

8 Analysis of the structures' policy (SDREA and CDOA), Case studies: Nord and Côte d'Or (William Loveluck, Terre de Liens)

8.1 Introduction

In France, regulation of transfer of use rights over agricultural land is based on two different and complementary regulatory tools: the SAFER (*Société d'Aménagement Foncier et d'Etablissement Rural* – French land agency) which regulates transfer of land ownership, and the CDOA (*Commission départementale d'orientation agricole* – French departmental agricultural guidance committee), which regulates, inter alia, the right to farm for certain rural lease transfers and farmland purchases. More specifically, it is the prefect of the department, the representative of the State at this level, who arbitrates decisions on authorisations to farm, as the CDOA has no decision-making power and is only consultative. In practice, the decisions taken by the CDOA are generally followed. A particularity of the French system is that becoming the owner or tenant of land does not necessarily entitle a farmer to farm it. In certain cases, farmers must request an *authorisation to farm* to give effect to their ownership or tenant rights (this authorisation making the lease valid in the case of tenancies).

The CDOA's arbitration is carried out in line with an SDREA (*Schéma Régional des Exploitations Agricoles* – regional plan for agricultural holdings), which determines both the situations in which control is necessary (which can lead to an authorisation being either granted or refused) and the priorities to be applied for authorisation requests, for example in the case of competing applications concerning the same plots.

8.2 Context

8.2.1 Case studies

The analyses led in the French case study focus on the application of structures' policy in two departments: the Nord department in the Hauts-de-France region, and the Côte-d'Or department in the Bourgogne-Franche-Comté region. These two departments were chosen because the SDREA applied in the Nord department is rather 'minimalist' (meaning that definitions, guidance and prioritisation are not very detailed, with no distinction among the different agricultural regions and little distinction among production systems) whereas the SDREA applying for the Côte-d'Or department is rather detailed, with:

- Small agricultural regions with their own thresholds for control and for excessive expansion in the different areas and very precise area equivalences, based on the different designations of origin linked to the specific nature of the region as a vine-growing area.
- Precise criteria, in order of priority, on evaluation of the economic and environmental benefit of an operation, for deciding between applications with the same level of

priority, for example: number of workers, continuation of organic farming practices, continued protection of water catchment areas, etc.

- Additional calculation forms to choose between applications with the same level of priority: distinction between different types of establishments or re-establishment, and between types of expansion.

Studying these two departments, thus, made it possible to analyse the implementation of SDREAs with very different formulations. We interviewed individuals involved with the CDOAs: representatives from different farmers' unions for each department and representatives of the administrative authorities (officers from the DDT - *Directions Départementales des Territoires* [Departmental Directorates of Territories] in charge of running the CDOAs). An additional interview was carried out with the director of the Côte d'Or SAFER, as well as a more general interview on the subject of the different situations in the departments with an officer from the National Federation of Farmers' Unions (FNSEA).

8.2.2 Main discussion points on SDREAs

The SDREA determines the order of priority of the different types of operation concerned by a need to request authorisations to farm submitted to the prefect (via the DDT, consulting the CDOA), as well as economic and environmental criteria to be considered when assessing applications. The operations subject to control are linked to establishment of new farms, progressive establishment of new farms, farm expansion, and creation or extension of production facilities. This plan determines:

1. The operations which are subject to administrative control and those which are not: based on the area over which use rights are obtained (or an 'equivalent area' for high intensity or 'soil-free' activities), the distance of these areas from the farm's principal place of business and the identity of the applicant (e.g.: holder of agricultural qualifications or enrolled in a formal farm establishment programme¹¹, if the applicant is just setting up).
2. The priority level of applications: the order of priority of operations, between establishment of farms, compensation, and other types of expansion (according to the thresholds reached).

The plan allows a weighting to be attributed to different aspects to determine the order of priority for granting authorisations to farm, and sets out criteria for evaluating the economic viability of farms concerned by applications. Therefore, the main points for discussion when drawing up SDREAs are as follows:

¹¹ "Formal farm establishment programme" refers here to a programme which, in its current state, has a high degree of institutional recognition: i.e., a programme which at some stage includes completion of a PPP – *plan de professionnalisation personnalisé* (personalised skilling plan), and farm development plans approved by the local Chamber of Agriculture.

