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Received: 06.04.2022

Acceptance: 26.07.2022

Published: 24.09.2022

JEL codes: Q15, Q24

Annals PAAAE • 2022 • Vol. XXIV • No. (3)

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DOI: 10.5604/01.3001.0015.9384

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OWNERSHIP TRANSFORMATIONS IN AGRICULTURE IN THE YEARS 1992-2020

Key words: Agricultural Property Agency (APA), transformations, land sale, land lease, land area

ABSTRACT. The aim of the article was to describe the process of ownership transformations carried out in the years 1992-2020. It addresses economic determinants for the establishment of the Agricultural Property Agency of the State Treasury (APAST) Agricultural Property Agency (APA) as well as its tasks aimed at implementing these transformations. The analysis covered two transformation periods, namely the years 1992-1996 and 2000-2020. The research applied descriptive and descriptive-comparative methods as well as statistical descriptive and also a tabular technique. The basic source of research materials was the source literature and statistical data from the Agricultural Property Agency (APA), the National Support Centre for Agriculture (NSCA) reports and the studies published in Institute of Agricultural and Food Economics (IAFE) entitled "The Market of Agricultural Land". It was attempted to define the role of land sale and land lease in this process. The changes which occurred in the leased and sold land were also indicated. The legal regulations in force regarding property turnover were discussed, pointing to the limitations resulting from these legal acts in the implementation of transformations. The research showed that both sale and lease played an important role in transformations in various periods of the APAST/APA functioning.

INTRODUCTION

For many decades, the state played the role of the central decision-maker in the national economy, including agriculture. The economic and social reforms, initiated in 1989, forced changes in the economic and legal system of state-owned agricultural holdings, which were benefiting, for many years, from special preferences offered by the state. On January 1, 1990, after the state support was discontinued for the agricultural sector, along with unfavourable correlations between agricultural products and the means of production, a sudden deterioration of the financial results achieved by this sector.

In 1991, the state-owned agricultural holdings recorded balance sheet losses of PLN 5.5 trillion and were increasingly losing their creditworthiness [Skarka 1992, Ziętara 1993]. The restructuring and privatization of state-owned agricultural holdings was perceived as the way out of the crisis, and these needs were to be met by the Act on the privatization of state-owned enterprises adopted on July 13, 1990 [Journal of Laws No. 51, item 298, as amended]. This act provides for two forms of privatization: direct (liquidation) and indirect (capital), which turned out to be practically impossible to apply in the privatization of state-owned agricultural holdings. Legal and financial barriers constituted the main impediments. The first of them referred to the limitations in turnover of the State Treasury agricultural property, whereas the financial barrier was related to the absence of funds at the disposal of potential buyers and lessees, as well as the low rate of return on capital in agriculture. The unsuitability of this act for the implementation of transformations in agriculture resulted in the adoption of new legal solutions by passing the Act of October 19, 1991 on the management of agricultural property of the State Treasury and amending certain acts [Journal of Laws No. 107, item 464, as amended]. This act defined the basic principles of ownership and structural transformations, adapting them to the specificity of agriculture, while removing some barriers to the transformations. It introduced a special procedure for the privatization of the state property in agriculture [Tańska-Hus 2000], simultaneously entrusting these tasks to an established, specialized state agency – Agricultural Property Agency of the State Treasury (APAST)¹ – which, on the basis of trusteeship of the transformations, acting on behalf of the State Treasury, had ownership rights [Tomkiewicz 1994]. The basic tasks of the APAST included:

1. Developing conditions conducive to taking rational advantage of the productive Agricultural Property Stock of the State Treasury (APSST).
2. Restructuring and privatization of the State Treasury property stock.
3. Turnover of property and other assets of the State Treasury used for agricultural purposes.
4. Administration of the State Treasury property rules.
5. Establishing agricultural holdings [Marks-Bielska, Bałuchowska 2013].

¹ In 2003, APAST was transformed into the APA (Agricultural Property Agency), and since 2017 the rights were transferred to NSCA (National Support Centre for Agriculture).

