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## **Selected legal issues related to agricultural real estate during the COVID-19 pandemic**

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### **Abstract:**

The aim of the article was to determine, firstly, whether during the COVID-19 pandemic the provisions on agricultural real estate, including those contained in the Agricultural System Development Act of 11 April 2013 (hereinafter ASDA), matched social and economic needs and, secondly, whether and to what extent agricultural producers conducting agricultural activity on agricultural real estate obtained additional aid due to the state of epidemic. The considerations focus primarily on the acquisition of agricultural real estate up to 1 ha in size, which is often used for constructing a house with an adjacent garden. Reference is also made to statistical data on exercise of the right of pre-emption and the acquisition of land by the National Centre for Agricultural Support. Further, the issue of ensuring food safety and security in times of the pandemic is indicated to have grown in importance in the context of obligations of owners of agricultural real estate, including the obligation to run a farm for 5 to 15 years after its acquisition. Next, the considerations focus on state support for agricultural producers during the COVID-19 pandemic, referring to lease tenders conducted by the National Centre for Agricultural Support, the rules for paying tax, EU aid and benefits granted to agricultural producers in relation to the COVID-19 pandemic. The final problem hinted at is investments in renewable energy on agricultural land and concluding the related lease agreements.

**Keywords:** COVID-19 pandemic, agricultural real estate, right of pre-emption and acquisition by the National Centre for Agricultural Support, agricultural activity, ensuring food and food security, lease of agricultural real estate

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## 1. Introduction

The COVID-19 pandemic has had a negative impact on multiple branches of the economy, the school system and social life. Demand for food purchased by consumers, which is a staple product necessary for daily existence, increased.<sup>2</sup> The EU “Farm to Fork” strategy for fair, healthy and environmentally-friendly food system stressed that “The COVID-19 pandemic has underlined the importance of a robust and resilient food system that functions in all circumstances, and is capable of ensuring access to a sufficient supply of affordable food for citizens.”<sup>3</sup> The fundamental resource for conducting agricultural activity are agricultural lands, which are necessary to produce food. They are also the habitat of numerous fauna and flora species. For this reason, they should be particularly protected and used mainly for agricultural purposes.

At the same time, the COVID-19 pandemic supports the demand for construction investments, which require land property. Due to working from home, many people were interested in acquiring construction parcels or small size pieces of agricultural land which could be used to build a house with an adjacent garden. The development of construction investments is also accelerated by amendments of the Construction Law Act<sup>4</sup> that introduce more leeway as regards construction of residential and holiday houses.

Agricultural land whose size is at least 0.3 hectares is subject to restrictions in acquisition under the Agricultural System Development Act of 11 April 2003.<sup>5</sup> Due to increased consumption of electricity during the COVID-19 pandemic by the majority of society, climate change and obligations resulting from EU regulations, energy security, and in particular energy from renewable sources, is of increasing importance. One should notice the growing investments in solar power plants on agricultural lands. For this specific purpose, the lands are excluded from agricultural production, which in consequence leads to lower food production.

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<sup>2</sup> T. Herzfeld, *Commentary on Sars-Cov-2 and Agricultural Policy*, „Zagadnienia Ekonomiki Rolnej” 2020, nr 2, s. 3–6.

<sup>3</sup> *Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego i Komitetu Regionów Strategia „Od pola do stołu” na rzecz sprawiedliwego, zdrowego i przyjaznego dla środowiska systemu żywnościowego*, [online:] <https://eur-lex.europa.eu/legal-content/PL/TXT/?qid=1590404602495&uri=CELEX:52020DC0381>, [dostęp: 9.10.2021]. W Komunikacie podkreślono „(...)”, że system zrównoważonej żywności musi zapewniać ludziom wystarczającą i zróżnicowaną ofertę bezpiecznej, pełnowartościowej i przystępnej cenowo zrównoważonej żywności przez cały czas, zwłaszcza w okresie kryzysu”.

<sup>4</sup> Dz. U. 2020 poz. 1333, 2127, 2320.

<sup>5</sup> Zob. np. P. Blajer, W. Gonet, *Ustawa o kształtowaniu ustroju rolnego. Komentarz*, Warszawa 2020; J. Grykiel, *Ograniczenia obrotu nieruchomościami rolnymi oraz prawami udziałowymi w spółkach po nowelizacji ustawy o kształtowaniu ustroju rolnego*, „Monitor Prawniczy” 2016, nr 12.

The aim of the article was to determine, firstly, whether during the COVID-19 pandemic the provisions on agricultural real estate, including those contained in the Agricultural System Development Act of 11 April 2013 (hereinafter ASDA), met social and economic needs and, secondly, whether and to what extent agricultural producers conducting agricultural activity on agricultural real estate obtained additional aid due to the state of epidemic. At the same time, it should be clarified that the article deals not only with direct, but also indirect and other consequences of the pandemic that occurred in the period under consideration and affected legal issues related to agricultural real estate.

## **2. Acquiring and using agricultural real estate with size up to 1 hectare during the COVID-19 pandemic**

According to the ASDA, purchasers of agricultural real estate must as a rule be individual farmers (Article 2a of the ASDA). The Polish legislator rightly protects agricultural land as a national asset and the basic means of production. As stressed in the resolution of the European Parliament of 27 April 2017 on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers (2016/2141/(INI)), land is a public asset, subject to social obligations. The resolution noted that land is an increasingly scarce resource that cannot be produced, and that it forms the basis of the human right to healthy and sufficient food as well as of many ecosystem services vital to survival. The right conclusion, therefore, was that it cannot be treated as an ordinary item of merchandise.<sup>6</sup>

The amendment of the ASDA in April 2019<sup>7</sup> introduced the possibility of purchasing agricultural land up to 1 hectare in size by persons who are not individual farmers.<sup>8</sup> In such circumstances, the National Centre for Agriculture Support (NCAS) usually has a right of pre-emption or acquiring the land, but tends not to use the opportunity to purchase such small tracts. The right of pre-emption vested in the NCAS has been introduced primarily in order to prevent the splitting of larger-sized parcels into sub-1 hectare ones. If such activities are conducted and the land is subsequently sold, the NCAS may exercise the right of pre-emption.

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<sup>6</sup> [online:] <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A52017IP0197>, [dostęp:10.10.2021].

<sup>7</sup> Ustawa z 26 kwietnia 2019 r. o zmianie ustawy o kształtowaniu ustroju rolnego oraz niektórych innych ustaw (Dz. U. 2019 poz. 1080).

<sup>8</sup> Zob. np. A. Suchoń, *Pojęcie nieruchomości rolnej, gospodarstwa rolnego i działalności rolniczej w ustawie o kształtowaniu ustroju rolnego – wybrane kwestie z praktyki notarialnej*, „Przegląd Prawa Rolnego” 2019, nr 2, s. 91 i n.