- Threshold for the minimum area which needs a request for an authorisation and the distance of these areas from the farm's principal place of business
- Threshold for "excessive expansion"
- Definition of "loss of viability"
- Order of priority for competing applications
- Criteria for deciding between applications of equal rank

The thresholds which give rise to structure control are determined according to an official method, stipulated in a ministerial decree, based on the average utilised agricultural area (UAA) of farms in the region. However, the region may be divided into smaller agricultural sub-regions to account for diverse local situations. The political objective, nonetheless, remains based on the local statistical situation. The SDREA will then determine where the control threshold is set, at an area of between 30% and 100% of this average. A lower percentage leads to more applications being analysed by the CDOA (this is the case in Brittany, with a threshold of 40%), whilst a higher threshold leads to fewer applications being processed by the CDOA. If we consider the SDREA currently in force in the Nord department (before the next SDREA is approved at some point in 2021), the control threshold was calculated based on the 2010 census, which was 60 hectares (ha), and was set at 100% of this average (i.e., 60 ha), whereas the thresholds vary between 79 and 124 ha in the Côte d'Or department depending on the sub-region.

As well as checking the situation of new applicants after completion of the operation (total area which will be used), the CDOAs also examine the situation of farms losing land for which an authorisation to farm is requested. Maintaining the viability of farms losing land is therefore also a criterion for deliberation, if the farm is not terminating its activity.

To this end, the SDREA can adopt definitions with varying degrees of precision of what is known as "loss of viability", i.e., the level at which a farm's functioning will be compromised, if the operation is likely to:

- Bring about loss of infrastructure, means of production, particularly high-value areas, or access routes necessary for the proper functioning of the farm.
- Bring about a significant loss of standard gross production (SGP) on the farm.

To account for the diversity of production systems, equivalences between high-added value production areas (e.g., vineyards) and/or labour-intensive areas per hectare (e.g., vegetable-growing areas) and "average area" are calculated. These equivalences are generally calculated based on accounting data from the FADN (Farm Accountancy Data Network), which allows the SGP to be determined for different types of production. However, not all types of production are included in the FADN, as some use different processing and marketing methods for the same product, which makes it difficult to determine equivalences.

The threshold for "excessive expansion" corresponds to a threshold above which expansion is considered too extensive in comparison with the average size of agricultural holdings in the region. This threshold may cause the CDOA to refuse a request for an authorisation to farm. However, in practice, expansion of a farm above the excessive expansion threshold can still be authorised, particularly where there is no competing application.

To decide among competing requests for an authorisation to farm, prioritisation rules are set with regard to the applicant's situation. These priorities may differ from one region to another, or from one period to another, but are very often classified in the following order:

1. Cases of force majeure corresponding to the following situations aimed at maintaining the farm's structure: a spouse must take over use of land as the other spouse has encountered problems which prevent them from continuing their activities, or a farmer obtains new land as compensation for agricultural area lost (either because of an urban development project or because of land takeovers by its landowner).
2. Farm establishment or progressive establishment (i.e., over a maximum of five years).
3. Farm restructuring: i.e., means of improving fragmented land to optimise agricultural activity (creating plots which fit together better, etc.) which may potentially be offset by transfer of other parcels.
4. Classic expansions, with different priorities depending on the threshold reached after authorisation.

