

### 3 Access to farmland in Poland: the *Act on the Formation of the Agricultural System* (Sylvia Dołbłasz, Krzysztof Janc, Andrzej Raczyk and Robert Skrzypczyński, UWR)

#### 3.1 Introduction

Land is a key – but limited – resource in agriculture. Apart from agricultural uses, it also plays an important role in a number of other activities and processes undertaken by, or relevant to, a variety of stakeholders (human and non-human alike). Hence, regulating access to land is a complex, multi-dimensional task, which always needs to take into account interests of those who are related to land in various ways. Regulating access to land is in essence a political process. In consequence, both studying existing regulations of access to land as well as developing new ones cannot avoid deeper, underlying questions of power distribution, (food) sovereignty, intergenerational justice, or inter-species conviviality. Underlying values and ethical stances need to be understood and reflected upon in order both to understand how access to land looks like today, and how it could look like in the future in order for it to “better” balance these different, often competing interests.

It is against this background that we aim to describe how Polish agricultural land policy impacts access to farmland for various stakeholders who are interested in acquiring it or making use of it in another way. This issue is relevant for a number of reasons. From the perspective of securing access to food for humans, farmland is often seen as a key, scarce resource that needs to be protected from other uses that could result in an irreversible (or at least not easily reversible) loss of its potential for food production. Taking this issue a step further, the ‘food sovereignty’ perspective asks how access to land looks like in practice (including power relations) and who should have the power over shaping agri-food systems in particular places. In turn, from the perspective of securing ecosystem services for human populations, land also needs protection from uses that undermine its potential for delivering these services (such as microclimate regulation, biodiversity, pollination, water retention, etc.). Another perspective would consider an ethical argument that non-human animals, or other forms of life in general, simply have a right to a non-degraded habitat appropriate for meeting their needs – for which land in appropriate condition is needed too. Yet another perspective would include the desire of humans to be able to use (potential) farmland for non-agricultural uses – such as housing or recreation. It is of course not our role to decide which approach is the ‘right one’, since even if we assume that there is a ‘right’ answer this decision should be an outcome of a political process that would allow all stakeholders to voice their needs and arguments (either by themselves, or by being represented in the process) and reach a compromise that would be acceptable for all. However, we see our role as researchers in providing assistance in that process by identifying outcomes of the existing regulations of access to farmland as well as identifying possible avenues for changes that could help better realize various values and goals that are translated into these policies.

Hence, the goal of this case study is to illustrate the characteristics of the regulations of access to farmland in Poland, examine their impact on selected types of stakeholders (also on the basis of their own reflections), and inquire what possible changes could be introduced in order to address the shortcomings of the current regulations voiced by these stakeholders. In doing so, we will also try to understand the main lines of tension between various interests, objectives and normative assumptions that revolve around access to farmland in Poland today.

### 3.2 Short context (legal, policy, socio-economic)

The state of the agricultural sector in Poland differs in some important ways from how farming looks like in other EU States today. As EUROSTAT (2020a) data show, 47% of the total country area is currently used for agriculture (EU-28: 38%), employing 9.1% of active labour force (EU-28: 4.4%) and generating 1.8% of the Poland's GDP (EU-28: 1.3%). Farming in Poland takes place at 1 410 700 farms (14% of all EU-28 farms), which could be generally described as small and fragmented – albeit the total number of farms has decreased significantly since the accession to the EU in 2005 when there were 2 476 400 farms in Poland. In comparison the EU-28, Poland has today a much lower share of both the smallest (UAA < 2ha) and medium-large (UAA > 30ha) farms in the total number of farms (Figure 1). It is the small-medium farms (UAA between 2 and 29.9 ha) – and especially the lower part of this range (2 - 4.9ha), that constitute the most common type of farms in Poland (Figure 1).

