The relationship between European Community agricultural Structural Policies and their implementation and agricultural succession and inheritance within Member States

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Abstract

This paper presents an overview of the European Union involvement in agricultural restructuring. By way of introduction it looks at the processes of farm replication operating in Europe and the forces behind them. It then considers the wider application of EU measures in each Member State and how they interrelate with the national property laws and social customs. In conclusion the paper appraises the restructuring policies by examining the balance between legitimising the concentration of property rights amongst a minority and the fragmentation of estates between the majority.

Introduction

In western economies at least, land is considered an essential production tool necessary to farm: in order to farm, the individual must first secure access to land. The ownership of property rights also confers a measure of power and prestige within rural societies (Marsden et al.,1993). The process is complicated by the complex nature of land ownership itself, by the limited availability of land, and by the overwhelmingly private nature of its ownership.

The stewardship that accompanies ownership rights in the European Union implies family continuity and occupational immobility which has been, and continues to be, the underlying factor in agricultural property appropriation throughout most of the EU. The transfer of agricultural proprietary rights between generations is a major element in the replication of European farming. Agricultural businesses in Europe exhibit a far greater degree of social heredity, the passing on of farms between generations within the same family, than do other industries (Blanc and Perrier Cornet , 1993).

The emphasis on the concept of land as common property, if taken beyond the limited right to enjoy defined elements of the property (Shoard, 1987), implies free access to ownership devoid of structural barriers erected implicitly by society, and, more recently, by the State. In reality, the social structures underpinning agriculture and agricultural land ownership play too major a role for the classical theories of market economy to determine alone the distribution of agricultural property.

In some Member States (e.g. France, Denmark, Ireland), the concept of the family farm is viewed not solely as an efficient development model but as a key embodiment of national identity (Thompson, 1970; Reid, 1992). In this respect the European experience mirrors that of the United States, where farming is seen as the repository of moral and family values.

The liberalising process of of agriculture within the central and eastern European countries (CEECs) has been dominated by the re-privatisation of land rights. This has tended to overshadow the pressures for reform within EU countries themselves, and the structural problems of EU agriculture, as it adjusts to changing world markets and the re-alignment of support towards public rather than private goods (Buller et al, 1992). Thus it was only in 1996 that the Commission adopted a report on 'Young Farmers and the Problems of Succession' (CEC 1996), highlighting and offering recommendations for the problems of an ageing workforce, falling farm incomes, and barriers posed by production constraints, as well as the negative image of farming in society and the continued desertification of certain rural areas. Despite the continuing processes of strengthening the economic and social cohesion of the Community, the EC Treaty (article 222) has expressly avoided intervening in the national systems of allocation of property rights, and indeed has specified little direct control over land. Agriculture, as practised within individual Member States, continues to operate the national land property allocation rights, although free movement of nationals between countries (articles 48,52), and free access to the property rights of all countries is guaranteed. Member States, therefore, continue to exhibit different degrees of subdivision of property rights. In some, the notion of *landowner* is synonymous with that of *farmer*, whereas others exhibit a high acceptance of the concept of agricultural leaseholds ('rents') or other proprietary allocation. In a sense, attaching importance to a link between levels of owner-occupation and farming traditions (Hoggart and Buller, 1987) understates the significance of co-operative organisation, a feature which transcends the physical determination of farm structures in for instance France, Denmark and the Netherlands, but is at the same time almost absent in others e.g. The United Kingdom and Ireland.

Whilst property laws have remained under national control, other measures aimed directly at controlling agricultural activity have been adopted across the Community. Throughout the EC, commercial farming is increasingly facing restructuring under economic pressures. However, access to land is hampered by high values and monopolistic production rights (e.g. milk quotas), high entry costs and historical social barriers; often entrenched by restrictive legal rights, limiting access to those with inheritance rights and those already established within the industry who are able to capitalise on economies of scale. Structural immobility, social discrimination, inflated property market values, and inconsistent interventions on the part of Member State governments are presented as hindrances to structural reform that are hampering efficient economic resource allocation and management.

Restructuring is seen as an important process in the modernisation of European agriculture. The accession to the EU in the 1980s of the Mediterranean States that are characterised as small land holdings or ‘peasantism’ (Ellis 1988, Black 1992), and the impending EU enlargement eastwards to liberalise state and collectively owned farmland in the CEECshave exacerbated the need to restructure agricultural production in Europe. The feasibility of efficient restructuring depends on the socio-economic standing of landowners and farmworkers and is significantly influenced by: tenurial structures (Marsden et al, 1993); state support for agriculture (Just 1994); the prospects for multiple use (Arkleton Trust, 1992); and by established practises governing inheritance and gender relations (Whatmore, 1991).

The European context

(see Table 1)

Agriculture represents the major land use in Europe, occupying more than half the total community area (Eurostat, 1990). If forested land, rough grazing and grazing marshes are added, the proportion rises to 95% of the total area. Agriculture contributes a declining share of GDP in each of the fifteen Member States (1977-1990, OECD 1994), the percentage share varying from 11.6% in Greece to 0.9% in Sweden. The proportion of the population employed in the sector is only 7% over the community (CEC, 1991), although this too varies markedly between Member States e.g. UK 2.1%; Greece 24.5% (Table 3). As a consequence, the fact that agriculture currently receives approximately 58% of the EC budget (Office 1991), makes it an increasingly contentious and political issue and leaves agriculture in a vulnerable position. Notwithstanding the size of its budget share, agriculture is the chief policy domain of the EC (van der Velde & Snyder, 1991), with about three-quarters of the EC legislation relating directly to the sector. Structural problems remain largely unsolved, as illustrated by two features:

1. An increasingly aged population. Only 8.3% of farm owner/managers are under thirty-five, while 24.5% are over sixty-five (Eurostat, 1990, seeTable 3). This is likely to impact upon the ability and willingness to invest in, and adopt, modern practises, hampering the reform processes.
2. Large numbers of small holdings where economic viability depends on EC aid, or where the farmer relies on non-agricultural income to maintain his living standard. Average holding size is only 13.3 hectares, varying from 64 hectares in the United Kingdom, to only 4 hectares in Greece (Table 4).

