

**PROPOSAL FOR AN
EU DIRECTIVE
ON
AGRICULTURAL LAND**



TABLE OF CONTENTS

2

INTRODUCTION

7

KEY ELEMENTS FOR A EUROPEAN
DIRECTIVE ON AGRICULTURAL LAND

11

PROPOSED EUROPEAN DIRECTIVE
ON AGRICULTURAL LAND

26

ACRONYMS, SOURCES

27

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[European coordination Via Campesina](#)

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1

INTRODUCTION

THE EUROPEAN COORDINATION VIA CAMPESINA (ECVC) is a confederation of trade unions and peasant organisations. It fights for food sovereignty, agroecology and respect for peasants' rights in Europe. ECVC represents 31 member organisations in 21 countries. Historically, ECVC has fought for right to access to land, as defined in article 17 of the United Nations Declaration on the Rights of Peasants and Other Rural People (UNDROP).

Both texts establish access to land as an essential human right and propose guidelines for its fair implementation. As a signatory of these texts, the European Union (EU) is held liable to apply them.

THE RIGHT TO ACCESS TO LAND AS A HUMAN RIGHT

Article 17 of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas states: 'Peasants and other people living in rural areas have the right to land, individually and/or collectively including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.'

The Committee on World Food Security published the Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) in 2012. These guidelines call on states to 'recognise and respect all legitimate tenure right holders and their rights', 'safeguard legitimate tenure rights against threats', 'promote and facilitate the enjoyment of legitimate tenure rights', 'provide access to justice to deal with infringements of legitimate tenure rights' and 'prevent tenure disputes, violent conflicts and corruption'.

THE DEFINITION OF LAND

'LAND' OR 'AGRICULTURAL LAND' MEANS any area of arable land, permanent pasture and meadows, moorland and cattle rangeland, forests and coastal areas on which peasants and indigenous peoples can carry out their agricultural, forestry, fisheries, pastoral and aquaculture production activities. Land is a precious resource for the subsistence of peoples. It is therefore a common good to which each person may have the right. Land plays a major role in food production, water purification and carbon absorption. It also has other important environmental, economic, social, cultural and spiritual functions for peasants and indigenous peoples who are linked to it.

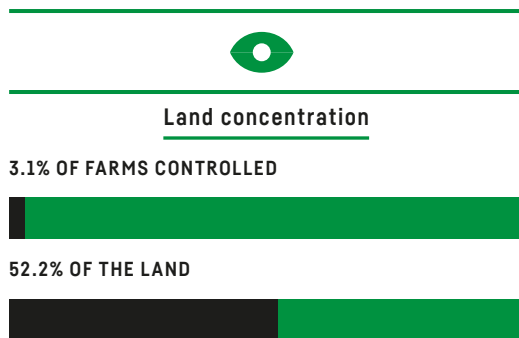
A CONSIDERATION OF AGRICULTURAL LAND logically involves reflecting on soil. The soil is a living ecosystem whose fertility is a key factor in food production. Addressing the issue of land, also involves the question of land tenure: 'land for whom?'; i.e. the legal framework for ownership and land-use rights. This leads to the question of 'land for what?': how we use the land. Its use is conditioned by the type tenure and subsequently influences the state of the soil. These are three elements in constant interaction that determine the state of agricultural land, which is a major issue for food sovereignty.

THE SITUATION OF AGRICULTURAL LAND IN EUROPE

IN 2020, IN EUROPE, THERE WERE 9.1 MILLION FARMS COVERING 157 MILLION HECTARES, or 38% of land in the EU. Two fifths of European land is therefore agricultural land¹. The average size of farms has increased but between 2003 and 2016, the number of farms decreased from 15 to 10 million farms².

LAND IS A MAJOR POLITICAL ISSUE at the source of many peasant struggles. It is currently threatened in three major ways.

FIRSTLY, THE HEALTH OF EUROPEAN SOILS IS SEVERELY DEGRADED: 70% of soils are in poor condition³ and 25% of soils in southern and eastern Europe are at risk of desertification⁴. In addition to erosion, pollution and loss of biodiversity, the artificialisation of soils contributes to further pressure on the land. All these phenomena contribute to the scarcity of the resource and its degradation.



SECONDLY, THE NUMBER OF FARMS IS DECREASING BUT AT THE SAME TIME, FARMS ARE GETTING BIGGER. In 2013, 3.1% of farms controlled 52.2% of the land; and conversely, 76.2% of farms took up just 11.2% of the European agricultural area: this shows the grave extent of land concentration⁵. The Common Agricultural Policy (CAP) has partly caused many farms in Europe to disappear because it grants aid per hectare and pushes farmers to either expand or give up. This trend has contributed to an increase in land prices, has reduced the wealth produced for the community, has proved detrimental to generational renewal of farmers and accelerated environmental degradation.

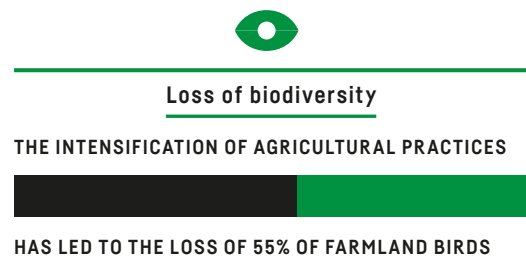
ALSO, HALF OF THE EUROPEAN AGRICULTURAL POPULATION WILL REACH RETIREMENT AGE IN THE NEXT TEN YEARS. At the same time, the price of land for sale or rent has increased considerably. For example, in the Netherlands, sale prices have

exceeded €65,000 per hectare⁶. This trend jeopardises access to land for young and new farmers and paves the way for capital-intensive agriculture, a way of farming without farmers. The financial value of land is attracting an increasing number of non-agricultural actors who invest in large amounts of land. For example, in the last 20 years, 1 million hectares of land in Hungary have been taken over in this way by banks, investment funds and insurance companies that see land as a safe-haven investment⁷.

WHAT IS LAND GRABBING?

Land grabbing is the control - whether through ownership, lease, concession, contracts, quotas, or general power - of larger than locally-typical amounts of land by any persons or entities - public or private, foreign or domestic - via any means - 'legal' or 'illegal' - for purposes of speculation, extraction, resource control or commodification at the expense of peasant farmers, agroecology, land stewardship, food sovereignty and human rights⁸.

In a 2017 own-initiative report, the European Parliament attests that land grabbing and concentration of land ownership are major issues in Europe and a real threat to its agriculture and food sovereignty⁹.



THE INTENSIFICATION OF AGRICULTURAL PRACTICES

HAS LED TO THE LOSS OF 55% OF FARMLAND BIRDS

LAND GRABBING AND LAND CONCENTRATION ARE PART OF THE ADVANCE OF AN INDUSTRIAL AGRICULTURAL MODEL and an unsustainable use of land. Unlike some policies that support small-scale farmers to acquire land - which aims to encourage young farmers and to strengthen the economic viability of farms - the enlargement of agricultural plots pushes for excessive mechanisation and technologization at the expense of the environment. For example, using

1 - Eurostat, data extracted in December 2022. Available on: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Farms_and_farmland_in_the_European_Union_-_statistics

2 - Schuh, B. et al. (2022) 'Research for AGRI Committee - The Future of the European Farming Model: Socioeconomic and territorial implications of the decline in the number of farms and farmers in the EU'

3 - European Green Deal: Commission adopts new proposals to stop deforestation, innovate sustainable waste management and make soils healthy for people, nature and climate: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_5916

4 - Combating desertification in the EU: a growing threat in need of more action: <https://op.europa.eu/webpub/eca/special-reports/desertification-33-2018/en/index.html>

5 - European Parliament (2017) 'REPORT on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers'

6 - Fondation Heinrich Böll, Pour une Autre PAC (2019) 'Atlas de la PAC'. 'Foncier : des terres rares et chères'

7 - Fondation Heinrich Böll, Pour une Autre PAC (2019) 'Atlas de la PAC'. 'Foncier : des terres rares et chères'

8 - ECVC (2016) « How do we define land grabbing? »

9 - European Parliament (2017) 'Report on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers'

nitrogen fertilizers is a major factor in the loss of biodiversity, and the intensification of agricultural practices has led to the loss of 55% of farmland birds¹⁰. This advance of industrial agriculture comes at the expense of a multifunctional peasant agricultural model that guarantees access to resources, promotes employment and builds food sovereignty by producing quality food while protecting the environment and future generations.

