

REGULATIONS ON FOREIGN OWNERSHIP OF AGRICULTURAL LAND IN HUNGARY

PREDPISY O ZAHRANIČNOM VLASTNÍCTVE POĽNOHOSPODÁRSKEJ PÔDY V MAĎARSKU

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I Introduction

During the privatization of the economy in Hungary at the time of transition, the question arose as to whether strategically important farmland could fall into foreign ownership, following the example of how most businesses, entire industries, and especially the largest companies had fallen into foreign ownership, with all the advantages and disadvantages that this entailed. There was a consensus, which was also accepted by political decision-makers, that agricultural land should remain in domestic hands and should be used by farmers, the persons who gain their living from agriculture. Further elements of this consensus were the private ownership of agricultural land, maximum land holdings, restrictions on land ownership by legal entities and restrictions on the leasing of agricultural land. However, the legal regulations established in

accordance with this had to be changed due to accession to the European Union, because the law of the European Union no longer allows discrimination between potential landowners after the derogation period. National regulations had to be adapted accordingly. This study primarily focuses on the ownership of agricultural land. Due to space limitations, it is not possible to provide a detailed description of the rules on use under other legal titles.

II Material and Methods

This study is primarily descriptive in nature and aims to outline the rules governing the purchase and other ways of acquisition of land. The land policy behind the regulations may be the subject of further research. Within the framework of this study, based primarily

Abstract (EN)

Anyone might think that regulating the sale and use of property, including real estate and, within that, agricultural land, is a pure matter of private law under the regime of the Civil Code, since it involves private individuals who are equal and on the same footing. However, state intervention is justified on several grounds. On the one hand, agriculture has certain characteristics within the economic system that prevent the state from allowing the parties to exercise their private autonomy. On the other hand, the subject of legal transactions, agricultural land, is also a special commodity, for example, because it is not available in unlimited quantities and cannot be produced indefinitely, unlike most products. However, the need for specific regulations allowing state intervention is limited because agricultural land can also serve as a capital investment, and the European Union guarantees the free movement of such investments and investors, as well as the freedom of establishment. Which one of the two competing principles will prevail?

Abstrakt (SK)

PNiektoby si mohol myslieť, že regulácia predaja a užívania majetku vrátane nehnuteľností a v rámci nich aj poľnohospodárskej pôdy je čisto súkromnoprávnou záležitosťou v rámci Občianskeho zákonníka, keďže sa týka súkromných osôb, ktoré sú si rovné a na rovnakej úrovni. Štátny zásah je však opodstatnený z niekoľkých dôvodov. Na jednej strane má poľnohospodárstvo v rámci hospodárskeho systému určité charakteristiky, ktoré bránia štátu umožniť stranám uplatňovať si ich súkromnú autonómiu. Na druhej strane, predmet právnych transakcií, poľnohospodárska pôda, je tiež špeciálnou komoditou, napríklad preto, že nie je dostupná v neobmedzenom množstve a na rozdiel od väčšiny produktov ju nemožno vyrábať donekonečna. Potreba špecifických predpisov umožňujúcich štátny zásah je však obmedzená, pretože poľnohospodárska pôda môže slúžiť aj ako kapitálová investícia a Európska únia zaručuje voľný pohyb takýchto investícií a investorov, ako aj slobodu usadiť sa. Ktorý z dvoch protichodných princípov preváži?

Keywords (EN)

farmer, legal capability of land acquisition, restrictions, transaction of agricultural land, ownership

Kľúčové slová (SK)

farmár, právna spôsobilosť na nadobúdanie pôdy, obmedzenia, transakcia s poľnohospodárskou pôdou, vlastníctvo

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on the legal regulations in force, we will describe how to acquire ownership of agricultural land in Hungary. What are the general rules and exceptions that make it possible for agricultural land to be purchased primarily by farmers? To this end, we must first review the relevant national legal texts on which this study is based. This article is based on a lecture of the same title delivered by the author at a conference on land protection regulations in the Visegrad countries, with the specific aim of presenting Hungarian regulations. Therefore, the article was not intended to be a comparative study.⁽¹⁾