With regard to establishment of farms, farmers setting up who receive the Young Farmers' Grant (YFG) or meet the criteria which would allow them to receive this support are generally placed at a higher priority level than those who are not eligible for this. In the case of competition between two farmers setting up on the same land, having an agricultural qualification and being enrolled in a farm establishment programme are often conditions for obtaining an authorisation, although this aspect varies in strictness in different regions. An example is that, although article L331-1 of the rural code specifies that the establishment of farm is the main objective of the SDREA, some SDREAs give priority to other reasons or they put the setting up of farms which are not eligible for the Young Farmer Grant (YFG) to the bottom of the list of priorities, whereas the rural code does not make this distinction between establishment of farm eligible for YFG and those not eligible for YFG

8.3 Narrative: How CDOAs work

8.3.1 Main principles of the CDOA

Applications for authorisations to farm are sent to the DDT responsible for managing CDOAs. The final approval of decisions made by the committees is given by the prefect, who in practice very rarely opposes their decisions. Each CDOA is composed of representatives from the different agricultural unions, the Chamber of Agriculture, the agri-food sector, agricultural financing, rural landowners, and rural councillors, with the recent addition of consumer representatives and associations accredited for environmental protection.

The file sent to the DDT by the applicant is relatively exhaustive and requires, as a minimum, prior notification of the landowner of the application. Consequently, authorisations to farm requests are, from the very beginning, part of the local social panorama involving landowners, local farmers, and other potential applicants (historical links, shared interests, feuds, etc.). As we will see, however, the CDOA's opinion can go against the initial preference of the landowner. Nonetheless, the landowner remains free to decide whether or not to sign the lease with the person who gets an authorisation, which limits the CDOA's ability to push land

use in a direction contrary to local arrangements. Upon receipt, applications for authorisations to farm are published within the municipality and on the DDT website for a minimum period of two months, in order to facilitate competition. The administration has low means to check that their decisions are well applied and respected in the long term, most ex-post checks therefore take the form of social controls by individuals involved in the decision on a local level, rather than administrative control. Based on the information contained in the applications, different procedures can be followed:

- Either the application is not subject to any type of control (for example, because the area is below the control threshold and the identity of the applicant does not require control to be carried out): the DDT therefore simply states that the operation does not require control. In theory, the application for an authorization to farm is not necessary in these situations, but in practice, some transferees still find themselves obliged to take steps to obtain a document from the administration stating that the operation is not subject to control (particularly in the context of other administrative procedures underway: loans, grant applications, etc.).
- Or the application is subject to control, but without competition, in which case the DDT presents the file 'for information only' to the committee.
- Or the application is subject to control and there are several competing applications, but the priority assessment grid of the SDREA clearly shows that one file has priority over the others (which will be refused).
- Or the application is subject to control and the competing applications are found to be on the same level of priority, which leads to discussions between CDOA members to decide between them.

The last case, which is fairly uncommon in the two departments studied, gives rise to several possibilities: either an authorisation to farm is granted to several or all applicants and the final decision is left up to the landowner (particularly in the case where there are no criteria which allow a choice to be made between the applicants); or an authorisation to farm is granted to only one of the applicants. In these cases (competing applications with the same level of priority), the administration and committee members tend to use criteria from the SDREA general guidelines: consideration of certain types of production (livestock farming or other regional sectors deemed priority, high-added value production types, organic farming, etc.), consideration of certain structure types (e.g., family farms rather than corporate farms), etc. In practice, this type of criteria will therefore only be considered when the administration arbitrates between operations of the *same* priority level (for example, two establishment projects). Due to this, applicants on the same priority level often seek to "regulate" competition on land locally, among stakeholders and before the CDOA's decision, to limit the risk of a decision being made based on this type of criteria and particularly, to gain tacit authorisation if there is no competition for the land concerned.

The reasons for the different types of refusal must be clearly explained by the prefect (generally on the basis of the CDOA's opinion) and can be contested if the applicant does not agree. These disputes are taken to the administrative court, which determines whether the refusal complies with the objectives and criteria set by the SDREA. When there is no

competition on land for which an application for authorisation has been made, excessive enlargement cannot be put forward to justify a refusal by the DDT. This aspect is of major importance to grasp the challenge that actors may have, upstream of the request made to the DDT, to ensure that no competition takes place on a given land.