RESEARCH MATERIAL AND METHODOLOGY

The aim of the study was to describe the process of ownership transformations carried out by the APAST/APA/NSCA in 1992-2020. The analysis covered two transformation periods, namely the years 1992-1996 and 2000-2020. This division resulted from the fact that the acquisition of property to the APSST came practically to an end in 1996 and then the so-called "primary" stock management was carried out. In turn, the years 2000-2020 was the period of "secondary" stock management, because starting from 1996 the return of leased land took place, which was re-structured and intended for further ownership transformations. The research covered the sale and lease of land in 1996, 2000, 2005, 2010, 2015 and 2020. The law of reviewing the applicable legal regulations was interpreted. The research applied descriptive and descriptive-comparative methods as well as statistical descriptive and also a tabular technique. The basic source of research materials was the source literature and statistical data from the APA, the NSCA reports and the studies published in Institute of Agricultural and Food Economics entitled "The Market of Agricultural Land".

LEGAL REGULATIONS OF AGRICULTURAL PROPERTY TURNOVER RESOURCE

The basic legal acts regarding agricultural property turnover of the APSST were as follows:

1. The Civil Code of 1964 and subsequent amendments [Journal of Laws No. 55, item 32].
2. The Act of October 19, 1991 on the management of agricultural property of the State Treasury and amendment of certain acts [Journal of Laws No. 107, item 464, as amended].
3. The Act of April 11, 2003 on shaping the agricultural system [Journal of Laws No. 64, item 502].
4. The Act of September 16, 2011 amending the Act on the management of agricultural property of the State Treasury and amending certain other acts [Journal of Laws No. 233, item 1382].
5. The Act of April 12, 2016 suspending the sale of agricultural property owned by the State Treasury and amending certain acts [Journal of Laws No. 0, item 585] and the Act of July 6, 2016 amending the Act on shaping the agricultural system and the Act on land and mortgage registers [Journal of Laws No. 0, item 1159].
6. The Act of February 10, 2017 on the National Support Centre for Agriculture [Journal of Laws 2018, item 1154].
7. The Act of April 26, 2019 amending the Act on shaping the agricultural system and certain other acts [Journal of Laws 2019, item 1080].

The Civil Code regulates two issues regarding the property turnover transactions, namely regulation and control and also the rules of exercising the ownership and leasehold rights. The 1990 amendment lifted the existing objective and subjective restrictions in property turnover, thus allowing full liberalization of agricultural land trading. In particular, the requirement to present agricultural qualifications when purchasing property and the maximum area standard per agricultural holding, both when purchasing property and leasing it, were eliminated. Lifting the restrictions referring to agricultural property turnover resulted in a diversified assessment of the doctrine of agricultural law [Czechowski et al. 1994]. Removing the maximum area norms, which constituted the relic of legislation from the period of land reform implementation to prevent the revival of capitalist relations in the rural areas, did not raise any doubts. The supporters of the property turnover liberalization believed that it opened the way for the establishment of larger agricultural holdings, which favours the harmonization of production factors by farmers rather than by the state administration bodies, and, moreover, does not pose a risk on the development of family farms [Stefańska 1992, Tańska-Hus 2002]. On the other hand, the critics of lifting turnover restrictions [Cichorowicz et al. 1991] argued that letting the agricultural property trading “go with the flow” may constitute, at most, the transitional period and the legislator will have to return to active influence on the formation of a rational agrarian structure of agriculture, which was ultimately regulated by the Act of 2003 on shaping the agricultural system.

The provisions of the Civil Code also regulate the principles of exercising ownership and lease rights. Exercising the ownership right does not raise any doubts in the doctrine of agricultural law. The land owner is free to exercise his/her right, however, obviously within the provisions of the law. In turn, exercising the lease right under the applicable legal regulations has been and is significantly limited. The lease regulation is provided in 17 articles (693-709) of the Civil Code. The Civil Code defines the features characterizing the essence of lease too generally and imprecisely, primarily those relating to the rights and obligations of both parties to the contract. It is a conservative, traditional and anachronistic regulation criticized in both legal and economic literature [Lichorowicz 1986]. Moreover, what is important in ownership transformations does not ensure the stability and durability of management on the leased land. It became apparent in 1995, when the process of “return from lease” began.

