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Republika Kosovo-Republic of Kosovo
Qeveria - Vlada – Government

Ministria e Bujqësisë, Pylltarisë dhe Zhvillimit Rural/Ministarstvo Poljoprivrede, Šumarstva i Ruralnog Razvoja/Ministry of Agriculture, Forestry and Rural Development

CONCEPT DOCUMENT
FOR AGRICULTURAL LAND

Prishtine 2021

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Content	
Introduction	3
Chapter 1: Definition of the problem	7
Farm size	16
Management of Agricultural land in socially own in the Republic of Albania	65
In the Republic of Albania - Privatization of agricultural land was realized based on the Law No. 7501 on Land, date 19.7.1991. Agricultural Land Publicly owned in the harmonization with the Law No. 8318 date 1.04.1998” For the lease of forest agricultural land, meadows and pastures that are state property”	65
Chapter 2: Objectives	74
Chapter 3: Options	76
3.1: Option no change	76
3.2: Option to improve implementation and execution	77
3.3: The third option (defined separately for each concept document)	78
Chapter 4: Identification and assessment of future impacts	82
Impact in fundamental rights	85
Chapter 4.1: Challenges with data collection	85
Chapter 5: Communication and consultation	87
Chapter 6: Comparing options	89
Chapter 6.1: Plans of the implementation for different options	98
Chapter 7: Conclusions and future steps	100
Chapter 7.1: Provisions for monitoring and assessment	106
Annex 1: Form of assessment for economic impact	107
Annex 2: Form of assessment for social impact	109
Annex 3: Form of assessment for environmental impacts	112
Annex 4: Form of assessment for fundamental rights	114

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Introduction

Table with general information for the concept document

Title	Concept Document for Agricultural Land
Responsible Ministry	Ministry of Agriculture, Forestry and Rural Development Department of Agricultural Policies and Trade Division of the Agricultural Land Use
Contact person	Idriz Gashi 038/ 200 38 618 ; 044/ 128 603
Strategical and operational plant	Strategical purpose 2 –Sustainable management of natural resources (agricultural land, forests and water for irrigation); Operational objective 2.1 – Improvement of policies for management and protection of agricultural land; Activity 2.1.1 – Preparation of Concept Document for Agricultural Land
Strategical priority	<p>- Program of the Government of the Republic of Kosovo 2021-2025</p> <p>2.10. Agriculture, Forestry and Rural Development 2.10.3 Sustainable management of natural resources (agricultural land, forests and water for irrigation)</p> <p>- National Strategy for Development 2016-2021</p> <p>Pillar I - Good governance and the rule of law; Measure 13- Strengthening the state of property rights; Activity 2 - Promoting the land market that enables economic growth, including facilitating the consolidation of agricultural lands, as well as drafting and approving municipal development plans and zoning maps.</p> <p>Pillar II - Competitive Industries, Measure 20 - Agricultural Land Consolidation: Activity 1 - Preparation and financing of the land Consolidation project and integration in rural development projects;</p> <p>Activity 2 - Undertaking structural reforms (with emphasis on legal and institutional measures) in order to create better conditions for increasing agricultural productivity.</p> <p>Activity 3 - Creation of plots in the most regular geometric shape, suitable for easy use of the agricultural mechanism, and the project of the Parcel Identification System (LPIS) will be advanced.</p> <p>Activity 4 - Formation of a network of field roads, which enable direct approach to the plots, as well as the elimination of the seasonal servitude – approach to the property through someone else's property.</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	<p>Economic Reform Program 2021-2023 Reform measure # 3: Structural changes in the agricultural sector</p> <p>1. Increasing areas with agricultural crops with a focus on value-added products (MAFRD)</p> <p>National Program for the Implementation of the Stabilization and Association Agreement 2021 (NPISAA) 3.11. Chapter 11 of the acquis: Agriculture and Rural Development; 3.11.3 Implementing measures - Policy Framework - Concept Document on Agricultural Land.</p> <p>Strategic Objective: Management of agricultural land as a natural and good overall resource based on the principles of sustainable development, protection and use of it for agricultural production to ensure the economic prosperity of the country.</p> <p>Specific objectives:</p> <p>Improving the fair and sustainable management of agricultural land and socially owned pastures;</p> <ul style="list-style-type: none"> - Fair and sustainable administration and management of agricultural lands managed by the Kosovo Agricultural Institute (KIB) in Peja; - Protection of agricultural land from unplanned urban construction, pollution, erosion, degradation, etc .; - Leasing of Agricultural Land.
Working group	<p>With the Decision No. 472, Ref.ZSP 622/20 of the date 06.07.2020, Deputy Secretary General of the MAFRD shall appoint Working Group for the preparation of the Concept Document for Agricultural Land: Isuf Cikaqi-Head, Idriz Gashi, Marjan Karrica, Fetie Muriqi, Fatmire Mirena, Isah Rudaku, Kreshnike Arifi, Merita Ramaxhiku, Albulena Maloku, ZKM/SKQ –Ekrem Ahmeti, MMPH- Servet Spahiu, GIZ –Vjollca Limani.</p>
Additional information	<p>In 2011 the Committee on Agriculture, Forestry, Rural Development and Environment and Spatial Planning has supervised the implementation of the Law on Agricultural Land No. 02 / L-26. The Committee had prepared a Report with recommendations, which it submitted to the Assembly. Some of these recommendations are no longer relevant to this Concept Document.</p> <p>The relevant recommendations of this report are included as follows:</p> <ul style="list-style-type: none"> - Recommendation No. 3 - Municipalities should issue municipal development plans including rural spatial planning and construction zoning in villages (Zonal Map), MESP and MAFRD to assist municipalities in their preparation and training of municipal officials for drafting these plans;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- Recommendation No. 4 - The Municipality before approving the development plans to seek the consent of MAFRD according to the Law, in cases of not seeking consent to notify the Government of Kosovo, as well as to initiate procedures for non-implementation of the Law;
- Recommendation No. 6 - to establish the Fund for agricultural land;
- Recommendation No. 7 - Courts to give priority to cases related to agricultural land;
- Recommendation No. 8 - The Ministry together with the municipalities to be engaged in organizing awareness campaigns for the protection of agricultural land;
- Recommendation No. 9 - MAFRD to have a board member representative in the Privatization Agency of Kosovo (PAK).

European Commission Report on Kosovo for 2020 on Agriculture states the following:

- Kosovo has a level of preparation for agriculture and rural development. In general, limited progress has been made, especially in the implementation of annual agro-rural development programs and its evaluation, but progress in land consolidation and land protection is insufficient. Since not all of the 2019 recommendations have been implemented, in the coming year, Kosovo in particular should:
 - Carry out a qualitative evaluation of the effectiveness of the support measures foreseen in the agriculture and rural development program;
 - Approve the law on common market organizations;
 - Take urgent, effective measures to stop the loss of agricultural land and enforce spatial planning legislation.

European Commission Report on Kosovo for 2019 on Agriculture (point 6.17) states the following:

- "Kosovo has a level of preparation for agriculture and rural development. Limited progress has been made in improving the implementation of the agriculture and rural development program. In the coming year, Kosovo needs in particular:
- Improve the evaluation and monitoring of grants and direct payments under the program;
 - Reviewing and updating the program so that investments in the sector are more efficient;
 - Take urgent and effective measures to stop the loss of agricultural land and to implement spatial planning legislation.

	<p>European Commission Report on Kosovo for 2018 on Agriculture states the following:</p> <p>“Legal changes in agricultural land use continue to affect the already limited availability of arable land and farm productivity. There is no information on how much agricultural land Kosovo loses on an annual basis, and there is no strategy or action plan to address this issue. The Ministry of Agriculture, Forestry and Rural Development in cooperation with the Ministry of Environment, Spatial Planning and Infrastructure should take urgent measures to stop further losses of agricultural land, as well as implement the legislation governing spatial planning”.</p>

Chapter 1: Defining the problem

Efficient administration and management of agricultural land, protection of agricultural land from unplanned urban construction and further degradation, environmental protection and management of agricultural land as a natural and good overall resource based on the principles of sustainable development. Great progress has been made in recent years in this regard, however the degradation of agricultural land, uncontrolled urban expansion, environmental pollution and damage to natural resources are problems that need to be addressed in the future. The goal of the Government of the Republic of Kosovo is to close the era of illegal constructions, to create standards in spatial planning (urban and rural spaces) and to create an institutional environment for sustainable economic development of the country, which will be achieved through a merger of sector-specific policies in an integrated approach. Integrated treatment requires the implementation of mutually reinforcing economic, social and environmental policies.

Concept document aims to address issues that have hindered the proper and sustainable management of agricultural land for use for agricultural production. Since the adoption of the Law on Agricultural Land, inadequate implementation and supervision by authorized legal bodies has been noticed, as well as shortcomings in the legal framework in force that regulate the issue of administration, management, use-planning, protection and leasing. The main challenges for the use of agricultural land are related to:

- Unclear definition of central and local level competencies related to:
 - o Giving consent by MAFRD to the draft Municipal Development Plan before the approval of this Plan in municipalities;
 - o Giving consent by MAFRD for change of destination of agricultural-forest land to land for non-agricultural-forest purposes, for categories I-IV;
 - o Overseeing the implementation of the Law through central level inspectors and the implementation of the Law by authorized municipal inspectors;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- Improper administration and management of agricultural land and socially owned pastures;
- Administration and Management of agricultural lands currently managed by the Kosovo Agricultural Institute (KIB) in Peja;
- Loss of agricultural land due to change of destination of agricultural land in construction land;
- Large fragmentation of agricultural land;
- Pollution and degradation of agricultural land;
- Recent changes in the legal framework for spatial planning;
- The right of foreign natural and legal persons to be owners of agricultural land in Kosovo.

Use of agricultural land

Agricultural land owned and leased by others is used by agricultural households, family households, agricultural family households and legal entities.

Agricultural Household is an independent technical and economic unit of production, in which one (1) Family Household or (2) Legal Entity performs (3) agricultural activities, as primary or secondary activity, under a single management and where they use common means of production (land, equipment, buildings, etc.).

Family households - means the individual, family community or other community of persons (individuals) who live together and are fully or partially settled in family household, as well as supplied with food and other possible basic things for living. The members of this group can combine their income to a greater or lesser extent.

Agricultural family household - is a family or community of people, where its members are engaged in agricultural production as their main or secondary activity that has a single management, using common means of production, such as: land, cars, buildings, etc. The agricultural family household can produce agricultural products for sale, for own consumption or both.

Legal entities - are agricultural cooperatives, individual businesses and other organizational forms with the status of legal entity, which are registered to have agricultural production as their main activity and enterprises, institutions and other legal entities that are registered in another activity and which have organizational branches or other organizational parts where agricultural production is carried out.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Land leased (total area of agricultural, forest and non-fertile land) refers to the area of land used by Agricultural Households (AH), but owned by others. And, this is the sum of the area of agricultural land (utilized and unused), forested and non – fertile. Land is used in exchange for money, in exchange for goods and services, free of charge or the like. Common land is not included.

Land leased (total area of agricultural, forested and infertile land) refers to the area of land (agricultural, forested and infertile land) that EB leases to another economy in exchange for money, goods and services, free of charge or the like.

Agricultural land leases are: Kosovo Privatization Agency (up to the privatization phase of that agricultural land), municipalities, natural and legal persons, agricultural holdings, etc.

The total area of agricultural land used by households for agricultural production in 2014 was 413,635.16 hectares, which belongs to 41.8% of the total land area in Kosovo.

The average area of utilized agricultural land for Agricultural Economy was 3.2 ha. Family households have about 2-5 ha of utilized agricultural land and constitute about 23.3% of the total area.

The number of Agricultural Households in Kosovo is 130 775.

According to data received from the Privatization Agency of Kosovo (PAK), the privatized agricultural land so far is approximately **30,217** ha. While approximately **40,000** ha of agricultural land remained under the management of the PAK.

According to the categories of agricultural crops it turns out that there are about 180,381.11 ha of fields; 131,949.39 ha of cereals; 3.215.26 ha of vineyards; 3.519.66 ha of tree plantations; 65.099 ha of meadows and 11.724.27 ha of pastures.

Irrigation of agricultural land

For sustainable land use, land irrigation is also important, where from the 2014 agricultural census it turns out that about 22,888.06 ha of land is under irrigation (not including greenhouses made of glass and nylon), while the potential area of agricultural land that can be irrigated through various equipment and water sources is estimated to be about 43.490.75 ha.

Data reported by the municipal directorates for agriculture show that during 2019, about 17,719 ha were irrigated. Irrigation as reported is realized in different ways such as formal irrigation organized through irrigation companies, informal irrigation, unorganized irrigation and individual irrigation which is done from different water sources such as rivers, wells, etc.

According to the data collected by the Municipal Directorates for Agriculture, it is estimated that during 2019, the municipalities that have the most irrigated area are Prizren, Gjakova, Peja, Klina, Podujeva, Shtërpca, Istog, Vushtrri, etc. Through formal and informal irrigation, mainly crops such as corn, fruits and vegetables have been irrigated, including other sectors mentioned in the table

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

on irrigation of agricultural lands. Whereas, there are also Municipal Directors, who have reported that they have no area under irrigation.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Municipality	Source of irrigation	Irrigated crops	Irrigated areas /ha
Deçani	Drini i Bardhë	Corn, fruits and vegetables	29
Gjakova	Radoniqi, rivers, wells	Vegetables, corn, watermelon	2,030
Drenas	Ibër-Lepenci	Vegetables, corn, alfalfa	78
Gjilan	Wells	Vegetables, greenhouses, open field	405
Dragash	-	-	10
Istog	Drini i Bardhe	Corn, fruits, vegetables	581
Kaçanik	Rivers	Corn, white bean, vegetables	467
Klina	Drini i Bardhë	Corn, vegetables, fruits	1,530
F. Kosova	L. Drenica, wells	Corn, alfalfa, vegetables	135
Kamenica	-	-	27
Mitrovica	Ibër-Lepenc	Vegetables, corn	437
Lipjan	Wells	-	149
Novobërda	-	-	118
Obiliq	Ibër-Lepenc	Corn, fruits, vegetables	526
Rahovec	Radoniqi	Vegetables, corn, watermelon	2,573
Peja	Drini i bardhë	Corn, fruits and vegetables	1,614
Podujevë	River Llap, wells	Vegetables, corn, fruits	781
Prishtinë	Ibër-Lepenc	Potato, corn	220
Prizren	Radoniqi, Dukagjini	Potato, vegetable, fodder	2,309
Shtime	Wells, rivers	Vegetables, fruits, alfalfa	100
Shtërpca	River Lepec,	Corn, vegetables, fruits	680
Suhareka	Rivers, wells	Vegetables, fruits, alfalfa, field – crop	452
Ferizaj	Rivers, wells	Fruits, vegetables, corn	424
Vitia	Wells	Watermelon, potato	336
Vushtrri	Ibër-Lepenc	Potato, cabbage, corn	487
H.Elezit	-	-	8
Mamusha	Wells, rivers	Vegetables, corn	442

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Junik	Drini i Bardhë	Alfalfa, corn, potato	237
Graçanica	River, wells	Corn	462
Parteshi	Wells	Vegetables, corn, alfalfa	72

Irrigation of agricultural lands in the municipalities for 2019

Loss of agricultural land

There is no accurate data on the area of agricultural land lost so far. According to Law No. 02 / L-26 on Agricultural Land - Article 8 Keeping records of agricultural land 8.1. Legal entities engaged in agricultural activities are obliged to keep records of agricultural land, which they use or possess.

8.2. The municipal body competent for agriculture is obliged to keep records for the uncultivated land, the land given for use, and the records for the land whose use has been changed.

8.3. The competent municipal body sends this data to the Ministry upon its request. The Ministry of Agriculture, Forestry and Rural Development, based on these legal obligations, has requested from the competent municipal body for agriculture to send these data to the Ministry, but such a thing has not happened.

Use of Agricultural Land for Agricultural Production

According to the data of the Agricultural Economics Survey, the total utilized area of agricultural land has not changed much and has been a rough trend of utilization for this time period. In 2016, the total utilized area of agricultural land was 415,826 ha, while in 2017 there is a slight increase, continuing to increase in 2018 where the area was 418,582 ha. The increase of agricultural land use continued in 2019 and in this case the area reached 420,141 ha, which shows a change in 2019 compared to 2018 by 0.4%.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Use of agricultural land according to the categories

	2016	2017	2018	2019	Difference '19-'18	Difference 9/'18 in %	Share in % 2019
Arable land – fields	187,223	186,954	188,359	188,365	5.7	0.0	44.8
- Of which with vegetables in the open field (first crop)	7,864	8,033	7,818	8,319	501.0	6.4	
- From which vegetables in greenhouses	457	467	468	518	49.7	10.6	
Garden	994	1,199	1,003	1,122	119.1	11.9	0.3
Tree plantations	5,493	6,247	7,687	9,244	1,557.3	20.3	2.2
Vineyard plantations	3,112	3,199	3,272	3,367	95.3	2.9	0.8
Nursery	196	159	109	111	1.8	1.6	0.0
Meadows and pastures (including common land)	218,808	218,314	218,152	217,932	-220.2	-0.1	51.9
Total utilized area of agricultural land	415,826	416,072	418,582	420,141	1,559.1	0.4	100

Source: AES – Agricultural Household Survey ('16,'17,'18,'19)

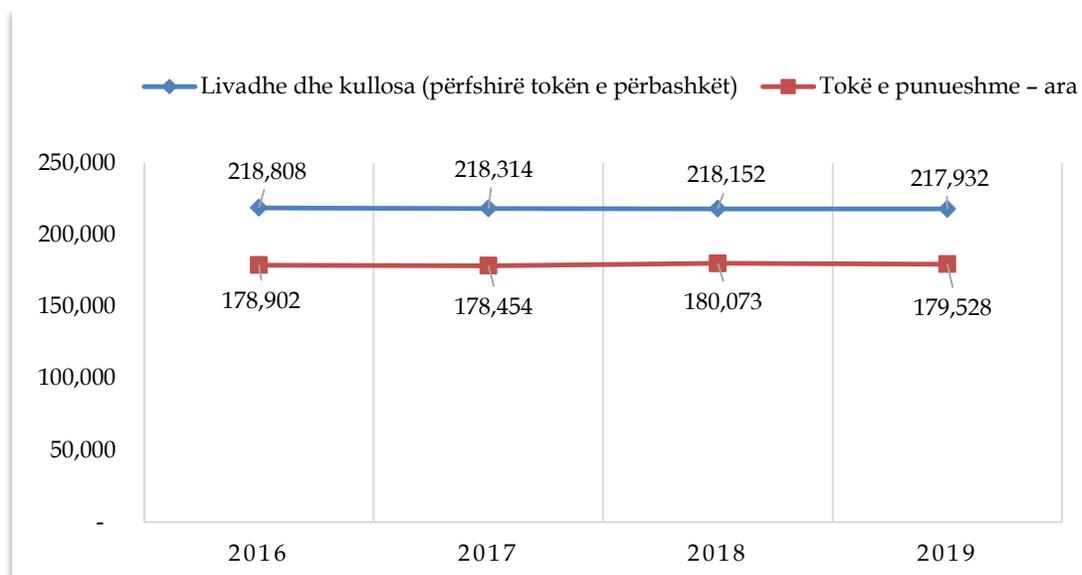
* The statistics presented in this table are presented on the basis of grouping as in AES AHS and there are differences with the data presented in subchapters 2.3.2 and 2.3.3 due to the change in grouping (e.g strawberries in subchapter 2.1 according to AES grouping is categorized into vegetables while in subchapter 2.3.3 it is presented in fruits).