Despite the enormous variety of production systems to be found within its territorial limits, agriculture remains central to Community policy, and was one of the main considerations behind the original concept of a formal alliance in Europe (Hervieu and Lagrave, 1992; Hill, 1984; Clout, 1993). Article 3d of the EC Treaty requires the adoption of a common agricultural policy (CAP), whose aims (article 39) were:

(1) to increase farm productivity;
(2) to provide for a decent standard of living for farmers;
(3) to promote market stabilisation for agricultural products;
(4) to ensure security of food supplies; and,
(5) to foster price structures that were 'fair' to the consumers of farm products (Averyt, 1977).

Such objectives are to be achieved through, amongst other things, the optimal utilisation of the factors of production. The CAP was formulated with regard to the social structure of agriculture, regional variations in structures, and the fact that agriculture was closely linked with the economy as a whole.

Property ownership and planning law are specifically outside the remit of the EC (article 222), and currently remain the subject of national regulation within each Member State. Nonetheless, the regulatory powers conferred by CAP on the European Commission have enabled it to prescribe measures which have had a direct effect on the *use* of land (most notably vineyards [Reg 822/87] and dairy farms [Reg 804/68]), and the Commission has the power to influence land use in any of the sectors of agriculture whose produce falls within its regulatory domain. The potential conflict here was challenged in *Liselotte Hauer v Land Rheinland-Pfalz* (1979) ECR 3727 (1980) where it was held that restricting access to production rights (in this instance the planting of new vineyards) did not amount to an infringement of the individual's right to property.

The CAP operates through two policy vehicles: market management and structural policy. Of these two mechanisms, for a variety of political and social reasons, market management has dominated (Bowers and Cheshire, 1983), and structural policy has until recently been implemented largely at the discretion of Member States (resulting in an uneven implementation across the Community- see Table 6). Thus whilst a 'common policy' exists, the adherence to national frameworks for rural policy-making and the specifics of national circumstance remain strong forces in EC decision-making (Kjeldahl and Tracey, 1994).

(i) Market management

Market management policies have operated under the umbrella of a common community-wide market for each commodity (Common Market Organisations- CMOs). The main tools that have been adopted are minimum guaranteed prices for producers, linked with intervention buying, with support from import levies and export subsidies. Arguably, the measures have proved extremely successful, as evidenced by increased productivity and the attainment of over-supply in most temperate commodities. However, because of the lack of contemporaneous structural reform in European farming, the measures have encouraged inefficiency (Body, 1992) and the continuation of outmoded production methods and have hampered farm re-organisations and environmental improvements. In addition, because of the largely open-ended financial commitment implied by intervention policies, the effect on the community budget has been severe. This, coupled with the need to bring European support policies in line with GATT/WTO policies has in the 1990s created an atmosphere of uncertainty throughout agriculture, and a reluctance to invest in new techniques.

The financial pressures led to wholesale EU agricultural reforms in the 1980s and 90s (the'MacSharry plan') through the introduction of production quotas, measures aimed at re-alignment with world markets, and the de-coupling of commodity support from tonnage-produced to acreage planted, thus effectively capping the agricultural budget. It has long been recognised (Franzmeyetal, 1991) that the CMO support in the early days gave an imbalance towards northern commodities (milk, cereals and oilseeds) at the expense of Mediterranean products (vines, olives, citrus fruits). Paradoxically it is now accepted that the southern States are now those most reliant on, and most likely to suffer from a reduction in, market support payments.

The establishment through the 1980s and 1990s of production rights (e.g. Milk quotas, suckler cow quotas, sheep and goat headage limits, tobacco quotas etc) as a means of controlling production, has inevitably reduced the opportunities for farm restructuring. Efficient producers are prevented from expanding, production rights have to be purchased thereby increasing working capital requirements, and 'new farmers' face an additional starting up cost. The recent attention ('Agenda 2000') being given to the potential of modulation: the application of financial limits to the aid paid to individuals, by amongst others, the Commissioner for Agriculture, Franz Fischler, is evidence not only of the growing political will to tackle agricultural mis-spending but also of the growing recognition that CMOs need to be more closely integrated with measures more directly aimed at structural reform.

(ii) Structural policies

Structural policies have not been widely used as means of agricultural support. Indeed they still only account for about 10% of agricultural spending, although the EC has recognised (CEC, 1989) that it should spend at least one-third of the budget on structural policy, covering such areas as farm consolidations, young-farmer training and holdings improvement. Structural policies are now formalised under various EU Objectives:

Objective 1: the adjustment of less developed regions,

Objective 5(a): the adjustment of agriculture, Objective 5(b): the adjustment of rural areas,

Objective 6: the adjustment of less densely populated rural areas.

The formal skeleton for structural policy (based largely on the 'Mansholt Plan') was adopted in 1968. Although it discarded the original scheme to take out of production permanently some five million hectares of farmland the policy was to be implemented through three broad Directives:

1. the modernisation of farm businesses ('structures');
2. incentives for the cessation of farming; and
3. employment training schemes.

Unlike the market management tools, these policy areas have the potential for directly affecting farm successions and land availability, even when operated across national land law structures. However, because the policies operated at a member state level, with a financial contribution (about 25%) coming from the EC, the programmes were not widely taken up (Druesne, 1986).

Recognising its shortcomings, the Council embarked on a series of amendments to the original system, with adopting Regulations to (inter alia) improve the efficiency of farming structures; to introduce conversion and extensification of production and to maintain a viable agricultural community (Reg. 797/85). Regulation 1096/88 picks up the policy to encourage the cessation of farming, and Regulation 2328/91 provides for support for investments in agricultural holdings to improve profitability and living conditions. Regulation 2079/92 crucially introduced an early retirement scheme, to promote the renewal, restructuring and improvement of economic viability. In addition, structural policy regulations have encompassed; support for less-favoured areas (including measures to stem rural depopulation) targeted on the 'southern' states, vocational training assistance, aid for environmentally sensitive areas, and grants for afforrestation.