III Results and Discussion

Regarding Section 2 of Article P of the Hungarian Constitution (officially called The Fundamental Law of Hungary), the limits and conditions for the acquisition of ownership and for the use of agricultural land and forests shall be laid down in a cardinal Act. The main legal texts regulating Foreign Ownership of Agricultural Land in Hungary are primarily legislative acts of the Parliament adopted by 2/3 majority of present deputies. Among them, the Legislative Act that regulates this subject is the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land (Land Transaction Act). The Land Transaction Act applies to all land located within the territory of the country.

From the point of view of our research, the main questions to be answered regarding the Regulations on Foreign Ownership of Agricultural Land in Hungary are as follows:

- What is the subject matter of the regulation? As it is the agricultural land, what is the definition of agricultural land?
- Who are the subjects of the regulation? Who can be the owner of an agricultural land? What type of subject (of law) – natural or legal person – can be the owner of an agricultural land? Does the legal regulation exclude anyone from the circle of possible owners? Is there any legal capability of acquisition?
- Is there any quantity restriction? Or anyone may buy and/or acquire in a different way agricultural lands without limits?
- Does anyone have priority in acquiring land ownership?
- How can someone acquire ownership of agricultural land? Are there any special procedural rules?

1 V4 Agricultural Land Protection International Scientific Conference. Institute of Law, Faculty of European Studies and Regional Development, Slovak University of Agriculture in Nitra. October 15–17, 2025.

1. The subject matter of the regulation: definition:

The Land Transaction Act defines the subject of ownership, meaning the agricultural land itself, or as it is called by the Act: “land used for agriculture and forestry”. The definition of land used for agriculture and forestry is:

- regardless of its location (within or outside built-up areas)⁽²⁾,
- all land parcels registered in the real estate register as arable land, vineyards, orchards, gardens, meadows, pastures (grasslands), reed beds, forests, and wooded areas,
- as well as land parcels registered as areas taken out of cultivation for which the legal status of forest is recorded in the real estate register in the National Forest Inventory Database.⁽³⁾

Agricultural land has a clear definition provided by the legal regulation. A unit of land can be clearly categorized applying the Land Transaction Act primarily, and in addition to this, the Legislative Act No. C. of 2021. on the Land Registry if it is necessary.

2. The legal capability of land acquisition: personal restrictions

The Hungarian regime differentiates the legal capability of land acquisition of different types of entities. Rules to be applied to natural persons (individuals) differ from those concerning organisations, being legal entities (legal persons). Related to individuals, the regulation distinguishes between foreigners and internal individuals, while internal individuals have further categories. It must be pointed out that citizens of the European Union are qualified internal individuals, meaning that citizens of a third country are regarded as foreigners if the question is the capability of being the owner of agricultural land.

3.1 Organisations

Concerning legal entities (organisations), the main rule is that legal entities (e.g., cooperatives, limited partnerships, limited liability companies, etc.) are not allowed to acquire ownership of agricultural land through purchase, which is unique among the member

- 2 The administrative division of land (land parcels) according to their location can be within or outside built-up areas. The first may be called urban zone, while latter may be called rural zone. The use of such a rural zone is mainly agriculture or other economic activities than inhabiting. A special type of land parcel in rural zone is the enclosed garden. See Section 3. §, article (4) of the Legislative Act No. C. of 2021. on Land Registry.
- 3 Section 5. §, point 17. of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land

states of the European Union.⁽⁴⁾ However, business associations that legally acquired agricultural land before the 27. of July 1994, may retain ownership of their land.⁽⁵⁾ After the 1st of May 2014, newly established joint ventures formed from companies owning agricultural land cannot acquire ownership of the agricultural land owned by their legal predecessor, i.e., they must sell the land at the same time as the organisational or formal change, or it will remain in the ownership of the legal predecessor.

There are exceptions to the main rule that prohibits legal entities from acquiring land ownership. These are the special rules.