The basic act referring to the turnover of agricultural property from the Stock of the State Treasury is the Act of October 19, 1991, which provided regulations that somehow influenced the restrictions in trading, in particular Article 29(35)(1), according to which the APAST could stipulate that only natural persons are allowed to participate in the tender for the purchase of agricultural property from the APSST stock, which meant that legal persons running large agricultural holdings could not participate in tenders. The second limitation in the acquisition of such property was the regulation provided in Article

29(36)(1) introducing a specific “maximum area”, which implied that only these natural persons who intended to enlarge their farm up to the area of 100 conversion hectares could participate in the tender. This requirement was additionally supplemented with the premise that the buyer should have a place of residence and a farm in the municipality where the property was put up for tender [Journal of Laws No. 107, item 464].

The Act of 2003 on shaping the agricultural system was of significant importance for trading in agricultural property from the stock of the State Treasury, as it defined the principles of shaping the agricultural system by improving the area structure of agricultural holdings, preventing excessive land concentration and ensuring that agricultural activity was performed by people presenting appropriate qualifications. It gave a new wording to Article 29(36)(1) pursuant to which the APA could reserve participation in the tender for the purchase of agricultural property only for the natural persons intending to open or enlarge a family farm, at the same time extending this solution to the person of the lessee. Moreover, pursuant to Art. 28a, the Agency could sell land to a specific entity, provided that the total area owned by the buyer does not exceed 500 ha. The act also defined the concept of a “family farm as the area of 300 ha run personally by the persons presenting agricultural qualifications”. It also granted the Agency the right to purchase land on the basis of the pre-emption right and the right to acquire agricultural property from private owners for the purpose of subsequent sale aimed at the expansion of farms. Moreover, it changed the name of APAST to APA [Tańska-Hus 2017].

In turn, the Act of September 16, 2011 amending the Act on the management of agricultural property of the State Treasury and amending certain other acts [Journal of Laws No. 233, item 1382] introduced significant changes to the leasehold transactions. The APA could, with the consent of the lessee, exclude 30% of the land from the lease agreement stipulating, at the same time, that the exclusions apply only to farms with an area of up to 428 ha. In accordance with the act, within 6 months from the APA establishment, the lessee was presented with a proposal to exclude 30% of arable land, pursuant to which the lessee had to submit a written declaration of acceptance or rejection of the proposed exemptions within 3 months. If the lessee did not agree to exclude 30% of the land, then he/she could not purchase the leased land based on the pre-emption right and could use it only until the end of the lease contract [Tańska-Hus, Minta 2012]. This change was not widely accepted and was questioned by researchers. According to Józef S. Zegar, instead of selling land, the Agency should buy and lease it, reaping benefits from it. The assets of the State Treasury should be multiplied, not diminished [Zegar 2014].

The regulations provided by the Act of 1991, the Act of 2003 and the Act of 2011 limited the role of lease in ownership transformations and prevented it from becoming a permanent and stable form of land use. These solutions supported sale. The adoption of the following act raised even more doubts.

In 2016, the Act of April 12 suspending the sale of agricultural property owned by the Agricultural Property Stock of the State Treasury and amending certain acts was passed [Journal of Laws No. 0, item 585], which introduced significant restrictions in the process of ownership and structural transformations. The act provides for:

- suspension for the period of 5 years from the date of entry into force of the act on the sale of property and parts thereof from the APSST,
- the sale of agricultural property by the APA could take place if, as a result of this sale, the total area of agricultural land owned by the buyer did not exceed 300 ha (Article 28a(1)),
- obligated buyers of property not to transfer the ownership of property purchased from the APSST for the period of 15 years,
- obligated buyers to perform agricultural activities personally for the period of at least 10 years,
- adopted that only an individual farmer may purchase a property, with the exception of the agricultural property purchase by: a person close to the seller, the State Treasury, legal persons acting on the basis of the provisions on the relationship of the State to the Catholic Church and religious associations (Article 2a(3)), the acquisition of agricultural property by other entities could take place only based on the decision of the President of the APA issued at the seller's request [Błąd 2019].

By way of the Act of April 26, 2019 amending the Act on the shaping of the agricultural system and certain other acts [Journal of Laws No. 2019, item 1080], the existing restrictions on land turnover were eased, although they still tightly ration and control the turnover. For example, the area that can be sold has been increased and the period of running a farm including the purchased property has been reduced from 10 years to 5 years.