8.3.2 What does the CDOA concretely control?

From a legal perspective, one of the main limits to structures' policy, regarding the number of use rights transfers which it can concretely regulate, is the growing number of corporate agricultural holdings. The owners of these structures can legally evade control by the CDOA when use rights are transferred to them in numerous cases. Not only has the number of corporate farms risen (particularly large corporate farms) in comparison with the number of individual farms, but the share of the agricultural area managed by these corporate farms has also increased.

Indeed, three different ways of transferring farmland coexist: transfer of ownership, transfer of rural leases and transfer of different types of shares in corporate farms, which the SAFER observes but can only regulate in cases where all shares (100%) in a farm holding are transferred. In the latter case, the farming corporation can hold the use rights over the land through different ways: because it owns land as part of its capital; because one of the partners owns or has tenancy of the land, and makes it available to the corporation (this situation provides an exemption from the status of tenant farming); or because the corporation has set up rural leases in its name (as a legal entity) with landowners who are not part of the farming corporation. In the Rural Code, the partner of an agricultural company who participates in agricultural work is considered as personally farming the land and is controlled as such. Only the acquisition of shares by simple investors is not subject to structures' policy. The situations controlled by the DDT in the case of share transfers therefore generally correspond to transfers of land for which an outgoing partner had leases (which they made available to the company) that they wish to transfer to an incoming partner. As these land transfers are part of a wider transfer of shares (including the transfer of the farm's capital), this is a situation where competition from other applicants is almost never observed. In all cases, there is no possibility of pre-emption by the SAFER if less than 100% of the company is transferred. Due to this, a common way of escaping the intervention of the CDOA or the SAFER is for farmers nearing retirement to set up a company, although their structure may have originally been an individual farm. In this way, the transferee(s) become part of the new company, in which the transferring farmer is temporarily a partner before leaving for retirement. The transferee(s) take(s) over the land by buying shares in the company, limiting the possibilities of competition and administrative control. This type of arrangement is fairly widespread, to a greater or lesser degree in different production systems and regions.

The increasing trend for using hired labour, which involves agricultural contractors carrying out all work on farm holdings, can also be considered as another type of use transfer via the service market when this kind of work is carried out over the long term or systematically. This kind of land use transfer also falls outside all regulation frameworks governing ownership, lease or share transfers. In certain areas of the Nord department, another phenomenon is also affecting the rationale governing transfers of land use, on a scale which is difficult to clearly assess in terms of agricultural area: sublease of farmland, particularly in potato-growing areas.

This type of production is often carried out by large, specialised farms which, to avoid pressure from pests and disease, organise crop rotation by renting land via sublease on different plots every year from other farmers. Potatoes are a product which can generate substantial margins, and so large amounts can be paid for these subleases, much higher than the rent paid by tenant farmers. However, not only is sublease forbidden by the Rural Code, but it is also an arrangement which escapes all CDOA control. Even if the structures' policy is supposed to control all forms of transfers of land use. But subleases, which are generally one-off and do not involve any negotiation with the landowner, are generally not known to the administration, unless local denunciations are made, which are rare as many farmers benefit from this practice.