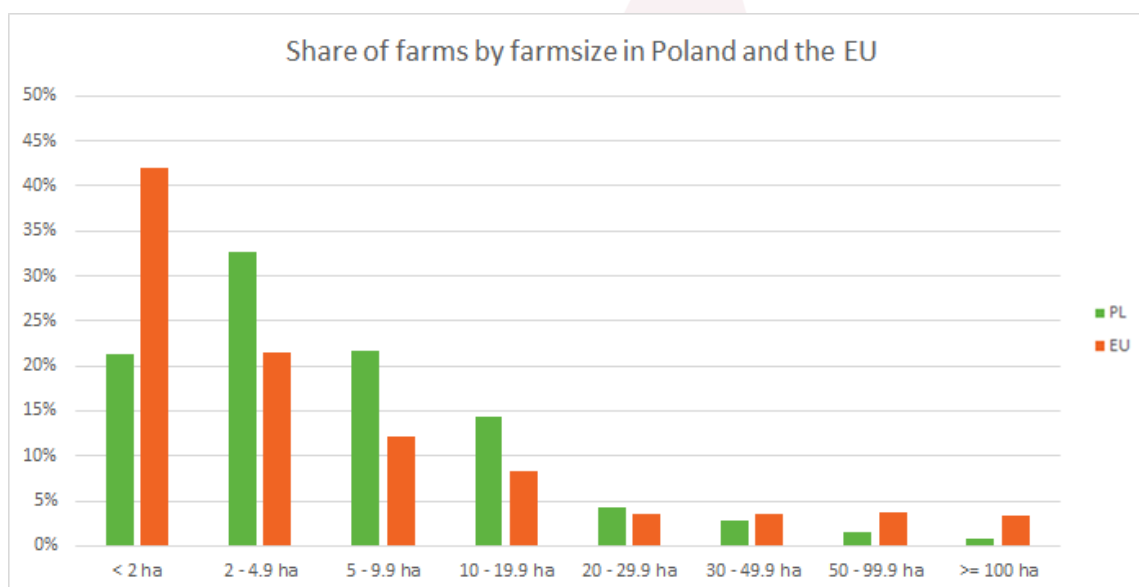
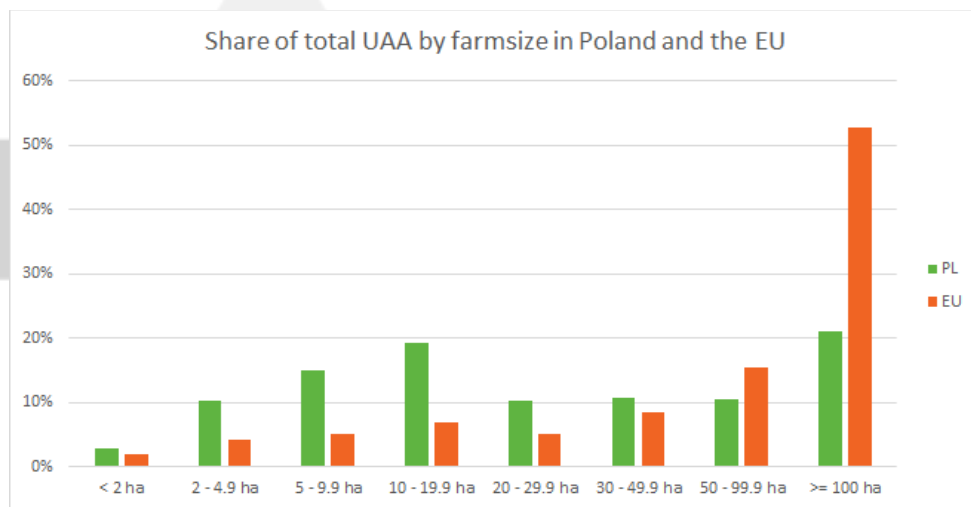


Figure 1. Share of number of farms by farm size (in UAA) (source: authors; data: EUROSTAT, 2020a)



**Figure 2 Share of land (in UAA) by farm size (source: authors; data: EUROSTAT, 2020)**

The difference between Poland in EU that will be relevant for access to land is much more striking when the share of the total country UAA occupied by different types of farms is considered (Figure 2). Poland shows a much more balanced farm structure than the EU in general: except for the smallest farms (UAA < 2ha) each size-category of the farms, from the very small (2 - 4.9 ha) to the largest holdings (>= 100ha), occupies in between 10 and 20% of the total UAA of Poland. In other words, farmland is much less concentrated in large farms in comparison to the EU-28 where more than 50% of land is in the hands of 3% of the farms larger than 100ha. In the case of Poland that proportion is similar, as over 20% of land is used by the 1% of the largest farms (UAA >= 100 ha), but the difference in the share of total country UAA concentrated in the largest holdings is still very significant (20% in Poland, 50% in the EU).