1. The State of Hungary (as a legal entity) may acquire ownership of agricultural land without quantitative restrictions for the purpose of implementing land ownership policy guidelines specified by law, or for public employment, or other public interest. In this case, the capability of acquisition is target-bound.
2. The local self-government of the area where the land is located may acquire ownership of the agricultural land for public employment and community development purposes. In this case, the capability of acquisition is target-bound, too.
3. A church – if it is a legal entity – may acquire ownership of agricultural land exclusively based on maintenance, annuity, care, or gift agreements, as well as through testamentary dispositions, but not on any other title (e.g., sale and purchase). In this case, the title of acquisition is restricted.
4. A mortgage lender (organisation, meaning mainly banks) may acquire ownership of agricultural land in exceptional circumstances, such as during liquidation or enforcement proceedings against a debtor. Property of land acquired in this way must be sold at public auction within one year. If this is not possible, the land will become the property of the State by law and will be managed by the National Land Centre (NLC). The NLC will pay the mortgage lender the collateral value of the land within 90 days. In this

4 “The legal regulations of the old Member States do not apply restrictive or discriminatory rules regarding the acquisition of property by foreigners, and furthermore, they do not differentiate between natural persons and legal persons regarding the acquisition of ownership of agricultural land.” Kurucz Mihály: Gondolatok a magyar földforgalmi törvény uniós feszültségpontjainak kérdéseiről In: Szalma, József (ed.) A Magyar Tudomány Napja a Délvidéken 2014: Föld- és ingatlanulajdon, fenntartható mezőgazdasági fejlődés. Újvidék, Szerbia: Vajdasági Magyar Tudományos Társaság (2015) 568 p. pp. 120–173, 148 p. The legal regulations of the Member States that joined later do not, either, prohibit legal entities from acquiring property through purchase from the outset. (Based on the author’s research.)

5 Approximately 140,000 hectares of land are owned by business associations and cooperatives.

case, the right to property is restricted in time.

3.2 Restrictions on Foreigners

Natural persons (individuals), if they are foreigners, can only acquire ownership of agricultural land through legal inheritance. This means that a foreigner – a person who is not a citizen of the EU – is excluded from the acquisition of agricultural land not only by economic transactions, but even via disposition of property upon death (for example, a testament). More precisely, the regime distinguishes between intestate succession and testamentary succession, since the latter may be subject to the ordinary restrictions applicable to acquisition. The regulation is clear concerning the categories of persons treated as eligible to acquire agricultural land. The Legislative Act No. CXXII. of 2013 on the turnover of agricultural and forestry land distinguishes between two categories of natural persons. A domestic natural person is a Hungarian citizen, while a foreign natural person is a person who is not a citizen of a Member State.⁽⁶⁾

The above overviewed rules mean that, as a main rule, only EU citizen individuals are allowed to be the owners of agricultural lands in Hungary. However, the details of this regulation are more important for understanding the reason why, mainly, the owners of agricultural land are Hungarian citizens.

3.3 Farmers

In Hungary, ownership of agricultural land may primarily be acquired by farmers. The definition of farmer is provided by the Land Transaction Act. An individual may be classified as a farmer in two different cases. A farmer is

1. A Hungarian individual (natural person) or a citizen of a Member State:
 - registered in Hungary⁽⁷⁾ as a farmer
 - who has agricultural or forestry vocational training or qualifications specified in the decree⁽⁸⁾ issued for the implementation of the Land Transaction Act, or
2. In the lack of such a specified qualification, this individual:
 - a) has been continuously engaged in agricultural or forestry activities or supplementary activities in

6 Points 2 and 15 of Section 5 of the Legislative Act No. CXXII. of 2013 on the turnover of agricultural and forestry land.

7 Registered farmer means that listed in the register of farmers, agricultural producer organizations, and agricultural business centres that is maintained by the government office’s land registry.

8 Decree of the Government No. 38/2014. (24. February)

Hungary for at least 3 years under own name and at own risk, and has derived verifiable revenue from these activities, or has failed to generate revenue because the agricultural or forestry investment made has not yet been utilized; or

- b) has been a member of an agricultural producer organization registered in Hungary for at least 3 years, in which holds at least a 25% stake, and in which he/she carries out with personal involvement agricultural and forestry activities, or agricultural, forestry, and complementary activities.