THE IMPLEMENTATION OF OWNERSHIP TRANSFORMATIONS THROUGH THE SALE AND LEASE OF LAND IN THE YEARS 1992-2020

The acquired property could be managed by the APAST through: selling it in whole or in part, leasing it to natural and legal persons, bringing all or part of it to the company, handing over to the administrator for a specified period, handing over for management or perpetual usufruct [Marks-Bielska, Kisiel 2013]. The acquired property was subject to restructuring prior to its distribution. Since the beginning of the Agency operation, i.e. since 1992 till the end of 2020, 4750.7 thousand ha of land was taken over, whereas in the first analysed period it amounted to 4506 thousand ha of land. The most desirable form of land development is its permanent disposal through sale. This form of land ownership played a minor role in the first period of ownership and structural transformations in agriculture. The relatively low level of land sale in the initial period of privatization was caused by

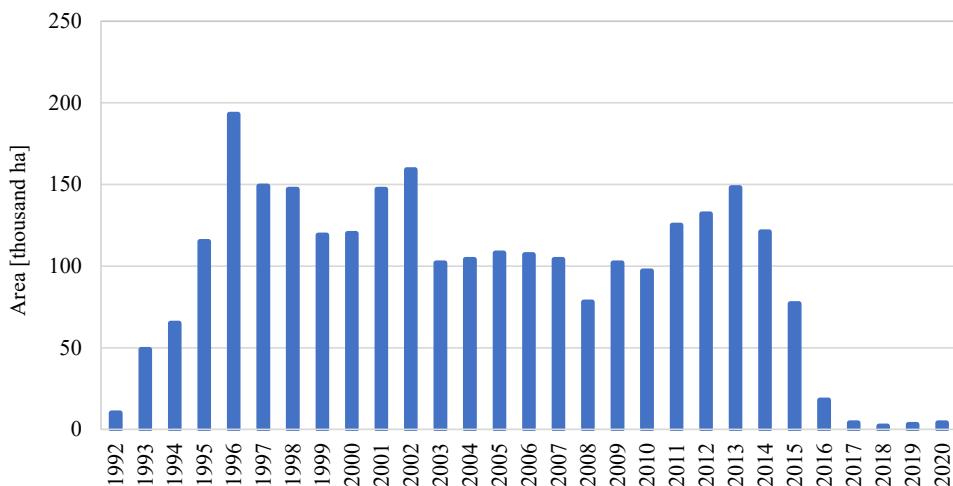


Figure 1. Sale of land from the stock in 1992-2020

Source: own calculations based on [AWRSP 1992-1996] and NSCA activity reports [KOWR 2020]

the lack of capital at the disposal of farmers. Moreover, the state credit policy, in the years 1992-1996, assumed that the purchase of land could not be financed with a preferential loan. In fact, the highest sale of property was recorded in 1996, which resulted from the introduction of instalment sale of land and the fact that until the end of 1996, land buyers could apply for a 5-year exemption from agricultural tax on the purchased land (Figure 1).

During the analysed period, in the years 1992-1996, the Agency, implementing ownership and structural transformations, sold a total of 432 thousand ha of land, which constituted only 9.5% of the land taken over into the Property Stock at the end of 1996. Despite the fact that under the Civil Code, full liberalization in property trading and in conducting open tenders was followed, the sale of land had small impact on transformations.

In the next period under study, 2000-2020, i.e. in the course of the secondary process of ownership and structural transformations, significant differences were observed. In 2020, the area of sold land, in relation to 2000, increased by as much as 180% (Table 1). The analysis of the area structure of the sold land showed that the largest amount of land was sold in the area group of up to 100 ha, which constituted 51.7% cumulatively in 2000, 56.8% in 2005, 61.6% in 2010, 2015 – 63.6% and in 2020 – 64% of the sold land. On the other hand, in the area group of 100 ha and more, the sold land accounted for 48.3% in 2000 up to 36.1% in 2020 (Table 1). In the analysed period, the greatest changes in transformations took place in the area group of 50-100 ha, where the share of sale increased by 302% in 2020 comparing to 2000, and in the group 20-49 ha the recorded increase was 281%. The implementation of ownership and structural transformations through the sale of