**Table 1 Right of pre-emption and right of acquisition of the NCAS in 2018-2020**

Year	Number of conditional agreements of sale of agricultural real estate (up to and above 1 hectare) in the form of a notarial deed, which were sent to the NCAS, and the total area of real estate	Number of statements of exercising the right of pre-emption by the NCAS (up to and above 1 hectare) and the total area of agricultural real estate	Exercise of the right of acquisition by the NCAS
2018	1,279 conditional agreements of sale of agricultural real estate with total area of 6,477 hectares	28 statements of the NCAS, total area of agricultural real estate about 675 hectares	Right of acquisition not exercised
2019	16,276 conditional agreements of sale of agricultural real estate with total area of 17,924.74 hectares	60 statements of the NCAS, total area of 2,514.93 hectares	Right of acquisition not exercised
2020	29,862 conditional agreements of sale of agricultural real estate with total area of 32,290 hectares	110 statements of the NCAS, total area of 1,507 hectares	Right of acquisition exercised in two cases with respect to 8 hectares

Source: own compilation based on NCAS reports<sup>9</sup>

The data found in the above table confirm that the change of provisions allowing agricultural real estate up to 1 hectare in size to be purchased by persons who are not individual farmers led to a considerable increase of the number of agreements concluded with respect agricultural land. It should be stressed that real estate excluded from the application of the ASDA is not included in the table. This is primarily, for example, land up to 0.3 hectare in size. In addition, after the amendment of 29 April 2019 entered into force, application of the ASDA can still be excluded pursuant to Article 11 of the Act on suspending the sale of real estate of the State Treasury Agricultural Property Stock.<sup>10</sup> Such real estate includes developed agricultural land up to 0.5 hectare in size, which on the date of entry into force of the act contained residential buildings and other buildings, structures and facilities not

<sup>9</sup> KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2018 roku*, s. 60 i n., [online:] [https://www.kowr.gov.pl/uploads/pliki/analizy/2019.05.15\\_SPRAWOZDANIE\\_KOWR\\_2018\\_z\\_podpisem\\_DG\\_i\\_z\\_ok%C5%82adk%C4%85.pdf](https://www.kowr.gov.pl/uploads/pliki/analizy/2019.05.15_SPRAWOZDANIE_KOWR_2018_z_podpisem_DG_i_z_ok%C5%82adk%C4%85.pdf) [dostęp: 10.11.2021]; KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2019 roku*, s. 63 i n., [online:] [https://www.kowr.gov.pl/uploads/pliki/analizy/sprawozdania/SPRAWOZDANIE\\_KOWR\\_2019.pdf](https://www.kowr.gov.pl/uploads/pliki/analizy/sprawozdania/SPRAWOZDANIE_KOWR_2019.pdf) [dostęp: 10.11.2021]; KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2020 roku*, s. 70 i n., [online:] [https://bip.kowr.gov.pl/uploads/pliki/analizy/SPRA- WOZDANIE\\_KOWR\\_2020.pdf](https://bip.kowr.gov.pl/uploads/pliki/analizy/SPRA- WOZDANIE_KOWR_2020.pdf) [dostęp: 10.11.2021].

<sup>10</sup> Ustawa z 14 kwietnia 2016 r. o wstrzymaniu sprzedaży nieruchomości Zasobu Własności Rolnej Skarbu Państwa oraz o zmianie niektórych ustaw (Dz. U. 2016 poz. 585 ze zm.).

currently used for agricultural production, together with adjacent land allowing for its proper use and the establishment of an adjacent garden, if such land constitutes an organised economic whole and has not been excluded from agricultural production within the meaning of the Protection of Agricultural and Forest Lands Act of 3 February 1995.<sup>11</sup> In that provision (Article 11 of the Act on suspending the sale of real estate of the State Treasury Agricultural Property Stock), the legislator uses the term “agricultural land” rather than “agricultural real estate.” The ASDA is likewise not applied with respect to agricultural real estate as defined in the Civil Code (CC), which is located in areas assigned for purposes other than agriculture in local zoning plans.<sup>12</sup>

In a decision of 18 April 2019, the Civil Chamber of the Supreme Court<sup>13</sup> held that: “within the meaning of Article 2, item 1 of the Agricultural System Development Act of 2003, real estate assigned for purposes other than agriculture in local zoning plans is not agricultural real estate even if treated as such in the meaning assumed in Article 46<sup>1</sup> of the Civil Code.” A problem arises when no local zoning plan has been adopted. In such case, reference should be made to the definition of agricultural real estate found in the Civil Code and its purpose in the lands and buildings register<sup>14</sup>. In a decision of 23 July 2021, the Supreme Administrative Court<sup>15</sup> ruled that: “If no local zoning plan has been adopted for an area, decisive importance should be assigned to the purpose of the real estate stated in the lands and buildings register.” It should be stated that Article 46<sup>1</sup> of the Civil Code suggests the existence of a certain potentiality of obtaining agricultural crops from the land due to its physical and agronomic properties.<sup>16</sup>

Anyone who purchases agricultural real estate up to 1 hectare in size under a sale agreement need not, as a rule, conduct agricultural activities on such land,<sup>17</sup> but

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<sup>11</sup> Dz. U. 2021 poz. 1326.

<sup>12</sup> Zob. szerzej Z. Truskiewicz, *Wpływ planowania przestrzennego na pojęcie nieruchomości rolnej w rozumieniu Kodeksu cywilnego*, „Studia Iuridica Agraria” 2007, t. 6, s. 147-149; K. Marciniuk, *Pojęcie nieruchomości rolnej jako przedmiotu reglamentacji obrotu własnościowego*, „Studia Iuridica Lublinensia” 2017, t. XXVI 1, s. 94 i n.

<sup>13</sup> IV CSK 464/18, Legalis 1898276.

<sup>14</sup> Zob. np. B. Wierzbowski, *Pojęcie nieruchomości rolnej w prawie polskim*, „Studia Iuridica Agraria” 2005, t. 4, s. 95; E. Gniewek objaśnienia do art. 46<sup>1</sup> k.c., [w:] E. Gniewek, P. Machnikowski, *Kodeks cywilny. Komentarz*, 2017, s. 107.

<sup>15</sup> I OSK 34/21, Legalis nr 2595581.

<sup>16</sup> A. Lichorowicz, *Glosa do wyroku Sądu Najwyższego z 2.06.2000 r.*, II CKN 1067/98, s. 88; W.J. Katner, *Przedmiot stosunku cywilnoprawnego*, [w:] M. Safjan (red.), *System Prawa Prywatnego*, t. 1 *Prawo cywilne – część ogólna*, Warszawa 2012, s. 1302.