3.4 Personal Restrictions for Individuals not Classified as Farmers

One of the main objectives of the Hungarian regime is that land should be owned by farmers, meaning persons who make their living from agriculture. Another objective is that owners should be Hungarian farmers. This is why there is a personal restriction on acquiring and owning land for those who are not classified as farmers. The general rule, then, is that only farmers are allowed to acquire land.

Individuals (natural persons) who are not classified as farmers may only acquire ownership of agricultural land – with two exceptions – if the total area of agricultural land already owned by them, together with the area of agricultural land they wish to acquire, does not exceed 1 hectare. The two exceptions mean that:

A/ If the individual who is not classified as a farmer is a close relative⁽⁹⁾ of the person transferring the ownership (in this case, the actual acquisition limit is 300 hectares). This restriction cannot be applied retroactively, so non-farmers may retain ownership of land legally acquired in previous years, more than 1 hectare under the rules in force at that time, but may not acquire any more, except in the case of legal inheritance.

B/ Land acquisition for recreational use:

This is defined as acquisition:

- of land owned by a local self-government and designated for such purposes by its decision,
- by an individual who is a citizen of Hungary or a Member State not classified as a farmer
- for the purpose of using and harvesting the land for the needs of the acquiring party (himself/herself) and their cohabiting family members, not exceeding those needs.

C/ Quantitative restrictions:

In addition to the restrictions affecting different kinds of persons, the Hungarian legal regime restricts the extent of land to be owned by one person. This quantitative restriction aims to prevent the formation of huge landholdings.

There are two types of quantitative restrictions to be applied at the same time: maximum land acquisition and Maximum property size.

Maximum land acquisition⁽¹⁰⁾ means that land ownership may be acquired up to a maximum of 300 hectares, considering the area of land already owned or possessed via beneficial ownership. This right to acquire land may only be exercised:

- by farmers or
- by EU citizen individuals if they are a close relative of the person transferring the ownership, or
- by the proprietor in the case of land acquisition for recreational purposes

Maximum property size⁽¹¹⁾ means the maximum extent of land that may be held in possession by one farmer or an agricultural producer's cooperatives. This means the limited maximum measure of the land in possession of an entity (in practice, in use), which does not mean only the ownership but the use of the land under different titles, too, such as beneficial ownership. The maximum property size is to be applied exclusively for farmers and agricultural producers' cooperatives, meaning that individuals are under the restriction of maximum land acquisition (300 hectares). The maximum property size is the acquisition of land ownership, considering the size of the land already owned, up to a maximum of 1,200 hectares by farmers and agricultural producers' cooperatives. In certain cases, there are exceptions called concessional maximum property size, which is 1,800 hectares, for example, the livestock farm operator producing feed for their own animals.

Consequently, a distinction must be made between land that can be owned by a person and land that a person may possess. In the latter case, it follows that the land may be possessed even if the owner is not the same person; for example, the person may be renting it or using it under some other legal title. In the former case, the maximum amount of land that may be owned by a single person is 300 hectares. In this case, the land is his/her property. In the second

9 Close relative is defined by Section 8:1 §, Article (1), point 17. of the Civil Code.

10 Section 16. §, article (1) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

11 Section 16. §, article (2) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

Table 1 Various situation with acquiring land ownership

	Regulatory approval required	Regulatory approval NOT required
Publication of the contract is required	– purchase of agricultural land (as a rule) – sale by auction (winding-up proceeding, enforcement proceeding, debt settlement proceeding for local self-governments)	– acquisition of land by the State – sale of land owned by the State or by local self-government
Publication of the contract is NOT required	Acquisition of land via: – exchange contract – adverse possession – testate succession	Acquisition of land via: – legal inheritance – expropriation proceeding – sale by auction aiming compensation of owner – purchase, exchange, or donation between close relatives. Acquisition of land property by – church or – local self-government – acquisition of land property by land readjustment – farmland transmission contract: a transaction of property by an agriculturist to another based on a legislative act's regulation.