The largest area of utilized land is occupied by meadows and pastures (including common land) which accounts for 51.9% of the total utilized area of agricultural land. This category of land for this period of time is observed that there have been no significant changes. In 2019 this area was 217,931 ha, which represents a decrease compared to 2018 by 0.1%.

After meadows and pastures, the largest area as in other years and in 2019 has the category of arable land-fields, with a share of 44.8%, which represents the area of 188,365 ha, which includes the area of vegetables in the open field (first crop) and greenhouses (first crop).

Arable land (excluding vegetables) and meadows and pastures

CONCEPT DOCUMENT FOR AGRICULTURAL LAND



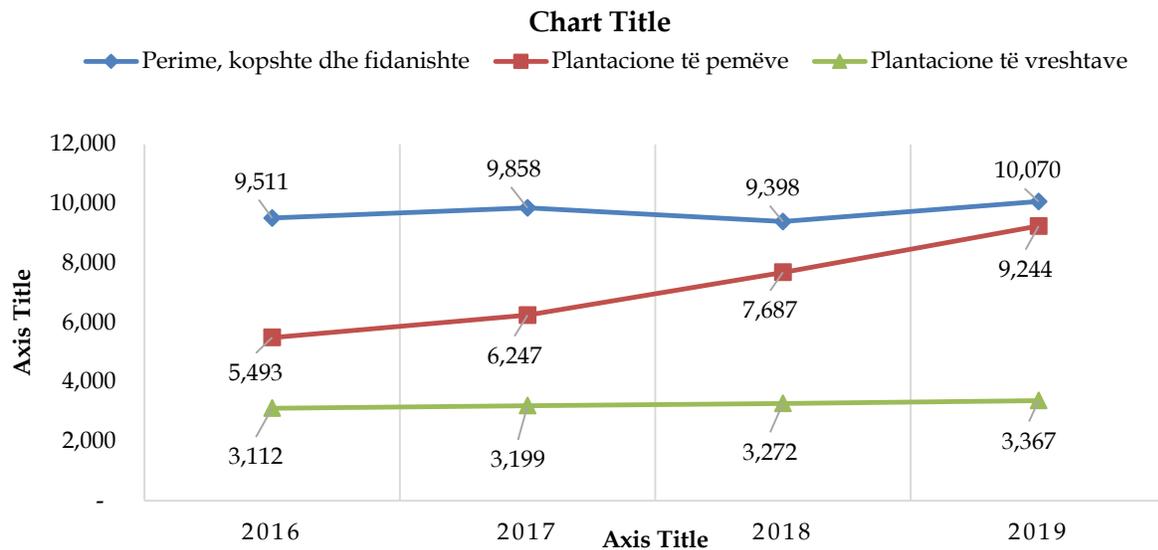
Source: AHS – Agricultural Household Survey ('16,'17,'18,'19)

The area of arable land includes vegetables in the open field as the first crop (8,319 ha) and vegetables in greenhouses as the first crop (517 ha). In 2019, the area of vegetables has increased compared to other years, so compared to 2018 this area has increased by 6.4%. Even in the area with greenhouses there has been an increase in area compared to other years that are presented in the table above and in the following figure. The data show that in 2019 compared to 2018 there is an increase in the area cultivated with vegetables in the greenhouse as the first crop by 10.6%. The smallest area with gardens is presented in 2016 with 994 ha, continuing to increase in the following years. In 2019 this area was 1,122 ha, which is an increasing change of 11.9% compared to 2018.

The area of tree plantations in 2016 was 5,493 ha, with continuous growth until 2019, when this area reached 9,244 ha. In 2019 we have an increase of 20.3% compared to 2018.

Regarding the area of vineyards, we do not have significant changes in the period 2016-2019. Increase in the area of vineyards is presented in 2019 which shows an increase compared to 2018 by 2.9%.

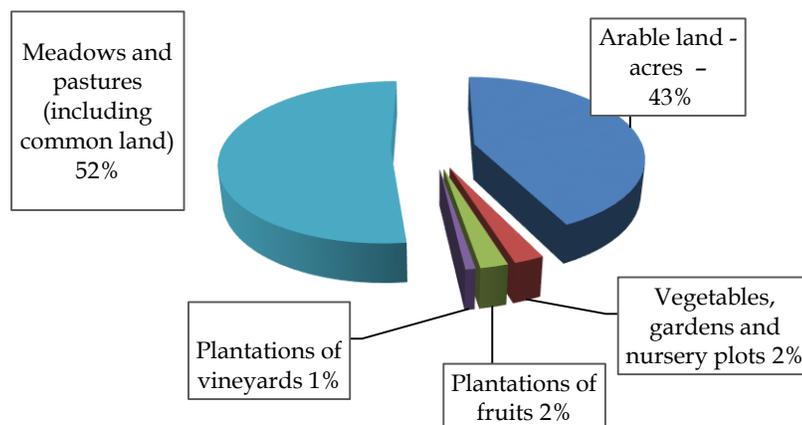
Vegetables, gardens and nurseries, plantations of trees and vineyards



Source: AHS – Agricultural Households Survey ('16,'17,'18,'19)

When we talk about the use of agricultural land in 2019 according to categories we have this division: Meadows and pastures (including common land) with a share of 52%, Arable land-field 43%, Vegetables (in open field and greenhouses as a first crop), gardens and nurseries 2%, Tree plantations 2% and Vineyard plantations 1%.

Agricultural land use by categories, 2019



Source: AHS - Agricultural Household Survey ('16, '17, '18, '19)

Farm size

Total arable land in Kosovo is presented to be 44.8%, which includes the land area, which is regularly cultivated with different agricultural crops or is planted with a certain order of crops. The area of arable land used refers to the main area during a year of agricultural production. In 2019, the total arable land turns out to be 0.11 ha per capita¹, while the average of the total utilized agricultural land area per capita was 0.24 ha.

¹ The population of Kosovo for 2019 is estimated to be 1,782,115 residents

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Size of households by arable land areas-2019

Farm size	Area (ha)	Participation (%)	No. Of Agricultural Households	Share (%)
0.50 and less than 0.5	5,929	3.17	32,020	30.41
0.5 to less than 1	12,065	6.45	18,355	17.43
1 to less than 2	30,123	16.11	23,022	21.87
2 to less than 5	65,202	34.86	24,231	23.01
5 to less than 10	39,533	21.14	6,013	5.71
10 to less than 20	16,013	8.56	1,203	1.14
20 to less than 30	5,146	2.75	245	0.23
30 and more	13,016	6.96	200	0.19
Total*	187,026	100	105,289	100

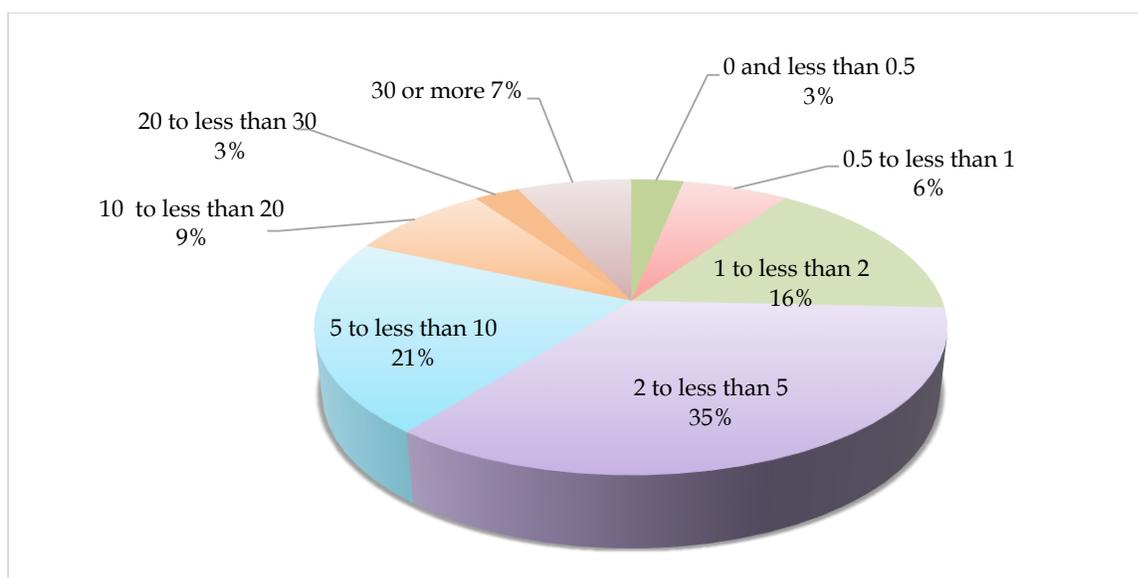
Source: AHS - Agricultural Household Survey 2019 ('16, '17, '18, '19)

*AHS of northern municipalities are not included

Kosovo farm size from 2 to less than 5 ha represents 35% of the total area of arable land, followed by size from 5 to less than 10 ha (21%), size 1 to less than 2 ha (16 %) and other sizes with less participation where the size with the smallest area is that from 0 to less than 0.5 ha.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Farm size according to the area 2019, in %

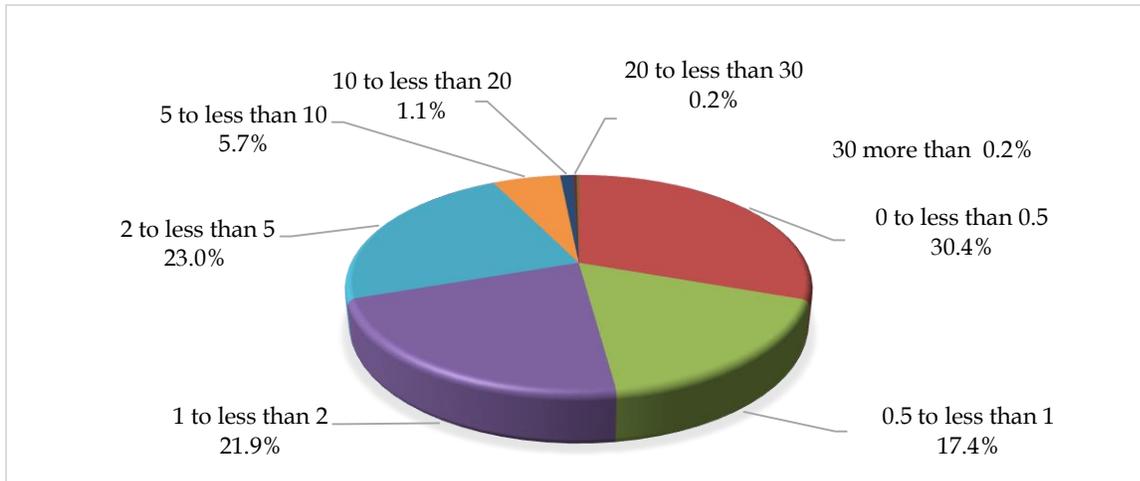


Source: AHS - Agricultural Household Survey 2019

The largest number of agricultural households is in farm size 0 to less than 0.5 ha (30.4%), followed by size 2 to less than 5 ha (23.0%), size 1 to less than 2 ha (21.9%) and other groups. The smallest number of agricultural households is in the sizes: 20 to more than 30 ha (0.2%) and 30 and more (0.2%).

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Number of agricultural households according to the farm size 2019, (%)



Source: AHS - Agricultural Household Survey 2019

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Relevant policy documents, laws and sub-legal acts

Policy document, law or sub-legal act	Link (link) to the policy or planning document via the Internet or legal acts in the Official Gazette	National institution (s) responsible for implementation	Role and duties of the Institutions
Land Consolidation Strategy 2010-2020	http://www.kryeministri-ks.net/repository/docs/Strategy for Land Consolidation 2010-2020.pdf	MAFRD MESPI Kosovo Cadastral Agency; Municipalities	Land consolidation Approval of municipal development plans Supervision of cadastral data registration Data registration in RDPP
National Strategy for Property Rights in Kosovo	http://kryeministri-ks.net/ep-content/uploads/docs/National Strategy and Annexes ALB.pdf	PAK	Responsible for the administration and management (privatization) of socially owned agricultural lands;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		MESPI	Responsible for the drafting of policies, implementation of the laws and supervision of activities for protection of environment protection, including water, air and land resources and biodiversity, Urban and rural spatial planning of the zoning maps of Kosovo, determination of protected areas and administration of cadastral system and standards
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CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<p>Law No. 02/L-26 On Agricultural Land</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2450</p>	<p>MAFRD</p>	<p>Drafting policies and legislation for the use, protection and lease of agricultural land, as well as overseeing the implementation of the Law.</p>
		<p>MESPI</p>	<p>Drafting of the Spatial Plan of Kosovo and the Zonal Map of Kosovo.</p>
		<p>MLGA</p>	<p>Monitors the assessment of the legality of the decisions of the Municipal Assembly regarding the change of destination of agricultural land on land for non-agricultural purposes; Supervising the implementation</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		Municipalities	n of the Law on Agricultural Land, keeping records of leased agricultural land, uncultivated agricultural land and the area of agricultural land, the designation of which has changed from agricultural land to construction land;
Law No. 04/L-040 On Agricultural Land Consolidation	https://gzk.rks-gov.net/ActDetail.aspx?ActID=2804	MAFRD MESPI	Overseeing the implementation of the Law on Land Consolidation; Compilation of the Zonal map of Kosovo where the areas in

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		KCA	<p>which the land consolidation projects will be developed are defined;</p>
		Municipalities	<p>Supervises the cadastral system of Kosovo municipalities to which land consolidation projects are related;</p> <p>Drafting of the Municipal Development Plans and Zonal Map, in which is it is intended to be developed the projects of land consolidation, involve the committee for the land consolidation and provide data for development of the projects and registration in RDPP.</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<p>Law No. 03/L-029 on Agricultural Inspection</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2609</p>	<p>MAFRD Municipalities</p>	<p>Monitoring the implementation of the Law on Agricultural Lands Monitoring the implementation of the Law through municipal inspectors</p>
<p>Kosovo Forests Law No. 2003/3</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2566</p>	<p>MAFRD Kosovo Forest Agency</p>	<p>Responsible for giving consent to change the destination of forest land for non-forest purposes. Management and administration of public forests and forest lands, monitoring the management of private forests and forest lands, as well as the sustainable</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			development of forests in Kosovo;
Law No. 04/L-174 on Spatial Planning	https://gzk.rks-gov.net/ActDetail.aspx?ActID=8865	MESPI Municipalities	Responsible for drafting the Spatial Plan of Kosovo, the Zonal Map of Kosovo and plans for specific areas. Responsible for drafting and implementing the Municipal Development Plan, Zonal Map of the Municipality.
Law No. 06 /L -092 On Allocation and Exchange of Immovable Property of the Municipality	https://gzk.rks-gov.net/ActDetail.aspx?ActID=18917	Municipalities	Responsible for the lease and exchange of immovable property of the municipality, including agricultural land and the acquisition of ownership of municipalities over properties, which are administered by the

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			national institution, in order to meet the general public interest.
Law No. 03/L-025 On Environment Protection	<u>https://gzk.rks.gov.net/ActDetail.aspx?ActID=2631</u>	MESPI	Rational use of natural resources and limitation of emissions of environmental pollution, prevention of damage, rehabilitation and improvement of the damaged environment;
Law No. 03/L-233 On Natural Protection	<u>https://gzk.rks.gov.net/ActDetail.aspx?ActID=2716</u>	MESPI	Protection, conservation, renewal and sustainable use of natural resources, in a state of natural balance;
Law No. 04/L-159 On economic zones	<u>https://gzk.rks.gov.net/ActDetail.aspx?ActID=8654</u>	MAFRD	Responsible for giving consent to change the destination of agricultural land to non-agricultural land for the