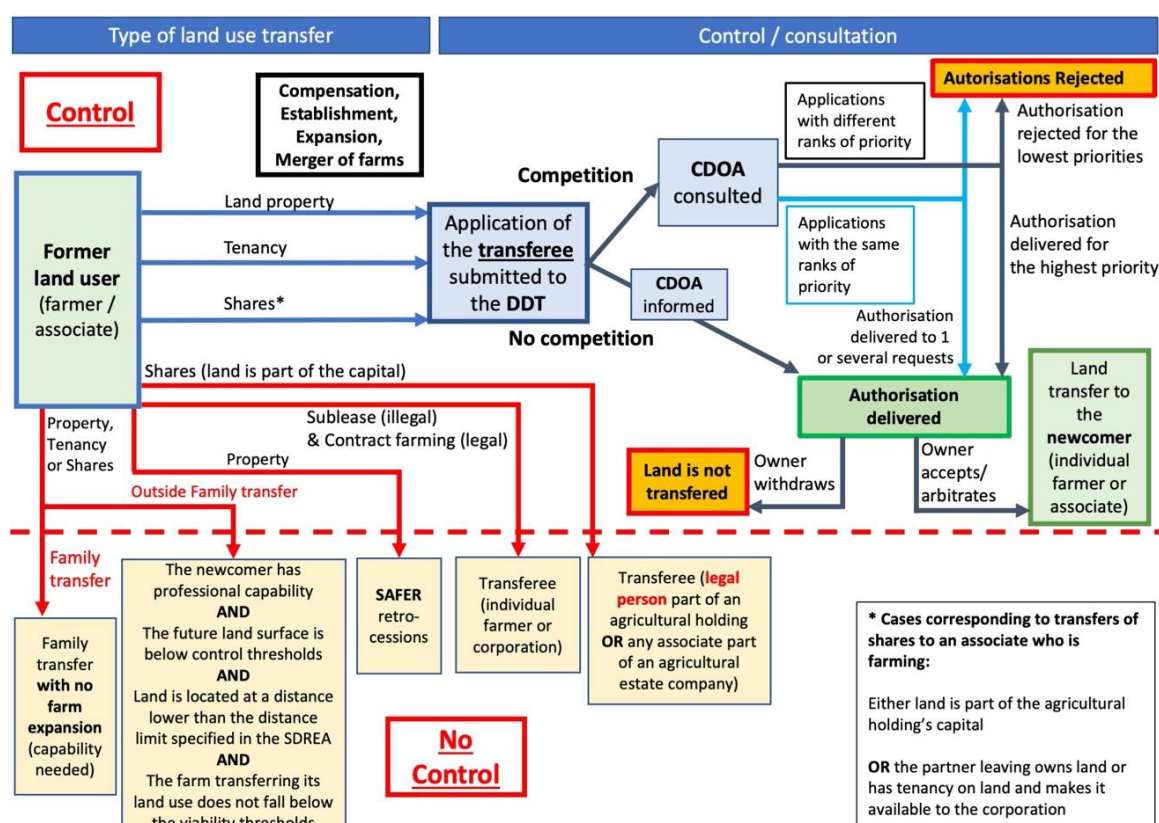


Figure 8 Cases that the CDOA controls and cases not submitted to the structures' policy

Figure 8 summarises the different cases in which controls are applied and those in which there are none. Certain operations (see Figure 8), are not subject to any type of control. This is the case for all operations concerning farms which have an area smaller than the control threshold, except if the plots concerned by the operation are located at a distance from the farm's principal place of business greater than the distance limit specified in the SDREA, if the applicant does not have the professional capability or if the farm transferring its land use falls below the viability thresholds. Consequently, most of the so-called 'atypical' establishment projects on small plots of land, made possible by high-added value product (short supply chains, on-farm processing, etc.) and/or low running costs (low input, low expenses linked to mechanisation, etc.) are not subject to structures' policy control. Since the 2006 law on

structures' policy, operations concerning the transfer of family assets (with no farm expansion) are also excluded from any control. In this latter case, however, a number of conditions are required in order not to have any control: the newcomer must have the professional capability, the parent must have owned the property or lease for at least 9 years, the purpose of the transaction must be the establishment of a new farmer or the consolidation of a farm.

8.4 Discussion on the practical effects of structures' policy and its limits

8.4.1 The different attitudes of farmers' unions towards structures' policy depending on the region

The agricultural profession's appetite for structures' policy with a high level of control (e.g., via fairly low control thresholds) and concrete ways of steering land use varies widely between regions. Similarly, the degree of alignment or antagonism between the different unions and representatives within the committee differs from one area to another. Various explanations can help to understand these situations, but the issue of predominant production systems, historically linked to regional specialisations, seems to be one of the key factors (Bernardi and Boinon, 2009). In cereal-producing areas, for example, where farms tend to be more structurally inclined towards expansion, agricultural representatives mostly tend to take a more liberal and permissive approach towards structures' policy. In contrast, in an area such as Franche-Comté in which dairy farmers involved in the Comté registered designation of origin have strong influence over local land and agricultural policies, farmers try to maintain a certain number of medium-sized structures and push for relatively strong structures' policy. In this particular case, apart from the fact that food supply chains are part of a specific economic dynamic based on the differentiation and the protection of production, the region has a history of dialogue and cooperation which seems to translate into the ways land policy is apprehended.