The more specific reforms to the CAP commenced in the 1980s have impacted on structural policy. The Macsharry Plan has been described as essentially one of social regulation (van der Velde and Snyder, 1992; Curry and Owen, 1996) involving a redistribution of support targeted towards smaller farms, thereby reorienting the CAP socially and economically so as to enable a significant number of families to remain on the land (CEC, 1991). This echoes the words of the Commission in its *Perspective for the CAP*:

> In the present conditions of limited economic growth in Europe, and taking account of the ever-increasing importance of the conservation of nature and the maintenance of the fabric of rural society, there is a need to maintain a significant number of farmers on the land....
>
> (CEC, 1985)

The Community therefore is challenged to implement pricing policies more in tune with world market realities, while meeting its commitment to keeping people in agriculture, with the family farm (see Table 3) as the accepted cornerstone of this policy goal. More recently, in 1994, the Economic and Social Committee of the EU adopted a statement ('opinion') on young farmers and the problems of succession (CEC, 1994), highlighting the structural problems facing agriculture and linking their solution strongly to the promotion of farm startups and entrances. This led to the Commission's report on 'Young Farmers and the Problems of Succession'(CEC, 1996), which outlined the Community measures aimed at assisting startups, and which made a number of proposals and recommendations. The umbrella aid package introduced under Regulation 797/85 (now covered by Reg. 2328/91) is known as the 'Common Installation Policy' and is aimed at reducing the costs of farm entrances, notably the cost of land and estate capital.

In the context of farm structures, the role of land tenure is central. The systems of tenure and the proportion of land owned or rented differ greatly throughout the community (see Table 5) and change over time in response to economic, social and political forces.

Belgium

Nearly two-thirds of the total agricultural area is tenanted (Table 5), and in many cases the tenanted part of a farm forms the most important element. Security of tenure is therefore important for the encouragement of investment and business expansion. Security of tenure operates through a minimum term length of 9 years, with successive periodic terms of nine years being granted automatically except where the landlord has served notice to quit. The grounds for such notice are limited, but include the landlord wishing to farm the land himself. In addition, tenants are given a pre-emptive right to purchase all the land in their tenancy should the landlord want to sell. During their tenancies, tenants have complete freedom over husbandry, and the right to erect any agricultural buildings they wish.

Belgian law also contains provisions for land re-allocation (through amalgamation and redistribution schemes), enabling farm sizes to be increased to an economic size and to improve farm structures. Such initiatives are proposed by local government or landowners and tenants, and then require the authority of local government ministers. (Strong regionalist sentiment in Belgium ensures that local government remains a strong force). Re-allocation has affected 250,000 hectares, or nearly one-fifth of the agricultural area of Belgium, since 1949, bringing average farm size to 14.8 hectares, just above the EC average (table 4).

A high proportion of tenanted land should imply easier access for non-farming families but this is not the experience in Belgium, where farm take-overs remain largely a family affair, with farming families remaining rooted to their holdings and controlling access to the land as though they were owner-farmers. In the implementation of its own regional aid programmes, and the EC structural policies, the Belgian government defines the qualification criteria very loosely, enabling the maintenance of the status quo.

Denmark

Danish agriculture is characterised by a large number of small, specialist highly intensified holdings, 94% of which are owner-occupied. Only 2% of farms are wholly tenanted. In area terms however, some 21% of the agricultural area is rented (table 5), with farm structures consisting mainly of owner-occupied land with some extra rented land adjoining the holding.

The Danish State regulates all aspects of farm structures through the Agricultural Holdings Act 1989, governing ownership and acquisition, management, farm size, and tenancy matters. Strict land zoning is applied to maintain agricultural (or horticultural or forestry) usage and all agricultural ‘holdings’ must be registered. The extent to which farms can expand or be amalgamated has historically been strictly limited in an attempt to maintain family farming businesses (Jones, 1986). Recent economic pressures on unviable units has forced the State to allow further temporary and permanent amalgamations, but even these are limited to a maximum holding size of 125 hectares. Similarly farm subdivisions are closely controlled.

As most farm tenants are also land owners in their own right, no specific tenancy protection is provided, as long as there is a written contract between the parties. There is no security of tenure, no rent regulation, and tenants do not have a pre-emptive right to purchase. The rules that do exist generally do not affect the relationship between the parties, but rather continue the element of state control over farm structures. Tenants must live on the holding (if they rent the whole farm), and they cannot rent land from more than five different holdings. The purchasor of a holding must live on it for eight years, and if the land exceeds 30 hectares the buyer must be trained in agriculture and must not lease out any of the land. An existing farmer seeking to buy more than a further 30 hectares needs a special licence from the land authorities, with licences to purchase a third holding seldom being granted. This 30 hectare benchmark would appear to have been successfully applied by the government, as the average farm size is 32.2 hectares, second only to the UK in the Community.

However, family transfers and successions are facilitated by the application of much less restrictive rules. Family ownership has additionally been encouraged until very recently by outlawing the ownership or renting of holdings by companies, co-operatives or other associations. Owner-occupation still features highly under government policy, but the preservation of the family farm, whilst still seen as important, is now less so; perhaps providing evidence of the recognition of agriculture's importance in the national economy as the major exporter.

Farmers' sons generally buy out their parents over a long period, at discounts of up to 20% of the market price. As a consequence, young farmers often have to take off-farm employment to meet repayments and to compensate for low incomes and high debts. As farm succession to owner-occupied land implies large capital transfers the State assists in the process by loan capital schemes, whereby the first five annual payments are paid for by the government. A strong policy towards farm modernisation through training and technical skills has been followed by the State.

Germany

Germany differs from other European nations in having a large proportion (42%) of part-time farmers, spending less than half their working time on the holding. Even so, at 16.8 hectares, farm size is significantly above the EC average (table 4). Structural policies are operated through sixteen federal or regional departments- *Lander*. Those operating in the former East Germany are concerned with reorganising the former state co-operative farms and establishing a privatised farming structure in their place. This is being effected through leasing from a privatisation agency (the BVVG) followed by land sales under the Compensation Act. Thus there is an ongoing process of farm structure transformation (Doll and Klare, 1995), during which the two systems will be equalised. It is beyond the remit of this paper to examine the specific problems that such harmonisation is experiencing (see Klare, 1992).