Table 1. The area of sold land in the years 2000-2020

Area group [ha]	Area of sold land in year						Dynamics of change 2000 = 100%				
	2000	2005	2010	2015	2020	%					
ha	%	ha	%	ha	%	ha	%				
Up to 1	22,301	2.41	35,516	2.34	46,535	2.33	57,761	2.23	2,012	0.12	9.9
1.01-1.99	22,831	2.47	39,868	2.62	54,585	2.73	68,326	2.64	134,128	5.12	587.5
2.00-4.99	48,158	5.21	84,765	5.57	116,036	5.81	145,770	5.63	147,039	5.61	305.3
5.00-9.99	60,731	6.58	103,697	6.82	140,666	7.05	180,744	6.98	181,903	6.94	299.5
10.00-19.99	87,245	9.45	153,176	10.07	211,244	10.58	287,876	11.12	289,697	11.60	332.0
20.00-49.99	181,912	19.69	345,661	22.73	518,974	26.00	689,943	26.65	693,870	26.40	381.0
50.00-99.99	55,033	5.96	102,454	6.74	520,627	7.43	217,533	8.40	221,347	8.45	402.2
100.00-499.99	265,904	28.79	421,470	27.71	178,286	26.09	692,399	26.75	702,941	26.80	264.3
500.00-999.99	128,040	13.86	173,716	14.42	1782,86	8.93	187,484	7.24	184,484	7.00	144.0
1,000 and more	51,500	5.58	60,639	3.99	60,639	3.04	60,639	2.34	6,0639	2.31	117.8
Total	923,655	100.00	1,520,962	100.00	1,995,869	100.00	2,588,475	100.00	261,9048	100.00	283.5

Source: own calculations based on the APA data [IAFE 2001, 2006, 2011, 2016 and the NSCA data [KOWR 2020]]

land in that period brought about the enlargement of family farms where the area of sold land could reach up to 300 ha. In turn, the sale of land covering over 300 ha was connected with the establishment of large-scale agricultural holdings. It should be emphasized that the above-mentioned legal regulations were of great importance in the implementation of transformations in this period. These regulations introduced many subjective and objective changes in property turnover in the period 1992-2020, which unquestionably influenced the process of ownership and structural transformations in agriculture shaped in this way. As a result of these changes, since 2000, a growing tendency in the sale of land based on a permanent form of transformation could be noticed (Table 1). It should be highlighted, however, that under the Act of 2016, the sale of land was diametrically limited, which was observed already in 2017, when only 4,000 ha of land were sold.

Lease, which played a fundamental role in the initial process of ownership and structural transformations in agriculture, was the main direction for the non-permanent distribution and development of the property from the State Treasury stock. It is owing to this form of land ownership that the transformation was possible. Since the beginning of its functioning (i.e. since 1992) till December 31, 2020, approx. 7.5 million ha were offered to lessees (including part of the land more than once), and 5.01 million ha were (cumulatively) leased (also part of the land more than once). In the first period (1992-1996), the Agency leased the most land – 3.06 million ha, which accounted for 63% of the total leased land (Figure 2) [Sadowski 2009, Musiał 2019].

