more productive per acre than industrial farming, as well as re-circulating more money invested by the EU within the community.
- We need to develop a new definition of agriculture in the EU and move to support this vision through controls on industrial agriculture and land speculation, and training and support for small and young farmers.

Thierry de l'Escaille, European Landowners' Association:

- Need common definition of land grabbing and land concentration: land grabbing is defined by illegal acquisition of land. Where acquisition is legal, we should talk only about concentration. There is no systemic land grabbing in Europe and laws exist in each member state to prevent this (though they may not always be enforced).
- Small & large – scale agriculture should co-exist; one should not replace the other.
- We need to defend the rights within the common market: Europeans have the protected right to own land in other countries, and we need to clearly distinguish between people moving within Europe to establish themselves as farmers, versus speculators from outside the EU purchasing large amounts of land for other reasons.
- High land prices are not all bad: need to explore solutions other than price caps to help young farmers access land.

Panel 2: Discussion of Possible Solutions at the National/Regional Level

Executive Summary:

Six panelists discussed the challenges of national regulation of land, introducing specific cases. The discussion illustrated the role that historical and economic context plays in defining land ownership issues in each country, and the possible solutions to this. Panelists generally urged policy-makers to consider solutions which take the local context into consideration, addressing the realities, e.g. of how farmers access land, and who is excluded from accessing land for what reasons. Panelists identified gaps in regulatory regimes, and ways in which laws designed to diminish land concentration have failed to do so due to the use of complex ownership structures. Panelists also shared stories of a number of positive steps, from comprehensive land reforms being made in Scotland, to the SAFER system in France which has a potential role to play in protecting farmers' access to land. However, none of these solutions have succeeded in halting the process of land concentration, or adequately protecting the rights of farmers and the constitution of rural communities. In addition to challenges relating to loopholes in existing regulations and weak enforcement, panelists also identified existing European-level regulation protecting free movement of capital as a potential challenge for implementing land reforms.

Introduction: Bronis Ropé, MEP, Greens/EFA Group in the European Parliament

- Importance of land as an asset, deserving of attention from EU and member states. Importance of small-scale family farms, agricultural livelihoods, public goods.
- Land should never become the tool for speculation but should remain the tool for farming and provide public goods. Not limited to food production.
- Land grabbing and land concentration for profit in some member states, especially newer EU members: we need to take urgent action to protect farmers' interests.
- Member states should use all possible tools to regulate their land markets.

Liesbet Vranken, University of Leuven

- Regulation of land markets differ dramatically across time & place.
- Have developed an index of regulations impacting land exchange: some countries have protected farmer land access through tenancy regulations, while others promote farmer-ownership.
- Some countries have heavy regulated land markets, other moderately regulated land markets, and other countries are with less regulated land markets .
- Strong tenancy regulations in Western Europe have had paradoxical effect: decreased access to land for farmers ('horsification,' 'gardenification,' landscape services).
- Fragmented ownership – many small owners as in Eastern Europe – leads to increased concentration of land use (families renting their land).
- We should not focus exclusively on land ownership – Ownership is not the only path to security of land tenure.
- Power balance and tenure very different with small owners renting to large farmers, vs large owners renting to small farmers: different regulations are needed in these different contexts.

Jobst Jungehülsing, Federal Ministry of Food and Agriculture of Germany

- Rapid increase in agricultural land prices in Germany: 116% increase between 2005 & 2015.
- Concentration of agricultural land is a major issue: Case study of KTG AGRAR SE which, in 2015, controlled 53,000 ha in the EU (37,760 in Germany) through 137 subsidiaries.
- The group structure, in combination with the scope of German land exchange laws, has allowed the company to circumvent laws designed to protect farmers' access to land and support broad ownership of agricultural land.
- Significant negative consequences for rural areas: job loss, land concentration, increased land speculation, falling tax revenues, rising income inequality etc.
- Amendments to land law combined with greater transparency, better data collection, and stronger enforcement of existing laws are needed. Laws currently applied to individual farms, including land ceilings, should be expanded to address agricultural groups.

Pete Richie, Nourish Scotland

- Extraordinary level of land concentration: 423 people own 50% of land in Scotland
- Historical context of Clearances (forced displacement). Land issues have been a priority for the Scottish Parliament since its establishment 1999.
- The Land Reform Act of 2003 introduced a variety of reforms: community right to buy derelict or vacant land, mandate for land to be managed for the public good, transparency of ownership, and rents linked to productive capacity.
- Still a work in progress but some positive developments are apparently including a slowing of the decline in number of holdings, increased land in community ownership, growing interest in agroecology. However, problems of concentration, falling farm incomes, barriers to entry, and a tendency towards large-scale monoculture production still exist.
- Land Reform Review Group in a 2014 report has encouraged the Scottish Government "to be radical in its thinking and bold in its action" in implementing further reforms.
- Represents the hope of a possible alternative direction of development, supported by clear and directed policy. Land reform is (still) possible.