THE EU'S IMPACT ON LAND

ALTHOUGH LAND-RELATED PROBLEMS AFFECT ALL OF EUROPE, THE EU DOES NOT HAVE ITS OWN LAND POLICY FRAMEWORK.

Farmland arrangements are not included in the European treaties and remain the prerogative of the Member States. The Commission reminds us that the only framework that imposes itself on States in terms of land regulation is the respect for the four fundamental economic freedoms of the EU – freedom of movement of capital, persons, goods and services. However, several European policies affect the state and price of farmland, such as the CAP via its direct payments per hectare, carbon farming¹¹ or renewable energy production.

THESE ECONOMIC «FREEDOMS» THEREFORE TAKE PRECEDENCE OVER THE PRESERVATION OF THIS PRECIOUS NATURAL RESOURCE.

At national level, however, there are examples of mechanisms for regulating land markets, for example to limit the acreage that a legal or physical person can acquire, control prices, or prioritise access to land for certain people, such as youth. Even though these mechanisms seem to be contrary to the fundamental «freedoms» of the EU, they are tolerated due to the particular nature of agricultural land¹². Yet these mechanisms create disparities within the internal market. In consideration of these disparities as well as the unacknowledged influence of the EU on land markets and the state of agricultural land, ECVC recalls and supports the request of the European Parliament to create a common harmonised framework for the regulation of agricultural land markets in Europe.

PUTTING LAND ON THE POLITICAL AGENDA IN EUROPE

IN RECENT DECADES, THE RIGHT TO LAND HAS BEEN AT THE FOREFRONT OF MANY TERRITORIAL STRUGGLES

when fighting development, artificialisation or land grabbing projects. These struggles have laid the foundations for action at European level. Following a large-scale mobilisation against a gold mine project in the village of Roşia Montană in Romania, European social movements began to document the extent of land grabbing in Europe. In 2013, ECVC and the Hands off the Land network published the first report on the topic¹³. In 2015, they presented a petition on the protection and administration of European agricultural

land as shared wealth to the European Parliament that put the issue on the EU agenda. Since then, the EU has given increasing importance to land-related issues.

IN 2015, THE EUROPEAN ECONOMIC AND SOCIAL COUNCIL (EESC) PUBLISHED AN OPINION ON FAMILY FARMING

in Europe and how this agricultural model is threatened by land grabbing¹⁴. The Council recognises the impact of European policies on the state of land markets and how they lead to land grabbing and concentration. The EESC acknowledges that 'land is no ordinary commodity': there is a finite supply of land so, 'the usual market rules should not apply'. To respond to these challenges, the EESC calls on Member States to implement the Voluntary Guidelines for Responsible Governance of Tenure. It also calls for setting 'restrictions on transactions' to safeguard food security, prevent speculation, maintain local traditions and ensure appropriate land use.

IN 2017, THE EUROPEAN PARLIAMENT DRAFTED AN OWN-INITIATIVE OPINION ON LAND CONCENTRATION

and access to land in Europe¹⁵. The Parliament argues for a more holistic approach to land governance that is not based purely on economic criteria but also on social, cultural and environmental principles. The Parliament also recognises the role of the EU in the increase of land concentration and its effects on land prices; on the difficulties of access to land and generational renewal; on the industrialisation of agriculture; and on soil sealing, among other issues. In order to counteract this trend, the Parliament recommends giving priority to local small- and medium- scale farmers as well as to new and young farmers. To do this, it lists tools already applied within the Union such as pre-emption rights; ceilings on the number of hectares that may be bought; the creation of public land banks; and the indexation of land prices with reference to farm incomes.

SINCE 2017, LAND GRABBING HAS TAKEN ON ANOTHER DIMENSION, WITH THE INCREASED FINANCIALIZATION OF LAND

through corporate structures. The number of corporate structures has multiplied in agriculture, and control of land via corporate shares has grown, making it harder to determine who really benefits from land use rights.

TOWARDS A EUROPEAN LAND GOVERNANCE FRAMEWORK

IN LINE WITH THE RECOMMENDATIONS OF THE EESC AND THE

¹⁰ - Fondation Heinrich Böll, Pour une Autre PAC (2019) 'Atlas de la PAC'. 'Biodiversité : des printemps silencieux ?'

¹¹ - ECVC (2022) « Carbon farming: A 'new business model' ... for who? »

¹² - European Commission (2017) 'Commission Interpretative Communication on the Acquisition of Farmland and European Union Law'

¹³ - ECVC, Hands Off The Land (2013) 'Land concentration, land grabbing and people's struggles in Europe'

¹⁴ - European Economic and Social Committee (2015) 'Land grabbing - a warning for Europe and a threat to family farming'

¹⁵ - European Parliament (2017) 'Report on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers'

EUROPEAN PARLIAMENT, ECVC ADVOCATES FOR A HOLISTIC, HARMONISED AND FAIR EUROPEAN APPROACH TO LAND-RELATED ISSUES. Even if the EU does not have powers in this area, ECVC argues that distortions to the common market caused by differences in national regulations, along with the impact of the EU on the state of land, make it justifiable. It is necessary to protect farmland through mechanisms that go beyond the free market. Having a common agricultural market and yet no common regulations on farming structures is very inconsistent. Moreover, agriculture, the environment, territorial cohesion and the market are part of the EU's competences, and land is part of each and every one of these policies. In accordance with the principle of subsidiarity, the EU could therefore intervene if its action proves to be more effective than at national level. It should also be noted that good soil management allows for better carbon absorption. The implementation of ambitious climate policies must therefore take into account the importance of land, and in particular of its agro-ecological use.

ECVC SUPPORTS THE CREATION OF AN EU FRAMEWORK BASED ON PEASANTS' RIGHTS that takes into account the economic, social, cultural, spiritual and environmental dimensions of farmland. This land governance framework must adopt an approach that is transparent, inclusive, more favourable to agroecology and respectful of the traditions of the communities concerned.

ECVC STANDS BEHIND THE IMPLEMENTATION OF A EUROPEAN DIRECTIVE ON AGRICULTURAL LAND AS A MINIMUM STANDARD to regulate land transactions; fight speculation; stop land concentration and grabbing; protect and restore soils; promote the setting-up of young farmers; favour agro-ecological practices; prioritise farmland for food production to ensure the vitality of the countryside; preserve the peasant agricultural model; defend peasants' rights; and achieve food sovereignty.

A DIRECTIVE IS THE MOST APPROPRIATE LEGAL TOOL as a binding legislative act that harmonises national policies by setting objectives for Member States. The Member States are then free to develop their own measures to achieve these objectives.

THE PROPOSAL AIMS TO MOBILISE FARMERS' MOVEMENTS, CIVIL SOCIETY AND EUROPEAN CITIZENS IN A DEMOCRATIC APPROACH to agricultural policy making. This is one of the pillars for achieving food sovereignty, greater social justice and the right to land in Europe. It is a concrete tool to unlock possibilities for action at European level through complementing, extending and going beyond existing policy frameworks. It pushes for innovative land governance that supports food sovereignty and peasant agroecology. Land is not a commodity. Land is a right!

THIS DOCUMENT IS A PROPOSED DIRECTIVE ON AGRICULTURAL LAND. IT AIMS TO DEVELOP A FAIR VISION, STRATEGY AND LEGAL FRAMEWORK FOR THE DEMOCRATIC MANAGEMENT, SHARING AND CONTROL OF LAND IN THE EU. YOU WILL FIND HERE A SUMMARY OF THE FUNDAMENTAL ELEMENTS THAT A EUROPEAN LAND REGULATION MUST TAKE INTO ACCOUNT, AS WELL AS A COMPREHENSIVE PROPOSED DIRECTIVE. ALL THE EU NEEDS TO DO IS ADOPT IT.

2 KEY ELEMENTS FOR A EUROPEAN DIRECTIVE ON AGRICULTURAL LAND

THE PROPOSED DIRECTIVE ESTABLISHES A MINIMUM STANDARD FOR AGRICULTURAL LAND GOVERNANCE IN EUROPE. It aims to highlight good practices, draw up red lines and propose key points for a human rights-based regulation of land tenure.