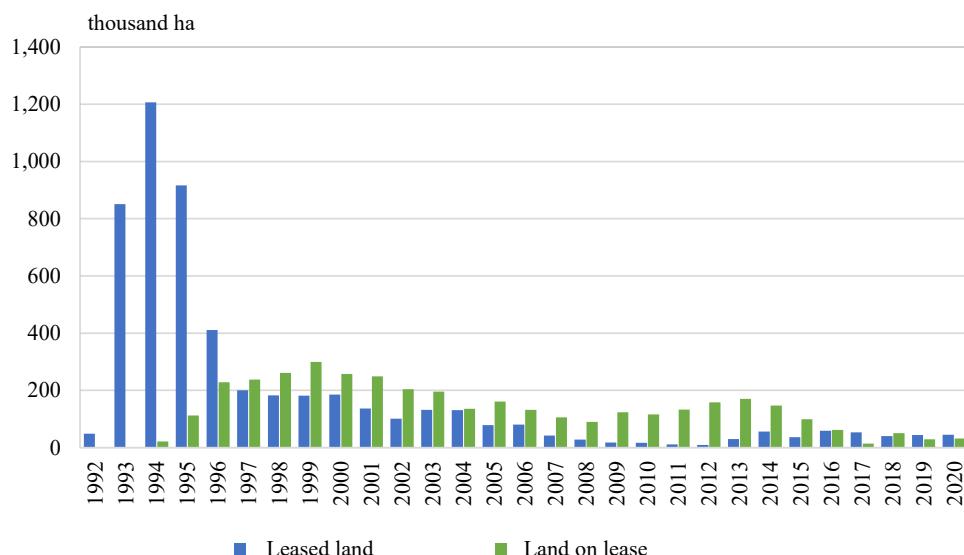


Figure 2. Leased land and land on lease in 1992-2020

Source: own calculations based on the data from the NSCA report [KOWR 2020]

This indicates that in its initial stage the transformation process was carried out through a lease. There were no restrictions related to property turnover during this period. As a result, in the years 1992-1996, 5404 large-scale agricultural holdings with an average area of 450 ha were established, and the individual farms were enlarged. Over 2.5 million ha of land was in the area group of 100 ha and more, and 656,025 ha in the group of up to 99.99 ha [Musiał 2019]. Parallel to the transformation process carried out through lease, the “returns” from leases resulting from the expiry or termination of the lease contract began. By the end of 1996, 505 thousand ha “returned” from lease contracts. This land was subject to deeper restructuring and intended for redevelopment [AWRSP 1992-2020].

Amendments to the existing acts and new legal acts in force in the years 2000-2020 aimed at improving the process of ownership transformations developed in the period of the “original” distribution of the APSST. This translated into, i.a., limiting the share of large-scale agricultural holdings based on lease in the transformation process [Journal of Laws No. 0 item 585].

In the years 2000-2020, there was a change in the implementation of the ownership transformation process. While in the years 1992-1996 an important role was played by the lease of land, in the years to follow it was the sale of land. In the period 2000-2020, a decline in leased land was observed, and so, e.g., in 2015, the area of land leased until 2000 increased by 20.9% only. The data presented in Table 2 show that in this period a general decline in the leased land was recorded. In 2020, 1,055,072 ha were leased and comparing to 2000, the share of land on lease decreased by as much as 56.5%, in addition, which should be emphasized, in the same period, the sale of land increased by 183.5% and amounted to 2,619,048 ha in 2020. The situation was similar in 2010, when the share of land sold in the transformation process reached 1,995,869 ha, and the lease 1,582,517 ha. In 2000 alone, in the analysed process, the leased land amounted to 2,422,841 ha, and the sold land to only 923,655 ha. Significant changes occurred in the area groups of 500-1,000 ha, where the share of land on lease dropped by over 92% in 2020 comparing to 2000. In turn, in the area group of 100-300 ha, i.e. in the group of family farms in the light of the Act of 2003 on shaping the agricultural system, the decline was less than 83.6% (Table 2). Based on the data presented in Table 2, it should be stated that, in this period, there was a significant increase in the share of land sale in the process of implementing ownership transformations in agriculture at the expense of lease.

The regulations in force at that time had a negative impact on the development of lease. Among other things, it was the introduction of exclusions of 30% land of lease contracts as well as the introduction of limited tenders. Moreover, the Agency preferred to sell. The properties were leased when there were no buyers or the sale was blocked by unlawful ownership problems. The fact that most of the land withdrawn from the lease was intended for sale caused a rapid decrease in the area of leased land [Dzun 2016]. It also results from the fact that our country does not have such traditions as the EU countries do, where lease