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		MIET	<p>purpose of creating economic zones.</p> <p>Responsible for determining the location of the economic zone is in accordance with the national plan for the development of economic zones approved by the Government and relevant municipal and central spatial plans, as well as applicable legislation governing the field of agricultural and forest land use planning.</p>
<p>Law No. 06/L-005 On Immovable Property Tax</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=15984</p>	MFLT	<p>It is responsible for drafting real estate tax policies and legislation - uncultivated agricultural</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			land and monitoring property tax administration .
<p>Law No. 04/L-034, on the Privatization Agency of Kosovo amended and supplemented by Law No. 06 / L-023 On amending and supplementing the Law No. 04 / L-034 On the Privatization Agency of Kosovo amended and supplemented by Law No. 04 / L-115 and Law No.05 / L-080</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2773</p>	PAK	Responsible for the administration , including the authorization for the sale, transfer and / or liquidation of socially owned enterprises (including agricultural land) until the sale or otherwise settlement
<p>Law No. 04/L-013 On Cadaster</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2757</p>	KCA	Maintains the real estate cadaster, makes state and cadastral

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		Municipal Cadastral Offices	<p>measurements , geodetic and cadastral work, as well as profit.</p> <p>Registration, storage, maintenance and use of cadastral data</p>
<p>Law No.06/ L-024 on the Treatment of Unauthorized Constructions</p>	<p><u>http://gzk.rks.gov.net/ActDetail.aspx?ActID=17767</u></p>	<p>MESPI</p> <p>Municipal ities</p>	<p>Responsible for the general coordination of illegal treatments, policy making, maintenance of the register, maintenance and administration of the register of illegal constructions, creation of maintenance and administration of the legalization database, registration and treatment of category III constructions, etc.</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			Responsible for the implementation of the Law on category I and II of illegal constructions.
Law No.03 / L-040 on Local Self-Government	https://gzk.rks.gov.net/ActDetail.aspx?ActID=2530	MAFRD MAPL	A) Local economic development; b) Urban and rural planning; c) Land use and development;
Law No. 05/L-087 on Minor offences	https://gzk.rks.gov.net/ActDetail.aspx?ActID=12839	MAFRD	Harmonization of punitive provisions of the Law on Agricultural Land with punitive provisions of the Law on Minor Offenses
Administrative Instruction MA-No.36 / 06, On the Re-cultivation of	https://www.mbpzhrks.net/repository/docs/967564_Udh._Adm._36-2006-shqip.doc	MAFRD Municipalities	Regulates the methodology of drafting projects for re-cultivation according to Article 18 of the Law on Agricultural Land, which applies only to

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<p>Agricultural Land</p>			<p>projects for re-cultivation of agricultural land, which is subject to temporary change of destination according to Article 17 of the Law on Agricultural Land.</p>
<p>Administrative Instruction MA-No.37 / 06, On the Protection of Agricultural Land from Erosion</p>	<p>https://www.mbpzhrs.net/repository/docs/350155_Udh_Adh_37-2006_shqip.doc</p>	<p>MAFRD Municipalities</p>	<p>Regulates the taking of measures for:</p> <ul style="list-style-type: none"> a. Preventing the irreparable loss of the fertile layer of agricultural lands due to inappropriate agricultural practice. b. To help users and owners of agricultural land to sustainably preserve the fertile layer of agricultural land c. To enable the competent authorities to implement and support

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			measures to protect agricultural land from erosion.
Administrative Instruction MA-No.38 / 06, On the Control of Agricultural Land Fertility	<u>https://www.mbpzhrs.net/repository/docs/743562 Udh Ad.38-2006 shqip.doc</u>	MAFRD KAI Municipalities	Regular control of agricultural land fertility for: a. Prevent irreparable loss of soil fertility due to inappropriate agricultural practice and fertilization; b. To help the owners and users of agricultural land to sustainably maintain and improve soil fertility; c. Ensure proper use of mineral and organic fertilizers; and d. To give an overview of soil fertility for agricultural planning by

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

			the competent authorities.
Administrative Instruction MA-No.41 / 06, On Changing the Destination of Agricultural Land	https://www.mbpzhr-ks.net/repository/docs/959069_Udh_ad.41-2006_shqip.doc	MAFRD Municipalities	Sets the administrative procedure and decision criteria for permanent or temporary change of destination of agricultural land. The envisaged procedure requires in particular the close cooperation of the relevant bodies competent for spatial planning and agriculture.
Administrative Instruction MA-No.11 / 2015 (MESP) - On the basic elements and requirements for the preparatio	https://mmpm.rks.gov.net/repository/docs/ministri-ua-11-15_349177.pdf	MESPI MAFRD	On the basic elements and requirements for drafting, implementing and monitoring the municipal development plan. The purpose of this U.A. is the determination

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<p>n, implement ation and monitorin g of the municipal developme nt plan</p>			<p>of the content and basic requirements for the drafting, implementation and monitoring of the Municipal Development Plan.</p> <p>All parts of the Municipal Development Plan to be in harmony with each other, and all parts to be in harmony with the land use planning map and all sectoral development plans.</p>
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Main problem, reasons and effects

The issue of the problem, which presents the main problem, its causes and effects

<p>Effects</p>	<p><u>Rules are not enforced properly - Rules are incomplete</u></p> <p>Loss of agricultural land and reduction of the area of agricultural land for its use for agricultural production; Fragmentation of agricultural land; Degradation of agricultural land; Degradation of socially owned pastures, poor management and non-application of land meliorate and other agro-technical measures of socially owned pastures.</p>
<p>Main problem</p>	<p>Unsustainable management of agricultural land</p>
<p>Reasons</p>	<p><u>Rules are not enforced properly</u></p> <p>Incomplete implementation of legislation on agricultural land and legislation on Spatial Planning:</p> <ul style="list-style-type: none"> • Municipalities on the occasion of drafting Municipal Development Plans have not received consent from MAFRD in the Draft Municipal Development Plans, but only from MESP; • Non-implementation of municipal development plans and urban development plans by authorized municipal bodies; • Inadequate monitor of MAFRD through inspectors and other bodies authorized to monitor the implementation of the Law on Agricultural Land; • Change of destination of agricultural land and non-reporting of municipalities to the MAFRD; • Conversion of agricultural land into construction land without permission from authorized bodies; • Land use for non-agricultural purposes under irrigation systems; • Use of agricultural land for constructions under the consolidation measure; <ul style="list-style-type: none"> • Failure to prepare the zonal map of Kosovo and zonal maps of municipalities; • Lack of inspectors of agricultural lands and other bodies authorized to oversee law enforcement; • Non-fulfillment of duties by municipal inspectors;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	<ul style="list-style-type: none">• Non-application of environmental measures for protection from erosion, floods, improper use of agricultural agro-inputs;• Poor management and non-application of land meliorate and other agro-technical measures of socially owned pastures. <p>Improper and unsustainable administration and management of socially owned agricultural land:</p> <ul style="list-style-type: none">• Lack of a socially owned agricultural land management strategy;• Lack of an economic program - investment program for agricultural land, which has been tendered for privatization;• Tendering of large areas of agricultural land and use for non-agricultural activities;• Lack of supervision / monitoring by KTA /PAK during and after privatization of agricultural land;• Lack of setting the minimum reference price for the privatization of agricultural land;• Privatization of agricultural land without the Spin Of Special method;• Privatization of agricultural land of private owners, who possess rulings from the land consolidation measure for their properties.
	<p><u>The rules are incomplete</u></p> <p>Changes in spatial planning legislation</p> <ul style="list-style-type: none">• Non-specific definition of the obligation to obtain consent from MAFRD for Municipal Development Plan for change of destination of agricultural land <p>Shortcomings in the current legal framework for agricultural land</p> <ul style="list-style-type: none">• Unclear definition of competencies of central and local level (regarding the approval of the draft development plan for change of destination of agricultural land for category I-IV and forest land on land for non-agricultural-forestry purposes, monitoring the implementation of the Law through inspectors or other authorized bodies;• The current legal framework in Kosovo does not prohibit the fragmentation of agricultural land except in lands which are under the land consolidation measure;• The current law on agricultural land does not provide for the establishment of the Agricultural Land Fund;• The current law on agricultural land does not regulate the rights of foreign natural persons to own agricultural land in Kosovo;

Causes of the problem

	<ul style="list-style-type: none"> • The current law on agricultural land does not clearly define the competencies of institutions in the management of socially owned pastures; • The current law on agricultural land does not regulate the administration and management of agricultural land currently managed by KAI.
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The

rules are not enforced properly

Inadequate implementation of agricultural land legislation and spatial planning legislation

Pursuant to Law No. 02 / L-26 on Agricultural Land (Article 10 Point 3), the Municipality must obtain the consent of the MAFRD when drafting the Municipal Development Plan. However, since 2007 when municipalities started to apply their plans based on Law No. 2003/14, for Spatial Planning, municipalities have received consent only from the MESP for the Municipal Development Plan (MDP), which must be in line with the Spatial Plan of Kosovo.

Municipalities, which have not approved the MDP, have converted agricultural land into non-agricultural land by Decision of the Municipal Assembly, based on Article 44, paragraph 44 point 1, Law No. 02 / L-26 on Agricultural Land. Pursuant to Article 81 of the mandatory review of legality, Law No. 03 / L-040, on Local Self-Government, "Official Gazette of the Republic of Kosovo", No. 28/04 June 2008 ", these decisions were sent by the Ministry of Local Government Administration (MLGA) to MAFRD for review of their legality.

Based on the Report on the implementation of Law no. 02 / L-26 on Agricultural Land of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning, MESP, in violation of the Law on Agricultural Land, has issued approvals for municipal development plans for the expansion of urban area in lands agricultural under the measure of land consolidation and under the irrigation system. Pursuant to the legal provisions in force, Article 9 of Law No. 04 / L-159, On Economic Zones, and Law on Agricultural Land No. 02 / L-26, municipalities have sent to MAFRD a request for change of destination of agricultural land on land for non-agricultural purposes in order to create economic zones.

Based on the Law No. 04 / L-174, on Spatial Planning, Article 13, MESP is obliged to draft the Zonal Map for Kosovo, which was drafted as a draft of the Zonal Map of Kosovo by the working group. According to Article 16, municipalities must prepare municipal zonal maps regardless of the Zonal Map of Kosovo, which defines the use of agricultural land for agricultural and non-agricultural purposes, but some of the municipalities are in the process of drafting municipal zonal maps.

The municipalities that are in the process of drafting the Zonal Maps are: Peja, Deçan, Gjakova, Ferizaj, Drenas, Podujeva, Gjilan, Lipjan, Fushë Kosova, Prizren and Prishtina. All municipalities in Kosovo have approved municipal development plans, with the exception of the municipalities: Zubin Potok, Leposavic, Zveqani and North Mitrovica, which are in the process of drafting.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

According to Article 8 of the Law No.02 / L-26 on Agricultural Land, municipalities are obliged to report to MAFRD on uncultivated leased land and the area of agricultural land, which has been changed from agricultural land to construction land. However, the municipalities have never reported to the MAFRD so far, although the Ministry has submitted some requests.

Article 15, Law no. 02 / L-26 on Agricultural Land prohibits the change of destination of agricultural land on land for non-agricultural purposes. Despite this, this has not been respected by some municipalities, such as: the municipalities of Prizren, Rahovec, Gjakova, Obiliq, Vushtrri, Mitrovica and Drenas, which have changed the destination of agricultural land under irrigation systems (Radoniqi and Iber Lepenci).

According to Article 30 of Law no. No.04 / L-40 on Land Regulation, under the measure of land regulation, in which the land regulation is made, it is not allowed to change the shape, direction and reduce the area of cadastral parcels except in case of written consent from Commission for Land Regulation, which has been functional where land regulation projects have been developed. The above provision does not apply to areas that are over 1ha. Whereas, according to law No.02 / L-26 on agricultural lands in the irrigation system, it is prohibited to change the destination of agricultural land to construction land, in addition to the construction of facilities of special public importance.

Based on the Law No. 02 / L-26 on Agricultural Land, Article 38, the Ministry is obliged to supervise the implementation of this Law and the provisions issued based on it through the inspection for Agriculture and other authorized bodies (municipal inspectors for agriculture, municipal construction inspectors). Despite this obligation, in the absence of inspectors of agricultural lands and other authorized bodies, MAFRD has not been able to make adequate oversight of the implementation of the Law.

On the other hand, the municipalities have not implemented the legislation through their inspectors in the protection of agricultural land from unplanned urban construction, degradation, pollution, erosion of agricultural land, as well as uncontrolled use of aggregates (surface minerals: stones, sand, gravel). etc.)

Non-application of environmental measures for protection against erosion, floods, improper use of agricultural agro-inputs

Undertaking environmental measures is partially realized as e.g. cleaning of beds and regulation of river banks, regulation and opening of new canals for irrigation and drainage in some municipalities, reforestation of new areas in order to protect against erosion and production of green mass and wood mass, registration of agro-inputs based on current legislation, as well as monitoring their use by farmers through the inspectorate.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The non-realization at the desired level has come as a result of the lack of projects, funds, obstacles regarding legal property issues, etc.

Poor management and non-application of land meliorate and other agro-technical measures of socially owned pastures

Non-application of land meliorate and other agro-technical measures is due to lack of projects, funds and lack of clear definition of socially owned pasture management.

Improper and unsustainable administration and management of socially owned agricultural land

The process of administration, management and privatization of agricultural land in Kosovo has begun with the establishment of the Kosovo Trust Agency-KTA described in UNMIK regulations No. 2002/12, 2002/13 and 2003/13 and amended by Regulation 2005/18.

The Privatization Agency of Kosovo (PAK) is an independent public body and exercises its functions and responsibilities in a completely independent manner, based on Law No. 04 / L-034 on the PAK. The PAK privatizes socially-owned property throughout the territory of the Republic of Kosovo and this mandate derives from the Constitution of the Republic of Kosovo and the Assembly of Kosovo, through the PAK Law. The process of privatization of socially owned enterprises and their assets, takes place according to the Law of the PAK throughout the territory of the Republic of Kosovo and has extended its authority throughout the country through its five regional offices (Pristina, Gjilan, Prizren, Peja and Mitrovica), as well as two open and functional satellite offices in Serb-majority settlements in Shtërpçë and Leposavic.

In accordance with the objectives presented in the report of the Work Plan for 2019, PAK has continued with the process of privatization of lands and socially owned properties in order to ensure the continuity of existing activities or change the type of agricultural activities of enterprises, in order to ensure a higher level of efficiency.

The largest sold area of agricultural land per hectare was in the region of Peja (11,407 ha), with a share of total privatized land of 38%, Prizren (6,567 ha) 22%, Mitrovica (6,305 ha) or 21%, Gjilan (3,199 ha) 11% and Prishtina (2,739 ha) which had a share of 9%.

The following table shows the sale of agricultural land in Kosovo for the period 2005-2019.

Sales of agricultural land in Kosovo 2005-2019

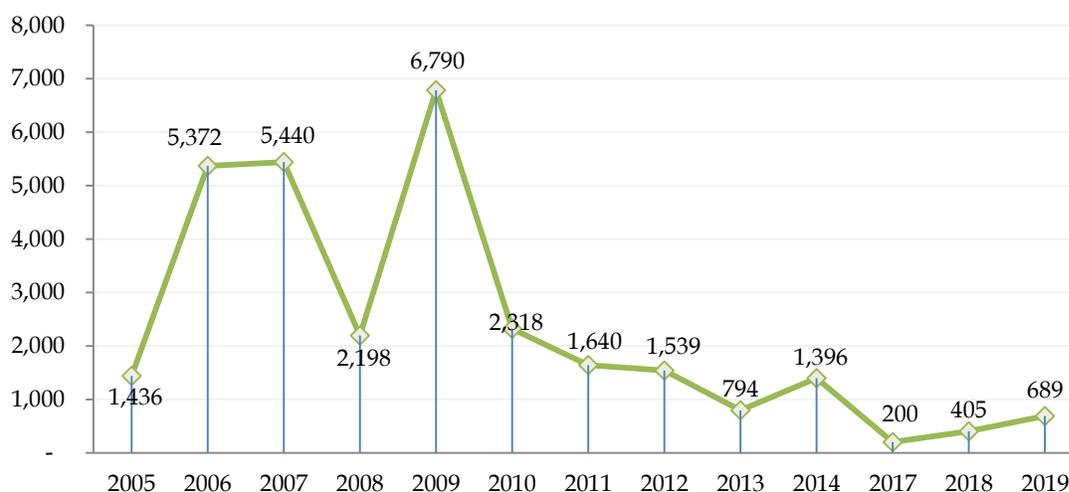
CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Region	Area in Acre	Area in ha	Sold areas (%)	Average selling price €/Acre	Average selling price €/ha	Total amount of selling in €	Value of selling (%)
Prishtinë	273,894	2,739	9	228	22,784	62,402,831	43
Pejë	1,140,676	11,407	38	24	2,377	27,118,877	19
Prizren	656,738	6,567	22	44	4,412	28,973,658	20
Gjilan	319,851	3,199	11	52	5,231	16,730,996	12
Mitrovicë	630,511	6,305	21	15	1,484	9,355,898	6
Total	3,021,670	30,217	100	73	7,258	144,582,260	100

Source: Privatization Agency of Kosovo (PAK)

In 2005, 1,436 ha of agricultural land were privatized or 4.8% of the total privatized agricultural land. In 2006 and 2007 the number of hectares of privatized land was 5,372 ha and 5,440 ha, respectively, with a share of 18% each. A larger sale of agricultural land was in 2009, where 6,790 ha were privatized, with a larger share compared to other years. Since 2010, there have been fewer sales of agricultural land by the PAK, so from this year when the sale of agricultural land was 2,318 ha, every other year was with a lower number of hectares than in 2010. In 2019 was 689 ha were sold or privatized or only 2.3% of the total agricultural land sold.