<sup>17</sup> Nabywając nieruchomość rolną w świetle UKUR o powierzchni mniejszej niż 1 ha, gdy nie wejdzie ona w skład gospodarstwa rolnego, właściciel nie jest objęty obowiązkiem osobistego prowadzenia gospodarstwa rolnego. Tak w wypowiedzi przedstawicieli MRiRW oraz KOWR w czasie dyskusji podczas konferencji naukowej, *Obrót nieruchomościami rolnymi. Teoria i praktyka. Wydział Prawa i Administracji UAM*, Poznań 26.11.2020 r. Zob. też *Krajowy Ośrodek Wsparcia Rolnictwa*, Często zadawane pytania, [online:] <http://www.kowr.gov.pl/ukur/zgody-na->

the real estate may not be sold or transferred to the possession of another for five years without the consent of the NCAS. Most frequently, such parcels are acquired for the purpose of building a residential house, or sometimes a holiday house. The remainder of the area is usually assigned to adjacent gardens which, in addition to lawns and flowers, are used for agricultural purposes (planting fruits and vegetables) for the needs of the owner and their family.

It should be stated here that ASDA solutions related to real estate have matched the needs resulting from a change in the lifestyle and wants of many people during the COVID-19 pandemic. According to the sound principle enshrined in Article 6 of the Protection of Agricultural and Forest Lands Act of 3 February 1995,<sup>18</sup> “Non-agricultural and non-forest purposes should primarily be assigned to lands marked in the land register as wastelands, and if no such lands exist, to other lands least suitable for production.” The obligation to pay annual charges and fees does not apply to exclusion of land from agricultural production for purposes of residential construction, up to 0.05 hectares in case of a single-family building and up to 0.02 hectares per residential premises in case of a multi-family building (Article 12 of the Act of 3 February 1995). The legislator is thereby supporting residential purposes.

At the outset of the pandemic, certain economists and real estate brokers argued for a drop in land prices and waning interest in purchasing real estate, ostensibly as the result of the epidemic itself and an unfavourable economic climate. Practice demonstrated some quite contrary tendencies. First of all, sales and prices of construction parcels increased. This trend was driven primarily by the need to work from home, lower risk of SARS-CoV-2 infection in areas with lower population density, high inflation and low interest on deposits. According to some real estate market sources, interest in agricultural parcels rose by 38%.<sup>19</sup> On the other hand, according to data provided by the Statistics Poland, 17% more notarial deeds were drafted for undeveloped parcels than in the preceding year (more than 141,300 in total<sup>20</sup> compared to 117,100 similar transactions in 2019). On the other hand, according to SP initial data, fewer agreements were concluded with respect to agricultural real estate. It should be stated however that these details cover all kinds

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nabycie-nieruchomosci-rolnych/czeszo-zadawane-pytania [dostęp: 9.10.2021].

<sup>18</sup> Dz. U. 2021 poz. 1326 ze zm.

<sup>19</sup> *Budujemy, gdzie się da. Boom na działki budowlane trwa w najlepsze*, [online:] <https://www.money.pl/gospodarka/budujemy-gdzie-sie-da-boom-na-dzialki-budowlane-trwa-w-najlepsze-6682367792994816a.html> [dostęp: 10.11.2021].

<sup>20</sup> GUS, Obrót nieruchomościami w 2020 r., [online:] [https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5492/8/4/1/obrot\\_nieruchomoaciami\\_w\\_2020\\_roku.pdf](https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5492/8/4/1/obrot_nieruchomoaciami_w_2020_roku.pdf), <https://www.fxmag.pl/artykul/w-2020-r-padl-nowy-rekord-w-sprzedazy-niezabudowanych-dzialek-dzialki-hitem-na-rynku-nieruchomosci-covid-19-nie-jest-jedynym-powodem> [dostęp: 10.11.2021].

of real estate, regardless of their size. In addition, some owners excluded small size agricultural parcels from agricultural production to sell them as non-agricultural ones. In statistics, they are already included in the “non-agricultural” category. According to SP data, since January until the end of July 2021 permits were issued or construction reported for 200,300 apartments, i.e. 35.8% more than in the same period of 2020.<sup>21</sup> Incidentally, a major boost in the number of premises sold should be noted: from 93,800 notarial deeds in 2019 to 209,335 in 2020.

### 3. Obligation to conduct agricultural activities or run a farm versus food safety and security.

Produce from agricultural real estate whose size exceeds 1 hectare is usually sold, which means conducting agricultural economic activities. A large area of crops and the obligation to engage in agricultural production has a positive impact on maintaining food security. “Food security is the availability, at any time, of suitable quantities of basic food products in order to satisfy consumption and mitigate fluctuations in production quantities and prices.”<sup>22</sup> This definition has been formulated at the 1974 FAO Food Conference in Rome.<sup>23</sup> Literature stresses that “Food security on individual, household, national, regional and global level exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs.”<sup>24</sup> Today, food security is often interlinked with food safety. The aim is to ensure not only sufficient quantity, but also suitable quality of food.

It should be stressed that the issue of food security and safety is not new, but the COVID-19 pandemic has indeed boosted its importance. At the outset, especially in March 2020, many people purchased larger quantities of food due to concerns about

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<sup>21</sup> GUS, *Budownictwo mieszkaniowe 20.08.2021 r. 1 w okresie styczeń-lipiec 2021 r.*, [online:] <https://stat.gov.pl/obszary-tematyczne/przemysl-budownictwo-srodki-trwale/budownictwo/budownictwo-mieszkaniowe-w-okresie-styczen-lipiec-2021-roku,5,117.html> [dostęp: 11.10.2021].

<sup>22</sup> Report of the World Food Conference, Rome 5-16 November 1974, United Nation, New York 1975; FAO *Rome Declaration on World Food Security and World Food Summit Plan of Action*, World Food Summit, 13-17 November, Rome 1996, [online:] <https://www.fao.org/3/w3613e/w3613e00.htm>, [dostęp: 10.10.2021].

<sup>23</sup> Tak B. Sygit, N. Wąsik, *Falszowanie żywności – przyczynek do badań nad bezpieczeństwem żywności i żywienia w Polsce*, „Prokuratura i Prawo” 2021, nr 4, Legalis/el.