In the fifty years to 1990, the number of farms in West Germany fell from 1 650 000 to 630 000, and agriculture's share of the workforce declined to 3%. In the former East

Germany, employment in agriculture is still high, at 10%, with most farmworkers being employed on co-operative farms, state farms and church farms.

The Federal Act on Land Use Planning 1965 requires the adoption of policies to maintain a 'rustic agriculture' as an efficient sector of the economy, interpreted by the Lander as the maintenance of family farms, adequate rural infrastructure and the provision of suitable population densities. This is achieved through structural policies operated by the Federal and Lander administrations under powers bestowed by the Federal Law on the Common Action Improvement of Agricultural Structure and Protection of Coasts 1969/1988. A distinction is drawn between measures to improve holding structure through, for instance, consolidation, and measures to improves efficiency on each holding through investment programmes. EC measures have been adopted and consequently the Community contributes towards the cost of such schemes. Land consolidation schemes operate under laws of 1953 and 1976 with the objectives of improving productivity, working conditions and to facilitate regional development. This is achieved through the reorganisation of scattered holdings into economic units, and the provision of infrastructure with the redistribution of land on the principle of equality of value. The maintenance of such reformed structures, and the further pursuit of farm viability and improvement of structure is achieved by the requirement for prior administrative authorisation for the transfer of ownership (Administrative Control of the Transfer of Ownership on Agricultural Holdings 1961). Such permission will usually be refused if the consequent distribution of land is deemed undesirable, if a deleterious fragmentation would result, or if there is a disproportion between the price and the value at which the transaction occurs. The measures are implemented so as to give farmers priority over non-farmers in the acquisition of land, and for full-time farmers to have priority over part-timers. A similar Act of 1985 provides similar controls over the leasing of agricultural land, with powers to compel the parties to modify or cancel their contract. This operates less successfully, as it relies on landlords reporting the contracts (which many chose not to do). However, where controls are applied, a more favourable attitude is adopted towards part-time farmers, acknowledging the importance of renting in this sector.

The *Civil Code* which regulates farm tenancies has no prescribed minimum term for leases, but the tribunal can extend them up to a maximum term of 18 years for farms, or 12 years for bare land.

The fundamental law on successions involves equality of all heirs. However, in the pursuit of structural improvement and farm viability, a number of Federal and Lander laws depart from this principle and allow the succession to the farm of a single heir, providing that financial compensation is made to his co-heirs. Such compensation is based on farm turnover rather than value. A fairly common route to successions is apparent where the successor will work on the farm for a number of years before entering a formal contract of take-over. An additional period of training at agricultural college ensures that young German farmers are relatively experienced before entering a take-over. The handover period normally involves the successor leasing the land from his parents until their death, in return for a monthly rental and benefits in kind. It is necessary to provide for the co-heirs, and the parents usually undertake to compensate them at some stage in the passing-over process, leaving the successor to farm relatively free of debt.

The Netherlands

Some 34% of agricultural land is tenanted (table 5). Although this proportion is declining, the sector remains important to Dutch agriculture as some 54% of farms are wholly or partly tenanted.

Leasing arrangements are closely controlled by provincial government through Land control boards (*Grondkamer*). Leases of equipped farms must be for a minimum of twelve years, and of six years for bare. On expiry further six year terms are mandatory unless the landlord serves a non-renewal notice. Tenants can, in any event, contest such notices which will only be upheld by the tribunal in accordance with the principles of equity or on certain grounds under the Agricultural Lease Act. Landlords wishing to sell must first offer the land to their tenants, with the final arbiter as to the price being the Grondkamer, whose valuation will be based on rents. As the government sets the level of rents, and these are generally acknowledged to be low, leasehold values are about 55% of vacant possession.

The Netherlands are distinct in being the only Member State with less than 20% of farmers aged over 55 (table 3). A special, unique, transition process has been created by the Dutch, termed '*Maatschaps'*. These are associations between parents and successors during a transition period during which the organisation and control of the business is passed between generations. Some 70% of farm entrances are based on these 'contracts', allowing the family to exercise a high degree of control over the inheritance process. Dutch farms are highly capitalised, and the gradual nature of the handovers enables this capital to be passed over relatively free of charge, at low valuation and relatively free of taxation, confirming the corporatist nature of Dutch farming.

Non family entrants are therefore at a distinct disadvantage in the Netherlands. The State has elected not to interfere with the process and regards policies to assist young farmers entering farms as pointless. It does not traditionally assist young farmers although it does spend almost half of the agricultural budget on supporting agricultural training and education.

France

At 28 hectares, the average farm size in France is well above the EC average (table 4), but suprisingly small for a country with a well-developed and important agricultural sector. France accounts for nearly one-quarter of the agricultural area of the Community (table1). Some 38% of agricultural land is owner-occupied with 2% farmed under sharecropping arrangements and the remainder tenanted (table 5). The small size of farms is due in part to the historical fragmentation of holdings under the *Code Civil* rule of equality in inheritance, whereby all surviving offspring were entitled to a physical share in the deceased's property. This trend has been reversed by a redistribution process called '*remembrement*' (compulsory land consolidation and infrastructure improvement) and by 'preferential allotment', whereby one successor takes the all land and makes a cash settlement to the other heirs. Land ownership and acquisition are closely controlled through regulations dating back to the Landlord and Tenant Act of 1946. Leases must be for a minimum of 9 years and are automatically renewable. Landlords can repossess if they wish to farm themselves, and tenants are given the pre-emptive right to purchase. Thus owner-occupation is encouraged.

Twenty-seven rural settlement corporations (‘SAFER’- *Societes pour l’amenagement foncier et l’etablissement rural*) were established under the Agricultural Guidance Act 1960. These are now very active and, in effect, control the land market, with powers to buy, sell, and lease agricultural land, generally favouring new entrants and established families.