Sale of agricultural land in ha, 2005-2019

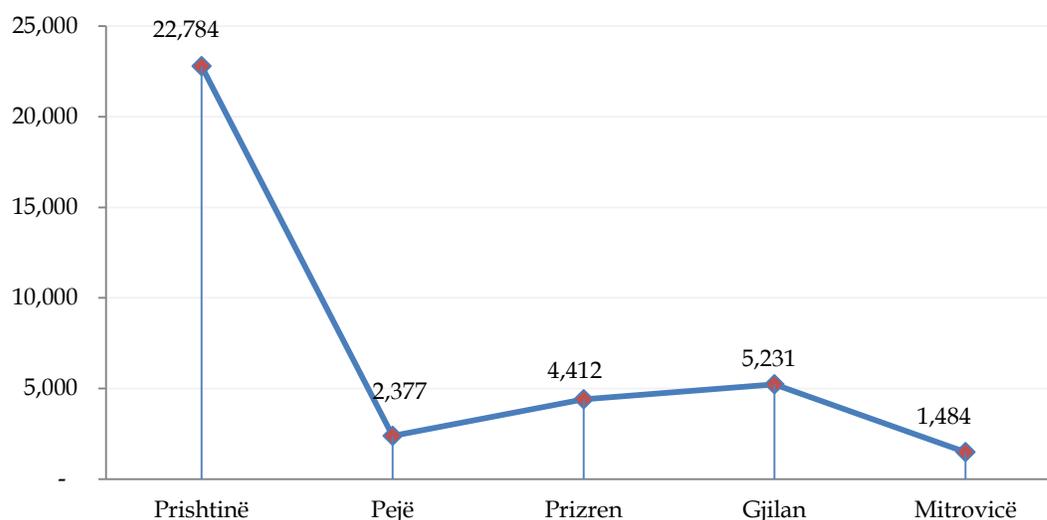


Source: Department of Regional Coordination - PAK

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

In 2019, the total value of sales for all privatized agricultural areas since 2005 was 144.6 mil. €. The average selling price in 2019, per hectare of agricultural land in the five regions of Kosovo was as follows: in the region of Prishtina (22,784 € / ha), followed by the region of Gjilan (5,231 €), that of Prizren (4,412 €), Peja (€ 2,377) and Mitrovica (€ 1,484). In general, in 2019 compared to 2018 in all regions there was an increase in the price per hectare of agricultural land sold by the PAK.

Average selling price by regions, € / ha



Source: Department of Regional Coordination - PAK

The graph above shows the municipalities that have had the sale of agricultural property by the PAK, the number of ha sold, the total sale price and the price per ha in the municipality.

Property Structure of Agricultural Organizations 1988

	Total	Economy	51-100	101-300	301-500	501-1000	1001-2500	2501-5000	Economy above

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		up to 50 ha							5000 ha
Organizations as total	217	175	7	7	4	6	9	5	4
Joint labor agricultural organizations	124	95	3	4	2	3	8	4	2
Agricultural cooperatives	96	80	4	3	2	3	1	1	2
Agricultural land area in ha	82299	318	509	1226	1620	4488	16185	15072	42881
Agricultural united labor organizations	61550	134	213	646	866	2175	15023	12070	30423
Agricultural cooperatives	20749	184	296	580	754	2313	1162	3002	12458

Information sources: Statistical Yearbook of KAS Kosovo 1989

According to data sent to the Ministry of Agriculture, Forestry and Rural Development by the Kosovo Privatization Agency, September 2021, not privatized agricultural land has remained approximately 40,000 ha.

Management of agricultural land privatization so far has not yielded the expected positive effects on agricultural productivity growth. Some of the causes, which have affected the inefficient management of agricultural land are:

- The practice of KTA / PAK for privatization has resulted in tendering of large areas of agricultural land;
- Privatizers of large areas of agricultural land have been mainly businessmen, who have divided this area of agricultural land and then resold it for higher prices and mainly for the purpose of use for non-agricultural activities;
- Farmers who engage in agricultural activities and who have aimed to increase the size of their farm, in most cases have not benefited from this process;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- In privatized agricultural lands in some cases there are good practices and this agricultural land has been used to increase agricultural productivity successfully, but in most cases it has not been invested at all in privatized agricultural lands because it was purchased for speculative purposes and construction, there is no increase in agricultural production on privatized land and in some cases the land has remained wasteland;
- Tendering of agricultural land was done without economic program - investment program in agricultural land, which is planned to be privatized and was not monitored by KTA / PAK after the privatization of agricultural land;
- The administration of agricultural land by the KTA / PAK has not been done efficiently, because we have usurpations and change of destination of agricultural land, so the provisions of applicable laws governing this issue have not been implemented:
 - Privatization of agricultural land in Kosovo has been done in contradiction with the principles of the European Commission ⁽¹⁾. No assessment of the agricultural land market has been made by an institution authorized to set a minimum reference price below which the price of agricultural land could not be privatized. Information: European Commission 1997 ⁽¹⁾ "Communication on State aid elements in sales of land and buildings by public authorities (97 / C 209/03)";
 - It is not required from natural or legal persons, in the case of tendering for privatization of agricultural land, to present the economic program and to make an evaluation based on this program in the case of selecting the winner for the privatization of agricultural land for the development of agricultural production, which they will implement on that agricultural land and after privatization be monitored by the KTA / PAK, in order to implement the programs with which they have tendered;
 - Agricultural lands have not been privatized by the Spin Of Special method (with a few exceptions), in order to monitor the investments committed in the competition for the privatization of agricultural land, which will be used for agricultural production after privatization;
 - Privatized agricultural land near cities, even though it is highly fertile land, in most cases has been privatized by various businesses in order to be used for the expansion of urban or industrial area, and not for agricultural purposes;
 - The privatization of agricultural land was done in which the consolidation projects were developed in the 80s, in the Municipality of Obiliq and within this area of privatized agricultural land were sold 14 ha of agricultural land of private owners, who own rulings from the land consolidation measure for these properties.

The rules are incomplete

Changes in spatial planning legislation

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The Law on Agricultural Land was adopted in 2006, while the Law No. 04 / L-174 on Spatial Planning was adopted in 2013. Article 5 of the Law on Spatial Planning provides the following documents of Spatial Planning: Spatial Plan of Kosovo, Zonal Map of Kosovo, Municipal Development Plans for urban and rural areas, as well as Municipal Zonal Maps.

However, Law No. 04 / L-174 on Spatial Planning did not specifically define the obligation to obtain consent from the MAFRD for the Municipal Development Plan for changing the destination of agricultural land for grades 1-4, as defined by the Law on Land Agricultural.

As mentioned above in the section "Inadequate implementation of legislation on agricultural land", based on Law No. 02 / L-26 on Agricultural Land (Article 10 Point 3), the Municipality when drafting the Municipal Development Plan should obtain consent from MAFRD, but since 2006 have received consent only from MESP for the Municipal Development Plan.

Unclear definition of competencies of central and local level inspectors

According to the Report of the Parliamentary Committee, there is a dualism in action, between central and local inspectors and a conflict of competencies. The law lacks a precise definition of the inspector and does not make a distinction based on the responsibilities and authorizations of central and local level inspectors.

According to Law no. 03 / L-029 on Agricultural Inspection Article 5, The competencies of the Inspection are: 1. Inspection supervision of agricultural land is performed by central level inspectors in the entire territory of the Republic of Kosovo. 2. Municipal inspectors perform inspections within the territory of the municipality according to legal authorizations.

The Agricultural Land Law does not specify the legal authorizations under which the municipal inspector would act. The issue of inspection is expected to be regulated by the new Law on Inspectorates, which is in the process of drafting.

The current legal framework in Kosovo does not prohibit the fragmentation of agricultural land except in agricultural lands located under the land consolidation measure.

The rights of foreign natural and legal persons to be owners of agricultural land in the Republic of Kosovo.

What was the situation in the European Union for the states, which claimed to be part of it?

The European Union (EU) common market is based on the principle of four freedoms of movement: goods, services, capital and people. Based on the Regulations in force, the EU does not accept the requests of candidate countries if they do not meet the obligations in implementing the above principles, because it has a significant impact on competition and the functioning of the

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

common market. The Treaty establishing the European Community (Art.56) specifically prohibits all restrictions on the movement of capital between Member States and third countries, although Member States may retain some restrictions on relations with non-EU countries. Freedom of movement of capital in the European Community is defined in Chapter 4 of the Acquis (acquis communautaire). Kosovo's obligations in this regard are defined in the Stabilization and Association Agreement (SAA), which entered into force on April 1, 2016.

The biggest problem was mainly the right of non-residents to buy agricultural land. Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia demanded a 10-18 year moratorium on the sale of agricultural land. Noting that this is a very sensitive political issue, the European Commission in May 2001 proposed to fifteen Member States to allow candidate countries to restrict the purchase of agricultural land to other EU citizens, during the transition seven years after accession to the EU. Most of the new members also agreed on the possibility of extending a seven-year transition period for another three years if a special protection clause of agricultural land from the purchase of natural and legal foreign nationals is activated.

The sale of agricultural land is a very sensitive issue, but you should not be afraid, because the Stabilization and Association Agreement (SAA) does not open the door to the purchase of agricultural land for EU citizens, without any restrictions, said the European Commissioner for Agriculture and Rural Development, Phil Hogan (September 2019).

What are the Guidelines of the European Court of Justice?

The European Commission does not deny member states the right to restrict the sale of agricultural land in order to maintain their agricultural committee and promote sustainable agriculture, but this must be in line with EU legislation, in particular be in harmony with the rules of free movement of capital.

The guidelines are in line with the judicial practice of the European Court of Justice:

Some limitations are acceptable such as:

- Prior approval by the national authority for the purchase of agricultural land;
- Area size restrictions;
- Priority right that allows certain categories to buy agricultural land;
- The right of pre-purchase of agricultural land for certain categories;
- State intervention in prices, etc.

Transformation of agricultural land from socially owned to state-owned

History of the creation of socially owned agricultural land

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

After the end of the Second World War, during the socialist period, agrarian reform was carried out, through which the legal provisions were issued as the most important: Law on Agrarian Reform and Colonization (Official Gazette of the FRY, NO. 64/45, Law on Agrarian Reform and Internal Colonization (Official Gazette of the FRY, NO.39 / 45,5 / 48, 11 / 49,34 / 56 and 2/58, Law on the proclamation of general popular property of wastelands, pastures, forests and Forest land (Official Gazette of RPS, NO.1 / 48, Law on Agricultural Land Fund of general popular property and allocation (allocation) of land to agricultural organizations (Official Gazette of the FRY, NO. 22/53, Basic Law for the Use of Agricultural Land (Official Gazette of the FRY, NO.25 / 65).

According to these laws, agricultural land is taken from the owners, who have owned arable agricultural land more than 10 ha, the owners of agricultural land, who do not engage in agricultural activities more than 3 ha, the nationalization of agricultural land by enemies of the state, the collaborators of the enemy, those who have not worked the agricultural land in accordance with the provisions of the Basic Law on the Use of Agricultural Land (Official Gazette of the FRY, NO. 25/65, etc.).

From this surface of the seized agricultural land was added to the fund of agricultural land as general popular property-social property.

The Constitution of the former SFRY, 1963, Article 21 stipulates that farmers are guaranteed property rights to arable agricultural land up to a maximum of 10 ha. At the time of the adjustment of the socialist social system came the development of a large number of agricultural mills, which were given large areas of agricultural land in use, which was previously taken from private owners, through the legal provisions mentioned above .

Therefore the legal status of socially owned agricultural land should be changed and transferred to state ownership, because a dilemma arises as to who is the holder of ownership over such land?

The Constitutional Framework for Provisional Self-Government in Kosovo, of 2001 has determined that in Kosovo there will be public, state and social property. The Constitutional Framework has explicitly stated that the authority to administer public, state and socially-owned property, as well as to regulate public and socially-owned enterprises, remains a "reserved competence" of UNMIK. Under this competence, UNMIK by Regulation 2002/12 established a program of transfer of the right of use of socially owned real estate, which will transform, for a certain period of time, the right of use of real estate registered in name of social enterprises. This transformation was made in the form of a lease and is regulated by UNMIK Regulation no. 2003/13, On the transformation of the right to use socially-owned immovable property.

After the declaration of independence of Kosovo in 2008, the Constitution of the Republic of Kosovo has changed the legal nature of socially owned property. The 2008 Constitution refers to socially-owned property. Article 159.2 of the Constitution stipulates that all social interests over property and enterprises in Kosovo are owned by the Republic of Kosovo. However, amendments and supplements to the Constitution in 2012 deleted Article 159.2, creating confusion as to whether the transformation of socially-owned property into state property was still valid, whether it was canceled, or whether the transformation of socially-owned property into state-owned property was

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

completed in 2008 so that there is no longer a need for that provision to exist in the Constitution. According to this, the privatization of socially owned property, interpreted in accordance with the Constitution, is henceforth the privatization of state property.

This provision has been important in two aspects: (i) it has recognized that socially-owned property was a type of property that existed at the time the Constitution was adopted, and (ii) it has transformed socially-owned property into the property of the Republic of Kosovo through direct action of the Constitution. The transformation of socially-owned property into state property has also been confirmed by the Constitutional Court of Kosovo.

However, dilemmas have arisen as to whether socially-owned property continues to exist as a type of property right or whether the transformation of socially-owned property into state-owned property has been completed.

Sustainable management of publicly owned pastures

Pasture - (definition based on Law No. 02L / -26 on Agricultural Land) - "Land covered mainly with natural vegetation which serves for grazing, release and rest of livestock".

Sustainable management of socially owned pastures as a dynamic and developed concept aims to maintain them through the application of meliorate measures and other agro-technical measures, to increase the economic, social and environmental value of all types of socially owned pastures . Prevent uncontrolled exploitation and the spread of infectious diseases, through the nomadic movement of animals in pastures. In livestock production, natural pastures are an important source of voluminous food, regardless of how they are used for grazing, mowing or combination.

From the way of origin and use of pastures, we must implement agro-technical measures on them and adhere to the right way of use, as well as taking into account the number of grazing turners. Pasture users whose livestock graze in the pastures are obliged to adhere to the manner and time of grazing livestock determined by the owner. It is required to define the legal status of socially owned pastures - to be transferred to state ownership. Clear definition of legal competencies, which central or local institution to deal with the management of socially owned pastures. The method to use socially owned pastures. High socially owned pastures are mainly distributed in the municipalities: Deçan, Junuik, Peja, Istog, Prizren, Dragash, etc.

According to the data as provided by the Directorate of Pastures District of Peja date 21.11.1959

Municipality of Peja

<i>The place where the pastures are located</i>	<i>Area per ha</i>
<i>-Mileshevc</i>	<i>699 ha</i>
<i>-Bjeshka e Lumbardhit</i>	<i>1.549 ha</i>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<i>-Maja e Lubeniqit</i>	<i>140 ha</i>
<i>-Shtedimi</i>	<i>2.027 ha</i>
<i>-Rusolija</i>	<i>2.039 ha</i>
<i>-Zhlebi</i>	<i>1.347 ha</i>
<i>-Bjeshka e Bellopojes</i>	<i>1.50 ha</i>
<i>-Hajla</i>	<i>500 ha</i>
<i>-Stankaj</i>	<i>300 ha</i>
<i>-Leqinati i Drelajve</i>	<i>100 ha</i>

General Area *8.851 ha*

Municipality of Istog

The place where the pastures are located Area per ha

<i>-Bjeshka e Sejnoves</i>	<i>1.317 ha</i>
<i>-Bjeshka e Thate</i>	<i>3.698 ha</i>
<i>-Uji i zi</i>	<i>1.182 ha</i>
<i>-Degjenica</i>	<i>164 ha</i>
<i>-Jerabinje</i>	<i>622 ha</i>

General area *6.980 ha*

Municipality of Decani

The place where the pastures are located Area per ha

<i>- Bjeshka e Bogiqes</i>	<i>886 ha</i>
<i>-Ereniku</i>	<i>911 ha</i>
<i>-Rrasa e Zogut</i>	<i>990 ha</i>
<i>-Pllaqice e Vokshit</i>	<i>1.580 ha</i>
<i>-Bjeshka e Decanit-Lloqanit</i>	<i>361 ha</i>
<i>-Qurshiza</i>	<i>439 ha</i>
<i>-Roshkodoli</i>	<i>1.292 ha</i>
<i>-Maja e Strellcit</i>	<i>563 ha</i>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

-Pleqe *186 ha*

General Area *7.178 ha*

Municipality of Peja *8.851 ha*

Municipality of Istog *6.980 ha*

Municipality of Deqan *7.178 ha*

Total *23.009 ha*

In the Municipality of Dragash are located 22,500 ha of 'SharrProdhimit', while other areas of socially owned pastures are also found in other mountains of the Municipality of Dragash, Prizren, etc.

Administration and Management of Agricultural Lands currently managed by the Kosovo Agricultural Institute (KAI) in Peja;

Kosovo Agricultural Institute in Peja was established by Decision of the former Assembly of Kosovo on June 30, 1949 with the name "Institute for Agricultural Research". About 300 ha of agricultural land are owned by the Institute. The administration and management of this agricultural land requires to be regulated by Law.

Administration / property rights of agricultural land of KAI, in the Certificates of Property Rights appear with different names such as:

- Social Property (Ex) Biotenical Institute;
- Social Property (P.Sh.) Institut za poljoprivedonom istarzhvianje; Institute for Agricultural Research
- Social Property (Eg) Biotenical Institute- Agricultural Nursery.

Ownership / ownership should be regulated by law, in order to clearly define the issue of agricultural land ownership currently managed by KAI.

Agricultural Land Management (KAI)

Agricultural land in some places is leased for agricultural activities. Agricultural land in some places, such as the Municipality of Prishtina, which is located along the highway Prishtina-Fushë Kosovë, Industrial Zone, has been leased since 2000 and since has been

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

used for non-agricultural activities. These agricultural lands with the Urban Development Plan of the Municipality of Prishtina (2012), are defined as urban land. Agricultural land in some countries has been usurped and used without the authorization of the competent authorities.

Effects of the problem

Loss of agricultural land and reduction of agricultural land area for its use for agricultural production

Incomplete implementation of agricultural land legislation and Rural Spatial Planning Legislation results in the reduction of agricultural land area for agricultural production in order to provide food and material goods to the population of Kosovo and reduce the import of agricultural products. The use of agricultural land for constructions under the measure of consolidation and irrigation system affects the reduction of the area of agricultural land under the measure of consolidation and irrigation system as a very favorable potential for agricultural production, which provides high yields and safe for consumption.

