

## **The main issues of the courts' case-law on land transaction cases**

The adoption of Act no. CXXII of 2013 on Transactions in Agricultural and Forestry Land and Act no. CCXII of 2013 on Certain Provisions and Transitional Arrangements related to Act no. CXXII of 2013 on Transactions in Agricultural and Forestry Land has led to fundamental changes in the procedural and substantive legal regulation of the sale and purchase of agricultural lands. Agricultural lands may be acquired in a four-step process, and a number of judicial reviews are at the parties' disposal through three of the four steps. The aforementioned acts of law have raised many interpretative issues within the judiciary. The Constitutional Court has so far addressed the new land transaction rules in thirteen different Constitutional Court decisions, in addition, the European Court of Justice is examining two references for a preliminary ruling in that regard in a joint procedure concerning cases C-113/16 and C-52/16.

Having regard to the fact that the new land transaction rules entered into force only slightly more than four years ago, the courts could not yet develop a consistent case-law on their disputed issues. Hence, the jurisprudence-analysing working group primarily aims at exploring the most debated questions of land transactions in the past couple of years and then giving guidance on how to answer them. Several procedural issues are required to be addressed in respect of each phase or step of the land transaction procedure. Land purchase agreements are to be approved in a special, single-instance administrative procedure, preceded by a number of other proceedings (before the competent notary, agricultural regulatory body and agricultural chamber). They are ultimately approved by the agricultural regulatory body in a single-instance procedure. Land transactions are necessarily linked to land registry proceedings in which there are two levels of administrative bodies, and their decisions may also be subject to judicial review.

The working group's civil law section will focus on the formation of land purchase agreements, in this context, on the exercise of the right of pre-emption and the right of pre-lease, on the enforcement of claims concerning the performance of such agreements and on their invalidity (*e.g.* their nullity on grounds of being contrary to the law).

The working group will seek to examine all major topics of the land transaction procedure and to explore the civil courts' relevant case-law as well.

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