Contrary to the popular opinion that the French have sought to maintain a peasant economy, farm restructuring has been actively promoted, with France operating its own structural policy through three mechanisms:

1. Consolidation of holdings - achieved through extremely beaurocratic and complicated processes, involving local government committee and public inquiry stages. In excess of 13 million hectares have been redistributed in this way;

2. Structural administrative control - operating through a complicated ‘minimum settlement acreage (‘SMI’), whereby a special administrative committee oversees all enlargements, break-ups and farm settlements. The committee also controls the use of land by the ‘buyer’, requiring authorisation to farm if they have no training, or if they are expanding from another farm. This is defined under the Agricultural Guidance Act 1960 as ‘family farm holding with personal liability’. The system was modified in 1990 in response to claims that it was inflexible, but nevertheless, control of enlargement is not likely to disappear for many years;

3. Freedom over land use - given to farm tenants under the French Landlord and Tenant Act.

Successions are dominated by family members, with only 10% of new farmers coming from outside the industry. It has been estimated (CEC, 1991) that outsiders require to invest three times as much to acquire the same productive capacity. Three main types of transition have been identified:

- a period of employment as farm worker on the family farm;
- an "autonomous transition", where the son becomes an associate or runs one of the farm enterprises- characterised by an arrangement known as the 'family company' or GAEC (*Groupement Agricole d'Exploitation en Commun*); and,
- the absence of any co-operation, commonly found on smaller, peasant-type holdings.

Most land transfers appear to occur through a process of family leasing arrangements. In this way, the successor's requirements for capital are much reduced. Even so, capital take-over is a major problem and many young farmers have high levels of indebtedness. In an attempt to address this problem, France has adopted a policy of financial aid via reduced interest rate loans and improvement grants, particularly targeted towards young farmers.

Italy

Italian agriculture exhibits a great number of small holdings, high employment, much part-time farming, as well as strong regional differences in structures and social attitudes to the land. Accounting for only one-eighth of the EC agricultural area, yet contributing one-third of its holdings (table 1) farm size is consequently small, averaging only 5.6 hectare (table 4).

There exists no single complete code of agrarian law, rather a set of fragmented, purpose-specific rules which make generalisms about the sector difficult if not meaningless. In addition, the background to land ownership is somewhat more complex than elsewhere in Europe, with not only private and a significant state ownership of land, but also a third intermediate category of *Uso civico*, land over which there exists communal rights, accounting for one-sixth of the agricultural area.

Article 44 of the Italian Constitution is the most important statutory instrument. This seeks to secure efficient use of agricultural land, through (inter alia) state controls over private ownership, the redistribution of land, and the protection of small and medium-sized units.

Two policies of land reclamation and agricultural land reform operated from 1950 until the 1980s, but were largely confined to specific regions, and were unsuccessful: promoting small, inefficient holdings as much as efficient restructuring. At the same time regional measures specific to the south (implemented through the *Cassa per il Mezzogiorno*), the mountain communities, and the green plains (*piani verdi*) were established, and were aimed at promoting economic development in those regions, although they too have been largely ineffective. A national plan for agriculture was formulated in the 1970s in an attempt to increase productivity and to stem rural emigration and loss of agricultural land to urban development. This was based on two proposals, the *quadrifoglio* which was supposed to target public intervention, and a new law to attract young farmers back to the land. Both failed to meet their objectives while the second has been called an ‘absolute failure’ (Pooru, 1992). The subsequent adoption of EC directions in the 1980s aimed at overcoming surpluses has further localised successful agriculture and marginalised the more remote hill, mountain and southern regions.

There is a long established principle of indivisibility of land, which limits subdivision of holdings. However, this is of limited practical application as there is no specified minimum size. More effective in stemming subdivisions is the right of pre-emptive purchase given to family members working in the farm business. Loans and tax reliefs are given to assist small and medium sized holdings (under article 44) and are administered by the *Cassa per la formazione della proprieta contadina*. and the *Enti di sviluppo*. Such arrangements are usually reserved for working farmers and are limited to single farm holdings. The creation of peasant landownership is still an objective behind many Italian laws governing land sales.

Measures to promote land amalgamations under single ownership exist but are rarely used. The right of a neighbour to purchase pre-emptively on the same terms as a third party, is however commonly exercised, as are the rights of tenant-farmers and sharecroppers (*mezzadria* and *colonia parziaria*) to buy from landowners intending to sell. Such rights have assisted in the restructuring, or at least the maintenance, of the existing size structures.

Tenancy and sharecropping have been the most common forms of occupation, although the tenancies actually have little in common with leasing arrangements in most other European countries, exhibiting principles of produce-sharing and management responsibility more akin to sharefarming arrangements. The laws of custom which regulate these agreements historically have favoured the landowner, and the consequent feudal connotations attached to them led to reforms in 1964 which strengthened the occupiers rights and gave statutory protection to new contracts. Further legislation in 1982 outlawed any new agreements which were not tenancies thus bringing new Italian tenancies in line with the more european concept of leasehold, establishing principles for security of tenure with rent controls and minimum term lengths of 15 years.

For farm structures therefore, the lack of a coherent principle of indivisibility combined with strong family sentiments governs successions. Traditionally a long period of co-operation occurs before the handover of land, which is often not until the parents death. Unless the farming successor has managed to build up enough capital with which to buy out the other siblings, the maintenance of the farm structure is usually achieved by renting or sharefarming from the other co-heirs. Even on the more commercial farms, where takeovers by a single family member can be achieved, access to land for expansion is so limited that modernisation of working capital is often the only way of increasing efficiency. In practise this is difficult as Italian banks do not generally regard agriculture as a sound investment. The combination of these factors has led to the continued importance of part-time farming in the maintenance of young-farmer incomes and also the use of contractors effectively farming several fragmented holdings on behalf of farmers often living off farm and near to their urban employment site.