Failure to prepare the Zonal Map of Kosovo and the Zonal Maps of Municipalities affects the loss of quality agricultural land, affecting that urban areas do not have a definition of construction line and construction is carried out on agricultural land affecting the reduction of their area and use of agricultural production. Also, the lack of inspectors of agricultural lands and other bodies authorized to oversee the implementation of the law affects the loss, degradation, partialization and use of agricultural land, as well as the initiation of proceedings in the competent bodies (Courts), for natural and legal persons, who act in violation of applicable Laws.

The current Law on Agricultural Land does not provide for the establishment of the Agricultural Land Fund, which as an instrument would be an incentive for the development of agricultural land regulation projects and the development of rural renewal projects. Due to the lack of specific definition of the obligation to obtain consent from MAFRD for the Municipal Development Plan for changing the destination of agricultural land, municipalities draft municipal development plans, which do not objectively argue the expansion of urban area to rural areas of the Republic of Kosovo.

The loss of agricultural land will have consequences, as it is a non-renewable natural resource and a general good, as a basic resource for development, social welfare and perspective for the present and future generation, an irreplaceable tool for food production and other material goods in the future. Reducing the potential for the development of the agricultural sector and providing food for the population from local production, increasing the country's dependence on imports of agricultural and agro-industrial products.

Fragmentation of agricultural land

One of the main factors that in Kosovo we can not apply what is known in the economy "Economies of scale" is the small size of the fragmented agricultural land plot and most of them belong to subsistence farmers.

The current legal framework in Kosovo does not prohibit the fragmentation of agricultural land, including the laws in force governing the issue of inheritance, property, cadaster, family and gender. As a result, there is a reduction and partialization of the agricultural land area and consequently a small area of agricultural land for households. This is a disadvantage for the agricultural sector, increasing the competitiveness of the farm and discouraging farmers from engaging in agriculture.

Degradation of agricultural land

As a result of poor management, non-application of land meliorate measures, other agro-technical measures, as well as non-application of environmental measures for protection against erosion, pollution, floods, improper use of agricultural inputs, etc., have caused land degradation agricultural.

Agricultural land degradation is defined as a set of processes that affect subsidence of the current and potential capacity of the land to produce agricultural products in qualitative and quantitative terms.

- Degradation of agricultural land in Kosovo is estimated to be caused by four factors:
- Climate;
- Earth;
- Topographic, and
- The human factor.

All these factors have an impact on the physical, chemical and biological degradation of agricultural land. Pollution and degradation of agricultural land is significantly affected by illegal inert landfills located on agricultural land, illegal constructions because they are established on fertile agricultural land and green areas without adequate infrastructure. There are a number of unplanned settlements built near rivers and untreated wastewater is discharged into rivers, which are used to irrigate agricultural land, but are also potential pollutants of groundwater.

Degradation of socially owned pastures

Sustainable management of socially owned pastures as a dynamic and developed concept aims to maintain them through the application of land meliorate and other agro-technical measures, to increase the economic, social and environmental value of all types of socially owned pastures.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Prevent uncontrolled exploitation and spread of infectious diseases through nomadic movement of animals in pastures.

In the absence of a strategy for management and management of socially owned pastures and non-application of meliorate and agro-technical measures we have loss of economic value of pastures, degradation, spread of infectious animal diseases due to their nomadic movements and reduction of fund socially owned pastures.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Stakeholders

Stakeholder overview based on problem definition

Name of stakeholder	The cause / s to which the party is related	The effect (s) to which the party is associated	The way in which the party is related to this cause (s) or effect (s)
MAFRD	<p>Supervision of the implementation of legislation on Agricultural Land and the use of agricultural agro-inputs;</p> <p>Lack of agricultural land inspectors responsible for overseeing law enforcement;</p> <p>Change of destination of agricultural land to construction land;</p> <p>Conversion of agricultural land for non-agricultural purposes under the consolidation measure and irrigation system;</p>	<p>Loss of agricultural land fund;</p> <p>Degradation of agricultural land;</p> <p>Unauthorized change of destination of agricultural land;</p>	<p>MAFRD is responsible for drafting policies and legislation and overseeing the implementation of agricultural land legislation.</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

<p>MMPHI</p>	<p>Failure to prepare the Zonal Map of Kosovo; Non-implementation of Municipal Development Plans and Urban Development Plans by authorized municipal bodies Failure to apply environmental measures to protect the soil from erosion and floods. Poor management and non-application of land meliorate and other agro-technical measures of socially owned pastures</p>	<p>Degradation of agricultural land Degradation of socially owned pastures</p>	<p>Responsible for drafting the Spatial Plan of Kosovo, the Zonal Map of Kosovo and overseeing the implementation of municipal development plans and the Municipal Zonal Map. Overseeing environmental protection activities including water, air, soil and biodiversity resources. Inspection and implementation of environmental measures for protection against erosion and floods. Protection of Kosovo National Parks.</p>
<p>Municipalities</p>	<p>Municipalities in the case of drafting Municipal Development Plans have not received consent from MAFRD, but only from MESP Failure to perform duties by the municipal inspectorate Land use for non-agricultural purposes under the irrigation system</p>	<p>Reduction of the area of agricultural land for its use for agricultural production Fragmentation of agricultural land Degradation of agricultural land</p>	<p>Municipalities are responsible for drafting municipal development plans (including urban and rural areas), the Zoning Map and the implementation of these plans. Municipalities register in the register of immovable property rights RDPP, with no restrictions on the fragmentation of agricultural land.</p>

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Utilization of agricultural land under the measure of land consolidation		
Privatization Agency of Kosovo (PAK)	<p>Improper and unsustainable administration and management of socially owned agricultural land</p> <p>Lack of a Strategy for the management of socially owned agricultural land</p> <p>Lack of setting a minimum reference price for the privatization of agricultural land</p> <p>Lack of an economic program - investment program for agricultural land, which has been tendered for privatization</p>	<p>Fragmentation of agricultural land</p> <p>Degradation of agricultural land</p>	After the privatization process, large areas of agricultural land were fragmented and then resold at higher prices, mainly for non-agricultural use purposes.
Food and Veterinary Agency (FVA)	Improper use of agricultural agro-inputs	Degradation of agricultural land	Supervision of activities for the fair use of agricultural agro-inputs

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Kosovo Forests Agency (KFA)	Poor management and non-application of land meliorate and other agro-technical measures of socially owned pastures	Degradation of socially owned pastures	Leasing of socially owned pastures. Application of land meliorate and other agro-technical measures of socially owned pastures.
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Practices of the countries of the region regarding the management of agricultural land

Practices of changing the destination of agricultural land to non-agricultural purposes, administration, privatization and management of state-owned and socially owned agricultural land and pastures, as well as the right of foreign natural and legal persons to own agricultural land in Western Balkan countries and the EU.

Example of the Republic of Croatia

Change of destination of agricultural land to non-agricultural purposes

Based on the Law on Agricultural Land “Official Gazette of RK No. 39/13 and amendment and supplement of the Law on Agricultural Land “Official Gazette of RK no. 48/15, the Ministry gives an opinion on the proposal of the State Spatial Regulation Strategy, as well as the State Spatial Regulation Program.

Prior to the approval of the Regional Development Plans and Development Plans with special characteristics, the opinion of the Ministry of Agriculture, Forestry and Rural Development (MAFRD) must be obtained, while the consent of the Ministry in the final draft of the proposal of the Municipal Spatial Plan.

Management of state-owned (socially owned) agricultural land in the Republic of Croatia

State Agricultural Land is not subject to Privatization. Agricultural land is managed by the Agency for Agricultural Land under the administration of MAFRD in accordance with the Law on Agricultural Land “Official Gazette of RK no. 39/13 and amendment and supplement of the Law on Agricultural Land “Official Gazette of RK no. 48/15. State-owned agricultural land in the Republic of Croatia is mainly leased based on public tenders for the conclusion of lease contracts

and their monitoring, but can also be sold, also with limited area, depending on whether it is located in continental or coastal countries, very specific conditions and privatizers of agricultural land are only farmers (natural persons) or legal entities engaged in agricultural activities

Leasing of state-owned pastures

State-owned pastures are leased to natural and legal persons through a public call for a period of 10 years, with the possibility of extension. The decision to announce a public tender for the lease of state-owned pastures is issued by the municipal or city council in which the land is located, then the opinion of the region and the consent of the Ministry of Agriculture must be obtained.

The right of foreign persons to be owners of agricultural land

In the Republic of Croatia, foreign natural and legal persons may not be owners of agricultural land, but only unless otherwise provided by an international state agreement or special regulation, the Law on Agricultural Land “Official Gazette of RS No. 112/15 and amendment and supplement of the Law on Agricultural Land “Official Gazette of RS No. 80/2017.

Example of the Republic of Albania

Change of destination of agricultural land to non-agricultural purposes

1. The construction activity on agricultural lands is prohibited, with the exception of the cases provided in point 2 of this article.
2. The proposal for the extension of the construction boundary line in the areas of agricultural land is made on the basis of regional studies and master plans, only when it has been confirmed and argued:
 - a) Complete lack of other physical surfaces with free urban land, within the construction boundary lines;
 - b) Lack of areas with urban land, which can be reused through demolition of old buildings and completion of new constructions, in accordance with urban rules and norms;
 - c) Lack of other barren lands or with lower values of natural fertility, according to prolificacy.

The argumentation for these cases is prepared by the body charged by law for drafting and defending the study.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

3. The local government structures, in charge of the protection of agricultural land in any case, when they do not agree on the extension of the construction boundary line in the areas of agricultural land, submit a complaint to the bodies charged by law.

Based on the current law "On the protection of agricultural land, the Minister of Agriculture, Rural Development and Water Administration has issued an Administrative Instruction setting out the rules and procedures for reviewing applications for development permits for the protection of agricultural land, which are approved by the National Council of the Territory.

Based on the amendment and supplement of the Law No. 9244, dated 17.6.2004 On the Protection of Agricultural Land supplemented and amended by Law No. 69/2013, dated 14.02.2013:

"On agricultural lands are allowed only temporary constructions, which are not constant and permanently connected to the land, and which are necessary for the exercise of agricultural and livestock activity."

Management of socially owned agricultural land in the Republic of Albania

In the Republic of Albania - Privatization of agricultural land has been realized based on Law No. 7501, on the Land, dated 19.7.1991. State-owned agricultural land is managed in accordance with Law No. 8318 dated 1.04.1998 "On the lease of forest agricultural land, meadows and pastures that are state property."

VKM No. 460, dated 22.5.2013, "On determining the criteria, rules and procedures for the lease of state-owned agricultural land."

Law No. 9693, dated 19.3.2007 On the Pasture Fund and Law No. 49/2016 for some Amendments and Supplement to Law no. "For the Pasture Fund". Leasing of state-owned pastures".

Use for grazing

(added point 3/1, amended point 6, with law no. 10 137, dated 11.5.2009)

1. State pastures and meadows are given for use for grazing cattle or for mowing the grass, towards the tariffs approved by a decision of the Council of Ministers.

2. For temporary pasture use, they are given to natural and legal persons for a period of up to 3 years. When the natural or legal person intends to make investments for the improvement of the pasture or its infrastructure, according to a breeding plan approved by the directorate that covers the pastures, the use can be extended up to 10 years, provided that the planned investments are realized.

Ownership of state pastures

Municipalities are owners of state pastures located within their administrative territory.

Example of the Republic of Macedonia

Management of socially owned agricultural land in the Republic of Macedonia

In the Republic of Macedonia - Socially owned agricultural land is not subject to privatization. Agricultural land is managed by the Ministry of Agriculture, Forestry and Water Economy in accordance with the Law on Agricultural Land "Official Gazette of RM No. 39/2014.

State-owned land can not be subject to privatization, but it can be managed as follows: Granted on concession and lease to local and foreign natural and legal persons for a period depending on the production planned to take place: for a short period (5 years) and on a long-term basis (from 5 to 40 years) with public announcement. Alternatively, state-owned agricultural land can be provided free of charge to categories of vulnerable social groups such as: landless farmers, unemployed persons, social assistance beneficiaries, unemployed from bankrupt companies and similar groups. The concession procedure is realized through a public announcement by auction by the commission based on the decision of the government and is organized and supervised by the Ministry of Agriculture, Forestry and Water Economy of the Republic of Macedonia.

Example of the Republic of Serbia

Change of destination of agricultural land to non-agricultural purposes.

Based on the Law on Agricultural Land "Official Gazette of RS No. 112/15 and amendment and supplement of the Law on Agricultural Land" Official Gazette of RS No. 80/2017:

Purpose of use of agricultural land, Article 15 Agricultural Land is used for agricultural production and can not be used for other purposes, only in cases and conditions defined by this law.

Consent to change the destination of arable agricultural land Article 24

The investor submits the request for change of destination of the arable agricultural land to the Ministry of Agriculture, Forestry and Rural Development.

Law on Planning and Construction ("Official Gazette of RS No." 145/2014 and

Change of destination of agricultural and forest land to construction land

Article 88

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

When the planning documents change the destination of the use of agricultural and forest land in construction land, the body responsible for the approval of the planning document is obliged to submit to the body responsible for geodesy within 15 days from the entry into force of this document and cadastre the planning document, which contains the description of the cadastral parcels, which have changed the change of designation or the description of the boundary of the planning documents and the list of cadastral parcels with its respective graphic description.

Management of socially owned agricultural land in the Republic of Serbia

Agricultural land is not subject to privatization. Agricultural land is managed by the Ministry of Agriculture and Environmental Protection in accordance with the Law on Agricultural Land "Official Gazette of RS No. 112/15 and amendment and supplement of the Law on Agricultural Land" Official Gazette of RS No. 80/2017

With the latest amendments to the Law on Agricultural Land "Official Gazette of RS No. 112/15 state land may be subject to privatization except when agricultural holdings have up to 30 ha, arable land will be enabled to purchase up to 20 ha of state-owned agricultural land with a payment term of 10 years. State agricultural land can be managed as follows: given free of charge through public announcement and by auction leased to local and foreign natural and legal persons for a period depending on the production that is planned to take place: for a short period (5 annual) and on a medium-term basis (from 5 to 20 years) and with a long-term period of 30 years.

The right of foreign persons to be owners of agricultural land

In the Republic of Serbia, the owner of agricultural land may not be a foreign natural or legal person, unless otherwise provided by this law in accordance with the Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part. Law on Agricultural Land "Official Gazette of RS No. 80/2017 and amendment and supplement the Law on Agricultural Land" Official Gazette of RS No. 95/2018.

Example of the Federal Republic of Bosnia and Herzegovina

Change of destination of agricultural land to non-agricultural purposes

Consent to change the destination of agricultural land in the Federal Republic of Bosnia and Herzegovina, based on the Law on Agricultural Land no. NO. 01-02-351 / "Official Gazette of RFBH 52/09.

The Ministry of the Federation of Bosnia and Herzegovina gives its consent for the spatial arrangement of the cantons - the Spatial Plan of the Canton. The cantonal spatial plan may not be implemented unless the consent referred to in paragraph 1 of this Article has been obtained.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The Canton Assembly approves zoning plans for smaller spatial units within a canton (municipality, especially area, towns, villages).

Utilization of socially owned pastures

State-owned pastures in the territory of the Federation of B&H are administered by the Cantons.

The Ministry of Cantons approves the pasture use program for each calendar year.

In the Federal Republic of Bosnia and Herzegovina, state-owned agricultural land is not subject to privatization. Agricultural land is managed by the Federal Ministry of Agriculture, Water and Forestry in accordance with the Law on Agricultural Land “Official Gazette of RFBH 52/09.”

State-owned land can not be subject to privatization, but it can be managed as follows: Granted on concession and lease to local and foreign natural and legal persons for a period depending on the production that is planned to take place for a short period (10 years) on a medium term basis (from 10 to 20 years) and long-term (25-50 years).

The right of foreign persons to be owners of agricultural land

In the Federal Republic of Bosnia and Herzegovina, foreign natural and legal persons may not be the owners of agricultural land unless otherwise provided by an international state agreement Article 7 of the Law on Agricultural Land “Official Gazette of RFBH 52/09.”

Example of the Republic of Slovenia

Practices of administration, privatization and management of state-owned agricultural land in the Republic of Slovenia

In the Republic of Slovenia - State Agricultural Land is not subject to privatization Agricultural land is administered and managed by the National Agricultural Land Fund and the Forest Fund of the Republic of Slovenia, the state-owned agricultural land fund is managed by the Department of Agriculture. This includes leasing state-owned agricultural land based on public tenders, concluding lease contracts and monitoring them. This is in line with the Law on Land Fund and Forest Fund, Official Gazette RS no. 19/2010.

Example of the Republic of Montenegro

Change of destination of agricultural land to non-agricultural purposes

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

In the Republic of Montenegro, the change of destination of agricultural land to non-agricultural purposes.

Based on the Law on Agricultural Land “Official Gazette of RMZ No. 15/92 from 10.04.1992, 59/92 from 22.12.1992, 27/94 from 29.07.1994, 73/10 from 10.12.2010, 32/11 from 01.07.2011)

Use of Agricultural Land for non-agricultural purposes

Agricultural land may be used for non-agricultural purposes for permanent or temporary change in the conditions and manner provided by this law. Permanent change of destination of agricultural land on land for non-agricultural purposes can be done only when the Urban Plan, respectively the Development Plan provides for the change of destination

Management of state-owned agricultural land in the Republic of Montenegro

Pursuant to the Law on State Property (“Official Gazette of Montenegro”, No. 21/09), Article 5 of the Regulation on Sale and Lease of State-Owned Property (“Official Gazette of Montenegro”, No. 44) / 10) State-owned agricultural land is leased to local and foreign persons for a period depending on the production that is planned to take place, for a short period (1 year) on a medium-term basis (from 10 to 20 years) and long-term (20-30 years).