Table 2. The area of land on lease in 2000-2020

Area group [ha]	Area of land on lease						Dynamics of change 2000 = 100%				
	2000		2005		2010						
	ha	%	ha	%	ha	%					
Up to 1	33,947	1.40	30,367	1.57	16,755	1.06	8,810	0.86	8,487	0.80	25.00
1.01-1.99	38,099	1.57	37,689	1.95	23,091	1.46	12,735	1.24	13,702	1.29	40.30
2.00-4.99	70,563	2.91	68,578	3.56	46,303	2.93	28,083	2.74	40,296	3.81	57.10
5.00-9.99	72,377	2.99	71,600	3.71	55,761	3.52	36,733	3.59	55,983	5.30	77.30
10.00-19.99	89,879	3.71	100,193	5.20	85,564	5.41	59,266	5.79	124,364	11.78	13.83
20.00-49.99	165,899	6.85	193,054	10.01	167,983	10.61	115,089	11.24	162,191	15.37	97.70
50.00-99.99	143,342	5.92	150,898	7.82	133,427	8.43	92,425	9.03	89,696	8.50	62.50
100.00-299.99	x	x	299,793	15.54	270,393	17.18	208,465	20.36	183,876	17.42	61.00
300.00-499.99	x	x	331,083	17.17	271,897	17.09	166,651	16.28	132,283	12.53	39.90
100.00-449.99	703,157	29.20	x	x	x	x	x	x	x	x	x
500.00-999.99	525,785	21.70	304,671	15.80	234,824	14.84	117,366	11.46	79,682	7.55	155
1,000 and more	579,793	23.93	340,661	17.60	276,522	17.47	178,310	17.41	164,506	15,60	28.30
Total	2,422,841	100.00	1,928,589	100.00	1,582,517	100.00	1,023,939	100.00	1,055,072	100.00	43.50

Source: own calculations based on the APA data [IAFE 2001, 2006, 2011, 2016 and the NSCA data [KOWR 2020]]

Table 3. Land distribution through sale and lease in 1996-2020

Land distribution	Area group	1995				2005				2020			
		number of ha	number of contracts	average area per contract [ha]	number of ha	number of contracts	average area per contract [ha]	number of ha	number of contracts	average area per contract [ha]	number of ha	number of contracts	average area per contract [ha]
Sale	I 1-99.99	1,667,984	314,253	5.30	829,621	81,229	10.21	224,472	53,387	4.20			
	II 100-499.99	702,941	3,022	232.60	421,470	1,732	243.34	89,314	376	237			
	III 500-999.99	184,484	295	625.00	173,716	268	648.19	55,996	81	691			
	IV 1,000 and more	60,639	37	1638.00	60,639	37	1,638.18	41,503	23	1,804			
Lease	I 1-99.99	486,232	45,584	10.60	62,200	744,419	8.30	584,755	93,784	6.24			
	II 100-499.99	316,159	1,400	225.82	630,876	2,561	2,146.33	739,392	3,681	200			
	III 500-999.99	79,682	118	675.27	304 661	449	678.23	767,826	1,300	590			
	IV 1,000 and more	164,506	76	2164.00	340 661	199	2,052	756,836	5,480	138			

Source: own calculations based on the data provided by the APA reports [AWRSP 1996, 2015] and the NSCA report [KOWR 2020]

is the basic form of land use. In the years 2000-2010 the share of leased land ranged from 30% in Denmark and the Netherlands, up to 60% in Germany and 75% in France. It was the highest in Slovakia – 78% and in the Czech Republic it amounted to 88% [Ziętara 2016]. Moreover, the legal regulations in force regarding lease did not guarantee the durability and stabilization of management on the leased land [Marks-Bielska et al. 2017].

In the process of ownership and structural transformations, family farms were created and enlarged their area, as well as new large-scale agricultural holdings were established. Both sale and lease exerted a different impact on these processes. In 1996, by way of selling land, in the area group 1-99.99 it was, on average, 5.30 ha, in the area group 100-499.99, i.e. family farms – 232.60 ha, in large-scale agricultural holdings 500-999.99 – 625 ha. In turn, by way of lease, in group I it was 10.60 ha, group II – 225 ha, group III – 675 ha, and in group IV – 2,164 ha. In 2020, by way of selling land, the average area per contract in group I was 4.8 ha, II – 237 ha, in group III – 691, IV – 1,804 ha, and by way of lease it was, respectively, I – 6.24, II – 200 ha, III – 590 ha and IV – 138 ha (Table 3).

In 2017, the APA ended its activity and the National Support Centre for Agriculture (NSCA) was established, which continues the activity of the APAST and its successor – the APA [Poczta 2020]. According to the data of 2020 (Table 1 and 2) not much has changed in the process of ownership transformations.