THE UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER RURAL PEOPLE AND THE VOLUNTARY GUIDELINES FOR RESPONSIBLE GOVERNANCE OF TENURE PROVIDE A GENERAL FRAMEWORK FOR FAIR LAND GOVERNANCE.

WHAT SHOULD THIS look like in practice? What measures are needed to protect farmland? Below are the key elements that a directive on agricultural land must take into account.

LIMIT THE CONTROL OF USE TO 500 HECTARES

WHY SHOULD WE DO THIS? Capping the amount of land that one person can hold will help to combat land concentration and land grabbing in Europe. It will involve limiting any control over the use of land in any form (direct ownership, ownership of shares, control through subsidiaries, leasing, subcontracting and provisioning). This will lead to there being more and new peasant farmers thanks to the fairer distribution of land.

HOW CAN THIS BE DONE? This can be done by ensuring that Member States prohibit any takeover of agricultural land over 500 hectares. Areas of agricultural land over 500 hectares will be redistributed through public land banks. This limit will not hinder Member States from setting lower

limits to land ownership, based on the local average farm size.

LAND REGULATION IN HUNGARY

In Hungary, the Land Regulation Act lays the foundations for land regulation. This governance framework allows land prices to be capped and bans companies from owning land. It also ensures pre-emptive rights for the State in the first instance and then for those who have been using the land for at least three years. In addition, ceilings are set to limit land concentration. A farmer may not acquire more than 300 hectares at one time, and may not have more than 1,200 hectares in total. Although this law violates the basic economic freedoms - freedom of movement of capital and freedom of establishment - Hungarian farmers claim that it helps to fight speculation and distribute land more fairly.

A EUROPEAN LAND OBSERVATORY

WHY SHOULD WE DO THIS? Currently there is no harmonised data on land ownership in Europe. Establishing a Land Observatory would make it possible to compile information for transparency purposes on agricultural land prices. It would enable land concentration and land grabbing to be measured and land transactions to be monitored.

HOW CAN THIS BE DONE? This Observatory would be hosted by the Commission. In addition, an advisory board

composed of producer representatives and members of the agricultural sector could help define the Observatory's mandate, priorities and data evaluation. Its purpose would be to record land prices and rents; study market behaviour of landlords and tenants; identify changes in land use and the loss of agricultural land; assess changes in soil fertility and erosion; study the extent of corporate land acquisition and assess its impact on the breakdown of social cohesion in rural areas. This would provide better insight on the impacts of financial markets on land prices. It could also serve as a warning system for situations that impact land tenure.

SAFERS, AN INSTRUMENT TO GUIDE AND CONTROL LAND MARKETS

In France, the 'Sociétés d'Aménagement Foncier et d'Établissement Rural' (SAFERs) are structures that regulate land sales. As soon as a piece of agricultural land is put up for sale, the notaries inform the SAFER. In turn, the SAFER informs the agricultural profession of the sale and takeover of land. It monitors to whom the land is sold and makes it possible, for example, to verify whether this person comes from the agricultural world or whether they already hold a large extent of land. Secondly, the SAFER has an arbitration role. If it deems a sale to be unsuitable, it can exercise its right of pre-emption before putting the land up for sale. It can also ask for the price to be revised if it is deemed too high. Today, the SAFERs are criticized for the lack of transparency in their decision-making and also because they are partly financed by the sales they coordinate, which can lead to abuses. Despite this, France has one of the lowest average prices for agricultural land in Western Europe.

ESTABLISHING PUBLIC LAND BANKS AND INTRODUCING MECHANISMS FOR REDISTRIBUTING LAND USE RIGHTS

WHY SHOULD WE DO THIS? To ensure democratic control over land, States can set up national public land banks. Those public institutions would be responsible for the administration of all public agricultural assets and would ensure that land-use rights are redistributed to foster the setting-up of new peasants and the agroecological transition.

HOW CAN THIS BE DONE? The conditions for these redistributive reforms are set out in the Voluntary Guidelines for Responsible Governance of Land Tenure to which the

EU is a signatory. Expropriation and redistribution policies can be implemented to pursue policies of general interest such as achieving food sovereignty or the setting-up of peasant farmers.

REDISTRIBUTIVE REFORMS AS PRESENTED BY THE FAO

'Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development. In this regard, where appropriate under national contexts, States may consider allocation of public land, voluntary and market-based mechanisms as well as expropriation of private land, fisheries or forests for a public purpose.'

'States may consider land ceilings as a policy option in the context of implementing redistributive reforms.'

'In the national context and in accordance with national law and legislation, redistributive reforms may be considered for social, economic and environmental reasons, among others, where a high degree of ownership concentration is combined with a significant level of rural poverty attributable to lack of access to land, fisheries and forests respecting [...] the rights of all legitimate tenure holders. Redistributive reforms should guarantee equal access of men and women to land, fisheries and forests.'

COMMUNITY RIGHT TO BUY LAND IN SCOTLAND

In 2016, while Scotland is still a member of the European Union, it concludes a round of land reforms enshrining the right of communities to buy land. By those reforms, the Scottish Parliament is attempting to address the historically high concentration of land ownership in the country. The rights established by this land reform allow farmers' or citizens' organizations to force a sale in certain cases: when the land is abandoned or neglected; or when the environmental benefits of a community buyout can be proven. These laws do not require the owner to be a willing seller. Besides, the law carefully frames the conditions of such a sale. This legislation also requires that the community acquires the land at market value.

PROTECTING SOIL HEALTH

WHY SHOULD WE DO THIS? At a time when most of Europe's soils are degraded, maintaining soil health is necessary to ensure its fertility. Healthy soil is also a means of water purification and carbon storage.

HOW CAN WE DO THIS? Peasant agroecology must be the guiding principle of any policy related to agricultural soils. Member States must introduce soil restoration plans based on farmer agroecology and take into account peasant expertise in the implementation of these plans. A European Soil Observatory will enable soil health and the effectiveness of soil restoration plans to be monitored. Food production on farmland must also be protected, and the artificialisation of agricultural land must be prohibited.

PROTECTING PUBLIC, MUNICIPAL AND COMMUNITY LAND

WHY SHOULD WE DO THIS? There are different types of land ownership in Europe: private, public, communal or community ownership. These forms of land management have shaped European landscapes and constitute an important part of our land heritage. Furthermore, the European Parliament considers that collective management of land, whether public, communal or community, constitutes the 'best way of ensuring a responsible relationship with the land and sustainable land management.' This collective management favours knowledge transmission and access to land. Preserving it is a major prerequisite for enabling peasants to set up new farms and thus inject new life into rural areas.

HOW CAN THIS BE DONE? Collective lands need to be protected: Member States shall promote collective access to land and draw up an inventory of collective lands. Their national laws shall recognise the diversity of these lands, the particularity of their status as well as the customary rights linked to them. Member States shall expand their public agricultural heritage. No collective, public, communal or community land may be transferred for private purposes.

COMMON LANDS IN ROMANIA

Romania has a third of European farmers, or 3.42 million farms, the vast majority of which are less than 5 hectares. If the Romanian lands were nationalized under the socialist regime, they were redistributed from the 1990s. However, part of these lands were common lands, or commons, a traditional mode of land governance still in force from these days. These common lands are managed by what are called

'traditional associative forms', i.e. communities of rights holders living on the territory. The governance of the commons is done in assemblies, and in general decisions are taken by vote. A person can hold several votes depending on their shares, but these are capped to avoid any monopoly. Also, some commons rights can be inherited by descendants of local farmers while others are re-negotiated on a seasonal basis.

Today, common lands are essential to the achievement of food sovereignty in Romania: half of the 3.4 million hectares of pastures and hay meadows are subject to collective grazing agreements. In addition, common lands ensure access to land for Romanian farmers, and on these lands, they are better able to engage in agroecological practices, so as to diversify their production and reduce costs. Finally, by allowing virtuous agricultural practices, the management of common land promotes the conservation and restoration of nature as well as solidarity between rights holders.