Source: edited by the author

case, the maximum is 1,200 hectares, and the farmer does not own it, but uses it as he/she is allowed to own only 300 hectares.

D/ Administrative restrictions

Further administrative restrictions are put in place to ensure that land is owned by farmers, not by anyone, including financial investors. Some of these administrative restrictions are required elements of the contract in the form of declarations to be made by the acquirer (buyer). Others are regulatory requirements in the form of administrative control exercised by authorities. In these cases, further documents must be submitted to the authorities for a decision.

a) Declarations as mandatory elements of the contract.

During the transaction, in the contract on purchase, the acquirer must make several different statements.

1. He/she must undertake that he/she:
 - does not allow others to use the land,
 - uses the land him/herself,
 - fulfils his/her land use obligations required by legislative act.⁽¹²⁾
2. He/she must undertake that he/she won't withdraw the land from agricultural use for a period of 5 years from the date of acquisition.⁽¹³⁾
3. If the land that is the subject of the contract is in the use of a third party at the time of acquisition (e.g., it is being cultivated by a tenant), the acquiring party must undertake

not to extend the term of the existing land use relationship and to fulfil the obligations set out in the contract from the date of its termination.⁽¹⁴⁾

4. The acquiring person must declare that:

- he/she does not have any legally established and outstanding fees or other debts arising from the performance of their obligations in return for land use⁽¹⁵⁾, and
- no legal transaction aimed at circumventing the restrictions on acquisition has been established against him/her within the 5 years preceding the acquisition⁽¹⁶⁾.

b) Administrative actions of authorities as administrative restrictions – administrative control.

An official control is required by the Land Transaction Act after the signature of the agreement on land transaction.⁽¹⁷⁾ This control has two main forms:

1. Publication – if the form of the transaction is a purchase, then the content of the contract must be published to enable pre-emptors – persons entitled to by legislative act having a legal right of pre-emption – to become aware of the legal transaction.
2. Approval – the contract on property transfer must be approved a priori by

12 Section 13. §, article (1) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

13 Section 13. §, article (1) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

14 Section 13. §, article (4) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

15 Section 14. §, article (1) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

16 Section 14. §, article (2) of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

17 Section 23. §, – 30 § of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

the county government office (state territorial representative – STR).

These two conditions may be combined: one, other, both, or none of them may be required, depending on the title of acquisition and the type of entity that acquires the ownership of land. These various situations are summarized in Table 1.

E/ The right of pre-emption as a restriction on land transactions:

The right of pre-emption may derive from contract or law. The right of pre-emption is a further guarantee that the possible circle of acquirers shall be restricted. The Land Transaction Act ensures priority in the form of a right to pre-emption for certain individuals to acquire agricultural land. This tool is only applicable if the form of the transfer is a purchase. The purpose of this regulation is to keep the land farmers' property. As a consequence of this regulation, the seller of the land may make a contract with a buyer who is entitled to buy agricultural land by law (not excluded), but must present the contract for the public to make it possible for the holder of the pre-emption right to declare the will to acquire the land and replace the status of the buyer in this way.

Before the publication of the contract, the authority of agriculture must approve it, but this is only a control over the formal and substantial elements of the contract. The contract must be submitted to the agricultural authority of the STR office, and after the revision of the elements, it is forwarded to the chief executive officer of the local self-government.

The contract must be published via announcement by the head of the office of local self-government if it is not subject to regulatory approval. In this case, the purpose of the publication is to inform the holders of pre-emption rights and to enable them to assert their rights. If the contract is subject to regulatory approval, it is published on the government website operating within the electronic information system of the Government. The holders of pre-emption rights have a 30-day deadline to declare whether they will replace the buyer or not. If a holder of a pre-emption right declares the will to replace the buyer, the contract must be fulfilled without any modification by him, meaning the acceptance of all the terms and conditions.