Paul Bonhommeau, La Coopérative d'installation en agriculture paysanne/ previously Confédération Paysanne

- SAFER is a land agency supporting farmers' right to farmland and discouraging farmland speculation by exercising right to intervene in certain land sales/purchases in France.
- SAFER favours family farming and ownership of land by farmers. Has three missions: improving land plans for setting up or preserving farms; planning development with local authorities; Participating in landscape and environmental protection. Involved in 18% of land transactions in 2013.
- Opponents view this as a corruption of the free market, ownership rights, movement of capital, but most farmers find it an essential tool for controlling land price and distribution.
- Nonetheless, system has limitations: SAFER favours scaling up farms for "productivist" agriculture; does not provide adequate support for young/new farmers or alternative diversified agriculture.

Rūta Bičiuvienė, Associations of Agricultural Cooperatives of Lithuania

- Average holding size of farms in Lithuania has doubled in 5 years, farmers are ageing, and Lithuania has lost 1/6 of its population since joining the EU in 2004.
- Land reform process began in 1991 - until 2014 one person or legal entity could hold up to 500 hectares. Ease of creating new legal entities for ownership resulted in major concentration: groups of legal entities owned huge areas of land (30,000 ha or more).
- Laws introduced in Jan 2014 introduced limitations on ownership by related persons or companies, and pre-emption rights (e.g. when selling to users of the land).
- Second amendment in May 2014 introduced requirements for anyone seeking to obtain 10+ ha agricultural land, including agricultural income, record of agricultural activity, and relevant education.
- European Commission alleges new amendment infringes free movement of capital and rights of free establishment – all requirements except the history of agricultural activity will be removed.

Concluding remarks – Molly Scott Cato, MEP, Greens/EFA Group in the European Parliament

- Legislative impact:
 - we need to consider the question of very different farm land values and incomes across states: can the free movement of capital and free markets can be compatible with equal access to land for all natural and legal persons? Can we leave this to the free market?
 - "Efficiency" - small family farms are most efficient in the ways that matter: bring many social and environmental benefits.
 - Lack of data, especially on land ownership, and ownership structures. Real questions of legality, in addition to equity.
 - We need to take seriously the idea of introducing laws to end speculation in land and in food crops. Land as a common treasury, in stewardship rather than ownership, preserved for future generations.
 - Importance of peasants, rehabilitating the concept of the peasant.

Panel 3: Discussion of Possible Solutions at the EU Level

Executive Summary:

Six panelists discussed the interaction between responsibilities at EU and national levels. While panelists disagreed about the adequacy of existing EU laws and obligations, and many agreed that managing land markets is a national, not EU, competency and called on the European Commission to give greater clarity to Member States about the kind of measures which can be applied. Several panelists also called on the EU to share guidance and best practices based on the VGGTs. Multiple panelists identified a key role to be played by the European Union in the collection of data, the use of agricultural land and the administration of the Common Agricultural Policy, which currently favours large-scale farms. Many panelists advocated the introduction of a cap on available CAP benefits, in order to diminish incentives for farmland concentration. Panelists identified the need for more and better data about land ownership and CAP payments, especially in light of the proliferation of holding companies and other complex ownership structures. The potential tension between free movement of capital (in respect to land) and other objectives of EU policy or the broader public interest, was a key topic of discussion. It was clear that actions in different legislative areas at European level are urgently needed to reverse the negative trends around land. Finally, the need to discuss the goals of policy in terms of the kind of agricultural system we want to support, was a key theme: broad social discussion is needed about this.

Opening Remarks: José Bové, MEP, Greens/EFA Group in the European Parliament:

- Land ownership and land tenure is a national competence, European legislation on land access and land tenure is not realistic, and could exacerbate trends towards mega-farms.
- CAP is a key tool of the European Parliament, and the main instrument within that is capping or limiting aid to individuals: capping aid at a certain level could be used to make concentration much less attractive. This was proposed but rejected by a very narrow margin in the EP vote.
- We can choose what kind of farm system we want, and can choose to reject idea that “bigger is better” in farming.
- Need to control land concentration, as well as land grabbing and corruption in land distribution.

