

### Popular science abstract

The Act on shaping the agricultural system of April 11, 2003, in the version in force from April 30, 2016, introduced in Poland a very extensive public-law control regime for *inter vivos* transactions concerning agricultural real estate. This law provides for a number of instruments that significantly interfere with constitutional values, i.e. in particular the right to property and the principle of economic freedom.

The main reason why the research carried out under the project was undertaken is the attempt to indicate to what extent the controversial control instruments provided for in the Polish Act on shaping the agricultural system correspond to the basic model solutions defining the shape of public-law interference in the transactions concerning agricultural real estate in other legal systems.

The main goal of the project is to conduct a comprehensive and, at the same time, synthetic analysis of the basic models of public law rationing of *inter vivos* transactions in agricultural real estate. In the above-mentioned scope, the research conducted under the project focuses on solutions adopted in continental Europe, which can generally be assigned to two models. The first is the control model based on administrative instruments, assuming, first of all, the introduction of administrative authorization systems for the purchase of agricultural real estate. Moreover, it is often enriched with the obligation to conduct agricultural activity on the acquired property for a statutory period of time. Basic solutions characteristic of this model are currently adopted in Hungary and Poland, but also in Germany and Switzerland. The second model assumes a wider use of civil law instruments, in particular various forms of the pre-emption right. This model has been adopted, in particular, in France, Spain and Italy, so the regulations functioning in these countries can serve as a starting point for its characteristics.

Further research carried out as part of the project assumes a confrontation of the solutions of the two above-mentioned models adopted in continental Europe with the liberal Anglo-American model, resigning from any form of public-law interference in agricultural real estate transactions and introducing a system of financial and fiscal incentives for people interested in purchasing agricultural real estate. In the above context, the axiological justification for adopting such radically different positions as to the need to introduce restrictions on the possibility of purchasing agricultural real estate should be considered particularly interesting.

The expected effects of the project implementation include the formulation of conclusions as to the necessity and rationality of maintaining a separate legal regime in the field of public law control of agricultural real estate transactions. These conclusions may, in turn, contribute to the discussion on the shape of the so-called European model of agriculture based on family farms. In the internal aspect, the implementation of the project should make it possible to answer the question about the advisability of maintaining a separate legal regime for transactions concerning agricultural real estate in Poland, and in the case of a positive answer - contribute to the formulation of an optimal model of such regulation.