What is of course crucial in places where land markets operate is the price of farmland. In 2019 the average price of farmland in Poland amounted to ca. €10 000/ha. This is a relatively low price when compared to some Western European countries, but at the higher end of the spectrum when compared to CEE countries such as Hungary, Romania or Latvia (Figure 3; Figure 4). Differences in prices between NUTS2 regions of Poland vary, but not very significantly (see also: Korthals Altes, 2021). However, the dynamic perspective needs to be considered here as well: in 2011 the average price of farmland in Poland was ca. €5000/ha, which means that the price has doubled in less than a decade. As Eurostat (2020) indicates, a similar or higher increase of prices happened also in a number of other CEE countries (Hungary, Czechia, Lithuania and Estonia all experienced two- to four-fold increase over 2011-2018).

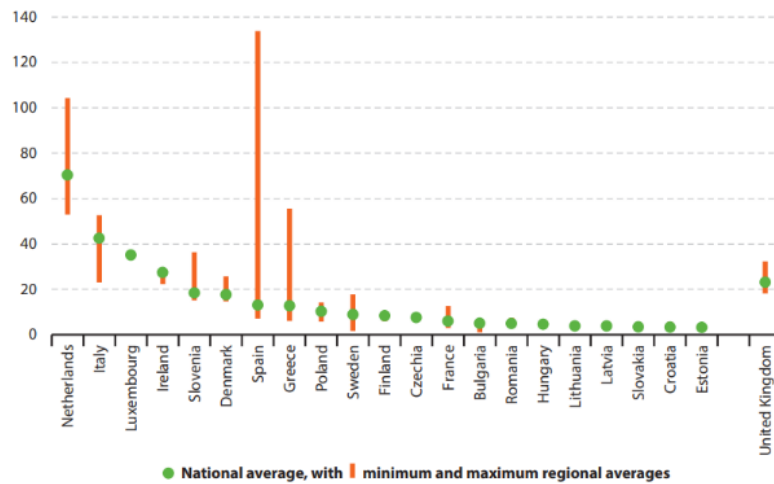


Figure 3 Land purchase prices (€ 1000 per hectare) in the EU in 2018 (EUROSTAT, 2020a, 27-28)

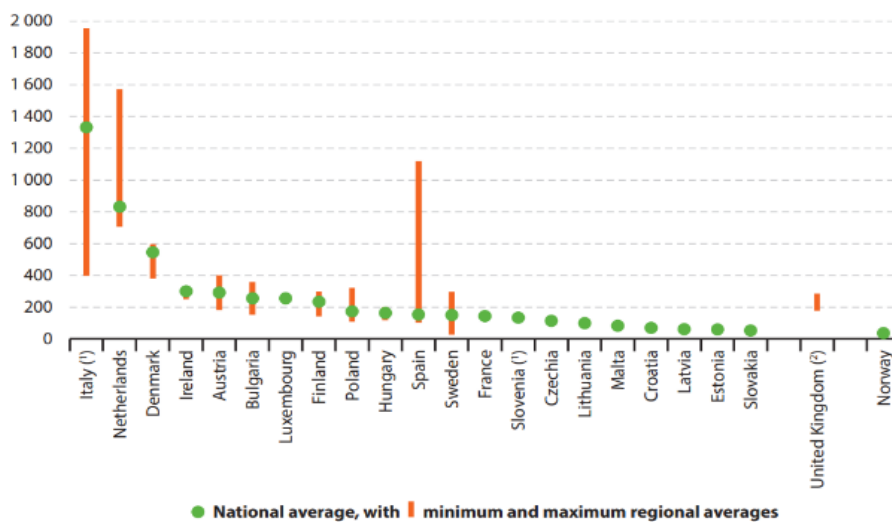


Figure 4 Agricultural rent prices (€ 1000 per hectare) in the EU in 2018 (EUROSTAT, 2020, 27-28)

Apart from changes in farm structures and land prices, recent years have also seen some important shifts in the political context around farming and access to land in Poland. These shifts are in large part a result of resistance to a number of global or regional trends of the last decades: negative aspects of globalization, neoliberal socio-economic policies (Poland’s transformation period in the 1990s is currently being reassessed in the public debate), deterioration of prospects for small/medium farms as well as environmental degradation. It has to be noted that such resistance occurs in differing parts of the political spectrum. Therefore, the same phenomena fuel both a rise of nationalist isolationism amongst more conservative, right-wing groups of persons and a reaction amongst left-wing, progressive circles where state interventionism in markets, more stringent environmental regulations and fostering local development are proposed as a response to these trends. Therefore, these two conflicting lines of political thought sometimes seem to meet; but in many other ways, especially in basic normative assumptions, they are still contradictory.