In addition, the other major factor which explains the relationship of the agricultural sector with structures' policy is the way the land market is structured. The predominance of land farmed by tenants, rather than by landowners, as is notably the case in northern France, places more emphasis on structures' policy in managing transfers of land use, as decisions made by the CDOA hold particular importance compared with areas where owner occupation is prevalent. This aspect might be the reason why the main union in the Nord department attempts to increase the union's sovereignty in CDOA decisions through limiting the level of details provided in the SDREA. Moreover, the financial issues surrounding transfers of land use are also particularly acute, as farmers request money to the transferee for lease transfers in the form of key money (see below, section 8.4.2), a phenomenon that further entails the union's willingness to have influence over the CDOA.

8.4.2 Social and legal regulation before and after DDT decisions

As mentioned, structures' policy comes into conflict with property rights: it can prevent leases being signed, but it is however impossible to force a landowner to sign a lease with a certain

transferee against their will. The issue of relations with landowners is therefore key. There are many different cases which may arise: the landowner may be the farmer who is transferring ownership of land (for which an authorisation to farm may also be requested) or the use of land via a lease to a new user; or the landowner may not be a farmer and the operation concerned may be a change of lessee. In all cases, many financial issues play out between the different stakeholders. If we focus on lease transfers, we can illustrate the stakes at place before and after DDT decisions as is indicated in Figure 9.

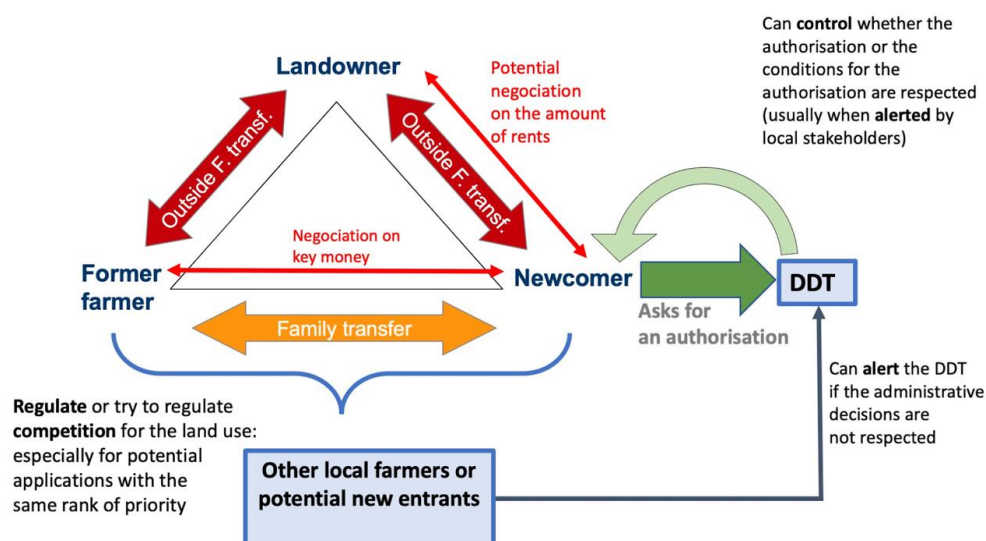


Figure 9 Interactions between stakeholders upstream and downstream of the DDT's decisions

In Figure 9, we can distinguish two cases: **family transfers**, where the landowner will not be consulted as leases are automatically transferred to the farmer's children (without needing the landowner's approval) in the frame of the tenant farming statute; and **outside family transfers**, involving negotiations among the former farmer and the newcomer and negotiations of both farmers with the landowner. The rationale of the former farmer is to look for a buyer who will perpetuate the farm, who can pay the "key money" and who will not sue the transferor for the recovery of sums paid. Indeed, key money corresponds to the negotiated payment of a fee for transfer of the land to the new lessee, even though this is forbidden by the Rural Code¹². This practice is relatively common in the Nord department, and even systematic in some areas of the department, and sometimes reaches several thousand euros per hectare. There are also some examples of this practice in the Côte d'Or department, although for lesser amounts of money.