<sup>24</sup> Tamże; A. Mikuła, *Bezpieczeństwo żywnościowe Polski*, „Roczniki Ekonomii, Rolnictwa i Rozwoju Obszarów Wiejskich” 2012, t. 99, nr 4, s. 38–40. W literaturze wskazuje się, na trzy wymiary bezpieczeństwa żywnościowego, mianowicie rozporządzalność (posiadanie wystarczającej ilości dostępnej żywności dla całej ludności w każdym czasie), dostępność (podaż żywności nie powinna być ograniczana), adekwatność (odnośnie kategorii zbilansowanej racji pokarmowej), tak np. J. Małyś, *Ekonomiczna interpretacja bezpieczeństwa żywnościowego*, [w:] S. Kowalczyk (red.), *Bezpieczeństwo żywności w erze globalizacji*, Warszawa 2009, s. 79; tenże, *Bezpieczeństwo żywnościowe*, Warszawa 2008; L. Bush, W.B. Lacey (red.), *Food Security in the United States*, Westview Press, Boulder-London-Colorado 1984, s. 2; J. Kraciuk, *Bezpieczeństwo żywnościowe z perspektywy krajów słabo i wysoko rozwiniętych*, „Roczniki Naukowe Stowarzyszenia Ekonomistów Rolnictwa i Agrobiznesu” 2015, t. 27, z. 3, s. 206 i n.

stable supplies. Quarantines, problem with imports caused by closed borders and transport issues could affect production and disrupt supply and trade chains.<sup>25</sup> As it turned out, Poland did not experience any food problems, and moreover 2020 saw an increase in food exports, especially as regards plant-based products (e.g. cereal seeds and preserves by 18%, oilseeds and agricultural fats by 15%, tobacco and tobacco products by 15%).<sup>26</sup> As noted in literature: "Food producers have been less affected by the consequences of the COVID-19 pandemic than other industrial production sectors, because their products are necessary goods and are thus characterised by less income elasticity of demand."<sup>27</sup>

In Polish legislation, issues related to food security are found not only in provisions of food laws, but also in those related to agricultural real estate. Already the ASDA preamble signals that "[T]his Act has been passed in order to enhance the protection and development of family farms, which according to the Constitution of the Republic of Poland form the basis of the agricultural system of the Republic of Poland, to ensure proper development of agricultural land in the Republic in Poland, to ensure food security of citizens and to support sustainable agriculture that is conducted in accordance with environmental protection requirements and contributes to development of rural areas."

Pursuant to Article 2b.1 of the ASDA the purchaser of agricultural real estate is obliged to run a farm of which the acquired real estate forms part for a period of at least five years from the date of purchase and, in case of a natural person, to run such farm personally. This obligation also applies to close family or household members of the purchaser.<sup>28</sup> Pursuant to paragraph 2 of this provision, during that period the acquired real estate may not be sold or transferred to the possession of another person (except for close family or household members).

The owner of agricultural real estate who wishes to sell or transfer their land to anyone but a close family or household member before the lapse of five years must obtain the respective consent. The consent is issued by the General Director of the National Centre for Agriculture Support, on request of the purchaser, in cases justified by an important interest of the purchaser or by public interest. As rightly noted in

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<sup>25</sup> [online:] <https://foodfakty.pl/wplyw-pandemii-koronawirusa-na-sektor-zywnosciowy-i-rolnictwo-q-a-wg-fao>, [dostęp: 10/10/2021].

<sup>26</sup> KOWR, *Pozytywne tendencje w polskim eksporcie artykułów rolno-spożywczych w 2020 r.*, [online:] <https://www.kowr.gov.pl/biuro-prasowe/aktualnosci/pozytywne-tendencje-w-polskim-eksporcie-artykulow-rolno-spozywczych-w-2020-r>.

<sup>27</sup> I. Szczepaniak, Ł. Ambroziak, J. Drożdż, *Wpływ pandemii COVID-19 na przetwórstwo spożywcze i eksport rolno-spożywczy Polski „Ubezpieczenia w Rolnictwie Materiały i Studia”* 2020, nr 1 (73), s. 121 i n.

<sup>28</sup> A. Suchoń, *Z prawnej problematyki obowiązków osób bliskich nabywców i zbywców nieruchomości rolnych w świetle ustawy o kształtowaniu ustroju rolnego*, „Monitor Prawniczy” 2021, nr 16, s. 867 i n.



literature,<sup>29</sup> the prohibition resulting from Article 2b.2 of the ASDA is applied widely, both when the property is transferred gratuitously and for a fee, and also when the new owner hands over the thing for use (under a lease, tenancy or gratuitous loan for use agreement) This applies not only to the whole but also any part of agricultural land.

Other rules apply to agricultural lands purchased from the NCAS. In light of the Agricultural Real Estate of State Treasury Management Act of 19 October 1991, a sale agreement of agricultural real estate<sup>30</sup> sold from the State Treasury Agricultural Property Stock (STAPS) includes in particular the obligation of the purchaser not to transfer the ownership of the real estate acquired from the STAPS for fifteen years from the date of acquiring it and to conduct agricultural activities on such real estate in that period, and in case of natural persons, to conduct such activities personally. The sale agreement of agricultural real estate disposed of by the STAPS includes in particular the obligation of the purchaser of real estate to pay an amount equal to 40% of the sale price if the purchaser defaults on any obligation resulting from statutory provisions.

As regards sale of agricultural real estate over 1 hectare in size, it is difficult to ascertain to what extent the decrease in the number of sales noted in the SP data cited above was caused by the COVID-19 pandemic. It appears that entities running farms were as a rule not interested in switching to another professional activity due to the uncertainty of other activities during pandemic times. In addition, with respect to land from the STAPS, under the Act amending the Suspension of STAPS Real Estate Sales Act and amending certain other acts of 17 March 2021,<sup>31</sup> selling real estate, parts of real estate and shares in joint ownership of real estate belonging in the STAPS (with size of 2 hectares and more) was put on hold for up to 10 years.

#### **4. Support for agricultural producers during the COVID-19 pandemic**

Since conducting stable agricultural activities is so important due to food security, a question arises whether and in what manner such activity is supported by the legislator during the pandemic. First, the organisation of a farm should be discussed.

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<sup>29</sup> P. Wojciechowski, *Komentarz do art. 2b ustawy o kształtowaniu ustroju rolnego*, [w:] K. Osajda (red.), *Komentarz do ustawy o kształtowaniu ustroju rolnego*, 2021, Legalis/el., Nb 44.

<sup>30</sup> T.j. Dz. U. 2020 poz. 2243 ze zm., dalej jako: u.g.n.

<sup>31</sup> Dz. U. 2021 poz. 76.