This apparent paradox can be perhaps best explained by relatively widespread protests of farmers initiated by the 'Agrounia' farmers' association in 2020. In September 2020, the current right-wing government informed that they would introduce new animal welfare regulations that would [1] introduce a ban on fur production (from all animals except rabbits), [2] limit the ritual (religious) slaughter to the supply for domestic religious groups only (which means a ban on the export of meat from ritual slaughter), [3] introduce a ban on exploiting animals in circuses [4] and introduce a number of other – but related mostly to pets – regulations improving animal welfare. This proposal was met with a strong resistance from farmers mostly organized by a new association called 'Agrounia'. Agrounia adopted a narrative in which the regulations were portrayed as an attack on Polish agriculture (especially small- and medium-scale farmers), introduced in a top-down way. The protests had some nationalist undertones manifested in, e.g., a claim that fur would be produced anyway but in other countries where this is legally allowed, and this would lead to a comparative deterioration of Polish farmers' situation and undermine the situation of Polish agriculture in the EU, or even global market. However, the narrative of Agrounia quickly shifted from being centred on the proposed legislation to the broader protest against the difficulties that Polish farmers are facing today. In doing so, Agrounia adopted a number of perspectives that are traditionally considered as left-wing; for instance, they called for more state interventionism that would create more balance in the bargaining power of individual farmers vis-a-vis supermarket chains that they deliver food to. Other proposals revolved about support for the idea food sovereignty in general, including also environmental considerations that resembled those usually associated with left-wing circles or the Green party.

This is just once case that serves as an illustration of a growing, broader recognition among political actors – beyond left-wing circles that have been traditionally sceptical towards neoliberal policies – of negative consequences of a particular mode of development characterized by superiority of economic goals over social and environmental aspects of sustainable development, liberalization of markets, application of the rule of comparative advantage internationally or the minimalization of state intervention in markets. This recognition is being reflected in current regulations of access to land – and as of now it seems that it will continue to be so. What remains to be seen however, is to what extent this recognition will translate into dangerous, xenophobic nationalism as embodied by right-wing politicians in Poland today, or, conversely, whether the discourse will develop along an alternative path that emphasizes the protection of basic resources such as land (and its non-economic importance) but at the same time recognize the need for respect and more integration within the EU.

### 3.3 Short narrative of the case

The agricultural land policy of Poland is generally based on the *Act from 11.04.2003 on the Formation of Agricultural System* and its further amendments in 2016 (introduced by the *Act on halting the sale of the property of the Agricultural Property Stock of the Treasury and the amendment of other Acts*) and then in 2019 (introduced by the *Act on the Amendment of the Act from 11.04.2003 on the Formation of Agricultural System*). The main aim of the Act on the Formation of Agricultural System (2003) was to improve the structure of farms, prevent excessive concentration of land (individual farms up to 300 ha), and ensure appropriate

qualifications of farmers (agricultural education, temporary restrictions on the sale of agricultural land).

The 2016 Act on halting the sale of the property of the Agricultural Property Stock of the Treasury and the amendment of other Acts halted the sale of lands from the Agricultural Property Stock of the Treasury and also introduced a limitation according to which agricultural land can only be purchased by individual farmers (except for plots of land up to 0.3ha; the right to purchase land was also guaranteed to religious associations). The political goal of the 2016 Act was to effectively block the possibility of purchasing land by foreigners after the 12-year period of protection that followed the accession of Poland to the EU. Poland's transitional EU accession rules on the liberalisation of its land market banned foreigners from buying land until May 2016. Also, the 2016 Act banned all farmland in possession of the State from being sold (exceptions can be made by the Minister of Agriculture and Rural Development when this would be beneficial for “socio-economic reasons”). Consequently, the participation of foreign farmers in the ownership structure of land in Poland is minimal (foreign organic farmers report problems with land purchase), however it does not prevent the phenomenon of buying shares in companies which own land in Poland by companies with foreign capital.

Then, in 2019, an amendment to the Act on the Formation of Agricultural System was introduced that slightly loosened the restrictions of access to land by non-farmers. This amendment increased the area of land that is excluded from the regulations of the Act from 0.3ha to 1ha.