The landowner, in the case of transfers happening outside the family, is looking for a newcomer who is able to pay the rent. In some cases, he might even negotiate the amount of the rent, even if this is not legal (as the amounts of land rents are regulated in France). In all cases, a high level of trust among the actors is required for the transfer to take place, and stakeholders might try to discourage other competitors from applying to preserve their financial stakes. The level of social regulation on competition may depend on the financial cost

¹² This offence is punishable by two years' imprisonment and a fine of 30,000 euros.

of the operation, the size of the plot or the identity of the newcomer (Piet *et al.*, 2021). All these socio-economic factors strongly influence the forms of social regulation before involvement of the CDOA (the amount concerned by financial negotiations excludes certain potential lessees, etc.) and the level of acceptance of CDOA decisions. They contribute to an increase in disputes over the CDOA's refusals, or, as expressed in some interviews, a sort of 'judicialization' of the relationships between the CDOA and applicants. They also explain the absence of competition for many expansion applications. In general, competition has become the exception rather than the rule in certain regions, in spite of the publication of applications, as arrangements are made between the parties well before the decision-making process begins.

For farmers who want to set up a farming project on smaller areas (e.g., market gardening projects) the administrative aspect does not represent an obstacle, as in most cases these applicants are not subject to structures' policy. They are, however, involved in the negotiations between landowners and potential lessees which take place ahead of CDOA decisions.

The possibility of refusing an application, even when there is no competition (particularly for excessive expansion) could potentially curb the negotiating practices surrounding lease transfers which take place before CDOA decisions. However, the trend within the administration is rather to limit the number of refusals. Indeed, the general trend for reduction of staff numbers in the services in charge of carrying out structures' policy leads to limitations in several dimensions. To avoid having to recruit staff to settle the numerous disputes, the administration may tend to limit the number of applications refused and grant authorisations to farm to several applicants (when applications are on the same priority level), leaving the landowner to make the final decision. This diminution in human resources also lead the administration to explicitly state that it wishes to see a reduction in the number of applications requiring control and to have more decisions to be made automatically without the need for discussion with the committee. A representative of the Côte d'Or CDOA also explained that during the 1980s and 1990s, CDOAs could more concretely steer land use by refusing a landowner's initial project and ensuring that the landowner allocated half the land to another tenant. Some landowners were then consulted by CDOA members to work on creating scenarios for equitable sharing of land. Carrying out these consultations requires sufficient resources for maintaining a form of "local dialogue around land sharing". As stated, this trend for reduction in human resources for structures' policy also severely limits the administration's capacity to follow up on enforcement of decisions.

8.4.3 Legislative and legal limits of structures' policy

Although some improvements have been made to the structures' policy, such as publication of applications to get an authorisation to farm on both the website of the DDT and the notice-board of the town hall, which has allowed often-unknown operations to come to light, structures' policy has lost much of its capacity to practically influence developments in farm size compared with when it was implemented in the 1960s. This is partly due to legal scope; the laws of 2005 and 2006 particularly relaxed this control. These laws raised the control threshold and removed the need for an authorisation to farm in certain cases (e.g., when reducing the number of associates in a farm, or when an associate exceeds the threshold of

50% of a farm holding's capital) and transferred others to a simple declaration procedure (operations concerning family assets). Some mechanisms were also removed, including forms of regulation such as temporary authorisations to farm, which meant that a full authorisation could be granted at a later date after checking if the project was still functioning, and conditional authorisations to farm, allowing a definitive authorisation to be granted subject to compliance with certain conditions following the decision (such as recruiting workers or transferring certain plots of land in exchange for access to others in the case of restructuring of fragmented land).