In addition to ownership, the basic method of establishing and running a farm is lease.<sup>32</sup> In recent years, due to the fact that leasing from the STAPS was the basic method of managing NCAS property, the NCAS organised a considerable number of lease tenders. The occurrence of the COVID-19 pandemic and the inability to conduct tenders physically introduced temporary disruptions. Hence, the efficiently drafted amendment of the regulation of the Minister of Agriculture and Rural Development on the detailed manner of conducting tenders to lease real estate from the State Treasury Agricultural Property Stock of 15 April 2020 must be viewed positively.<sup>33</sup> Paragraph 6a of the regulation states that in particularly justified cases the entity organising the tender may take the decision to conduct activities that require tender participants to appear personally by means of electronic communication instead. At least three days before undertaking the first activity, the entity organising the tender with the use of means of electronic communications advises each tender participant that activities requiring them to appear personally will be conducted using such means, specifying the manner in which the tender participant may participate<sup>34</sup> in these activities using means of electronic communication.<sup>35</sup> Pursuant to the regulation, the obligation of the tender participant to appear is deemed fulfilled if the participant participated in the tender using means of electronic communication.

Speaking about other issues related to the impact of the COVID-19 pandemic on conducting agricultural activities, the increased interest of consumers in buying agricultural products through direct sales, agricultural retail trade and online sources may be mentioned. As stressed above, food as a staple product is especially important in times of pandemic (to meet the alimentary and health needs of the population). The Act of 29 October 2021 on facilitating sales conducted by farmers and members of their households on Fridays and Saturdays must therefore be viewed positively. Pursuant to that act, the commune council designates a location in

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<sup>32</sup> Według stanu na 31 marca 2021 r. w dzierżawie pozostawało 1060,1 tys. ha z Zasobu WRSP (łącznie 1358,5 tys. ha w Zasobie WRSP), głównie na terenie działania oddziałów we: Wrocławiu, Olsztynie, Poznaniu, Szczecinie, Lublinie. Do końca marca br. zawartych zostało 65,5 tys. umów dzierżawy, [online:] <https://www.kowr.gov.pl/zasob>, [dostęp: 10.11.2021].

<sup>33</sup> Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z 15 kwietnia 2020 r. zmieniające rozporządzenie w sprawie szczegółowego trybu przeprowadzania przetargów na dzierżawę nieruchomości Zasobu Własności Rolnej Skarbu Państwa (Dz. U. 2020 poz. 682).

<sup>34</sup> Według rozporządzenia Ministra Rolnictwa i Rozwoju Wsi z 15 kwietnia 2020 r. pod pojęciem środków komunikacji elektronicznej należy rozumieć środki komunikacji elektronicznej w rozumieniu art. 2 pkt 5 Ustawy z 18 lipca 2002 r. o świadczeniu usług drogą elektroniczną (Dz. U. 2020 poz. 344), które umożliwiają: a) transmisję przetargu w czasie rzeczywistym między uczestnikami przetargu oraz członkami komisji przetargowej, b) wielostronną komunikację w czasie rzeczywistym, w ramach której uczestnicy przetargu oraz członkowie komisji przetargowej mogą brać w nim udział z zachowaniem niezbędnych zasad bezpieczeństwa i możliwości identyfikacji uczestników przetargu oraz członków komisji przetargowej”.

<sup>35</sup> Zob. szerzej A. Suchoń, *Dzierżawa nieruchomości rolnych z Zasobu Własności Rolnej Skarbu Państwa po nowelizacji przepisów prawnych z 2016 r., 2019 r. i 2020 r.*, cz. I, „Nieruchomości” C.H. Beck 2020, nr 10, s. 10-16.

which farmers and members of their household may conduct sales on Fridays and Saturdays (considering, among others, convenient access to the location and its situation near the centre of the commune, town or tourist attraction). Such designated locations may be used only to sell agricultural or food products and handicrafts produced on a farm.

The Act of 31 March 2020 amending the Act on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and the resulting crisis and certain other acts<sup>36</sup> exempted farmers and their household members from paying old age and disability pension contributions to the Farmers' Social Security Fund for the second quarter of 2020, covering them from the state budget instead.

Agricultural producers pay the agricultural tax. However, legal regulations (for example the Agricultural Tax Act of 15 November 1984<sup>37</sup>) do not provide for any exemptions during the COVID-19 pandemic. The agricultural tax may be amended on the basis of Articles 67a and 67b of the Tax Ordinance Act of 29 August 1997.<sup>38</sup> Specifically, Article 67a.1 of the Tax Ordinance Act stipulates that a tax authority, on the request of a taxpayer, in cases justified by an important interest of the taxpayer or by public interest, may postpone the tax due date or split tax payments or interest on outstanding advance tax payments into instalments, which also applies to interest for delay. Outstanding tax payments, interest for default or extension fees may also be cancelled in whole or in part. Cancellation of outstanding tax payments also entails the cancellation of interest for default in whole or in part, according to the portion of outstanding tax payment cancelled.

Article 67b.1 of the Tax Ordinance Act stipulates that the tax authority on request of a taxpayer conducting economic activities may grant reliefs in paying tax obligations which are specified in Article 67 of the Act. The Gdańsk Voivodship Administrative Court in its ruling of 9 February 2021<sup>39</sup> concluded that “[R]esolving the request of the taxpayer to cancel an outstanding tax obligation depends mainly on the taxpayer’s financial standing. This results from Article 67a.1 of the Tax Ordinance Act and the manner of understanding the notion of ‘important interest of the taxpayer.’ An important interest of the taxpayer occurs when the taxpayer is not able to settle their tax obligations due to extraordinary, fortuitous events. Such occurrences include

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<sup>36</sup> Dz. U. 2020 poz. 568 ze zm.

<sup>37</sup> Dz. U. 2020 poz. 333 ze zm.

<sup>38</sup> Dz. U. 2021 poz. 1540, 1598 ze zm.

<sup>39</sup> I SA/Gd 870/20, Legalis nr 2553419.

among others fortuitous loss of property, sudden inability to earn income, personal helplessness due to sudden impairment of the taxpayer's health, and any exceptional situation affecting the taxpayer despite their conscious will.<sup>40</sup>

Property tax is rarely paid by agricultural producers. Article 7.1.4 of the Local Tax and Charges Act of 12 January 1991<sup>41</sup> exempts from property tax utility buildings or parts thereof: a) used for forest or fishing activities, b) located on land belonging to an agricultural farm and used solely for agricultural activities, c) occupied for special branches of agricultural production.<sup>42</sup> The agricultural producer pays the property tax for example when the utility buildings are used to conduct non-agricultural economic activities in addition to agriculture. It should be mentioned that Articles 15p and 15q of the Act amending the act on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and the resulting crisis situations, and certain other acts suggest that commune councils may adopt resolutions to grant property tax relief or exemption to entrepreneurs whose financial liquidity was impaired because of sustaining negative economic consequences due to COVID-19.