After two amendments, therefore, the rules of the Act are as follows:

- a farm or farmland can be bought only by an individual farmer, i.e., a person who (1) has been active in farming in the municipality where (s)he runs a farm for min. 5 years, and (2) owns not more than 300 ha of farmland, and (3) who has appropriate farming qualifications
- (exceptions to that rule include, i.e., family members of the seller, religious associations and national parks – these entities can bypass the rules of Act altogether);
- whenever someone else wants to buy farmland, they require a consent of the Director of the National Agricultural Support Centre (*Krajowy Ośrodek Wsparcia Rolnictwa, KOWR*);
- the consent can be granted to, i.e., individual persons with farming qualifications who declare that they will be running a farm on the purchased land for at least 5 years (provided that there was no farmer interested in buying the land) or universities buying land for purposes of realizing research activities;
- the consent can theoretically be granted to anyone, provided that the seller proves that there was no possibility to sell the land to a farmer and that the buyer will declare



- that (s)he will cultivate the land for at least 5 years following the purchase (except an occurrence of force majeure in which case a court decides whether it can be sold);
- the regulations are applied to purchases of farms or farming land, both in terms of property rights and perpetual usufruct;
  - the regulations are not applied to, i.e., parcels smaller than 1ha, parcels with min. 70% of area covered by ponds, and parcels within administrative boundaries of cities that are planned as housing areas;
  - KOWR keeps the pre-emption right, except when the land in question has been leased to a farmer for at least 3 years – in this case that farmer has the pre-emption right before KOWR;
  - KOWR also has the pre-emption right for buying shares of companies owning more than 5ha of farmland and for buying agricultural land from companies who enter the stock market.

The arrangement differentiates between farmers and non-farmers, thus indirectly – due to how a ‘farmer’ is legally defined – taking into account professional qualifications, place of residence and the amount of possessed land. These regulations strongly support individual farmers, i.e., farmers with professional qualifications who have been living in the municipality where their farm or one of their plots is located for at least 5 years, and who possess no more than 300ha of land in total. However, there is a possibility for a new entrant (even without qualifications) to buy land when the seller proves that there was no way to sell the land to an individual farmer, and the new entrant declares that (s)he will cultivate the land for 5 years (which is then verified by KOWR officials).

### 3.4 Discussion on access to land

There is a general agreement, both across various perspectives that can be found in secondary sources as well as among the persons interviewed for the purpose of this case study, that current regulations of access to farmland in Poland have been successful in limiting the problem of land grabbing and speculation – and thus the increase of prices of farmland associated with these problems. The logic of state interventionism, the underlying assumptions of the regulations and their general structure is generally not contested. However, there are various lines of criticism referring to some aspects of the regulations. In order to illustrate them, below we will summarize the perspectives of the nine interviewees participating in this case study (see Annex I for the complete list of interviewees).

#### **National Agricultural Support Centre (KOWR)**

The activities of KOWR are guided primarily by the goal of protecting and developing family farms (considered the basis of Poland's agricultural system), preventing excessive concentration of farmland, ensuring that agricultural activity is carried out by persons with appropriate qualifications, ensuring food security for citizens and supporting sustainable agriculture conducted in compliance with environmental protection requirements and conducive to rural development. The restrictions introduced by national legislation are intended to ensure that the land is used for agricultural activities, protected from rising prices induced by land grabbing and speculation, as well as secured for current and future food

security. At present, in the face of high demand, it is a problem to meet all needs, especially given that a large part of available land is made of small plots (of small area). Under current conditions, such fragmentation does not ensure profitability of agricultural activity. The representative of KOWR notes that the pressure to buy land for non-agricultural purposes is significant. Hence, KOWR supports strict requirements for persons wishing to purchase agricultural land. What is important is that these limitations are a response to the needs of farmers who oppose taking over land by persons not involved in agricultural activity (which gives rise to various types of conflicts between active farmers and non-farming newcomers to the area). The conditions set out in this way for those wishing to engage in agriculture are intended to ensure that they are genuinely involved in the life of the community. Hence, the actions of the KOWR are mainly aimed at ensuring the effectiveness of the regulations, or even tightening the system of granting access to land.