PROTECTING FORESTS

WHY SHOULD WE DO THIS? The CAP does not include a forest land policy. However, forests account for a major part of agriculture and land management in the Nordic countries. Local and democratic management of natural resources is key for prosperous rural areas: it guarantees access to livelihoods, crucial resources and local and regional tax revenues for health care, schools and other appropriate services. Forests and forestry, like agriculture, have been negatively impacted by free movement of capital and the CAP, and are hit by the same problems of concentration and land grabbing.

HOW CAN THIS BE DONE? The Voluntary Guidelines for Responsible Governance of Land Tenure also apply to forests. They should therefore be protected and included in a directive on agricultural land to limit land concentration, limit ownership to 500 hectares, and protect customary land and use rights.

THE PROHIBITION OF LEGAL PERSONS TO BUY LAND OWNED BY NATURAL PERSONS IN SWEDEN

In the late 19th century, Swedish forestry companies grabbed large areas of land from farmers and communities, leading to the industrialisation of practices, depopulation of rural areas and loss of local taxes. All this made the areas concerned even more vulnerable. To

curb this development, a law was introduced in 1906 to prohibit companies from purchasing agricultural or forest land owned by individuals. This law aims to maintain the balance of land ownership (50% for individuals, 25% for private companies, 25% belonging to the state and public authorities). Thus, companies can only purchase land from other companies. During the 1990s, land markets have been liberalised and individuals could now speculate on land in accordance with the free movement of capital. Although under threat, this law is still intact and ensures that there is no unfettered concentration of agricultural and forest land in Sweden.

PROTECTING COASTAL AREAS

WHY SHOULD WE DO THIS? The land and sea are connected. As with forests, the Voluntary Guidelines for Responsible Governance of Land Tenure also apply to coastal areas. In these areas, different forms of agriculture are deployed, such as shellfish farming practiced by some ECVC members.

HOW WILL THIS BE DONE? Member States will establish specific regulatory frameworks to introduce areas where fisheries and coastal agriculture are protected from other productive or recreational activities that may affect the communities' traditional fishing and shellfish farming activities. Member States must also establish or maintain regulatory systems to prevent concentration and facilitate access for new entrants, particularly women, youth and landless people. In Europe, there are examples of good practices in coastal area governance such as the Public Maritime Domain.

THE FRENCH PUBLICLY-OWNED COASTAL LAND

In France, there is a framework for governance of coastal areas, the *Domaine Public Maritime* (publicly-owned coastal land). Different forms of agriculture are practiced in these areas such as shellfish farming. The publicly-owned coastal land stretches from the limit of territorial waters to the limit of the highest tides and therefore extends over the land.

The management of this area is done in permanent consultation between the State and the various stakeholders. It is not possible to privately own this land: it does not belong to the person who has the rights to use it. Access to the land is done through the concession of plots of the publicly-owned coastal land.

Thus, if a young person wants to set up, they do not have to invest all their capital in land. Concessions are granted on the basis of long-term leases that cover the entire career of the farmers. The expansion of plots of land is controlled and limited, and priority in the allocation of concessions is always given to young people wishing to set up or who do not yet have sufficient land. Moreover, in order to protect the natural environment, any construction must be able to be dismantled in less than twenty-four hours. The management of the publicly-owned coastal land is collective, and each one being dependent on the good practices of his neighbour it creates a feeling of solidarity.

PRINCIPLES OF IMPLEMENTATION

THE PRINCIPLES OF IMPLEMENTATION OF THIS PROPOSED DIRECTIVE SHOULD BE BASED on human dignity, non-discrimination, equity and justice, gender equality, consultation and participation, the rule of law, transparency, accountability and continuous improvement. Their approach should be holistic and sustainable, based on the recognition of the land as a common good and a right.

3 PROPOSED EUROPEAN DIRECTIVE ON AGRICULTURAL LAND

EUROPEAN COORDINATION VIA CAMPESINA

- **HAVING REGARD TO** the Treaty on the Functioning of the European Union, and in particular article 39 thereof, which sets out the objectives of the Common Agricultural Policy, which are to ensure a fair standard of living for the agricultural community while taking account of the particular nature of agricultural activity (for example, the social structure of agriculture in addition to structural and natural disparities between the various rural areas) as well as ensuring the rational development of agricultural production and the optimum utilisation of the factors of production; article 174, which provides that the Community shall aim at reducing disparities between the levels of development of the various regions in order to strengthen its economic, social and territorial cohesion; and article 191 establishing the rational use of natural resources as an objective,

- **HAVING REGARD TO** the Charter of Fundamental Rights of the European Union, and in particular article 15 thereof on the freedom to choose an occupation and the right to engage in work, and to article 37 on environmental protection,

- **HAVING REGARD TO** the right to food as recognised in the Universal Declaration of Human Rights,

- **HAVING REGARD TO** the Committee on World Food Security's Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted in 2004,

- **HAVING REGARD TO** the 2015 Paris Agreement that sets the climate change adaptation and mitigation goals,

- **HAVING REGARD TO** the own-initiative opinion adopted by the European Economic and Social Committee on 1 January 2015 on the imminent threat of land grabbing to family farming,

- **HAVING REGARD TO** the own-initiative opinion adopted by the European Parliament on 30 March 2017 on the state of play of farmland concentration in the European Union,

- **HAVING REGARD TO** the Commission's Interpretative Communication of 18 October on the Acquisition of Farmland and European Union Law,

- **HAVING REGARD TO** the European Union Court of Audits report of 4 July 2022 on fraud in the CAP and its links to land grabbing,

- **HAVING REGARD TO** la Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing,

- **HAVING REGARD TO** the EU mission, ‘A Soil Deal for Europe’,
- **HAVING REGARD TO** the European Parliament Agriculture and Rural Development Commission’s study on the Extent of Farmland Grabbing in the EU,
- **HAVING REGARD TO** the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas states, in particular to article 17 thereof which states that peasants and other people living in rural areas have the right to land,
- **HAVING REGARD TO** the United Nations Declaration on the Rights of Indigenous Peoples, in particular article 26 on the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,
- **HAVING REGARD TO** the Committee on World Food Security Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests of 12 May 2012,

WHEREAS:

1 – Agricultural land is a precious and scarce natural resource, of which there is a finite supply and that is indispensable for achieving food sovereignty.

2 – Land is no ordinary commodity but rather our heritage that must be protected, defended and treated as such.

3 – Land has social, economic, environmental, nourishing and spiritual functions and all land regulations must adopt a holistic approach.

4 – Land is a source of rights and the European Union is bound to apply the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, including that peasants and other people living in rural areas have the right to land, individually and/or collectively including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

5 – Similarly, Member States should recognise and protect common natural resources and their collective use and managements systems.

6 – The International Conference on Agrarian Reform and Rural Development of the 131st Session of the Food and Agriculture Organization of the United Nations Council concluded the following: food insecurity, hunger and rural poverty are often the result of imbalances that impede sustainable and wider access to land, water and natural resources and other livelihood assets in the current development process. In the same vein, wider, secure and sustainable access to land, water, natural resources and other livelihood assets for rural communities, including for women and marginalised or vulnerable indigenous groups, is key to eradicating hunger and poverty and will also bolster sustainable development. It should thus form an intrinsic part of national policies.

7 – Agricultural land is affected by similar issues to those affecting fisheries, coastal areas and forests.

8 – Access to land is a fundamental right enshrined by each Member State in national law. Stable and secure access to land plays a key role in the social cohesion and development of rural areas. Fair land distribution is necessary to ensure food sovereignty and food security in the EU.

9 – The Court of Justice of the European Union has recognised that there is an overriding public interest in fighting against land speculation and preserving traditional farming methods.

10 – Land is an increasingly scarce and non-reproducible resource. It constitutes the bedrock of individuals’ rights to healthy and sufficient food. It is vital for many ecosystem services which we rely on for our survival, and so cannot be considered as any ordinary commodity. Moreover, land is facing a twofold threat: on the one hand, a reduction in agricultural land area caused by soil sealing, urbanisation, tourism, infrastructure, land-use changes, afforestation and climate-change provoked desertification; on the other, the concentration of farmland among large-scale farmers and non-agricultural investors. Monitoring and restricting the loss of agricultural land area caused by these

activities should be under the remit of public authorities.