Utilization of socially owned pastures

Based on the Law on Agricultural Land ”**Official Gazette of RMZ** No. 15/92 from 10.04.1992, 59/92 from 22.12.1992, 27/94 from 29.07.1994, 73/10 from 10.12.2010, 32/11 from 01.07.2011).

The Government of Montenegro determines the conditions and procedures for the allocation of socially owned pastures for use

Practices of other countries that have joined the EU, that foreign natural and legal persons own agricultural land

Countries that have become members of the EU from 2004 until now:

Hungary: Until 2011 Foreign natural and legal persons can not be owners of agricultural land. In 2010, the authorities made a request to Brussels for a three-year ban, which was approved.

In early 2012, Hungary by constitutional amendments banned natural and legal persons from owning agricultural land.

Poland: Has requested from Brussels 18 years ban that foreign natural and legal persons can not be owners of agricultural land, while it has been approved 12 years

The Czech Republic, Slovakia, Bulgaria, Estonia, Lithuania and Latvia have asked Brussels for 10 years, Romania has requested a 15-year ban on foreign natural and legal persons not being able to own agricultural land, while it has been approved for 7 years. Croatia has asked for 12 years and

approved for 7 years. Slovenia and Cyprus have not requested conditions and period of prohibition, but within 7 years of joining the EU can activate the prohibition that foreign natural and legal persons can not be owners of agricultural land.

Spatial Planning Practices in European Union - EU Countries

Spatial Planning in **European Union** Countries is a decentralized sector. There is no Spatial Planning system in the European Union no joint authority, planning at EU level. This means that there is no regulatory competence with spatial planning at the European Union level, but other EU policies, which have general competencies, instruments and principles, significantly affect spatial planning and related development. In this sense spatial planning is a decentralized policy for each national government and follows some common EU principles of spatial planning.

So far, the main principles and guidelines on spatial planning in Europe are contained in the main EU documents on spatial planning - the European Charter for Spatial Planning adopted at the 6th Conference of European Ministers responsible for Regional Planning held in Torremolinos in May 1983 and approved by the Council of Europe and the European Perspective on Spatial Planning (1999). Approved by the Informal Council of Ministers responsible for Spatial Planning in the Member States of the European Union and members of the European Commission responsible for Regional Policy in Potsdam, May 1999. Published by the European Commission.

Based on the European Charter for Spatial Planning (1983) Regional spatial planning must be: democratic, comprehensive, functional and oriented to have a longer duration of action.

The basic objectives of spatial planning are:

- Balanced socio-economic development of the regions;
- Improving the quality of life;
- Responsible management of natural resources and environmental protection;
- Rational use of land.

In addition to other principles, one of the basic principles of the European Spatial Planning Perspective (ESDP) is the conservation and management of natural resources with a special focus on agricultural land as a non-renewable resource and is in line with (Cohesion policy and vision of Europe 2020), especially builds on these principles. At first glance, it may seem that the approximation of the spatial planning sector in Kosovo with the European one does not constitute an obligation for integration, but it is not. European sectoral policies have profound implications for how land use planning is developed in Kosovo.

For example, transport directives, environmental directives, water directives, nitrates directives, poultry directives, biodiversity directives, directives related to the protection of agricultural land and the environment, etc.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The European Spatial Development Perspective recommends the creation of a spatial development polycentric model.

- Development of a balanced and polycentric urban system as well as a relationship new urban-rural;
- Ensuring equal access to infrastructure and knowledge;
- Sustainable development, careful management and nature protection and cultural heritage.

Principles of Land Planning and Development

a) Sustainable, social, economic and environmental development: the balance of the triangle of sustainability. Development that meets the needs of the present, without compromising the ability of future generations to meet their needs.

One of the key planning steps will be the adoption of the European Spatial Development Perspective (ESDP) policies, as well as the adaptation to the territorial impacts of the EU Sectoral Directives, and compliance with the Commission's Europe 2020 Strategy can be seen. European and EU Regional and Cohesion Policy 2014-2020, under ESDP.

Practices of the countries of the region, which can be applied in the Republic of Kosovo: Change of destination of agricultural land to non-agricultural purposes

The practice of the Republic of Croatia, according to which the Ministry of Agriculture gives an opinion on the proposal of the State Spatial Regulation Strategy, as well as the State Spatial Regulation Program in the Development Plans of the Regions and Development Plans with special characteristics, and the Ministry approves the final draft of the proposal of the Municipal Spatial Plan.

Management of socially owned agricultural land

The practice of the Republic of Northern Macedonia according to which Socially Owned Agricultural Land is not subject to privatization. Agricultural land is managed by the Ministry of Agriculture, Forestry and Water Economy in accordance with the Law on Agricultural Land “Official Gazette of RM no. 39/2014 ”.

State land can not be subject to privatization, but it can be managed as follows: granted by concession and lease to local and foreign natural and legal persons for a period depending on the production that is planned to take place: for a short period (5 years) and on a long-term basis (from 5 to 40 years) with Public Announcement. Alternatively, state-owned agricultural land can be provided free of charge to Categories of vulnerable social groups such as: landless farmers, unemployed persons, social assistance beneficiaries, unemployed from bankrupt companies, and

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

similar groups. The concession procedure is realized through a public announcement by auction by the commission based on the decision of the government and is organized and supervised by the Ministry of Agriculture, Forestry and Water Economy of the Republic of Northern Macedonia.

Utilization of socially owned pastures

The practice of the Republic of Montenegro, which based on the Law on Agricultural Land provides that the Government determines the conditions and procedures for the allocation of socially owned pastures for use.

The right of foreign persons to be owners of agricultural land

Practice of the Republic of Croatia, the Law on Agricultural Land, according to which foreign natural and legal persons can not be owners of agricultural land, unless otherwise provided by international state agreements or special regulations.

Chapter 2: Objectives

Relevant objectives of the Government

<p>General Purpose of the Policy – Use of agricultural land for agricultural production to provide economic prosperity of the country</p>	
<p>Strategic Objective: Management of agricultural land as a natural and good overall resource based on the principles of sustainable development, protection and use of it for agricultural production to ensure the economic prosperity of the country.</p> <p>Specific objectives:</p> <ul style="list-style-type: none"> - Improving the fair and sustainable management of agricultural land and socially owned pastures; - Fair and sustainable administration and management of agricultural lands managed by the Kosovo Agricultural Institute (KIB) in Peja; - Protection of agricultural land from unplanned urban construction, pollution, erosion, degradation, etc .; - Leasing of Agricultural Land; 	<p>-National Development Strategy 2016-2021 - Program of the Government of the Republic of Kosovo 2021-2025</p> <p>2.10. Agriculture, forestry and rural development</p> <p>2.10.3 Sustainable management of natural resources (agricultural land, forests and irrigation water).</p> <p>Strategic and Operational Plan</p> <p>Strategic Goal 2 - Sustainable management of natural resources (agricultural land, forests and irrigation water); Operational Objective 2.1 - Improve policies for management and conservation of agricultural land;</p> <p>Activity 2.1.1 - Drafting the Concept Document for Agricultural Land</p> <p>National Development Strategy 2016-2021</p> <p>Pillar I-Good governance and rule of law; Measure 13- Strengthening the state of property rights; Activity 2- Promotion of the land market that enables economic growth, including facilitating the consolidation of agricultural lands, as well as drafting and approving municipal development plans and zonal maps;</p> <p>Pillar II - Competitive Industries, Measure 20</p> <ul style="list-style-type: none"> - Regulation of Agricultural Lands, Activity 1 - Preparation and Financing of the Land Regulation Project and Integration into Rural Development Projects; Activity 2 - Undertaking structural reforms (with emphasis on legal and institutional

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	<p>measures) in order to create better conditions for increasing agricultural productivity;</p> <p>Activity 3 - Creation of plots in the most regular geometric shape, suitable for easy use of the agricultural mechanism, and the project of the Land Parcel Identification System (LPIS) will be implemented;</p> <p>Activity 4 - Establishment of a network of field roads, which enable direct access to plots, as well as the elimination of seasonal servitude - access to property through someone else's property;</p> <p>Economic Reform Program 2021-2023</p> <p>Reform measure # 3: Structural changes in the agricultural sector</p> <p>2. Increasing areas with agricultural crops with a focus on value-added products; (MAFRD)</p> <p>National Program for the Implementation of the Stabilization and Association Agreement 2021 (NPISAA)</p> <p>3.11. Chapter 11 of acquis: Agricultural and Rural Development;</p> <p>3.11.3. Implementing measures - Policy Framework - Concept Document on Agricultural Land</p>
<p>Specific Objectives Option 2:</p> <ul style="list-style-type: none"> • Capacity building for law enforcement • Protection of agricultural land from unplanned urban construction • Raising awareness of the importance of agricultural land 	<p>Prepared for the needs of this KD</p>
<p>Specific Objectives Option 3:</p>	<p>Prepared for the needs of this KD</p>

<ul style="list-style-type: none"> • Advancing the legislative and regulatory framework for agricultural land • Capacity building for law enforcement • Protection of agricultural land from unplanned urban construction, pollution, erosion, degradation • Raising awareness of the importance of agricultural land • Promotion of the agricultural land market 	
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Chapter 3: Options

3.1: Option no change

The first option is to proceed with the implementation of the current policy and legal framework for agricultural land management. The Ministry of Agriculture, Forestry and Rural Development would continue to implement the Law on Agricultural Land. However, the implementation of this law in practice has been challenging for MAFRD, MESP and municipalities. With the continuation of the option without changes, the presented difficulties will continue. So, the loss, pollution and further degradation of agricultural land will continue, and the improper and unsustainable management of agricultural lands and socially owned pastures, and agricultural lands currently managed by the Kosovo Agricultural Institute (KAI) will continue in Peja. Lack of clear definition of competencies between the central and local level, lack of adequate oversight of the implementation of the Law.

Due to improper and unsustainable management of socially owned agricultural lands, agricultural land will continue to be used for non-agricultural purposes, fragmentation of socially owned land loses the effect of being competitive due to the size of the farm that in the economy is known as the "Economy of Scale" in order to increase the size of their farm, increase agricultural and livestock production at the national level, increase the competitiveness of the farm, reduce the import rate of agricultural and livestock products and improve of the welfare of the population engaged in agricultural-livestock activities and in general the condition of agricultural land as a natural resource and the general good will deteriorate even more.

3.2: Option to improve implementation and execution

Department of Agricultural Policy and Trades - Agricultural Land Division in MAFRD is responsible for overseeing the implementation of the Law on Agricultural Land through agricultural land inspectors or authorized bodies.

Currently within this division there is no inspector to oversee the implementation of Law No. 02 / L-26 on Agricultural Land.

On the other hand, from the experience so far, MESP approves Municipal Development Plans without obtaining the consent of MAFRD according to Law no. 02 / L-26 on Agricultural Land Article 10 point 3.

To improve the sustainable management of agricultural land Option 2 envisages the following measures:

- Increasing the budget for the activation of agricultural land inspectors at the central level;
- Better inter-institutional coordination between central and local level (MAFRD, MESP, MLGA, PAK, municipalities) for harmonization of policies in sustainable management and protection of agricultural land;
- In particular, improving coordination with MESP and municipalities on obtaining approvals from MAFRD for municipal development plans;
- Staff training at local and central level;
- Awareness of the population through the organization of the campaign and sensitization of the responsible institutions.

3.3: Third option [defined separately for each concept document]

This option provides for the amendment of Law No. 02 / L-26 on Agricultural Land, which would eliminate the causes and effects mentioned in defining the problem:

This law would address issues that are unregulated or have legal loopholes. Through these changes will be precisely regulated:

- Fair and sustainable management of agricultural lands and socially owned pastures; agricultural lands currently managed by the Kosovo Agricultural Institute (IBK);
- Obtaining consent for the Municipal Development Plan;
- Procedures for changing the destination of agricultural land;
- The way of reporting about the change of destination of agricultural lands;
- Leasing of agricultural lands and lands which are uncultivated;
- Improving the management of publicly owned pastures;
- Review of tariffs for changing the destination of agricultural land;
- Clearer definition of the competencies of agricultural land inspectors.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The new draft law will stipulate:

- Fair and sustainable management of socially owned agricultural lands in order for them to be leased for agricultural activities and the creation of an agricultural land fund;
- The agricultural land fund will be established by law, will be administered and managed by MAFRD based on the law on Agricultural Land that will serve as an instrument to support land consolidation;
- Preservation of agricultural land from unauthorized constructions through the issuance of consents by MAFRD and MESP for municipal development plans, as well as a clearer definition of deadlines for issuing consents (deadlines are defined by Law No.05 / L-031 on the General Administrative Procedure, Article 98 Deadline for completion of the administrative procedure);
- Engaging inspectors for the protection of agricultural land, as well as coordination with municipal level inspectors for the implementation of the new Law on Agricultural Land;
- Improving the management of publicly owned pastures, to clearly define the institution responsible for pasture management, to look at the possibility of management through private companies; The institution responsible for pasture management will be MAFRD, the responsibilities and competencies of this Institution will be defined by the Law on Agricultural Land. This recommendation has also come from the Report of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environmental Protection and Spatial Planning in 2011;
- The clearest definition of the procedures for changing the destination of agricultural land to construction land is the responsibility of MAFRD and municipalities, while the deadlines for granting consent or refusal are set by Law No. 05 / L-031, on General Administrative Procedure;
- The revision of tariffs for changing the destination of agricultural land to construction land based on the current Law is the same for the entire territory of the Republic of Kosovo according to the cadastral classification of agricultural land, the revision will focus on the market price of agricultural land;
- The clearest definition of the competencies of agricultural land inspectors are defined by Law no. 03 / L-029, on the Agricultural Inspection “Official Gazette of the Republic of Kosovo No. 45/12 January 2009 ”, Law on Agricultural Land No. 02 / L-26. In the meantime, a draft Law on Inspections has been drafted, sponsored by the Ministry of Industry, Entrepreneurship and Trade (MINT). The purpose of this Law is to create the necessary legal framework for the implementation of the reform of the inspection system in the Republic of Kosovo, through rationalization of the number of inspection bodies in the state administration, clarification of their respective competencies, improvement of coordination and unification of procedures and requirements for conducting inspections by inspection bodies in the state administration and the municipal level;
- Sustainable management of agricultural land favors strategic investments not only in the field of agriculture, but also in other sectors such as alternative energy sources (wind, water, sun);

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- Fair and sustainable management of socially owned agricultural land by the Authorized Institution will be leased through legal procedures for investors engaged in agricultural activities, affecting the addition of new businesses and employment;
- The right of foreign natural and legal persons to be owners of agricultural land in the Republic of Kosovo;
- Determining the surface of the plot of arable agricultural land, which can not be fragmented below the specified surface (0.50 ha), except for the building of the facilities of special importance;

For a better management of socially owned pastures we should consider the clarification of administration and management competencies between the central and municipal level, including the private sector (including natural and legal persons), pastures are leased for a period of time of 3 years, while when the natural or legal person intends to make investments for the improvement of the pasture or its infrastructure, the rent can be extended up to 10 years, provided that the planned investments are realized.

The following information is required to develop a socially owned pasture management plan:

1. Type of pasture

Classification of pastures based on the grazing season (according to altitude and period of use), which is closely related to the vegetation period.

2. Degree of coverage

The coverage rate is estimated according to the coverage of herbaceous plants in % against the total area of the plot.

It is calculated as a percentage in relation to the total area covered by herbaceous vegetation, bare surfaces, rocky, etc.

3. Composition of species

The composition of species is determined by the main groups (Graminace, Leguminous, etc.).

4. Height calculation

Height is calculated for the 3 main types of cover (herbaceous plants, hardwoods and shrubs.

5. Estimation of pasture use coefficient

Estimation of the amount of grass consumed by animals during the grazing period.

In the use of pasture it is required to strike a balance between the amount of grass that is produced and the amount of grass that is consumed.

6. Calculation of grazing carrying capacity

Average number of animals grazing during a grazing season.

The annual and long-term grazing capacity of the pasture gives us an indication of the proper number of animals under a given grazing regime.

7. Estimation of the number of animals in the pasture

Number of animals represents the number of specific species and classes of animals that graze or use a unit of land for a specific period of time.

8. Condition of pasture fires

Fire can be a major threat to pasture ecosystems.

9. Cover with movable stones

Definition: Surface covered by movable stones on the ground expressed in %.

The practices of the countries of the region, which can be implemented in the Republic of Kosovo and which will be taken into account during the drafting of the new Law are:

Change of destination of agricultural land on land for non-agricultural purposes -

The practice of the Republic of Croatia, according to which the Ministry of Agriculture gives an opinion on the proposal of the State Spatial Regulation Strategy, as well as the State Spatial Regulation Program, in the Regional Development Plans and Development Plans with special characteristics, and the Ministry gives consent in the final draft of the proposal of the Municipal Spatial Plan.

Management of socially owned agricultural land -

The practice of the Republic of Northern Macedonia according to which Socially Owned Agricultural Land is not subject to privatization. Agricultural land is managed by the Ministry of Agriculture, Forestry and Water Economy in accordance with the Law on Agricultural Land “Official Gazette of RM No. 39/2014 ”.

State land can not be subject to privatization, but it can be managed as follows: granted by concession and lease to local and foreign natural and legal persons for a period depending on the production that is planned to take place: for a short period (5 years) and on a long-term basis (from 5 to 40 years) with Public Announcement. Alternatively, state-owned agricultural land can be provided free of charge to Categories of vulnerable social groups, such as: landless farmers, unemployed persons, social assistance beneficiaries, unemployed from bankrupt companies and similar groups. The concession procedure is realized through a public announcement by auction by the commission based on the decision of the government and is organized and supervised by the Ministry of Agriculture, Forestry and Water Economy of the Republic of Northern Macedonia.

Use of pastures in social work -

The practice of the Republic of Montenegro which according to the Law on Agricultural Land provides that the Government to determine the conditions and procedures for the allocation of socially owned pastures for use.