#### **Two academic experts (Polish Academy of Sciences and University of Poznan)**

According to the interviewed academic experts, access to land in the case of agricultural activity is mostly limited by economic factors (supply, prices), whereas in the case of setting up a new holding – by legal regulations, especially the requirement to reside in a commune where one's farm or its part is located for 5 years before purchasing land. The requirement to have agricultural qualifications for land purchase, although it seems justified, limits the entry into this segment of people who have capital and associate their professional activity with agriculture. In the view of the experts, the exclusion of agricultural land of low-quality classes from the regulations would bring positive economic effects and development of, e.g., recreational tourism, and would to some extent prevent depopulation of those rural areas where low quality land prevails. The possibility of purchasing land only by an 'individual farmer' restricts the flow of capital into agriculture, which in turn limits development opportunities. As a rule, the majority of measures, especially in the area of introducing progress and innovation, require significant financial outlays. Interviewed academic experts suggest that people other than 'individual farmers' (as defined in the Act) could be granted access to land, although this would have to be complemented with regulations containing clear qualitative and time-related criteria that should be met by such persons in order to be able to purchase land and/or keep the right to its cultivation afterwards.

#### **Three individual farmers (two large-scale, i.e., cultivating 200-300ha, one cultivating 50ha)**

In general, the interviewed farmers evaluate current policy on access to farmland positively. In their view, access to land in Poland is currently limited due to high prices and low supply. They evaluate well the restrictive rules for the purchase of agricultural land included in the Act. They believe that agricultural land should be available only to active farmers. Moreover, they positively evaluate the restrictions for foreigners, indicating that agricultural land should be in the hands of Polish farmers. They appreciate the activity of foreign farmers, who settled in Poland in the 1990s, mainly German and Dutch (there were different rules for buying land at that time) and are good 'real' farmers, but as of today they clearly indicate the need to protect agricultural land from being bought out by foreign farmers, especially companies. Similarly, they stress the need for restrictions for companies and claim that preference should be given to individual farmers. They evaluate well the system used by KOWR in tenders where State-owned land is sold (e.g., preferences for family farms and young farmers), while some of them negatively evaluate the restrictions for farmers who already have a large acreage and



would like to enlarge it. Foreign farmers have a different opinion about the rules of purchasing agricultural land in Poland. They emphasize that the rules are too restrictive and limit the possibility to lease only, which blocks the enlargement of their farms that had been operating in Poland for many years. Some respondents also notice the existence of restrictions for young people who want to set up a farm (requirement of 5 years in agriculture, 1 ha of land). Similarly, they see difficulties for people who would like to start agricultural activity without prior experience. Stressing the legitimacy of restrictions on the purchase of agricultural land to farmers, they point out that a better solution could be to apply not only the criterion of acreage (management of min. 1 ha), but the livelihood based on agriculture (e.g., min. 80% of income from agricultural activity). Also, some farmers see a need for reshaping how KOWR operates in practice in order to, i.e., provide practical guidance for farmers who are often not aware of all the complicated regulations when they want to purchase land.

### **A person who has recently bought farmland for non-agricultural purposes**

There are a number of persons who try (and often succeed) to purchase farmland while not being an individual farmer. Current regulations allow that because the Director of the National Agricultural Support Centre (KOWR) can grant the permission for such a purchase theoretically to anyone, provided that the seller proved that (s)he was not able to sell the land to an individual farmer. The criteria used for that decision are, however, not transparent to those who are interested in making such purchases. These decisions are made by officials in 18 regional offices of KOWR (ca. 1 in each NUTS2 region) and there is no common understanding of neither the exact procedure (e.g., how exactly one proves that it was not possible to sell the land to an individual farmer), nor the criteria used in granting the permission. Therefore, there is an informal circulation of experiences and tips as to how to approach this procedure in order to increase one's chances to be granted such a permission. According to the interviewee, when someone is interested and willing to purchase land while not being a farmer, it is generally possible to 'find one's way to do that'. Of course, the obligation of cultivating the land for 5 years afterwards is still valid; but in practice mowing the field once per year is considered sufficient to meet this criterion. Therefore, the practice is often that the land is not used for agricultural production, but only kept in a "good agricultural condition" which satisfies the officials who may (and do) visit the farm in order to verify how the land is used after such purchase.