11 – The EU's Gini coefficient for land is 0.82, similar to countries such as Brazil, Colombia and the Philippines in terms of land-use inequalities.

12 – Land distribution in Europe is inequitable. In 2013, the land concentration of land ownership was as follows: 3.1% of farms controlled 52.2% of agricultural land in Europe; and conversely, 76.2% of farms shared only 11.2% of agricultural land. This trend frustrates the vision for a European model based on sustainable and multifunctional farming, largely characterised by family farms.

13 – A consequence of this unequal distribution of agricultural area is the unfair distribution of CAP subsidies; direct payments, which account for most of CAP spending, are primarily paid according to acreage. Actual land and subsidies distribution may prove to be even less equitable than shown by the above figures because the available statistics do not include agricultural land owned or land-use controlled by joint-stock companies.

14 – In every country, major inequalities continue to exist in access to land for women and gender minorities.

15 – Land policies are primarily in the hands of Member States. However, they can be influenced by the CAP or other EU policies, with major consequences on farm competitiveness and land prices, as well as land scarcity and degradation.

16 – In many Member States, agricultural land acquisition is a safe investment, and has been especially so since the 2007 financial and economic crisis. Alarming large areas of land are bought by non-agricultural investors and financial speculators such as pension funds, insurance firms and commercial companies. Even if the future brings inflation and currency volatility, the ownership of this land will most likely continue to be a safe investment.

17 – European companies and capital funds are involved in land-grabbing internationally; and land grabbing systematically results in human rights violations. Companies and financial actors need to be regulated by proactive, human rights-based policies.

18 – Conflicts over land-use are not the only issues affecting land resources: rivalry and competing interests between agricultural and non-agricultural investors is also a problem, as well as between generations of farmers. This latter is because young people who wish to set up a farm - especially if they are not descended from farmers - find it harder to access land due to the high costs.

19 – In many Member States, the purchase – and at times rent – prices of farmland are no longer proportional to the agricultural yields from food production.

20 – The constant increase in demand for foodstuffs, animal feed, non-fossil energy sources, renewable raw materials for fuel production, the chemical and textiles sectors and the bioeconomy leads to raising land prices.

21 – Farmland concentration is detrimental to the development of rural communities and socio-economic viability in rural regions. It causes job losses in the agricultural sector, thus reducing the standard of living among farming communities and food availability. The result is territorial development disparity and an imbalance in the social sphere.

22 – The threats of land concentration and grabbing to the peasant farming model go hand in hand with greater risks of social imbalance, reduced standard of living and employment and an increase in poverty in European societies.

23 – The state of soils in Europe is degrading: 70% of soils are in bad health, 25% of which are at risk of desertification.

24 – Without an EU agricultural land policy, it will not be possible to implement the Green Deal, the Biodiversity Strategy for 2030, the Farm to Fork Strategy, the Territorial Cohesion Policy or the Long-Term Vision for Rural Areas.

25 – There are disparities of land regulation between Member States. This distorts the common market and is evidence of the need for a comprehensive land governance framework in the EU.

26 – There are national land regulations within the EU that allow the State to curb speculation and land concentration, limit the soar in farmland prices, control agricultural structures, help new farmers to set up and foster agroecological practices. Examples of this can be found in France with the pre-emptive rights established by SAFERs (rural development and land planning agencies) and the Domaine Public Maritime (publicly owned coastal land). These land management mechanisms do not

contravene EU law and are examples of good practices that could be applied in other Member States.

27 – A sufficient level of transparency within markets is essential for more reasonable land distribution. This transparency must be ensured for all the activity of institutions involved in the land market.

28 – The Directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing established the register of beneficial owners. This could perhaps be used to reveal natural persons who in fact hold agricultural land-use rights in companies. This would enable us to fight against land concentration and fraud in the Common Agricultural Policy.

29 – Ten years from now, half of current farmers will have reached retirement age. Generational renewal is therefore crucial to maintaining a peasant, family and agroecological farming model, which is the basis of food sovereignty in Europe.

30 – Broad distribution of access to agricultural land-use is a key basic principle of the social economy and an important prerequisite for social cohesions, the right to healthy food for all, job creation in rural regions and the addition of significant agricultural value.

31 – Agricultural land used for peasant farming is particularly important for water balance, climate, carbon budgets, healthy food production, soil fertility, rural area vitality, terroir and landscape preservation, social innovation, climate change adaptation, biodiversity preservation, sustainable management of agricultural land and safeguarding future generations.

32 – With 65% of farms in the EU being no larger than five hectares, peasant farming is still the cornerstone of European farming.

33 – Peasant farming relies on the work of many peasant farmers. In addition to food production, it fulfils other important social and environmental roles; roles which industrial farming is incapable of achieving. Such a farming model can only exist through the realisation of the right to access to land. Small and medium-sized farms run by peasant families, either alone or with the support of consumers, are also a model for the economy of the future, as these farms are often capable of much diversification and are therefore more resilient. They also add significant value to rural areas.

34 – Small and medium-sized holdings with small property or farm status and access to commonage land are ideal for responsible and sustainable soil management. Their land systems encourage integration and employment in rural communities. The socioeconomic infrastructures in these regions benefit from this phenomenon, which also helps secure food security and sovereignty while preserving thriving rural communities.

35 – Agroecology is a farming model, scientific method, social movement and set of agricultural practices which proposes solutions to the primary environmental, social, economic and political challenges of our day. It helps build more just societies, not only in the farming world, but also in general through safeguarding and promoting human rights.

36 – To ensure the continued survival of agricultural soils in good condition, an agroecological transition is necessary. It is also required for a just, diversified, healthy agricultural model to ensure European food sovereignty.

PROPOSES THIS DIRECTIVE:

ARTICLE 1: PURPOSE

THE PURPOSE OF THIS PROPOSED DIRECTIVE IS TO ESTABLISH A MINIMUM FRAMEWORK FOR THE PROTECTION, REGULATION AND GOVERNANCE OF AGRICULTURAL LAND, WHICH:

- A** – recognises land as a common good to which each person may have the right;
- B** – helps develop a fair legal framework from the bottom up for democratic control

and management of EU lands;

C – forestalls and prevents large-scale land grabbing and concentration;

D – calls for the examination of all EU legislation and instruments that have an impact on land governance, such as the free movement of capital;

E – facilitates access to land for young and new farmers and helps peasant farmers to set up;

F – contributes to food sovereignty;

G – promotes the implementation of agroecological practices;

H – promotes collective land management;

I – focuses on agricultural land-use rather than ownership;

J – contributes to food security and realising the right to food;

K – promotes prioritising food production in land distribution and preserving soil fertility as prerequisites for resilience to climate change and to unsustainable food production systems;

L – enables fair agricultural land-use to help eradicate poverty; improve livelihood opportunities for the most vulnerable groups; and sustain social cohesion, rural development and environmental protection;

M – improve transparency and the functioning of tenure systems and land markets;

AND THEREBY CONTRIBUTES TO:

- an end to land grabbing and speculation on agricultural land markets;
- facilitating access to the right to use agricultural land, especially for women, young people, landless people and rural workers;
- maintaining and increasing farming communities in Europe;
- making agroecological practices more widespread;
- the implementation and development of the right to land and natural resources as set out in the United Nations Declaration on the Rights of Peasants and Other Rural People and the Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests.

ARTICLE 2: DEFINITIONS

FOR THE PURPOSES OF THIS DIRECTIVE THE FOLLOWING DEFINITIONS SHALL APPLY:

1) 'LAND':

A – understood as a natural resource, land is the terrestrial bio productive system including soil, vegetation and other biota, with its environmental and hydrological processes;

B – understood as a commercial commodity, land is rural real estate that can be legally marketed and used through property rights or rights of use of any other kind;

C – understood as landscape, land is the immediate surroundings with important economic, social, environmental, cultural and spiritual functions for rural communities, a fortiori for peasant communities.

2) 'SOIL': an element of the concept of land that refers to the edaphological function, i.e., all the organic and inorganic matter on the earth's surface capable of supporting plant life and producing food.

3) 'AGRICULTURAL LAND' or 'FARMLAND': all arable land, permanent grassland and pasture,

permanent crops (vines, orchards), heathland and rangeland, agricultural forests and coastal areas of shellfish farms.