The right of foreign persons to be owners of agricultural land -

Practice of the Republic of Croatia, the Law on Agricultural Land, according to which foreign natural and legal persons can not be owners of agricultural land, unless otherwise provided by international state agreements or special regulations.

Chapter 4: Identifying and Assessing Future Impacts

The most significant impacts identified for the impact category

Categories of impacts	Relevant impacts identified
Economic impacts	Doing business (access to finance for business) Trade (change in current import and export flows) Investments (investments in new activities, investments from the diaspora) Impact on EIA Regional economic impacts General economic development
Social impacts	Culture (protection of cultural heritage) Public health and safety (human life and food quality, soil quality)
Environmental impacts	Water quality (groundwater quality) Land quality and land use Soil erosion Change in land use Animal welfare (animal health, animal feed)
Impacts on fundamental rights	Good administration (way of making decisions by the administration)
Gender impact	Legal guarantees and social provisions ensuring equal rights
Impacts of social equality	
Impacts on young people	
Impacts on administrative workload	
Impact of EIA	

Economic impacts

Doing business

With the establishment of this policy, investors will be able to access the absorption (departure) of loans in financial institutions for business, because the issue of planning the use of agricultural land and its lease will be regulated. Proper and sustainable management of agricultural lands, socially owned pastures and agricultural lands currently managed by KAI, will increase the income for businesses that have agricultural activities, because agricultural lands will be leased or with concession and that will affect the economic development of the country, increase agricultural productivity and reduce imports of agricultural products.

The legal framework will enable new businesses to have sound policies in terms of agricultural land use, leasing and agricultural land management.

Trade

The establishment of these policies aims to improve the conditions for agricultural production through better management of agricultural land, leasing of agricultural land, increasing the size of the farm through the development of the land market.

With this policy, some agricultural products will be competitive in the market in terms of quality and food safety.

Investment

It is thought to create a new investment climate in the agricultural sector taking into account the sustainable management of agricultural land and socially owned pastures, as well as agricultural land currently managed by KAI, protection and lease of agricultural land.

With sustainable management, protection and leasing of agricultural land there will be facilities and investments from the diaspora will increase.

Impact on EIA

Providing specialized consulting advice and technical assistance for human and organizational capacity building of SMEs, LAGs, etc .; training in product planning, marketing, classification and packaging.

Regional economic impacts

The Agriculture, Forestry and Rural Development Sector will be affected, but not concentrated in any particular region.

General economic development

The increase of investments in the Agriculture Sector affects the economic development of the country.

Social impacts

Culture

By supporting and promoting traditional processed products, such as: jam, sweets, pickles, wines, teas, meat and dairy products, etc.

Public health and safety

Institutional support of initiatives for projects and programs related to the rational use of agricultural, forestry, livestock and environmental resources:

- farmers or organized groups that have a vision and preservation of assets for future generations,
- cultivating organic products, medicinal and aromatic plants,
- manufacturers and processors that meet HACCAP standards,
- Inspection and certification of businesses that respect the standards for packaging, transport and storage of products,

This policy aims to improve better management of agricultural land, increasing the quality and safety of food with the controlled use of agricultural agro-inputs.

Water quality

The new policy will enable the improvement of groundwater quality through the preservation and protection of agricultural land and the use of agro-inputs based on European standards.

Land quality and land use

This policy aims to improve the quality of land (soil) in relation to the protection of agricultural land from pollution, undertaking meliorate and agro-technical measures and controlled use of agricultural agro-inputs.

Soil erosion

The aim is to improve policies and actions in taking measures to protect agricultural land from erosion.

Change in land use

Changing the use of agricultural-forest land on non-agricultural-forest land will be done based on spatial planning documents and authorized legal bodies.

Animal welfare

Improving the management of socially owned pastures and controlling nomadic animal movements will have an impact on improving animal health;

Through improved management of socially owned pastures, controlled use of agricultural agro-inputs, and protection of agricultural land from pollution.

Impact on fundamental rights

Good administration

By improving this policy, administrative procedures will be more transparent, redundant bureaucratic procedures will be eliminated and procedural deadlines for resolving cases will be set.

Chapter 4.1: Challenges with data collection

Impact of data on the drafting of the Concept Document (data collection)

During the drafting of the Concept Document for Agricultural Land we were served with data, which source of information have the Department of Economic Analysis and Agricultural Statistics, the last Agricultural Census of 2015 by the Kosovo Agency of Statistics, Privatization Agency of Kosovo, Agency Kosovo Cadastre, municipalities, etc.

Since the provision of data from the field of agriculture is difficult, especially as surveys which include within the year about 4 to 5% of the total number of households in Kosovo, while the agricultural census is conducted every 10 years, we can say that these data do not meet the requirements for more detailed and accurate analysis. Existing data can not represent with this low percentage the real situation of agricultural households.

The Kosovo Agency of Statistics is the most authorized data generator, where every year it conducts the survey for agricultural households with the random selection method, including about 4-6% of the existing agricultural households. Whereas, every 10 years it is foreseen to organize the agricultural census.

The data of the report of the Agricultural Census for land use that are realized every 10 years include the registration of all variables of land use of households, such as: areas, structure of agricultural crops, yields, agro-technical measures such as irrigation and treatment with fertilizers and pesticides, etc. Whereas, the survey data, although conducted every year, from the low percentage of inclusion of agricultural holdings in the survey can not be said to be representative.

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

The Agricultural Census carried out in cooperation with MAFRD and KAS, remains the most reliable source of land use data.

Whereas, the Kosovo Cadastral Agency possesses spatial data with administrative boundaries of municipalities, cadastral zones and up to the level of parcels.

Also, in MAFRD the application that includes the Land Parcel Identification System (LPIS) and the Farm Register realized with the GIS program, has managed to create a stable database with spatial data on land use which is in function of support schemes for grants and direct payments to farmers.

It is worth mentioning that MAFRD has also realized the digital pedological map (of the soil), which included soil types with data on soil structure, depth, drainage, etc.

Through the support of several projects by the European Commission in MAFRD, a Geobase has been created, with spatial data presented in maps, which include: land use suitability map, Rural action plan, Construction zoning plan (constraints partial and complete) groundwater sensitivity, soil environmental sensitivity, soil erosion sensitivity, land use intensity, integrated land suitability, optimal land use plan and Corine land cover , etc.

Agricultural and forest areas belonging to altitudes above 700 m above sea level and with a slope of the terrain above 10%, are categorized as less favored areas also presented in the maps.

The data on irrigation systems and their extension in space are also possessed by MAFRD in cartographic form, where every year they are updated with additional areas of these areas.

Chapter 5: Communication and consultation

Summary of communication and consultation activities performed for a concept document

The consultation process aims at: - - [enter information here] - - [When the CC is sent for public consultation, the budget column should be deleted] - - [When the CC is sent for public consultation, the column heading 'Indicative Deadline' should be changed to 'Timeline']						
Main purpose	Target group	Activity	Communication/information	Indicative date	Necessary budget	Responsible person
Consultation for definition of problem	All stakeholders	First public meeting	Notice sent by official e-mail		Project of SIDA PMO	Idriz Gashi Albulena Maloku

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Preliminary inter-ministerial consultation	Relevant institutions according to Article 7 of the Rules of Procedure of the Government	Draft submission CC	Via official email			Idriz Gashi Albulena Maloku
Public consultation in written	Relevant institutions, stakeholders	Publication of the draft CD on the public consultation portal	Publication on the MAFRD website and Facebook account and press release			Idriz Gashi Albulena Maloku
Consultation for the first draft of KD	All stakeholders, owners and users of agricultural land, farmers 'and builders' associations, donors and foreign nationals claiming to be owners of agricultural land, as well as municipal officials	7 Meetings focused on different parts of the country, as well as a meeting with donors.	<p>Notice sent via official e-mail, through the websites of the municipalities, the social network Facebook of MAFRD.</p> <p>Announcement of local media for following the activity</p> <p>All central media should be informed about the meeting with donors</p>		Project of SIDA PMO	Albulena Maloku Idriz Gashi

Summary from the public activities for the concept document

1. Initial organization with stakeholders 29.11.2018, invitations to participate were sent to the following institutions: MF&T (MFLT), MIET, MESPI, ME (Ministry of Economy),

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

PAK, KCA, municipalities, Association of Kosovo Municipalities, Association of Builders.

Meanwhile, the invitation to participate was answered by the following institutions: Privatization Agency of Kosovo, MIET, KTA, MF&T (MFLT) and the Municipality of Vushtrri.

The working group presented to the participants the beginning of work on creating a policy for better management of agricultural land, in order to develop agricultural activity.

Improper management of agricultural land, inadequate implementation of legislation in force, unclear definition of competencies between central and local level, insufficient inter-institutional cooperation for the implementation of policies and legislation, improper administration and management of agricultural land and socially owned pastures, as well as recent changes to the legal framework for spatial planning were the main issues discussed at this meeting.

During the meeting it was recommended that economic zones in municipalities obtain consent from MAFRD for the use of agricultural land. It was also a common conclusion that the agricultural land fund should be established.

2. Preliminary inter-ministerial consultations was held from 03-09 November 2021, the document was distributed to the institutions: MFPT, MEI, GCS, SPO, LO-OPM, OPC-OPM, MoJ, MIA, MLGA, MESP, ME, MINT, PRIVATIZATION AGENCY, FACULTY OF AGRICULTURE AND VETERINARY, OMBUDSPERSON, AGENCY FOR GENDER EQUALITY / OPM, OGG, ASSOCIATION OF KOSOVO MUNICIPALITIES, Kosovo Cadastral Agency.

3. Publication on the online platform from 10-24 November 2021: Announcement for this on the social network Fcb of MAFRD and together with this also the drafting of the announcement (news) for the website of MAFRD and the media

All media publications related to the topic of the concept document will be attached through links to this concept.

Chapter 6: Comparing Options

- Failure to change the current situation will continue unsustainable management, loss of agricultural land and its fragmentation for the purpose of change of destination, non-clear definition of competencies between the central and local level, lack of adequate oversight of implementation of the Law.

- Improper and unsustainable management of socially owned agricultural land, will continue to be used for non-agricultural purposes, fragmentation of socially owned land loses the effect of being

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

competitive, farmers in most cases will not have opportunities to be part of the privatization process.

Chapter 6.1: Implementation plans for different options

For the fulfillment of the obligations arising from the Law on Agricultural Land and addressing some causes of the problem **Option 2** provides:

- Increase the budget and engage at least three (3) inspectors to oversee the implementation of Law no. 02 / L-26 on Agricultural Land;
- Improving coordination with MESP and municipalities on obtaining consents from MAFRD for draft municipal development plans;
- Harmonization of policies in sustainable management and protection of agricultural land, at the central level MAFRD, MESP, MLGA, PAK and other relevant actors, as well as at the local level;
- Awareness of the population, organization of the campaign and sensitization of the responsible institutions regarding the improvement of the sustainable management of the agricultural land
- Staff training at local and central level.

Implementation plan for Option 2

IMPLEMENTATION PLAN FOR OPTION 2									
The purpose of policy	Management of agricultural land as a natural resource and good overall based on the principles of sustainable development, protection and use of it for agricultural production to ensure the economic prosperity of the country.							Expected cost figure	
Strategic objective	Creating opportunities for sustainable use of agricultural land								
	Product, activities, year and responsible organization / department								
Specific Objective No.1 Capacity building for law	Production 1.1	Number of inspections							
			Year 1	Year 2	Year 3	Year 4	Year 5	Institution /responsible department	
		Activity 1.1.1	X	400	600	700	900	MAFRD DAPT/DL	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

enforcement		Recruitment of three inspectors to oversee the implementation of the Law									
	Product 1.2	3 trainings for inspectors and 5 trainings for staff at local and central level									
		Activity 1.2.1 Training of inspectors	X	X	X	X	X				
		Activity 1.2.2 Organizing the first and second training		X					MAFRD DAPT/DL		
		Activity 1.2.3 Organizing the third, fourth and fifth training			X				MAFRD DAPT/DL		
Specific Objective No.2 Protection of agricultural land from	Product 2.1	Better institutional coordination between central and local level (MARD, MESP, municipalities and other relevant institutions)									
		Activity 2.1.1 Organizing regular joint meetings to	X	X	X	X	X		MAFRD DAPT/DL		

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

unplanned urban construction		harmonize sectoral activities and policies based on applicable laws and regulations							
Specific Objective No.3 Raising awareness of the importance of agricultural land	Production 3.1	Campaign to improve sustainable agricultural land management organized.							
		Activity 3.1.1 Preparation of promotional materials		X	X			MAFRD DAPT/DL	
		Activity 3.1.2 Emission and distribution of material				X	X		

To improve agricultural land management **Option 3** provides for the amendment and supplement of Law No. 02 / L-26 on Agricultural Land, which would eliminate the causes and effects mentioned in defining the problem:

This law would address issues that are unregulated or have legal gaps. Through these changes will be regulated more precisely the obtaining consent for the Municipal Development Plan, the way of reporting on the change of destination of agricultural lands, lease of agricultural lands and lands which are uncultivated.

The new draft law will stipulate:

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- Fair and sustainable management of socially owned agricultural lands in order for them to be leased for agricultural activities and the creation of an agricultural land fund;
- The agricultural land fund will be established by law, will be administered and managed by MAFRD based on the law on Agricultural Land that will serve as an instrument to support land consolidation (this recommendation has also emerged from the Report of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning and Infrastructure);
- Preservation of agricultural land from unauthorized constructions through the issuance of consents by MAFRD and MESP for municipal development plans, as well as a clearer definition of deadlines for issuing consents (deadlines are defined by Law No.05 / L-031 , for the General Administrative Procedure, Article 98 Deadline for completion of the administrative procedure);
- Engaging inspectors for the protection of agricultural land, as well as coordination with municipal level inspectors for the implementation of the new Law on Agricultural Land;
- Improving the management of publicly owned pastures, to clearly define the institution responsible for pasture management, to look at the possibility of management through private companies; The institution responsible for pasture management will be MAFRD, the responsibilities and competencies of this institution will be defined by the Law on Agricultural Land. This recommendation has also emerged from the Report of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning and Infrastructure;
- The clearest definition of the procedures for changing the destination of agricultural land to construction land is the responsibility of MAFRD and municipalities, while the deadlines for granting consent or refusal are set by Law No. 05 / L-031, on General Administrative Procedure;
- The revision of tariffs for changing the destination of agricultural land to construction land based on the current Law is the same for the entire territory of the Republic of Kosovo according to the cadastral classification of agricultural land, the revision will focus on the market price of agricultural land;
- The clearest definition of the competencies of agricultural land inspectors are defined by Law no. 03 / L-029, on the Agricultural Inspection “Official Gazette of the Republic of Kosovo No. 45/12 January 2009 ”, Law on Agricultural Land no. 02 / L-26. In the meantime, a draft Law on Inspections has been drafted, sponsored by the Ministry of Industry, Entrepreneurship and Trade (MINT). The purpose of this Law is to create the necessary legal framework for the implementation of the reform of the inspection system in the Republic of Kosovo, through rationalization of the number of inspection bodies in the state administration, clarification of their respective competencies, improvement of coordination and unification of procedures and requirements for conducting inspections by inspection bodies in the state administration and the municipal level;
- Sustainable management of agricultural land favors strategic investments not only in the field of agriculture, but also in other sectors such as alternative energy sources (wind, water, sun);
- Fair and sustainable management of socially owned agricultural land by the Authorized Institution will be leased through legal procedures for investors engaged in agricultural activities, affecting the growth of new businesses and employment;

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- The right of foreign natural and legal persons to be owners of agricultural land in the Republic of Kosovo.

Implementation plan for Option 3

IMPLEMENTATION PLAN FOR OPTION 3								
The purpose of Policy	Agricultural land management as a natural resource and good overall based on the principles of sustainable development, protection and use of it for agricultural production to ensure the economic prosperity of the country.							
Strategic Objective	Creating opportunities for sustainable use of agricultural land							
Specific Objective 1: Advancing the legislative and regulatory framework for agricultural land	Product 1.1	Law on agricultural land drafted						
			2021	2022	2023	2024	2025	Institution/Responsible Department
		Activity 1.1 Drafting of the law		X				MAFRD DAPT/DL
		Activity 1.3 Drafting of the sub – legal acts			X			MAFRD DAPT/DL
		Product 1.2	Created database on socially owned agricultural land areas					
	Activity 1.3.1 Creating and updating data on socially owned agricultural land areas				X			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		Creating and updating data on socially owned pastures areas			X			
	Product 1.3	Revised tariffs for changing the destination of agricultural land;						
		Activity 1.4.1 Review of tariffs for changing the destination of agricultural land;			X			
Specific Objective 2: Law Enforcement Capacity Building	Product 2.1	Number of inspections						
		Activity 2.1.1 Recruitment of three inspectors to oversee the implementation of the Law		X				
	Product 2.2	3 training for inspectors						
		Activity 2.2.1		X	X	X	X	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		Organizing and holding trainings						
	Product 2.3	5 Training staff at the local and central level						
		Activity 2.3.1 Organizing the first and second training			X			MH/ NIPHK / CUHSK
		Activity 2.3.2 Organizing the third, fourth and fifth training				X		MH /NIPHK
Specific Objective 3: Protection of agricultural land from unplanned urban construction, pollution, erosion, degradation, etc .;	Product 3.1	Better inter-institutional coordination between central and local level: MAFRD, MESP, Municipalities and other relevant institutions						
		Activity 3.1.1 Organizing regular joint meetings to harmonize sectoral activities and policies based on applicable laws and regulations	X	X	X	X	X	MAFRD DAPT/DL; MESPI; Municipalities
		Preparation of information material related to the protection of agricultural land from	X	X	X	X	X	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		unplanned constructions, its pollution and degradation.						
		Coordination of activities with donors, who can contribute to the preparation of plans and programs for more sustainable use of agricultural land	X	X	X	X	X	
	Product 3.2	Number of consents given by MAFRD for approval of Municipal Development Plans						
		Activity 3.2.1						
		Review of Municipal Development Plans	X	X	X	X	X	MAFRD DAPT/DL; MESPI; Municipalities
Specific Objective 4: Raising awareness of	Product 4.1	Campaign to improve sustainable agricultural land management organized						
		Activity 4.1.1	X	X	X	X	X	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

the importance of agricultural land		Preparation of promotional materials						
		Activity 4.1.2 Emission and distribution of material	X	X	X	X	X	
Specific Objective 5: Promotion of the agricultural land market	Product 5.1	% of Agricultural Land leased for agricultural activities						
		Activity 5.1.1 Agricultural land is leased for agricultural activities	X	X	X	X	X	
		Preparation of standard contract for lease of agricultural land			X			
	Product 5.2	% of socially owned Pastures used						
Activity 5.2.1 Preparation of documentation and other action plan necessary for the provision of pasture				X	X	X		

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		management to private companies						
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Chapter 6.2: Comparison table with the three options

[Give a brief narrative overview of the three options. Also, present the selected option and the main reasons why it was selected.]