The list and ranking of the holders of pre-emption rights are enumerated by the Land Transaction Act.⁽¹⁸⁾ The ranking may not be changed. The holders

of the pre-emption right are as follows:

1. The State represented by the Minister of Agriculture.
2. If the land is jointly owned, a farmer who has been a co-owner for at least 3 years.
3. A farmer who has been using the land offered for sale for at least 3 years and/or who farms in a registered farm within a 20 km radius.
4. A registered farmer who has lived locally for at least three years and farms on neighbouring land.
5. Differentiated by type of cultivation:
 - a) a farmer who has been operating a livestock farm for at least three years and resides locally, provided that the stocking density of the farm reaches 0.5 livestock units per hectare, and the land is necessary to produce feed for the animal species kept,
 - b) a farmer producing agricultural products with a designation of origin,
 - c) farmer certified as practicing organic farming,
 - d) local farmer engaged in horticultural production (gardening, viticulture, and fruit growing),
 - e) locally resident farmer (in the arable farming sector) with proven experience in seed production.
6. Farmers farming near the plot of land offered for sale, including.
7. Primarily those who have lived in the area for at least 3 years.
8. Secondly, farmers with an agricultural business centre registered within 20 km.

If the submitted documents comply with the legal requirements, a copy of each document submitted shall be forwarded to the chamber's land committee, i.e. the county body (local land committee) of the Hungarian Chamber of Agriculture, Food and Rural Development (Hungarian Chamber of Agriculture). The county agricultural chamber takes a position on whether the purchase agreement is in line with general agricultural policy and land ownership policy interests. This position may support or not support the sale and purchase agreement and the legal statements of acceptance of all parties entitled to pre-emptive rights listed in the register. If the land committee supports more than one applicant, the government office will designate the buyer. One of the weakest points of the regulation is the required support of the county agricultural chamber, because of the undetermined content of the condition "in line with general agricultural policy and land ownership policy interests" that opens the space for a wide margin of discretion in deciding. The last act in the proceeding

18 Section 18. §, – 22 § of the Legislative Act No. CXXII. of 2013. on the turnover of agricultural and forestry land.

is the decision of the authority. If the contract is approved, it can be submitted to the land registry office for registration of the transactions and the modification of ownership.

IV Conclusions

It can be concluded that agricultural land in Hungary cannot be bought or sold, nor can it be acquired by anyone in any other way. With a few exceptions, Hungarian regulations exclude most legal entities from acquiring land, as well as foreigners almost entirely. European Union citizens can acquire agricultural land under the same conditions, but this means that, due to numerous restrictions, this is only possible for those who are professionally engaged in farming.

V Summary

Following accession to the European Union, and particularly after the end of the derogation period, Hungarian legislators found a way to ensure that agricultural land remained in the ownership and use of agricultural producers, and specifically Hungarian citizens. The means to achieve this goal are partly legislation and partly the institution of official approval by administrative authorities. The latter enforces restrictions, the complex system of which is ensured by complicated, almost incomprehensible, and difficult-to-understand legislation. The adoption of the Legislative Act in 2013 has enabled the free movement of capital regarding the acquisition of agricultural land following the expiration of the accession moratorium, resulting its EU compliance. It is true that, following the derogation period, lawsuits⁽¹⁹⁾ were filed before the Court of Justice of the European Union regarding Hungarian regulations, and infringement proceedings⁽²⁰⁾ were also initiated; however, these did not concern the acquisition of property by foreigners, but rather the termination of land use rights acquired by foreigners before the entry into force of the new regulations.

Following the expiration of the transitional derogation period after EU accession, direct discrimination based on nationality is prohibited under EU law. Hungarian regulations aim to give preference to registered farmers, locally established farmers, or persons engaged in professional agricultural activities in Hungary when acquiring ownership of agricultural land. At the same time – and this is the author's opinion – it is an unstated objective in many Member States to reserve agricultural land ownership

exclusively for their own citizens, but of course this was not the purpose of the Hungarian legislation. The land ownership policy behind the regulation and its scope for manoeuvre could be the subject of further research.

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20 C-235/17.