One should also note aid programmes addressed specifically to agricultural producers during the COVID-19 pandemic, for example the regulation of the Minister of Agriculture and Rural Development of 24 August 2020 on the detailed conditions of granting and paying financial aid in schemes such as "Aid for farmers particularly affected by the COVID-19 crisis."<sup>43</sup> Specifically, aid was granted, firstly, to farmers (referred to in Article 39(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005<sup>44</sup> to whom an identification number has been assigned pursuant to provisions on the national register of producers, register of farms and register of requests for payment. Secondly, farmers could obtain aid if in 2020 they cultivated, for example, ornamental plants in: a) heated greenhouses with cultivation area of at least 25 sq. m., or b) heated foil tunnels with cultivation area of

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<sup>40</sup> I SA/Gd 870/20, Legalis nr 2553419.

<sup>41</sup> Dz. U. 2019 1170; 2019 poz. 401, 1170 ze zm.

<sup>42</sup> Art. 7. 1 pkt 13) ustawy o podatkach i opłatach lokalnych zwalnia się od podatku od nieruchomości: budynki i budowle zajęte przez grupę producentów rolnych wpisaną do rejestru tych grup, wykorzystywane wyłącznie na prowadzenie działalności w zakresie sprzedaży produktów lub grup produktów wytworzonych w gospodarstwach członków grupy lub w zakresie określonym w art. 4 ust. 2 ustawy z dnia 15 września 2000 r. o grupach producentów rolnych i ich związkach oraz o zmianie innych ustaw (Dz. U. 2018 poz. 1026), zgodnie z jej aktem założycielskim.

<sup>43</sup> Dz. U. 2020 poz. 1467 ze zm.

<sup>44</sup> *Dziennik Urzędowy Unii Europejskiej* L 347, 20.12.2013, p. 487–548.

at least 50 sq. m. Other regulations applicable to agricultural producers also need to be mentioned. For example, separate rules were applied to quarantine of agricultural producers, payment of allowance in case of quarantine, carer's allowance due to the need to personally care for a child under eight years of age, or employment of foreigners in seasonal agricultural work.

## **5. Using agricultural lands for renewable energy generation**

Agricultural lands are primarily used to conduct agricultural activities. For a few years, however, they have increasingly been employed to generate renewable energy through wind or solar power plants erected by dependent possessors of such lands. It should be noted that one of today's challenges is increasing the share of renewable energy and maintaining energy security. Investments related to renewable energy during the COVID-19 pandemic are supported by co-financing from the European Union. Undertaking enterprises related to solar panel on agricultural lands involved excluding these lands from production pursuant to the Protection of Agricultural and Forest Lands Act, a decision that has a negative impact on food security.

As a rule, investors list the preliminary conditions which must be fulfilled by the land in order to enter into a lease agreement. According to certain agreement models, the lessor hands over part of the real estate marked in the land register as parcels (by parcel number or land and mortgage register number) for use to the lessee, and the lessee takes over the real estate in order to erect and operate solar power plant installations (facilities) together with their auxiliary infrastructure. The agreements are concluded for a considerable length of time, for example twenty-nine years. The rent is as a rule paid annually. Agreement models are drafted by the legal departments of entrepreneurs operating in the renewable energy sector and usually do not balance the interests of the parties. Often, they contain clauses that are unfavourable for agricultural producers. However, due to the difficult conditions of conducting agricultural activities and the lending obligations of farmers, high rents (especially during the COVID-19 pandemic) are factors motivating a decision to sign such an agreement.

One should also briefly mention legal issues related to the nature of agreements to install solar farms, namely determining whether the agreement is a lease agreement or land use agreement. A similar problem occurs with wind farms. In a

judgement of 5 October 2012,<sup>45</sup> the Supreme Court ruled that “air masses moving over the land and putting the mechanisms of wind turbines installed thereon in motion in order to produce electric energy are not constituent part of the land pursuant to the wording of Article 53.1 of the Civil Code in conjunction with Article 47.1 and Article 47.2 of the Civil Code, and therefore not its natural fruits. In the opinion of the Supreme Court, such air masses are a kind of free good which is not subject to legal transactions (*extra commercium*). In turn, electricity obtained by processing wind power cannot be included among natural fruits either, because it is not derived from the land, but from technical devices installed thereon, and the proceeds from the sale of such energy by the authorised person can in no wise be identified with civil fruits.”

Importantly, the Supreme Court also stated that: “Although an agreement that authorises a party to derive income from selling electricity converted from wind energy in wind turbines in return for a periodic financial consideration defined as a percentage of the value of electric energy sold is an innominate agreement, nevertheless the provisions of the Civil Code concerning lease may be applied accordingly in matters not regulated therein.” A similar position was offered by the Supreme Court in its judgement of 7 February 2013.<sup>46</sup> It is not, however, shared by certain legal theorists.

In a critical gloss to the judgement of the Supreme Court of 5 October 2012 cited above<sup>47</sup> Ł. M. Wyszomirski stated that: “As a constituent part of land, air does not automatically become its fruit – this occurs solely when it is obtained from the land according to the principles of sound economy. This condition should be deemed fulfilled when wind energy is used, both to produce electricity in wind power plants and, for example, to drive a windmill. Used in this way, the movement of air masses should be considered as revenue, because a specific state of air masses, i.e. the kinetic energy contained therein, is a benefit that can be converted to other kinds of energy required by man.” For this reason, agreements used when investing in wind power plants should, according to certain legal theorists, be classified as lease agreements.”

A problem thus arose whether solar radiation emitted over a land may be considered a natural fruit. There can be no doubt that the sun and solar energy are not natural fruits in the classical meaning of these notions. Applying the teleological

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<sup>45</sup> IV CSK 244/12, OSNC 2013, Nr 5, poz. 64.

<sup>46</sup> II CSK 230/12, Legalis.

<sup>47</sup> IV CSK 244/12, OSNC 2013, Nr 5, poz. 64) Ł.M. Wyszomirski, *Glosa do wyroku Sądu Najwyższego z dnia 5 października 2012 r.*, IV CSK 244/12, „Orzecznictwo Sądów Polskich” 2013, nr 10, s. 95.

interpretation, it may be considered that such energy is indeed the natural fruit of the land, because a convenient location and insolation are a property of real estate related to its situation. Land and solar energy are used for the economic purposes of man, i.e. to produce electricity from converted solar energy. This is possible thanks to solar power facilities erected on such land. If it is assumed that such facilities do not form part of an enterprise pursuant to Article 49.1 of the Civil Code, the energy can be considered to be derived from the ground. The facilities are, however, installed for the term of the agreement, and thus temporary.

## **6. Summary**

To summarise, it should be stated that during COVID-19 times the importance of and interest in acquiring real estate under 1 hectare in size increased, and the 2019 amendment of the ASDA matched the social and economic needs in this respect. In the opinion of the author, only lands which are least suitable for production, and especially wastelands, should be assigned for construction purposes. With respect to maintaining food security<sup>48</sup>, regulations concerning the obligation of purchasers of a farm (in which a piece of real estate is included) found in the ASDA and the State Treasury Agricultural Real Estate Management Act should be viewed positively. The importance of agrotourism offered on farms has increased, with growing numbers of people being interested in this form of recreation.