The Italians do not appear to view the encouragement of young farmers, whether from within or outside agriculture, as being of any relevance to structural reform. Indeed, as a policy objective, the improvement of farm structures has attracted little consideration and EC measures to help young entrants have had only a minimal impact. The strong divisions in Italian society (Furlong, 1994), between rich and poor, North and south, and between the large estates (*latifundia*) and smallholdings (*minifundia*) look set to continue (Mucci, 1992).

Ireland

Irish farm business structures are similar to those found in southern European states; a high proportion of 'family farms' (table 3) and a high percentage of farmers aged over 55, reflecting the widespread and historical influence of peasantism. Despite the inertia exhibited by farm structures, and the apparent lack of modernisation, the sector plays a significant role in the economy, employing 15% of the workforce and contributing 8.5% of Gross Domestoc Product and 28% of Irish exports. Owner-occupation is the dominant tenure, involving 88% of all farmland. Family ownership passes between generations free of charge indicating the extremely important role of the family. This maintenance of the status quo is supported both by government, and by rural society as a whole. Renting occurs on a small scale only, as it is generally regarded as socially inferior and unacceptable to young farmers. Indeed, the lack of a rented sector, combined with a very small market in freehold farms, makes it almost impossible for outsiders to get into farming. It is also responsible for the continuation of weak structures, characterised by small, livestock farms incapable of supporting long periods of transitionary co-operation between retirer and successor, and often necessitating the involvement of the farmer in off-farm employment.

Whilst the state indirectly favours family successions, it does little to positively assist young farmers, who, whilst taking over the holdings relatively free of debt, have little capital available to invest or modernise their farms.

Greece

In ways similar to Italy, Greek agriculture faces structural problems epitomised by family dominance, inefficient successions, and generally poor attitudes towards modernisation.

Equality in kind, at least among male heirs, is widely practised, as is the increased reliance on part-time farming, perpetuating the preponderance of fragmented and small peasant holdings. Although the rented sector has increased recently, this is largely as a result of family arrangements, and has not affected the dominant social characteristic- that most landowners regard themselves as farmers. Greek farming also exhibits a 'top-heavy' age structure, with less than 6% being under 35 (representing only 5,000 full time farmers out of 950,000 registered holdings). On accession to the EU in 1981, the government secured extra funds for structural assistance. Despite this, and despite having implemented Community aid programmes to assist farmer training, the young farmers that do come into the business are usually untrained and inexperienced, and therefore do not generally contribute to the innovation or modernisation of the business. Farming is held in low regard amongst the young, and where only one successor takes over, he will usually be the son with the weakest academic achievements and the lowest aspirations. The social regard for farming therefore results in the continuation of largely peasant activities and a general lack of investment.

While investment by Greek young farmers is the lowest in the EC the level of indebtedness is also low, partly explained by high interest rates. Farm incomes remain low, such that capital accumulation is limited and opportunities for modernisation further restricted. The implementation of Regulation 797/85 has largely been aimed at on-farm improvements rather than at structural reforms consisting of, for instance, amalgamations. One key reason for this is that a high proportion of holdings would fall below the minimum acreage specified for land allocation schemes.

Spain

In common with the other Mediterranean countries, Spain is characterised by small farms, a high proportion of part-time farmers (53% spend less than a quarter of their time working their farms) and an ageing farming population (23% over 65). Owner-occupancy is the dominant tenure (76%), but although there is a relatively open land market, prices are high, and restructuring is hampered by the reluctance among farmers to borrow funds.

General macro-economic factors impact greatly on farm structures. Unemployment is generally high in Spain, and fifteen years of economic crisis has hindered modernisation. Agriculture has remained a significant employer throughout and has seen an increase in the number of young workers, generally employed as family labour. They often take menial roles on the farm rather than face unemployment in the city (80% of family labour has no management responsibility). The role of the father in the farm business has generally strengthened, with the result that the patriarch retains control late into life, often until death. This has two consequences for farm take-overs: firstly there is a long period of transition, often characterised by a high degree of subordination; secondly, and despite the underlying principle of equal shares between heirs, the son who has been 'groomed' to take over the farm normally gets a big family advantage.

Uniquely in the Community, Spanish agriculture exhibits a significant inflow of 'new entrants' ('*incorporacion*') from other backgrounds, not only as workers but also as proprietors in their own right. This is explained in part by a large horticultural sector, which requires lower capital investment and is viewed as a growth sector of the rural economy. Most young farmer proprietors are to be found in this sector. In this way, movement of labour, even over a relatively small time period, has had an impact on the pattern of property ownership in Spain.

Farm replication patterns seems to follow the type of production being practised. For permanent crops and mixed farming, the dominance of family take-overs is declining. For annual cropping and livestock systems family replication is dominant.

For the State, farm restructuring is seen as part of the policy to fight unemployment rather than for the protection of rural economies or for environmental reasons. Indeed the success of most of the aid programmes are expressed in terms of number of jobs created. Specific agricultural schemes were introduced in 1983, and were updated in 1991. These consist largely of improvement grants, covering up to 50% of the cost of the investments. The schemes have seen a high level of uptake by young farmers, although the scale of individual projects has generally been small, and the impact on structural reform has, as yet, been minimal.

Portugal

Like its neighbour Spain, Portuguese agriculture is characterised by small family farms with an elderly farming population (58% over 55) and plays an important role in national employment (25%). However, unlike Spain, Portugal is experiencing an outmigration of young people from farming, with the number of farmers aged under 35 declining by 46% from 1980 and 1987.

Land prices are generally high, and although the State has regulated farm take-overs and entrances since 1986, almost all land transactions are 'unofficial'. Farmers and landowners generally hold onto their land not only because it is a production tool but also because Portuguese society places a high value on land ownership. Most farmers today have inherited their land from their fathers. The family plays an important role, providing not only most of the labour, but also being an important source of finance. Finance from official sources such as banks is a relatively recent phenomenon and is still little used. Restructuring is encouraged, or at least the status quo is maintained, by generally inequitable division of the family inheritance in favour of a single heir. The lack of provision for co-heirs implies the accumulation of off-farm capital, through non-agricultural employment, practised seemingly as much by the eventual successor as by his siblings.