Comparing options

Comparison method:			
Relevant positive impacts	Option 1: No change	Option 2: Improve implementation and execution	Option 3:
		Recruitment of additional staff-inspectors	Drafting legislation and bylaws for sustainable use of agricultural land
		Better inter institutional coordination	Review of Municipal Development Plans
		Municipalities must send to the MAFRD draft development municipal plans of the use of agricultural land	Implementation of the legislation from the inspectors for agricultural land
Relevant negative impacts		Changes in the legal framework by MESP related to agricultural land use planning	Amendment of the current Law on Agricultural Land in order to harmonize sectoral policies for sustainable management of agricultural land
Relevant costs			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Assessment of expected budgetary impact	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
Conclusion									

Chapter 7: Conclusions and future steps

Amendment – supplement to the Law No.02 / L-26 on Agricultural Land, which would eliminate the mentioned causes and effects of defining the problem:

This law would address issues that are unregulated or have legal gaps. Through these changes will be regulated more precisely: fair and sustainable management of agricultural land and socially owned pastures; agricultural lands currently managed by the Kosovo Agricultural Institute (KAI); obtaining consent for the Municipal Development Plan; procedures for changing the destination of agricultural land; the manner of reporting on the change of destination of agricultural lands; lease of agricultural lands and lands which are uncultivated; improving socially owned pasture management; review of tariffs for changing the destination of agricultural land; clearer definition of the competencies of agricultural land inspectors.

The new draft law will stipulate:

- Fair and sustainable management of socially owned agricultural lands in order for them to be leased for agricultural activities and the creation of an agricultural land fund;
- The agricultural land fund will be established by law, will be administered and managed by MAFRD based on the law on Agricultural Land that will serve as an instrument to support land consolidation (this recommendation has also emerged from the Report of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning and Infrastructure);
- Preservation of agricultural land from unauthorized constructions through the issuance of consents by MAFRD and MESP for municipal development plans, as well as a clearer definition of deadlines for issuing consents (deadlines are defined by Law No.05 / L-031 on General Administrative Procedure, Article 98 Deadline for completion of the administrative procedure);

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

- Engaging inspectors for the protection of agricultural land, as well as coordination with municipal level inspectors for the implementation of the new Law on Agricultural Land;
- Improving the management of socially owned pastures, to clearly define the institution responsible for pasture management, to look at the possibility of management through private companies; The institution responsible for pasture management will be MAFRD, the responsibilities and competencies of this institution will be defined by the Law on Agricultural Land. This recommendation has also emerged from the Report of the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning and Infrastructure;
- The clearest definition of the procedures for changing the destination of agricultural land to construction land is the responsibility of MAFRD and municipalities, while the deadlines for granting consent or refusal are set by Law No. 05/L-031, on General Administrative Procedure;
- The revision of tariffs for changing the destination of agricultural land on construction land based on the current Law is the same for the entire territory of the Republic of Kosovo according to the cadastral classification of agricultural land, the revision will focus on the market price of agricultural land;
- The clearest definition of the competencies of agricultural land inspectors are defined by Law no. 03 / L-029, on the Agricultural Inspection “Official Gazette of the Republic of Kosovo No. 45/12 January 2009 ”, Law on Agricultural Land No. 02 / L-26. In the meantime, a draft Law on Inspections has been drafted, sponsored by the Ministry of Industry, Entrepreneurship and Trade (MINT). The purpose of this Law is to create the necessary legal framework for the implementation of the reform of the inspection system in the Republic of Kosovo, through rationalization of the number of inspection bodies in the state administration, clarification of their respective competencies, improvement of coordination and unification of procedures and requirements for conducting inspections by inspection bodies in the state administration and the municipal level;
- Sustainable management of agricultural land favors strategic investments not only in the field of agriculture, but also in other sectors such as alternative energy sources (wind, water, sun);
- Fair and sustainable management of socially owned agricultural land by the Authorized Institution will be leased through legal procedures for investors engaged in agricultural activities, affecting the addition of new businesses and employment;
- The right of foreign natural and legal persons to be owners of agricultural land in the Republic of Kosovo;
- Determining the surface of the plot of arable agricultural land, which can not be fragmented below the defined surface (0.5 ha) except the erection of objects of special public importance;
- Fair and sustainable administration and management of agricultural land currently managed by the Kosovo Agricultural Institute in Peja.

Preferred option implementation plan

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

IMPLEMENTATION PLAN FOR OPTION 3

IMPLEMENTATION PLAN FOR OPTION 3								
Purpose of the Policy	Agricultural land management as a natural resource and good overall based on the principles of sustainable development, protection and use of it for agricultural production to ensure the economic prosperity of the country.							
Strategic Objective	Creating opportunities for sustainable use of agricultural land							
Specific Objective 1: Advancing the legislative and regulatory framework for agricultural land	Product 1.1	Draft law on agricultural land						
			2021	2022	2023	2024	2025	Responsible Institution / Department
		Activity 1.1 Drafting the law		X				MAFRD DAPT/DL
		Activity 1.3 Drafting of sub – legal enactment			X			MAFRD DAPT/DL
	Product 1.2	Database of socially owned agricultural land areas created						
		Activity 1.3.1 Creating and updating data on socially owned agricultural land			X			
Creating and updating data on socially owned pastures				X				

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Product 1.3	Revised tariffs for changing the destination of agricultural land;						
		Activity 1.4.1 Revised tariffs for changing the destination of agricultural land			X			
Specific Objective 2: Capacity building for law enforcement	Product 2.1	Number of the inspections						
		Activity 2.1.1 Recruit three inspectors to oversee the implementation of the Law		X				
	Product 2.2	3 trainings for inspectors						
		Activity 2.2.1 Organizing and holding trainings		X	X	X	X	
	5 Staff training at local and central level							

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		Activity 2.3.1 Organizing the first and second training			X			MH /NIPHK / CUHSK
	Product 2.3	Activity 2.3.2 Organizing the third, fourth and fifth training				X		MH /NIPHK
Specific Objective 3: Protection of agricultural land from unplanned urban construction, pollution, erosion, degradation, etc .	Product 3.1	Better inter-institutional coordination between central and local level: MAFRD, MESP, Municipalities and other relevant institutions						
		Activity 3.1.1 Organizing regular joint meetings to harmonize sectoral activities and policies based on applicable laws and regulations	X	X	X	X	X	MAFRD DAPT/DL; MESPI; Municipalities
		Preparation of information material related to the protection of agricultural land from	X	X	X	X	X	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

		unplanned constructions, its pollution and degradation						
		Coordination of activities with donors, who can contribute to the preparation of plans and programs for more sustainable use of agricultural land	X	X	X	X	X	
	Product 3.2	Number of consents given by MAFRD for approval of Municipal Development Plans						
		Activity 3.2.1						MAFRD
	Review of Municipal Development Plans	X	X	X	X	X	DAPT/DL; MESPI; Municipalities	
Specific Objective 4: Raising awareness of the importance of	Product 4.1	Campaign to improve sustainable agricultural land management organized						
		Activity 4.1.1						
		Preparation of promotional materials	X	X	X	X	X	

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

agricultural land		Activity 4.1.2 Emission and distribution of material	X	X	X	X	X	
Specific Objective 5: Promotion of the agricultural land market	Product 5.1	% of Agricultural Land leased for agricultural activities						
		Activity 5.1.1 Agricultural land is leased for agricultural activities	X	X	X	X	X	
		Preparation of standard contract for lease of agricultural land			X			
	Product 5.2	% of socially owned Pastures used						
Activity 5.2.1 Preparation of documentation and other action plan necessary for the provision of pasture management to private companies				X	X	X		

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

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Chapter 7.1: Provisions for monitoring and evaluation

[Describe provisions and planning for monitoring and evaluation. If such provisions are not required, explain why]

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Annex 1: Economic Impact Assessment Form

Category of economic impacts	Main impact	Is this impact expected to occur?		Number of organizations, companies and / or individuals affected	Expected benefit or cost of impact Doing business	Preferred level of analysis
		Yes	No	High/low	High /low	
Jobs ¹	Will the current number of jobs increase?		No	Low	Low	Low
	Will the current number of jobs be reduced?		No			
	Will affect the level of payment		No	Low		
	Will it affect the ease of finding a job?		No	Low		
Doing business	Will affect access to finance for business?	Yes				
	Will certain products leave the market?		No			
	Will certain products be allowed on the market?		No			
	Will businesses be forced to close?		No			
Administrative charge	Will new businesses be created?	Yes				
	Will businesses be required to meet new information obligations?		No	Does not apply to us		
Trade	Are the obligations to provide information to businesses simplified?		No			
	Are current import flows expected to change?	Yes				
Transport	Are current export flows expected to change?	Yes				
	Will it have an effect on the mode of transport of passengers and / or goods?		No			
Investments	Will there be any change in the time required to transport passengers and / or goods?		No			
	Are companies expected to invest in new activities?	Yes				

¹ When it affects jobs, there will also be social impacts

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Are companies expected to cancel or postpone investments?		No			
	Will investments from the diaspora increase?	Yes				
	Will investments from the diaspora be reduced?		No			
	Will foreign direct investment increase?		No			
	Will foreign direct investment decrease?		No			
Competitiveness	Will the business price of products, such as electricity, increase?		No			
	Will the price of business inputs, such as electricity, decrease?		No			
	Are innovations and research likely to be promoted?		No			
	Are innovations and research likely to be hampered?		No			
Impact in EIA	Are the companies mainly affected EIA?	Yes				
Prices and competition	Will the number of goods and services available to the business or consumers increase?		No			
	Will the number of goods and services available to the business or consumers decrease?		No			
	Will prices for existing goods and services increase?		No			
	Will prices for existing goods and services decrease?		No			
Regional economic impacts	Will any particular business sector be affected?	Yes				
	Is this sector concentrated in a certain region?		No			
General economic	Will future economic growth be affected?	Yes				
	Can it have any effect on the inflation rate?		No			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

developme nt						
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Annex 2: Social Impact Assessment Form

Category of social impacts	Main impact	Is this impact expected to occur?		Number of organizations, companies and / or individuals affected	Expected benefit or cost of impact Doing business	Preferred level of analysis
		Yes	No			
Jobs ³	Will the current number of jobs increase?	Yes		Low		
	Will the current number of jobs be reduced?		No			
	Are jobs affected in a particular business sector?		No			
	Will there be any impact on the level of payment?		No			
	Will it have an impact on making it easier to find a job?	Yes		Low		
Social regional impacts	Are social influences concentrated in a particular region or city?		No			
Work conditions	Are workers' rights affected?		No			
	Are standards for working in hazardous conditions foreseen or repealed?		No			
	Will it have an impact on how social dialogue is developed between employees and employers		No			
Social inclusion	Will it have an impact on poverty?	Yes		Low		
	Is access to social protection schemes affected?		No			
	Will the price of basic goods and services change?		No			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Will it have an impact on the financing or organization of social protection schemes		No			
Education	Will it have an impact on primary education?		No			
	Will it have an impact on secondary education?		No			
	Will it have an impact on higher education?		No			
	Will it have an impact on vocational training?		No			
	Will it have an impact on worker education and lifelong learning?		No			
	Will it have an impact on the organization or structure of the education system?		No			
	Will it have an impact on academic freedom and self-government?		No			
Culture	Does the option affect cultural diversity?		No			
	Does the option affect the funding of cultural organizations?		No			
	Does the option affect the opportunities for people to benefit from or participate in cultural activities?		No			
	Does the option affect the preservation of cultural heritage?	Yes				
Governance	Does the option affect the ability of citizens to participate in the democratic proces?		No			
	Is every person treated equally?	Yes				
	Will the public be better informed about certain issues?	Yes				

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Does the option affect the way political parties function?		No			
	Will it have any impact on civil society?		No			
Public health and safety ²	Will it have any impact on people's lives, such as life expectancy or mortality rate?	Yes				
	Will it have any impact on quality of food?	Yes				
	Will the health risk due to harmful substances increase or decrease?	Reduced				
	Will there be health effects due to changes in noise levels or air, water and / or soil quality?	Yes				
	Will there be health effects due to changes in energy use?		No			
	Will there be health effects due to changes in waste disposal?		No			
	Will it have an impact on people's lifestyles, such as levels of interest in sports, changes in nutrition, or changes in tobacco or alcohol use?		No			
	Are there specific groups that face much higher risks than others (determined by factors, such as age, gender, disability, social group or region)?		No			
	Crime and security	Are criminals likely to be caught?		No		
Is the potential gain from the crime affected?			No			
Does it affect levels of corruption?			No			

³ When it impacts in jobs, as well as it will have economic impacts.

⁴ When it has an impact on public health and safety, then it regularly has environmental impacts

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Is law enforcement capacity affected?		No			
	Is there any effect on the rights and safety of victims of crime?		No			

Annex 3: Environmental Impact Assessment Form

Category of environmental impacts	Main impact	Is this impact expected to occur?		Number of organizations, companies and / or individuals affected	Expected benefit or cost of impact Doing business	Preferred level of analysis
		Yes	No	High /low	High /low	
Stable climate and environment	Will it have an impact on greenhouse gas emissions (carbon dioxide, methane, etc.)?	Yes				
	Will fuel consumption be affected?		No			
	Will the variety of resources have used for energy production change?		No			
	Will there be any price changes for environmentally friendly products?		No			
	Will certain activities become less polluting?	Yes		Low		
Quality of air	Will it have an impact on the emission of air pollutants?		No			
Quality of water	Does the option affect freshwater quality?	Yes		Low		
	Does the option affect groundwater quality?	Yes				
	Does the option affect drinking water sources?	Yes		Low		
Quality of land and use of land	Will it have an impact on soil quality (in relation to acidification, pollution, use of pesticides or herbicides)?	Yes				
	Will it have an impact on soil erosion?	Yes				

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Will land be lost (through construction, etc.)?		No			
	Will land be acquired (through decontamination, etc.)?	Yes		Low		
	Will there be any change in land use (eg from forest use to agricultural or urban use)?	Yes				
Waste and recycling	Will the amount of waste generated change?		No			
	Will the ways in which waste is treated change?		No			
	Will there be an impact on waste recycling opportunities?		No			
Use of resources	Does the option affect the use of renewable resources (fish stocks, hydropower plants, solar energy, etc.)?	Yes		Low		
	Does the option affect the use of resources that are not renewable (groundwater, minerals, coal, etc.)?	Yes		Low		
The degree of environmental risks	Will there be any effect on the likelihood of hazards, such as fires, explosions or accidents?		No			
	Will it affect preparedness in case of natural disasters?		No			
	Is the protection of society from natural disasters affected?		No			
Biodiversity, flora and fauna	Will it have an impact on protected or endangered species or the areas where they live?	Yes		Low		
	Will the size or connections between nature areas be affected?	Yes		Low		
	Will there be any effect on the number of species in a given area?		No			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

Animal welfare	Will animal treatment be affected?		No			
	Will animal health be affected?	Yes				
	Will the quality and safety of animal feed be affected?	Yes				

Annex 4: Fundamental Rights Impact Assessment Form

Category of influence on fundamental rights	Main impact	Is this impact expected to occur?		Number of organizations, companies and / or individuals affected	Expected benefit or cost of impact Doing business	Preferred level of analysis
		Yes	No			
Dignity	Does the option affect people's dignity, their right to life or a person's integrity?		No			
Freedom	Does the option affect the right to freedom of individuals?		No			
	Does the option affect a person's right to privacy?		No			
	Does the option affect the right to marry or start a family		No			
	Does the option affect the legal, economic or social protection of individuals or the family?		No			
	Does the option affect freedom of thought, conscience or religion?		No			
	Does the option affect freedom of expression?		No			
Personal data	Does the option affect freedom of assembly or associat		No			
	Does the option include the processing of personal data?		No			

CONCEPT DOCUMENT FOR AGRICULTURAL LAND

	Are the individual's rights of access, redress and objection guaranteed?		No			
	Is the way in which personal data is processed clear and well protected?		No			
Asylum	Does this option affect the right to asylum?		No			
Property rights	Will property rights be affected?		No			
	Does the option affect the freedom to do business?	Yes				
Equal treatment ⁵	Does the option protect the principle of equality before the law?		No			
	Are certain groups likely to be harmed directly or indirectly by discrimination (eg discrimination based on gender, race, color, ethnicity, political or other opinion, age or sexual orientation)?		No			
	Does the option affect the rights of people with disabilities?		No			
Children's rights	Does the option affect children's rights?		No			
Good administration	Will administrative procedures become more complicated?		No			
	Is the way in which the administration makes decisions influenced (transparency, procedural deadline, right of access to a file, etc.)?	Yes				
	On criminal law and the penalties provided: are the rights of the defendant affected?		No			
	Is access to justice affected?		No			

⁵ Gender equity treated in the *Assessment of Gender Impact*