The COVID-19 pandemic does not usually have a negative impact on conducting agricultural activities, yet agricultural producers have to face new challenges, such as lack of employees (especially migrants from Ukraine), sickness or rising prices of certain means of production. Agricultural producers were able to partake in certain forms of aid during the pandemic, such as a programme offered to farmers as part of Rural Areas Development Programme 2014-2020 ("Aid to farmers particularly affected by the COVID-19 crisis"), carer's allowance or the possibility of agricultural tax payments being deferred or split into instalments (Articles 67a and 67b of the Tax Ordinance Act). One should notice a rising interest in direct sales of agricultural products (markets) and online purchases. At the same time, literature stresses that the countryside and especially agricultural businesses are more sensitive to the risk of social and economic effects of the pandemic due to lower levels of affluence, as well as poorer infrastructure and limited access to healthcare services.<sup>49</sup>

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<sup>48</sup> Zob. np. P. Wojciechowski, *Bezpieczeństwo żywnościowe a ograniczenia w nabywaniu nieruchomości rolnych w kontekście strategii „Od pola do stołu”*, „Przegląd Prawa Rolnego” 2021, nr 1, s. 148 i n.

<sup>49</sup> Tak I. Jędrzejczyk, *Ekspozycja na ryzyko sytuacji pandemicznej COVID-19 i wrażliwość społeczno-ekonomiczna*

During the COVID-19 pandemic, energy security is of increasing importance, while increased investments in renewable energy in rural areas should also be noted. In the opinion of the author, solar power plants should be located mainly in wastelands due to the need to ensure food security. Biogas plants, which can be used to produce electric energy round the year, are also an option. Another advantageous solution are solar collectors on buildings or offshore wind farms. Agricultural real estate should be used primarily for agricultural purposes. Land or construction parcels cannot be “produced”, and therefore they should be subject to special protection.

## Bibliografia

### Akty prawne:

1. Ustawa z 15 listopada 1984 r. o podatku rolnym (Dz. U. 2020 poz. 333 ze zm.).
2. Ustawa z 12 stycznia 1991 r. o podatkach i opłatach lokalnych (Dz. U. 2019 poz. 1170; 2021 poz. 401, 1558 ze zm.).
3. Ustawa z 19 października 1991 r. o gospodarowaniu nieruchomościami rolnymi Skarbu Państwa umowa sprzedaży nieruchomości rolnej (Dz. U. 2020 poz. 2243; 2021 poz. 1561 ze zm.).
4. Ustawa z 3 lutego 1995 r. o ochronie gruntów rolnych i leśnych (Dz. U. 2021 poz. 1326 ze zm.).
5. Ustawa z 29 sierpnia 1997 r. – Ordynacja podatkowa (Dz. U. 2021 poz. 1540, 1598 ze zm.).
6. Ustawa z 11 kwietnia 2003 roku o kształtowaniu ustroju rolnego (Dz. U. 2020 poz. 1655, 2320; 2021 poz. 234 ze zm.).
7. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 1305/2013 z 17 grudnia 2013 r. w sprawie wsparcia rozwoju obszarów wiejskich przez Europejski Fundusz Rolny na rzecz Rozwoju Obszarów Wiejskich (EFRROW) i uchylającego rozporządzenie Rady (WE) nr 1698/2005, *Dziennik Urzędowy Unii Europejskiej* L 347, 20.12.2013, p. 487–548.
8. Ustawa z 14 kwietnia 2016 r. o wstrzymaniu sprzedaży nieruchomości Zasobu Własności Rolnej Skarbu (Dz. U. 2016 poz. 585 ze zm.).
9. Ustawa z 26 kwietnia 2019 r. o zmianie ustawy o kształtowaniu ustroju rolnego oraz niektórych innych ustaw (Dz. U. 2019 poz. 1080).



10. Ustawa z 2 marca 2020 r. o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych (Dz. U. 2020 poz. 374).
11. Ustawa z 31 marca 2020 r. o zmianie ustawy o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych oraz niektórych innych ustaw (Dz. U. 2020 poz. 568 ze zm.).
12. Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z 15 kwietnia 2020 r. zmieniające rozporządzenie w sprawie szczegółowego trybu przeprowadzania przetargów na dzierżawę nieruchomości Zasobu Własności Rolnej Skarbu Państwa (Dz. U. 2020 poz. 682).
13. Ustawa z 14 maja 2020 r. o zmianie niektórych ustaw w zakresie działań osłonowych w związku z rozprzeczaniem się wirusa SARS-CoV-2 (Dz. U. 2020 poz. 87).
14. Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z 24 sierpnia 2020 r. w sprawie szczegółowych warunków i trybu przyznawania oraz wypłaty pomocy finansowej na operacje typu „Pomoc dla rolników szczególnie dotkniętych kryzysem COVID-19” (Dz. U. 2020 poz. 1467 ze zm.).

#### **Książki i artykuły naukowe:**

1. Blajer P., Gonet W., *Ustawa o kształtowaniu ustroju rolnego. Komentarz*, Warszawa 2020.
2. Bush L., Lacey W.B. (red.), 1984: *Food Security in the United States*, Westview Press, Boulder-London-Colorado.
3. Budzinowski R., *Gospodarstwo rolne i przedsiębiorstwo rolne*, [w:] P. Czechowski (red.), *Prawo rolne*, Warszawa 2020. Gniewek E., *Komentarz do art. 46<sup>1</sup> k.c.*, [w:] E. Gniewek, P. Machnikowski, *Kodeks cywilny. Komentarz*, Warszawa 2017.
4. Grykiel J., *Ograniczenia obrotu nieruchomościami rolnymi oraz prawami udziałowymi w spółkach po nowelizacji ustawy o kształtowaniu ustroju rolnego*, „Monitor Prawniczy” 2016, nr 12.
5. Herzfeld T., *Commentary on Sars-Cov-2 and Agricultural Policy*, „Zagadnienia Ekonomiki Rolnej” 2020, nr 2.
6. Jędrzejczyk I., *Ekspozycja na ryzyko sytuacji pandemicznej COVID-19 i wrażliwość społeczno-ekonomiczna obszarów wiejskich i agrobiznesu*, „Ubezpieczenie w Rolnictwie Materiały i Studia” 2020, nr 1 (73).
7. Katner W.J., *Przedmiot stosunku cywilnoprawnego*, [w:] M. Safjan (red.), *System prawa prywatnego*, t. 1 *Prawo cywilne – część ogólna*, Warszawa 2012.