Renting is relatively insignificant, and whilst it has declined in overall importance, it is of increasing relevance to farm entrance. Full-time farming is also increasingly a feature of young farmers, suggesting that in order to obtain economic efficiency they are increasingly turning to renting land.

Adoption of EC structural support has been highly selective, and inflexible. The State has chosen to favour investment schemes rather than specific structural polices.

United Kingdom

Access to agricultural land and family successions has not been a major issue in the UK: agriculture is a small player in the employment market (2%), while tax and property laws combine with established inheritance practises which enable take-overs to occur at minimal capital cost to the successor. At 64 hectares average farm size is the highest in Europe, incomes are generally good, and usually a period of co-operative transition between farmer and son can be accommodated to ensure a smooth transition of the business between generations. As a consequence, the labour market is stable, and there are no fears (in most regions) of a collapse of the farming economy and wholesale out-migration.

The freehold land market is completely open and unregulated. Thus whilst farm structures are dominated by family owner-occupiers and family tenant farmers, there has developed a considerable 'commercial' sector dominated by agribusinesses and contractor-farmers operating either as owner-occupiers or sharefarmers. This phenomenon is unique in European agriculture, and it does allow for a significant inflow of new blood into the industry.

The tenanted sector has been in decline since the turn of the century, from over 90% of farms to the current figure of around 37%. Tenants enjoy a large measure of protection under the Agricultural Holdings Act 1986, giving them security of tenure for three generations, a measure of rent regulation loosely tied to the farm profitability, and freedom of cropping. The rights of landlords to regain possession are very limited, and unlike most other countries do not include the landlord's intention to farm himself. Conversely tenants do not have pre-emptive rights of purchase, although in practise they will usually be better placed than third parties, whose bids will usually reflect investment value only (roughly half the vacant possession value). An imbalance in protection in favour of the tenant has for long been regarded as having been the main contributor to the downfall in the tenanted sector and the two-tiered land market. In an attempt to revitalise the let sector a new category of tenancy (the 'Farm Business Tenancy'), where the parties can agree terms virtually unfettered by statutory interference, was introduced in 1995. Although only in its infancy, the first indications are that rather than provide whole farms to let or starter farms for new entrants, this measure will provide opportunities for existing farmers to expand, and may hasten the decline of the traditional tenanted sector.

There are no regulations governing maximum or minimum holding size, amalgamations or fragmentations, and there is a discernible trend towards increasing farm size, particularly in the more arable South and East. Successions generally favour one heir, particularly where a tenanted farm is passed on from farmer to son, with capital being inherited virtually free of charge (and with minimal taxation). Provision for co-heirs rarely causes a significant problem for the business. There is relatively easy access to credit, as farming collateral and incomes are generally perceived to be secure. The government actually makes little intervention in farm structures, and has chosen not to implement EC restructuring schemes. Little provision is made for assisting modernisation either, except where the investment will reduce environmental impact.

Conclusions

The process of replication of farm businesses, concerned with inheritance of the assets and succession to the status of farmer (Augustins, 1989) is heavily influenced by social, economic and legal forces. Agricultural successions are inextricably interwoven with the European concept of the family, a feature which distinguishes the sector from other economic activity. Barriers are erected, either directly or indirectly, which limit, and in some instances prohibit, entry by those from non-farming backgrounds. Although the primacy of *food* production may be in retreat (Marsden et al, 1993), established farmers and land owning families are likely to continue to control the timing of, and pattern of access to, agricultural land rights by others.

Three general patterns of succession and inheritance can be identified in Europe:

1. Total egalitarianism: the equal shares and break up of the farm. Ostensibly such systems (Italy) have a negative impact on farm structures. They are often accompanied by the divorce between ownership and farming, whereby farmland ownership is retained as a 'holding', but farming is actually carried on by contractors working over large areas of fragmented farmlands.

2. No equality of shares, and the retention of the farm as one unit. This is evidenced in the United Kingdom, Netherlands and Germany. The practise relies on goodwill or tradition within the family unit, and the acceptable selection of one heir as the successor. The other heirs would be expected to accumulate their own capital (either through marriage in the case of females, or through other professional endeavours in the case of other male heirs).

3. Equality of shares, with the maintenance of one unit. Such systems often rely on the development of family renting or credit arrangements, or provision being made by the retiring farmer for the co-heirs. Often the system is protected by a closed leasing market, and State regulations over land valuations and acquisitions, which may ease the financial burden to the successor. Despite such assistances, such inheritance traditions usually result in a higher debt-burden for the incomers, as is evidenced in France, Belgium and Denmark.

Where Member State governments intervene in the farm replication process this is almost exclusively to the relative advantage of established farming families. Laws governing land ownership and occupation, taxation, and the provision of pensions and training without exception favour the status quo. Some Member States have gone further and have adopted their own specific measures to assist young farmers (France Denmark and Belgium). The EC policy with regards to enforcing its own measures (the Common Installation Policy for instance) in this respect has been one of laissez-faire, resulting in a diverse take-up and provision between countries.(see Table 6)

The countries which have no *national* policy towards farm entrances (Portugal, Greece, Italy) tend to respect Regulation 797/85. Several countries had their own support frameworks prior to accession, and have largely continued with them (France, Belgium, Denmark). The UK stands apart, implementing only the investment aid supplement (MIP). In southern Europe, the UK and Ireland, young farmers are no more instrumental in the modernisation of farm structures than other farmers. In northern Europe, France has the greatest commitment to EC start-up aid, whilst the Netherlands and UK have not implemented the aid.

European structural reform, with the objectives of maintaining an efficient and prosperous (family?) agricultural base is faced with a number of problems, especially if it persists in dogmatically following pan-Community policies with little regard for national differences;

1. In countries where farm structure is seemingly inefficient, agriculture is usually an important employer. An unacceptable consequence of restructuring may be higher rural unemployment.