4) 'AGRICULTURAL LAND SYSTEM': the system of law applicable to agricultural land-use access, whether by ownership or by any other system of access.

5) 'FAMILY FARMING': way of organising agricultural, forestry, fisheries, pastoral and aquaculture production, managed and operated by a family and relying primarily on the capital and labour of the family, including women and men. The family and the farm are linked: they develop together and combine economic, environmental, social and cultural functions. The concept of family farming includes peasants, indigenous peoples, traditional communities, fishermen, mountain farmers, forest users and pastoralists.

6) 'PEASANT FARMING': agriculture practised by any person who undertakes or seeks to undertake, alone, in partnership with others or within a community, small-scale subsistence and/or market-oriented agricultural production; relying largely but not necessarily exclusively on family or household labour and other non-monetary forms of work organisation, and having a particular dependence on and attachment to the land.

7) 'FOOD SECURITY': a situation in which all people have permanent physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences, and are therefore able to lead an active and healthy life.

8) 'FOOD SOVEREIGNTY': the right of peoples, their States or Unions to define their agricultural and food policy, without dumping vis-à-vis third countries. Food sovereignty includes:

A – prioritising local agricultural production for the purpose of feeding communities as well as access to land, water, seeds and credit for peasants and landless people.;

B – the right of peasants to produce food and the right of consumers to be able to decide what they wish to consume in addition to who produces it and how it is produced;

C – recognising the rights of peasants, who play a pivotal role in agricultural and food production;

D – the rights of States to protect themselves from agricultural and food imports that destroy their local production systems or that do not respect their own applicable health, environmental and cultural standards;

E – people's participation in agricultural policy decisions.

9) 'AGROECOLOGY' or 'PEASANT AGROECOLOGY': a way of agricultural production and lifestyle that encompasses science, a set of practices and a social movement for the organisation of agri-food systems. Agroecology is a development path that optimises environmental sustainability producer autonomy and economic resilience.

A – As a science, it prioritises action research, holistic and participative approaches and transdisciplinarity that includes different knowledge systems;

B – As a practice, it is based on sustainably using local and renewable resources; on the knowledge and priorities of local farmers; on the conservation and judicious use of our biodiversity; and on solutions that bring multiple benefits (environmental, economic, social, etc.) locally and globally;

C – As a movement, it advocates for smallholder and family farming; farmers and rural communities; food sovereignty, local and short food supply chains; peasant seed systems, local animal varieties and breeds; and healthy food of good quality.

10) 'ACCESS TO LAND': the processes by which peasants, individually or collectively, acquire the rights and opportunities to occupy and use land for productive, economic, social, cultural and spiritual purposes on either a temporary or permanent basis; an individual

and collective right to access land and water bodies, coastal seas, fisheries, pastures and forests therein, to achieve a dignified standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

11) 'FARMLAND CONCENTRATION' or 'LAND CONCENTRATION': the phenomenon of concentration of agricultural land under the control of a small number of people, leading to a decrease in the total number of farms and an increase in their average size.

12) 'LAND GRABBING': the control of areas of land greater than local practice, either by ownership, lease, concession, contracts, quotas or by exercising a power. This can be done by public or private, national or foreign persons or entities; by legal or illegal means. It is done for the purpose of speculation, extraction, control of resources or commoditisation. Land grabbing is detrimental to peasants, agroecology, fair and sustainable land management, food sovereignty and human rights.

13) 'LAND ARTIFICIALISATION' or 'LAND SEALING': transformation of agricultural, natural or forest land by development, infrastructure expansion or urbanisation actions that may lead to its total or partial sealing. This change of soil use, most often irreversible, has consequences that can be detrimental to the environment and to agricultural production.

14) 'DEGRADED LAND': land with a particularly low organic matter content, which has been severely eroded or polluted and is no longer suitable for agricultural use.

15) 'ABANDONED LAND': land that has been used in the past for growing food and fodder but whose agricultural use has been discontinued due to biophysical or socio-economic constraints.

16) 'UNDER-UTILISED LAND': agricultural or pastoral land where neither food nor fodder crops have been grown, nor a significant area of pasturelands used for grazing for a period of at least four consecutive years.

17) 'PUBLIC LAND': land that is legally and exclusively owned by the state or another public administration such as municipalities, regions or other public institutions.

18) 'COMMUNITY LAND': land that is not owned exclusively or directly by a public authority, but is used and farmed by a large group of people or by local communities. Community land is owned by local communities who have access to it through collective use rights. This may be horticultural land, land for permanent grazing or other activities.

19) 'LAND BANKS': public and/or private initiatives that manage public or private agricultural land and make land-use rights available through various means, such as leasing or concession, according to each agricultural project. Their purpose is to resolve difficulties pertaining to access to land and to promote territorial development within regions.

20) 'PASTORAL LAND': land for livestock grazing that enables transhumance and extensive livestock farming to be maintained.

21) 'FOREST' and 'WOODLAND': land with an ecosystem based on vegetation consisting of a complex diversity of trees and shrubs and specific ecosystems. These lands are home to a wealth of biodiversity and can be used economically, socially, culturally and spiritually by the communities linked to them.

22) 'TREE MONOCULTURES': land with single-crop tree plantations mainly for use by the forestry, wood, biomass or other industries.

23) 'COASTAL AGRICULTURE AREA': coastal areas covered by tides, inland waters and the territorial sea where agricultural and food production activities take place.

24) 'COASTAL AGRICULTURE': agriculture practised on coastal agricultural areas; includes shellfish farming and salt harvesting.

25) 'STANDARD PRODUCTION INDEX': average monetary value of agricultural production at the farm gate in euros per hectare or per head of livestock.

26) 'BENEFICIAL OWNERS': natural persons who ultimately own the rights to use agricultural land through shares or corporations.

SECTION I: FIGHTING LAND GRABBING AND LAND CONCENTRATION

ARTICLE 3: MEASURES TO PREVENT LAND GRABBING AND LAND CONCENTRATION

1 – From the entry into force of this Directive, no right to use agricultural land shall be granted to any area larger than 500 hectares. Purchasing, or any other form of access to control of land areas larger than 500 hectares - in any form (direct ownership, ownership of shares, control through subsidiaries, leasing, subcontracting and provisioning) is prohibited.

2 – Member States may apply different ceilings lower than this framework ceiling, taking into account the average size of the country's farms, the crop types, irrigation options and specific territorial and regional contexts. The purpose is to ensure fair distribution of land and avoid imbalances and abuses due to market dominance.

3 – Each Member State shall introduce measures to prevent or remedy situations of land grabbing and concentration by establishing formal requirements and an obligation to submit an operational plan. It shall also provide for the imposition of penalties and the withdrawal of use rights where the 500-hectare limit is exceeded and these legal requirements are not complied with.

4 – The national beneficial ownership registers linked to Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing shall be used to identify beneficial owners of land-use rights.

5 – Member States shall prohibit land grabbing by European companies and investment funds also outside the European Union and provide for appropriate penalties should such cases persist.

ARTICLE 4: EUROPEAN LAND OBSERVATORY

1 – The EU shall establish a European Land Observatory to monitor large-scale land transactions and investments. The Observatory shall be responsible for collecting information on the material nature of land ownership transfers according to economic, social and environmental criteria. It will monitor prices and trends, alerting the EU if a beneficial owner holds rights to use more than 500 hectares of land. It will thus build a database with a holistic perspective on the distribution, use and condition of agricultural land in Europe.

2 – The information compiled by the Observatory shall be public and accessible to all and presented in an appropriate and user-friendly form.

ARTICLE 5: NATIONAL PUBLIC OBSERVATORIES ON AGRICULTURAL LAND-USE AND OWNERSHIP

1 – The relevant public administrations in each Member State shall operate an agricultural land observatory. This will hold information on the situation of land ownership, the control of agricultural land use rights and related assets, and land markets (including land purchase and rental prices by region, land quality, etc.).

2 – The European Commission shall have access to these observatories to obtain information on beneficial ownership of land and beneficial ownership of land-use rights and related assets across the EU.

3 – Publicly accessible digital portals and communication channels shall be developed to ensure the practical dissemination of offers for transfer of land-use rights and related assets (land sales and shares in production units, leases and other provision of land and buildings) at least 3 months before the planned transfer date.