The respondent understood and appreciated the rationale behind the current regulations and their general shape. However, he argues that more flexibility should be provided for 'quasi-agricultural' uses of farmland. For instance, his idea for the farmland he had purchased is to construct an experimental, passive house made of local and recycled materials – an earthship – and then start a research project in order to verify whether such house can be a viable alternative to the dominant type of housing structures in Poland. He also intends to run a permaculture garden that would be integrated with the earthship (along permaculture design principles), and set aside part of the land for biodiversity conservation. Currently there is no special track for such experiments on the verge of food production, environmentally-friendly housing and biodiversity conservation – and in his view, there should be. Moreover, keeping the land cultivated means that he has to cut down young trees that spring up in that part of the parcel that he would like to set aside for biodiversity purposes.

**A representative of an animal rights-NGO aiming at create a farm animals' sanctuary**

Yet another perspective on the regulations of access to farmland is the perspective of an animal rights-NGO that found itself in a stalemate last year when they were looking for land on which to create a farm animals' sanctuary. The situation was a direct result of a court decision to 'expropriate' a farmer of a herd of ca. 180 cows that he owned. In Poland, when someone is convicted of abusing animals, as that farmer was, the court is obliged to take these animals away from their 'owner'. The Law stipulates that such animals are then given over to an animal-rights NGO that then finds them a new place to live or an animal shelter. While this rule works quite well in case of individual animals (a cat or a dog), it clearly poses a huge challenge when an entire herd of cows is the subject. However, since the case was widely discussed in the media (for a number of other reasons), the NGO that was supposed to take over the animals was able to find sponsors who agreed to pay for land (or a farm) and subsequent care over the animals. In other words, the NGO had appropriate resources to purchase enough land (ca. a dozen hectares) and they easily found potential sellers – but they did not have a formal possibility to purchase farmland on which such a shelter could be established. Of course, the rule of the exception granted by KOWR could be used in this case: but the (varying) practices of KOWR regional officials show that it usually takes a couple of months needed for the seller to prove that no individual farmer responded to the selling offer and the KOWR to realize or waive its pre-emption right. Hence, even with funds, a potential seller, and a quasi-agricultural use, the NGO was not able to purchase land in order to save the cows. Hence the interviewed representative of the NGO argues that there such 'quasi-agricultural' land users should be able to access farmland more easily.

**An environmental NGO expert**

The last interviewee, an NGO expert, agrees that current regulations are needed in order to address the problem of land grabbing resulting from different land prices across Europe. In her view, the logic and assumptions of the regulations are well-suited; however, as they are limited to market regulations only, they do not address the issue of non-market access to land that could be of key importance for farming and generational renewal due to its potential to attract actors – individual or collectives – that are willing to engage in sustainable, small or medium scale agriculture but lack investment funds to do that. One example she mentions from her experience is the situation of the Ecological Folk High School in Grzybów, a folk university that provides two-year full-time courses on organic farming (its fourth edition starts in 2021). Graduates are not, however, officially recognized as farmers and, furthermore, often lack funds to set up a new farm (even if KOWR made an exception and allowed the purchase of land). Moreover, many participants are not able, and/or reluctant, to take a significant loan needed to gather funds for such an investment. Hence, young people with high-level education in organic farming face a significant obstacle in setting up their farms. Even though the expert confirms that most interested persons with access to sufficient finances are able to get a permit from KOWR, what she suggests as a systemic solution to this problem is a 'land bank' similar to those that are operating in other European countries (e.g., Kulturland's activity in Germany). From her perspective, it is crucial to provide such non-market pathways to establishing a farm not only because it will allow more young entrants to start farming, but also because it is easier in the case of a land bank to regulate how the land will be used as it could e.g., lease or sell the land only for organic farming.

### Discussion of the interviews

A number of common points can be discerned from the interviews conducted for this study. First of all, farmland (especially with high-quality soils) is perceived as a scarce resource that plays a key role in food production. Our respondents generally agree that it should be protected from market forces whose operation could bring sub-optimal results from the perspective of food security, landscape preservation, biodiversity conservation or the settlement (housing) structure. Secondly, the current system of regulations on farmland market is considered generally appropriate. While some stakeholders who benefit from land speculation or development into non-agricultural purposes would probably disagree with the normative assumptions of these regulations, none of our interviewees claimed that the foundations of the regulations are misplaced. And thirdly, our respondents generally agreed that current regulations might be too restrictive from the perspective of new entrants into farming. Different stakeholders assess the overall regulations slightly differently – e.g., what types of actors should be allowed to buy farmland – but all agreed that such regulations should exist.