8. Kraciuk J., *Bezpieczeństwo żywnościowe z perspektywy krajów słabo i wysoko rozwiniętych*, „Roczniki Naukowe Stowarzyszenia Ekonomistów Rolnictwa i Agrobiznesu” 2015, t. 27, z. 3.
9. Lichorowicz A., *Glosa do wyroku Sądu Najwyższego z 2.6.2000 r.*, II CKN 1067/98, „Orzecznictwo Sądów Polskich” 2001, nr 2, poz. 27.
10. Maciejewska K., *Rozwiązania tarczy antykryzysowej dla rolników realizowane za pośrednictwem Kasy Rolniczego Ubezpieczenia Społecznego*, „Ubezpieczenie w Rolnictwie Materiały i Studia” 2020, nr 1 (73),
11. Małyś J., *Ekonomiczna interpretacja bezpieczeństwa żywnościowego*, [w:] S. Kowalczyk (red.), *Bezpieczeństwo żywności w erze globalizacji*, Warszawa 2009.
12. Małyś J., *Bezpieczeństwo żywnościowe*, Warszawa 2008.
13. Mikuła A., *Bezpieczeństwo żywnościowe Polski*, „Roczniki Ekonomii, Rolnictwa i Rozwoju Obszarów Wiejskich” 2012, t. 99, nr 4.
14. Marciniuk K., *Pojęcie nieruchomości rolnej jako przedmiotu reglamentacji obrotu własnościowego*, „Studia Iuridica Lublinensia” 2017, t. XXVI 1.
15. Report of the World Food Conference, Rome 5-16 November 1974, United Nation, New York 1975.
16. Suchoń A., *Jeszcze o pojęciu działalności rolniczej*, „Rejent” 2017, nr 12.
17. Suchoń A., *Pojęcie nieruchomości rolnej, gospodarstwa rolnego i działalności rolniczej w ustawie o kształtowaniu ustroju rolnego – wybrane kwestie z praktyki notarialnej*, „Przegląd Prawa Rolnego” 2019, nr 2.
18. Suchoń A., *Dzierżawa nieruchomości rolnych z Zasobu Własności Rolnej Skarbu Państwa po nowelizacji przepisów prawnych z 2016 r., 2019 r. i 2020 r.*, cz. I, „Nieruchomości” C.H.Beck 2020, nr 10.
19. Suchoń A., *Z prawnej problematyki obowiązków osób bliskich nabywców i zbywców nieruchomości rolnych w świetle ustawy o kształtowaniu ustroju rolnego*, „Monitor Prawniczy” 2021, nr 16.
20. Sygit B., Wąsik N., *Falszowanie żywności – przyczynek do badań nad bezpieczeństwem żywności i żywienia w Polsce*, „prokuratura i Prawo” 2021, nr 4, Legalis/el.
21. Szymecka-Wesołowska A., Balicki A., Opoka F., Syska M., Szostek D., Wojciechowski P., *Komentarz do art. 3 ustawy z 25 sierpnia 2006 r. o bezpieczeństwie żywności i żywienia* [w:] tychże, *Bezpieczeństwo żywności i żywienia. Komentarz*, Warszawa 2013. Lex/el.
22. Truskiewicz Z., *Wpływ planowania przestrzennego na pojęcie nieruchomości rolnej w rozumieniu Kodeksu cywilnego*, „Studia Iuridica Agraria” 2007, t. 6.

23. Wierzbowski B., *Pojęcie nieruchomości rolnej w prawie polskim*, „Studia Iuridica Agraria” 2005, t. 4, s. 95.
24. Wojciechowski P., *Bezpieczeństwo żywnościowe a ograniczenia w nabywaniu nieruchomości rolnych w kontekście strategii „Od pola do stołu”*, „Przegląd Prawa Rolnego” 2021, nr 1.
25. Wojciechowski P., *Komentarz do art. 2b ustawy o kształtowaniu ustroju rolnego*, [w:] K. Osajda (red.), *Komentarz do ustawy o kształtowaniu ustroju rolnego*, 2021, Legalis/el.
26. Wyszomirski Ł.M., *Glosa do wyroku SN z dnia 5 października 2012 r., IV CSK 244/12*, „Orzecznictwo Sądów Polskich” 2013, nr 10.

#### **netografia:**

1. *FAO Rome Declaration on World Food Security and World Food Summit Plan of Action*, World Food Summit, 13-17 November, Rome 1996, <https://www.fao.org/3/w3613e/w3613e00.htm>.
2. *Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego i Komitetu Regionów Strategia „od pola do stołu” na rzecz sprawiedliwego, zdrowego i przyjaznego dla środowiska systemu żywnościowego*, <https://eur-lex.europa.eu/legal-content/PL/TXT/?qid=1590404602495&uri=CELEX:52020DC0381>, [dostęp: 9.10.2021].
3. KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2018 roku*, [https://www.kowr.gov.pl/uploads/pliki/analizy/2019.05.15\\_SPRAWOZDANIE\\_KOWR\\_2018\\_z\\_podpisem\\_DG\\_i\\_z\\_ok%C5%82adk%C4%85.pdf](https://www.kowr.gov.pl/uploads/pliki/analizy/2019.05.15_SPRAWOZDANIE_KOWR_2018_z_podpisem_DG_i_z_ok%C5%82adk%C4%85.pdf), [dostęp 10.11.2021].
4. KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2019 roku*, [https://www.kowr.gov.pl/uploads/pliki/analizy/sprawozdania/SPRAWOZDANIE\\_KOWR\\_2019\\_.pdf](https://www.kowr.gov.pl/uploads/pliki/analizy/sprawozdania/SPRAWOZDANIE_KOWR_2019_.pdf), [dostęp: 10.11.2021].
5. KOWR, *Sprawozdanie z działalności Krajowego Ośrodka Wsparcia Rolnictwa w 2020 roku*, [dostęp: 10.11.2021].
6. [https://bip.kowr.gov.pl/uploads/pliki/analizy/SPRAWOZDANIE\\_KOWR\\_2020.pdf](https://bip.kowr.gov.pl/uploads/pliki/analizy/SPRAWOZDANIE_KOWR_2020.pdf)

#### **Orzecznictwo**

1. Wyrok Sądu Najwyższego z dnia 5 października 2012 r., IV CSK 244/12, OSNC 2013, Nr 5, poz. 64.
2. Postanowienie Sądu Najwyższego – Izba Cywilna z dnia 18 kwietnia 2019 r., IV

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CSK 464/18, Legalis 1898276.

3. Orzeczenie Naczelnego Sądu Administracyjnego z dnia 23 lipca 2021 r., I OSK 34/21, Legalis nr 2595581.