Robert Levesque, European Association for Rural Development Institutions (AEIAR)

- Lack of proper regulation of markets leads to concentration and marginalization of family holdings – we have to go from a liberal economy to an “economy of the commune” that will widen access to land.
- Goal of European agricultural policy is to maintain supply through sustainable agriculture that does not destroy the land.
- 4 main proposals to improve the situation of land in Europe:
 - create a directory of agricultural production units – distinguish natural and legal persons
 - regulate land – right to authorize or refuse projects (purchases of land or shares, or rentals) on the basis of objective criteria
 - Facilitate temporary trusteeship and management of agricultural holdings – favour settlement over expansion
 - improve farm capital availability for enterprises matching CAP goals

Mustapha Sinaceur, FAO, UN Committee on World Food Security

- Family farming is at the core of European agriculture, but increasing concentration, some as a result of speculation, is making it harder for family farmers to access land.
- 2 International consensus documents: Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, Forests (VGGTs) and the Principles of Responsible Investment in Agriculture and Food Systems. International soft law instruments: internationally accepted standards and framework for states, including the EU.
- EU was active in the development and implementation, and should guarantee the respect of all legitimate tenure rights.
- VGGTs are globally relevant, and especially relevant in Europe. May not go far enough, and voluntary guidelines should be embedded in more binding regulation.
- Family farming should be the dominant form of agriculture around the world, in both developed and developing countries.

Maria Noichl, MEP, Socialists & Democrats Group in the European Parliament

- Need clear, reliable data on land and CAP payments, which links each piece of land to an individual (not just a company).
- Need clarity for member states about what tools are available for them to use to protect land.
- Need to implement the VGGTs fully in Europe, and also consider the impact of European policies on land around the world – policies should not increase concentration elsewhere.
- Need to tackle both corruption and the rising concentration of land and wealth in Europe.
- The question of what kind of agricultural system we should have is relevant to everyone in society, and we need to involve everyone in this debate.

Karl Nurm, Former EESC Rapporteur: “Land Grabbing – a wake-up call for Europe”

- Land grabbing is a serious issue in Europe.
- While regulation of land markets is a national competency, member states do not have a completely free hand here: need to provide indications of why they are introducing measures, and can be challenged in European Court of Justice.
- Land is not an ordinary traded good, it is a finite and irreplaceable resource, and regulations need to take this unique status into account.
- Current CAP structure favours larger companies and encourages increasing concentration, leading to a widening gap between large and small farmers: an upper limit on CAP payments needs to be introduced.

Thomas Wiedmann, EU Commission

- Within the EU, farmland is considered capital: there should be no restrictions except in the case of overwhelming public interest, and no discrimination against foreign capital.
- Foreign investors are often discussed as a major problem: in fact foreign direct investment in farmland is very limited (generally less than 5%) with the exception of Romania.
- Conclusions from the jurisprudence of the CJEU say that restrictions on free movement are justifiable on grounds of overriding public interest (but must be proportionate). CJEU has recognized the objective of preventing land speculation and preserving traditional forms of farming as legitimate.
- Within EU law a number of instruments for Member States to prevent speculation and support access for farmers can be considered as proportional tools for preserving public interest in land sales:

- prior authorization of sales (with clear objective criteria and legal remedy for affected persons);
- Priority for farmers is possible, though total exclusion of non-farmers probably not.
- Acquisition caps are a heavy instrument, but may be justified in some circumstances.
- Existing EU law provides sufficient tools for member states to deal with land concentration and ensure access to land for farmers.

Adam Payne, Farmer & European Coordination of Via Campesina

- Four interventions that could support small & family farmers in the EU:
 1. Stop incentivizing concentration: adjustments must be made to CAP to correct the bias towards large farms.
 2. Support member states to regulate their land markets: lack of clarity about what is permitted stops states from acting. Clarity is needed.
 3. European Commission should draw up a directive or basic guidelines for best practices on land tenure in Europe, based on the VGGTs.
 4. Create a statistical database on land tenure .

Concluding comments:

Benny Haerlin, author of the study “Land Rush - The Sellout of Europe’s Farmland”

- Beginning to agree on some things here:
 - Free movement of capital is not an absolute right in the case of land transactions – we should differentiate land property rights from other property rights.
 - Future of farming depends on member states saying that those who manage the land most responsibly should have access to land.
 - Need to revise or review the key objectives of agricultural policy established by the Commission in the 1980s: need clear guiding statements.
 - Need clarity about the tools available immediately to member states for countering land concentration.
 - Complex holding structures: we need to know who the final beneficiaries of EU funding are, and need to be clear about how to deal with the complexities emerging from this.

Maria Heubuch, MEP, Greens/EFA Group in the European Parliament:

- Land is a resource, not a commodity, we should be treating it as a resource.
- Conflict between local residents in a region, versus those who view land as an object of speculation. Politicians need to strike a balance between these different interests.
- Economic, ecological, and social sustainability must be put on an equal footing
- Keen to have feedback, generate broad interest in these topics.

Full video recordings of the conference in multiple languages and slideshows for select presentations are available on the conference website: <http://www.greens-efa.eu/en/article/access-to-land-for-farmers-in-the-eu/>.