Where the interviewees differed is selected aspects of the range or flexibility of regulations. Not unexpectedly, farmers and KOWR representatives would like to see the regulations even more tightened in order to keep the demand for farmland as low as possible – although large-scale farmers would like the 300ha limit to be waived in order for their holdings to grow further (but even farmers and KOWR agree that new entrants face difficulties in acquiring farmland). Academic experts, on the other hand, noted that the regulation of land with low-class soils could be loosened or even excluded from the regulations altogether as these soils are not very valuable for mainstream farming anyway and limit the influence of various types of capital into rural areas. Although academic experts seem to be in favour of (slightly) less market regulation, there seems to be some synergy of that point with the regenerative, experimental and usually grassroots approaches to farming/living as exemplified by the interviewee who bought farmland for conducting an experiment in sustainable rural living (that would also include food production). And indeed, we believe that such experiments play an important role in sustainability transitions of agri-food systems (Skrzypczyński *et al.*, 2021). Since the goal of such experiments is often to *regenerate* soil and environment, they are not as much limited to high-quality soils as conventional farming. From this perspective, current regulations could be also (slightly) loosened in order to facilitate the establishment of such experiments with sustainable living (incl. some food production and biodiversity conservation) on particular types of land. This, however, has to be done carefully so as to ensure that such uses are indeed contributing to broader sustainability.

An argument for more inclusive access to farmland is also illustrated by the case of an NGO that needed farmland in order to establish a farm animal sanctuary and had sufficient resources to do that – but was unable for formal reasons. While this is not directly related to food production, we believe that with time there will be more and more cases where farmland is used for such quasi-agricultural functions; and even if they are marginal in relation to how much land is used for food production – but also as a result of that – Polish and European legislators should consider including such functions in the catalogue of uses that have an easier track for access to farmland.

Our respondents also pointed out that while current regulations are generally sensible, we need not limit ourselves only to the logic of market regulations. An institution of land bank could definitely help in setting up new farms, especially by new entrants trained in non-formal ways (e.g., ecological folk high schools). It could also help ensure that land is used for socially- and/or environmentally-friendly types of farming (e.g., organic farming) while creating a soft landing for those farmers that pass on their farms to the land bank. Moreover, such an institution could also help in addressing the problem of quasi-agricultural uses that, even though are not strictly focused on farming, are beneficial in other ways (farm animal sanctuaries, sustainable living experiments, educational farms, etc.). Similar solutions exist in other countries and this seems generally transferable.

### 3.5 Conclusions

This case study aimed at illustrating current state of farmland access regulations in Poland and answering the question how it could be improved (from various perspectives). In order to show conflicting viewpoints, we tried to confront various perspectives on the issue of access to farmland, including its normative or political aspects. A general conclusion would be that the interviewed stakeholders broadly agree with regulating access to land, but would either introduce some changes in the details of the regulations – e.g., broaden the scope of eligible actors – or would establish parallel, non-market mechanisms for access to land to complement existing market regulations. Depending on the goal of these regulations, different actions could be undertaken by the legislators. For farmers, it seems crucial to keep or even tighten the regulations, since this will limit the demand – and price – for land. Large-scale farmers would argue that while only farmers should have access to land, there should be no limit on the total UAA in hands of an individual farmer that would block them from further land accumulation. Small-scale farmers and new entrants, especially ecologically-oriented, would probably benefit from keeping the restriction on total UAA but also from providing a non-market pathway for access to land (e.g., land banks). This approach would be also beneficial for quasi-agricultural, but socially beneficial uses, such as experimental farms/communities that combine sustainable living with food production, biodiversity protection or education, as well as for NGOs that need farmland for establishing e.g., animal sanctuaries. In terms of biodiversity, it is also important to review how the per-hectare payments induce non-farmers who own farmland to keep it in ‘good farming condition’, which is not translated into food production but might be at the same time harmful for biodiversity. Reviewing such payments could also increase the supply of farmland to the market, some of which is now kept only as capital investment. Finally, a common motif among the stakeholders was to reconsider whether access to low-quality soils should be also as much restricted. All in all, however, farmland is today considered in Poland as a valuable resource that should continue to be protected from land grabbing, speculation, non-agricultural uses, and excessive concentration.