4 – The competent public authorities in each Member State shall maintain up-to-date information on the land market. This information shall be made available to the public on websites and transparency portals. The information provided will be disaggregated and will include data on crop type, land area, identification of landowners, applicable legal framework, classification, etc.

5 – Member States shall facilitate the transparency of the different means of accessing the right to agricultural land-use (and sales, shares in companies with rights to use agricultural land and leases). This will promote equal participation and opportunities for the transfer of land-use rights and, in particular, promote access to information for women, young people, landless peasant farmers and agricultural employees or any person suffering from discrimination.

SECTION II: FACILITATE SUSTAINABLE ACCESS TO LAND

ARTICLE 6: PUBLIC REGULATION FOR THE TRANSFER OF LAND-USE RIGHTS

1 – The transfer of agricultural land use and control rights shall be subject to a public regulation for the purpose of ensuring that the legitimate Common Agricultural Policy goals are achieved. These goals include the fight against land grabbing, farmland concentration, land speculation, agricultural land artificialisation and degradation; and support for maintaining farming communities.

2 – All means of transferring agricultural land-use rights shall be governed by this public regulation, including real estate sales as well as transfers of company shares, concessions and leases to natural and legal persons.

3 – The public regulation shall govern sales, prices and company shares transfers relative to agricultural land control. It will also guarantee transparent publications of land-use rights transfers.

ARTICLE 7: PRE-EMPTIVE RIGHTS FOR YOUNG PEOPLE, NEW FARMERS AND AGROECOLOGICAL PRACTICES

1 – In the public regulation for the transfer of land-use rights, Member States shall

provide for pre-emptive rights for young people, those working on agroecological projects, new farmers, peasants settled on smallholdings and farmers in vulnerable land tenure situations. These pre-emptive rights shall also be used to prevent land grabbing

ARTICLE 8: REGULATING PRICES

1 – Member States shall ensure that the price of land for purchase and rent is regulated so that its financial value is based on the standard production index, that it is compatible with sustainable agricultural use and that it allows the setting-up of young and new farmers, including those who do not receive land from their families, and of those who undertake agroecological projects.

ARTICLE 9: IDENTIFYING THE ROOT CAUSES PREVENTING ACCESS TO LAND AND MEASURES TO FACILITATE ACCESS TO LAND

1 – Member States shall establish national plans to identify the root causes that impede access to land use rights for new generations of farmers. This identification of root causes must also address how to ensure the generational renewal of agricultural communities. The processes to identify these root causes must be highly participatory and inclusive.

2 – Based on these analyses, Member States shall implement policies and regulations at local and regional level to promote access to land for young farmers and generational renewal. These plans and their implementation through policies and regulations shall include concrete indicators to assess their impact.

ARTICLE 10: DIVISION AND REDISTRIBUTION MECHANISMS

1 – Member States shall introduce land division mechanisms to encourage young and new farmers to acquire agricultural land.

2 – Through agrarian reforms, each Member State provides for mechanisms for redistributing rights to use land that is in excess of the overall 500-hectare limit or established national limits.

3 – These mechanisms for redistributing land-use rights also apply to abandoned and under-utilised land.

4 – Given that agrarian reforms can facilitate broad and equitable access to land and inclusive rural development, Member States may consider the allocation of land through expropriation or release of rights to use land, coastal fisheries or private forests for public benefit.

5 – Member states shall implement land reforms using transparent, participative and accountable approaches and procedures. All parties concerned shall have right of redress and to fair compensation.

6 – All parties concerned, including the most disadvantaged groups, must be provided with full and clear information on the reforms, including through inclusive communication.

7 – The selection of beneficiaries must be done through an open and transparent procedure, and the rights of use or occupation must be secured and recorded in a public register. Access to means of dispute resolution shall be regulated by national legislation. Member States must prevent corruption in land reform programs, including through increased transparency and participation.

SECTION III: AGRICULTURAL LAND USE AND MANAGEMENT. SAFEGARDING LAND WHILE ENSURING HIGH QUALITY FOOD PRODUCTION

ARTICLE 11: CONSERVING SOIL PRODUCTIVE CAPACITY

1 – Member States shall conserve farmland fertility and productive capacity, in compliance with the measures set out in this section, as a prerequisite for sustainable, safe and local food security and sovereignty for EU inhabitants.

ARTICLE 12: REPORT ON THE STATE OF LANDS

1 – Member States shall use a locally-based approach to gather information and identify highly degraded, under-utilised or abandoned lands.

2 – Member States shall adopt appropriate and necessary measures to prevent land from becoming degraded, under-utilised or abandoned by ensuring that as much of the available land as possible is used for food and fodder production, and that such use is maintained in the long term in accordance with agroecological principles.

ARTICLE 13: SOIL QUALITY OBSERVATORIES

1 – The administrative authorities of each EU Member State shall set up a national public observatory for agricultural soil quality, including measures to identify degraded, under-utilised and abandoned land in each territory.

2 – These national observatories shall share their data with the European Soils Observatory to enable a broader overview of the state of soils in Europe.

ARTICLE 14: PLANS TO IMPROVE SOIL HEALTH

1 – Member States shall draw up plans for the sustainable improvement of the health, fertility, biodiversity and quality of agricultural land and soil within three years of the entry into force of this Directive. One of the key indicators of these plans must be the level of organic matter content in agricultural soils. Member States shall comply with this Directive's principles of consultation and effective participation. This will facilitate that all individuals holding legitimate land-use rights - in particular young people, women, the landless and marginalised people - can effectively participate in the negotiation and implementation of soil restoration programs so as to make soil available for food production by farmers.

2 – To this end, the various competent administrative departments shall earmark sufficient budgetary resources for the implementation of these programs in the form of grants, subsidies, human resources or direct technical advice to farmers.

ARTICLE 15: STOP SOIL SEALING

1 – Given the urgency of the fight against global warming and the erosion of

biodiversity, Member States shall put an end to the increase in soil sealing within one year of the adoption of this Directive. Land for food production must be safeguarded and maintained

2 – Member States shall introduce mechanisms to ensure the implementation of this principle at local and municipal levels. Any agricultural land-use changes shall be communicated to the public authorities and shall be subject to official authorisations. Any agricultural land-use changes for artificialisation shall be subject to exceptional derogatory measures founded on a legal basis pursuing an aim of general interest and subject to an impact study. The public authorities shall always have the burden of proof in the face of any resistance from organisations and citizens.

ARTICLE 16: LIMIT ENERGY CROPS PRODUCTION

1 – The use of agricultural land for the production of energy crops must be clearly regulated and limited (agrofuels, methanisation, etc.), so that priority is given to crops for human consumption and animal grazing.

2 – There shall be a ban on the use of agricultural land for energy production such as photovoltaic generation. Installing solar panels on existing buildings should, however, be encouraged.

ARTICLE 17: ENCOURAGING RESTORATION AND USE OF DEGRADED LANDS

1 – To enable the agricultural and environmental rehabilitation of land considered to be degraded, abandoned or under-utilised, Member States shall provide support, advice and incentives. This can be in the form of subsidies, benefits and tax concessions, etc. to encourage agricultural use of this land. Member States shall make degraded lands available for agricultural use so they can be regenerated.

ARTICLE 18: PROMOTING AGROECOLOGICAL SOIL-USE

1 – For the transfer of land-use rights, priority shall be given to farmers who commit to practising agroecological farming for at least the next ten years. Member States shall facilitate the adoption of specific measures to extend the area of agroecological land in the European Union.

2 – Member States shall also keep an official record of land used for agroecology.

3 – The EU, through its measures and policies, (including through research) shall endeavour to increase the proportion of land dedicated to agroecology in areas where it is less common. The same applies for crops for which there is greater demand and which are significantly covered by imports on the European market.

4 – Traditional knowledge of local farmers and peasants regarding the care and conservation of soil fertility shall be taken into account as a guiding principle when carrying out, planning and implementing the aforementioned plans, activities and measures.