Concerning the establishment of young farmers in agriculture: Boinon (2013) underlines the ambiguity, in its potential interpretation, of the priority objective of farm setting up, which according to him "has often been an open path to circumvent the structures' policy". Indeed, a young farmer can easily set up on the farm of a neighbouring farmer and then merge this farm with the family farm by creating a farming company. The operation thus leads to the expansion of the initial farm, based on a legal situation aimed at prioritising farm setting up.

In view of the limitations mentioned concerning the structures' policy and the inability of SAFER to act on share transfer, a proposal is currently being debated in Parliament within the framework of the 'Sempastous' draft law (named after the MP tabling it), to establish administrative control of transfer of shares of an agricultural holding which rents or owns agricultural land, setting a limit on what has become an important way of bypassing structures' policy, extending administrative control to purely financial entries into the capital of agricultural holdings (i.e., entry of an associate which is not farming) and entries into the capital of purely land-based holdings (holdings which are not farming but holding land in ownership, such as GFAs¹³ for example). As the project stands, only a limited number of operations may actually be controlled in comparison with the total number of share transfers carried out. Therefore, alignment with the control levels set out in the SDREAs would seem more appropriate.

8.5 Conclusion regarding structures' policy in France

In conclusion, although structures' policy accompanied a relatively homogeneous development of farms in the 1960s by limiting excessive enlargement and, in many cases, encouraging the maintenance of medium-sized structures, its capacity to play this role today is compromised by many aspects, in particular:

- The numerous cases in which the structures' policy does not apply and the tendency to see the scope of this control diminish with successive reforms.
- The trend towards a reduction in the resources allocated to the DDT services to ensure this control, limiting the possibilities for dialogue between local stakeholders as they

¹³ GFA (Groupement Foncier Agricole) are "agricultural land groups", consisting in partners gathering money to buy and manage collectively agricultural buildings or land. They can only gather private persons (except the SAFER).

may have existed previously and severely limiting the capacity for *a posteriori* control of decisions taken by the prefect.

- The impossibility of refusing authorisations to farm when there are no competing applications in a context of strong social regulation at the upstream of DDT decisions (limiting precisely this competition).

Furthermore, in the law on the SDREA, as in their construction at regional level, the self-referential nature of the method for setting thresholds can be seen as an initial limit, as the calculation method is based on the latest set of statistics on the size of farms, the SDREA can only follow the trend for expansion of farm holdings, as they use the constantly increasing average size of farms as a reference. The issues linked to the maintenance or development of high value-added supply chains and production systems, maintaining or reinforcing agricultural employment and more virtuous from an environmental point of view, remain relatively unambitious in the structures' policy because these issues are non-mandatory and given low priority within SDREAs and are only taken into account as selection criteria in the case of competing applications with the same priority rank. Moreover, social regulation upstream of applications, partly linked to the amounts required in the context of lease transfers in certain contexts and/or to the logic of social control over land transfers in general, contributes to strongly limiting the possibility of certain applicants likely to implement projects responding to these issues to position themselves on land opportunities.

The comparative approach between two departmental situations makes it possible to grasp how the limitation of decision criteria and objectives within the SDREA can be the result of a desire to maintain a form of sovereignty of the leading farm union over the decisions taken in the CDOA, especially in a farming area such as the Nord department. In the case of the Côte d'Or department, even though the SDREA sets out more precise objectives and criteria, the representatives at the head of the largest farms do not even feel the need to take part in consultations on changes to the SDREA, given that potential farm expansion is based on legal arrangements that limit the impact of the structures' policy on the development of their farms.

In view of all these observations, however, the structures' policy appears to be a legislative framework which is far too complex in relation to the concrete effects it can have on the evolution of farm and value chains. Harmonisation of the four main forms of access to land use (purchase, rental, shares and delegation of work) within a more legible framework could help to limit the many ways in which structures policy is circumvented, while democratisation of the arrangement, opening up the governance of decision-making bodies that arbitrate on transfers of land use with balanced consideration of the points of view, would strengthen its legitimacy and applicability.