CONCLUSIONS

The implementation of ownership transformations in agriculture was entrusted to the AWRSP established in 1992, which in 2003 changed its name to the Agricultural Property Agency and from 2017 the powers of these Agencies were taken over by KOWR. The research on the transformation process was divided into two main periods, namely the years 1992-1996 and 2000-2020. In the first period, we had dealing with the so-called “Primary resource management”, while the years 2000-2020 is the period of the so-called “Resource recycling”. When describing the ownership transformation process, the most important legal regulations that influenced the transformation were taken into account. The sale and lease of land played an important role in the analyzed years. Their participation in the implementation of transformations was different, as indicated by the figures in Tables 1 and 2. In the years 1992-1996, the transformation process was carried out mainly by way of lease. Only in this period, the Agency leased the most land – 3.6 million ha, which accounted for 63% of the total land leased. In the years 2000-2020, there was a decrease in leased land, and so in 2000, leased land amounted to 2,422,841 ha, and in 2010 it was already 1,582,517 ha, while in 2020 there were 1,055,072 ha in the lease and compared to 2000, the share of land in the lease decreased by as much as 56.5%. The legal regulations in force, which allowed for the exclusion of 30% of land from lease

contracts and the lack of a guarantee of durability, undoubtedly had a significant reduction in the share of lease in the transformation process, starting from 2000, and stabilization of management on leased land. The second form of land development was selling them. In the years 1992-1996, the Agency sold only 432 thousand ha of land, which constituted only 9.5% of the land taken over to the Stock at the end of 1996. In 2000, the land sold amounted to 923,655 ha, in 2010 the share of land sold amounted to 1,995,869 ha and in 2020 as much as 2,619,048 ha, which meant an increase by 183.5% compared to 2000. The rapid growth of sold land was influenced by the solutions adopted by the Act of 2003 and 2011. However, the Act of April 12, 2016 introduced significant restrictions on the sale of land and although it was partially liberalized by the Act of 2019, according to KOWR data, only 4,000 ha of land were sold in 2017 and it was the same in 2018-2020.

To sum up, the legal instruments in the process of transformations in agriculture were agricultural lease (a temporary form of land development) and the sale of land (a permanent form of development). In the initial years of ownership transformations, lease was the basic form of land development. Despite the lack of appropriate legal regulations in the field of lease, and in particular regarding its durability and stabilization, in 2000 there were 2,422,841 ha under the lease. In the following years, it was the sale of land that attracted more interest.

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PRZEKSZTAŁCENIA WŁASNOŚCIOWE W ROLNICTWIE W LATACH 1992-2020

Słowa kluczowe: Agencja Nieruchomości Rolnych (ANR), przekształcenia, sprzedaż gruntów, dzierżawa gruntów, powierzchnia gruntów

ABSTRAKT

Celem artykułu jest opisanie procesu przekształceń własnościowych realizowanych w latach 1992-2020. Przedstawiono uwarunkowania ekonomiczne powstania Agencji Własności Rolnej Skarbu Państwa (AWRSP), przekształconej następnie w Agencję Nieruchomości Rolnej (ANR) oraz zadania jakie powierzono tym instytucjom w celu realizacji przekształceń własnościowych. Analizie poddano dwa okresy przekształceń: 1992-1996 i 2000-2020. Wykorzystano metody opisową, opisowo-porównawczą oraz statystyki opisowej i technikę tabelaryczną. Podstawowym źródłem materiałów badawczych była literatura przedmiotu oraz dane statystyczne z raportów ANR, Krajowego Ośrodka Wsparcia Rolnictwa (KOWR) oraz opracowań Instytutu Ekonomiki Rolnej i Gospodarki Żywnościowej pt. "Rynek ziemi". Podjęto próbę określenia roli sprzedaży i dzierżawy gruntów w tym procesie. Wskazano zmiany, które dokonały się w strukturze dzierżawionych i sprzedanych gruntach. Opisano obowiązujące regulacje prawne w zakresie obrotu nieruchomości, wskazując jednocześnie na ograniczenia wynikające z tych aktów prawnych w realizacji przekształceń. Badania wykazały, że zarówno sprzedaż, jak i dzierżawa odegrały ważną rolę w przekształceniach w różnych okresach działalności AWRSP/ANR.

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Proposed citation of the article:

Tańska-Hus Bożena, Barbara Kutkowska. 2022. Ownership transformations in agriculture in the years 1992-2020. *Annals PAAAE* XXIV (3): 201-217.