SECTION IV: PUBLIC AND COMMUNITY LANDS

ARTICLE 19: INVENTORY OF PUBLIC AND COMMUNITY LANDS

1 – Member States shall recognise the different types of collective lands in national law. On one hand, there are public lands (belonging either to the State, the regions, councils and/or municipalities), and on the other hand, community lands. It must always be made clear as to whether reference is being made to public land or community land.

2 – Member States shall compile an inventory of land considered as collective agricultural land, whether it be public or community land. To ensure that citizens have access to this public information, the inventory shall be published on online administrative information portals. The classification of collective lands shall provide information on: the specific public administration in charge; the extent of the land; the destination of its production; its use; the type of concession and its conditions; the holders of rights in rem for farm, coastal or forest land-use; and the applicable legislation.

3 – Member States shall set minimum rates for public lands.

ARTICLE 20: RESPECT FOR TRADITIONAL USES

1 – The traditional uses of communal or community lands shall be respected. As shall their beneficiaries be consulted and considered. Should these lands fail to be used, they shall not under any circumstances be transferred or put up for sale.

2 – Participatory mechanisms shall be established for their management and use, and to monitor their needs in conjunction with public authorities and representatives of the neighbourhood and communities.

ARTICLE 21: PUBLIC LAND BANKS

1 – 1. The use and management of collective agricultural lands shall be compatible with the objectives of this Directive, in particular with a view to achieving food sovereignty and promoting agroecology in the local areas in which they are located and throughout the EU.

2 – Member States shall set up public land banks responsible for managing collective lands and preventing them from being privatised.

3 – For communal land, public land banks shall work together with local authorities to ensure local, democratic and participative land management.

4 – Public land banks shall ensure that the public land-use rights redistribution process is based on democratic participation.

5 – When granting public land-use rights, priority shall be afforded to young farmers, those practising agroecology, small-scale farms and groups considered vulnerable.

6 – Member States shall prioritise public land-use for training, conservation of traditional crops and peasant innovation.

7 – Public land banks shall also be established for food security purposes.

8 – Member States shall maintain and enlarge their public agricultural assets and no powers can privatise them or reduce them in size. Any exceptions to this rule must be proved to be in the effective general interest and be preceded by a administrative or judicial adversarial proceedings with the prior, mandatory and informed participation and

consultation of the concerned local communities.

9 – Member States shall introduce participative mechanisms to prevent collective lands being classed as under-utilised lands. These mechanisms shall include cultivation measures and any other use that is of public interest. In this respect, land banks will have the specific task of ensuring that under-utilised public lands are farmed, using social economy and community development criteria.

SECTION V: MEASURES APPLICABLE TO FOREST AND COASTAL AGRICULTURAL AREAS

ARTICLE 22: PREVENTING FOREST LAND CONCENTRATION

1 – If conditions similar to those set out in Section 1 apply to forests and other woodlands, Member States may apply the measures set forth therein to prevent excessive concentration of woodlands and to encourage employment related to the agroecological use of forests. The application of these measures shall be subject to such reservations as Member States deem appropriate in view of the particular characteristics of the areas concerned.

ARTICLE 23: PROTECTING CUSTOMARY RIGHTS

1 – Member States shall introduce appropriate measures to fully safeguard forest land-use rights, including the customary rights of communities and individuals, both in private and public areas.

2 – Member States shall introduce measures to identify, formalise and make these rights known.

3 – Appropriate mechanisms shall be identified and developed to safeguard livestock rights of way and any traditional use of roads and livestock tracks that ensures their use for transhumance and livestock movement. Member States shall ensure that the right of farmers to cross regional and national borders in the context of transhumance is respected. The Union shall also implement specific plans for the promotion, sustainability and continued existence of these forms of pastoral production.

4 – The EU shall draw up a map of European livestock routes and itineraries. It shall plan for the promotion of transhumance, its cultural value and the products derived from it. The Union shall also implement specific plans for the promotion and sustainability of these forms of pastoral production.

ARTICLE 24: PARTICIPATIVE MECHANISMS FOR FOREST LAND MANAGEMENT

1 – Participative mechanisms for the management and use of public forests, shall be set in place so that the responsible public authorities and local and community representatives can work together. When granting or transferring the land-use rights of these public forests, priority shall be given to young farmers, those practising agroecology, indigenous peoples, small-scale farms and groups considered to be vulnerable. The traditional uses of forests shall be respected, as shall their beneficiaries be consulted and considered. The rights shall not be transferred under any circumstances.

ARTICLE 25: PROTECTING COASTAL AGRICULTURAL LAND

1 – Safeguarding the rights of individuals and communities to use agricultural land necessarily covers coastal agriculture and the water bodies adjacent to and necessary for this activity.

2 – Member States shall establish specific regulatory frameworks to set apart areas for the protection of fisheries and coastal agriculture from other productive, recreational or any kind of activity that may affect fishing, shellfish farming and salt harvesting traditionally carried out by local communities. Member States shall also introduce or maintain regulatory systems to prevent concentration and facilitate access for new entrants, in particular women, young people and the landless.

3 – The aforementioned rules for limiting land concentration, promoting agricultural activity and agroecological practices and guaranteeing their public use shall be applicable to the activities and water bodies referred to in paragraphs 1 and 2 of this article.

SECTION VI: SUPPLEMENTARY MEASURES FOR THE APPLICATION OF THIS DIRECTIVE

ARTICLE 26: SUPPLEMENTARY MEASURES

1 – The application of the measures set out in this Directive should not lead to any undesirable impact on local communities, indigenous peoples and vulnerable groups that may result from land speculation, land concentration and abuse of traditional forms of agricultural land use, among other phenomena.

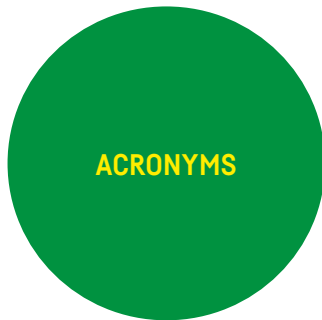
2 – In particular, the application of these measures shall prevent other secondary tenure rights being extinguished by land concentrations. These secondary rights include subsidiary, informal and other legitimate rights not adequately protected, such as gathering rights.

3 – Local communities and other vulnerable groups must be especially protected.

4 – Nothing in this Directive shall be interpreted as diminishing the rights of indigenous peoples, peasants and other rural people as recognised in UNDROP and UNDRIP.

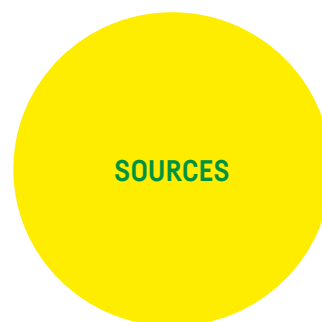
ARTICLE 27: IMPLEMENTATION PRINCIPLES

1 – The implementation of these policies shall be guided by the following principles: recognition of the inherent dignity of all people and their equal and inalienable human rights; non-discrimination, equity and justice; and gender equality. It shall be implemented with a holistic and sustainable approach based on consultation and participation; continuous improvement; non-commoditisation of land and natural resources; and the recognition of land as a precious resource to which everyone is entitled and as a common good.



ACRONYMS

- **CAP:** Common Agricultural Policy
- **CFS:** Committee on World Food Security
- **CJEU:** Court of Justice of the European Union
- **ECVC:** European Coordination Via Campesina
- **EESC:** European Economic and Social Committee
- **EU:** European Union
- **FAO:** Food and Agriculture Organisation
- **HOTL:** Hands Off The Land network
- **SAFER:** Société d'Aménagement Foncier et d'Etablissement Rural
- **UNDROP:** United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
- **VGGT:** Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security



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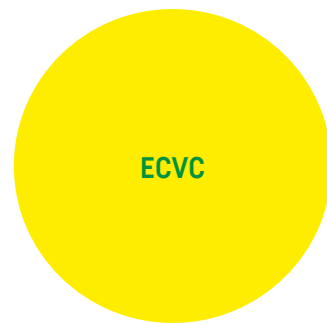
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ECVC IS A CONFEDERATION of 31 trade unions and organisations of peasants, small and medium-sized farmers and agricultural workers across 21 European countries. Rooted in the right to food sovereignty, our main objective is to defend the rights of farmers and agricultural workers, promoting a diversified and sustainable peasant and family farming.



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