2. In most European countries farmland is over-priced; with market price exceeding the productive capacity. Open market prices either reflect an additional investment value, or ownership carries social worth. This creates high entry costs for the genuine farmer, and hampers structural reorganisation.

3. Restrictive government policies, towards ownership and business enlargement through control of the land market, are outside EC jurisdiction. Such policies can actively encourage restructuring (e.g. France) or can severely hamper it (e.g.Denmark). At the other extreme, leaving such pressures to free-market resolution (e.g. The UK) does little to assist the maintenance of family presence on the land.

4. There is a clear conflict between equality of shares (enshrined in many Member States' civil Codes), and the maintenance of a single viable unit. In the pursuit of restructuring there is a need to recognise the importance of the relationship between external capital and the distribution of local property rights.

5. In the light of the previous problem, there are conflicts between the aims of EC structural aid either in improving farm structures, or in encouraging modernisation *within* existing holding structures. The two approaches to have been viewed as alternatives in the pursuit of efficiency, and this ambiguity may have diluted the overall effectiveness of the policy.

Despite attempts to tackle farm restructuring on a Community-wide scale, the inability or unwillingness of Member States to pursue uniform policies is apparent. The paradox remains that in order to revitalise farming enterprise, succession must be opened up.

> "On the one hand the state must sustain the process of accumulation and the private appropriation of resources, on the other hand, it must pursue belief in itself as an impartial arbiter of class interests thereby legitimising its power."
>
> (Bornstein et al, 1984)

Yet where a more liberal approach to inheritance has been followed, the principle of equality has taken precedence and the family influences have remained dominant, to the financial detriment of the eventual successor. This has actually hampered efficient restructuring, perpetuated part-time farming, and caused a stagnation in productivity at the very time when the input of new and youthful energies should be providing the impetus for improvements.

Table 1: Agricultural Holdings in the EEC 12, 1989

Source: Eurostat 1987

	Total no. Holdings 000s	% dsn of holdings by member state	Total ag area 000 ha	% dsn of AA by member state
Belgium	93	1.1	1370	1.2
Denmark	87	1.0	2798	2.4
Germany	705	8.2	11843	10.3
Greece	953	11.0	3842	3.3
Spain	1791	20.7	24797	21.5
France	981	11.4	28058	24.3
Ireland	217	2.5	4915	4.3
Italy	2784	32.2	15544	13.5
Luxembourg	4	0.05	127	0.1
Netherlands	132	1.5	2024	1.8
Portugal	635	7.4	3331	2.9
UK	260	3.0	16751	14.5
EC 12	8644	100	115400	100

Table 2: Employment in Agriculture

Source: Eurostat 1990

	Employment in Agriculture as percentage of total workforce	
	1977	**1990**
Belgium	3.5	2.7
Denmark	7.8	5.6
France	9.5	6.1
Germany	6.0	3.4
Greece	33.2	24.5
IUreland	21.3	15
Italy	15.8	9
Luxembourg	6.4	3.2
Netherlands	5.3	4.6
Portugal	32.9	17.8
Spain	21.1	11.8
United Kingdom	2.8	2.1
austria	11.8	7.9
Finland	15.1	8.4
sweden	6.1	3.3

Table 3: Attributes of Farms and Farmers in European nations

Source:CEC(1993), *OECD (1994)

	% farms classified as ‘family farms’ 1989	**% farmers aged >55 1992***	**% farmers self-employed 1992***
Belgium	80.5	25	91
Denmark	69.6	26.8	61.3
France	78.9	27.3	82.5
Germany	67.7	30.8	75
Greece	73	36.4	95.8
Ireland	83.3	32.4	86.5
Italy	79	30.5	60.9
Luxembourg	87.9	21.7	91.9
Netherlands	62	17.4	64
portugal	49.5	37	82.8
Spain	63.3	32.5	69.7
UK	41.4	23.6	51.6
Austria			84.8
Finalnd		37	99.3
sweden		37	75

Table 4. Percentage distribution of holdings by size within each country.

Source *Eurostat 1987, CEC 1994

	ave size*	1-10 ha	10-50ha	over 50 ha
Belgium	14.8	44.9	48.4	6.7
Denmark	32.2	16.7	63.9	19.4
Germany	16.8	46.2	46.6	7.2
Greece	4.0	89.0	10.5	0.5
Spain	13.8	72.5	21.2	6.3
France	28.6	32.6	48.8	18.6
Ireland	22.7	24.7	63.6	11.6
Italy	5.6	83.8	14.0	2.2
Luxembourg	30.2	28.8	41.0	30.2
Netherlands	15.3	43.9	50.7	4.5
Portugal	5.2	87.9	9.9	2.2
UK	64.4	24.2	41.5	34.3
EC 12	13.3			

Table 5: Percentage of Agricultural land tenanted

	1930*	**1975**	**1986**	**1993**
Austria	7			
Belgium	59	72.9	68.3	66.3
Denmark	6	14.1	18.3	21.1
Germany	14	29.0	36.4	59.0
Greece	8		22.9	24.0
spain	36		30.2	20.9
France	40	46.7	53.3	60.3
Ireland	2	3.6	4.0	11.9
Itlay	33	17.3	20.0	21.7
Luxembourg	19	41.5	48.3	51.6
Netherlands	51	43.7	35.3	34.0
Portugal	37		33.7	24.5
Finland	2			18.2
Sweden	27			
UK	62	43.6	37.4	37.1

Source Eurostat Farm Structure Surveys. *Urwin 1980

Table 6: National Implementation of EEC 'Installation Policy'

	no. of farmers granted in 1988	no. of elligible farmers	% of elligible farmers aided
Belgium	840	10045	8.4
Denmark	418	6290	6.6
Germany (FDR)	5515		
Greece	233	16600	1.4
Spain	5945	42241	14.1
France	10809	80238	13.5
Irelenad	535	9576	5.6
Italy	1303	42268	3.1
Luxembourg	110	450	24
Netherlands	180	12465	1.5
Portugal	1657	13916	11.2
United Kingdom	137		

Source: National and Regional Agriculture departments

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