

# **PROBLEMS IN LEGALIZING THE STATUS OF AGRICULTURAL LAND WITH CHANGED PURPOSE (ON THE EXAMPLE OF A SURVEY)**

**VELKOVSKI, VALERI<sup>1</sup>**

## **Abstract**

The change of the purpose of agricultural lands for non-agricultural needs is regulated as a possibility in the Agricultural Land Protection Act and the Regulations for its implementation.

The bodies authorized to carry out this technological procedure are Commissions at the Regional Directorates of Agriculture and the Ministry of Agriculture and Food.

According to the text of Art. 25, para. 3 of the Agricultural Land Protection Act, a copy of the decision to change the purpose of agricultural lands for non-agricultural needs is sent by the cited commissions to the Municipal Administration at the location of the property and to the relevant geodesy, cartography and cadastre service.

In practice and based on the results of the survey, it was found that these procedures are not always carried out in accordance with the cited legal norm.

In accordance with Article 25, Paragraphs 1 and 2 of the Agricultural Land Protection Act, a copy of the decision to change the purpose of agricultural land for non-agricultural purposes shall be issued to the applicant upon presentation of a document for a paid fee. A copy of the decision to change the purpose of agricultural land for non-agricultural purposes shall be sent by the relevant commission to the municipal administration at the location of the property and to the relevant geodesy, cartography and cadastre office. The reviewed and cited excerpts from the legal framework concerning this issue (change of purpose of agricultural land for non-agricultural purposes) do not provide an answer to the following several questions relating to the legalization of the changed status of agricultural land after the implementation of the relevant described procedures:

- Is there a legal obligation for the applicant to take individual actions before the geodesy, cartography and cadastre agency to reflect the new status of the land, which is no longer agricultural;
- What are the functions of the mayors in the event of a change, to legalize in the relevant registers and development plans the changed status – no longer agricultural, but urbanized;
- What is the role of the geodesy, cartography and cadastre services for registering, respectively reflecting the changed status of agricultural land in the relevant cadastral registers, etc.

This creates a number of problems both in the management of agricultural territories and in the management of urbanized territories and limits the implementation of an effective development policy on agricultural territories.

**Keywords:** agricultural lands, purpose, change of purpose, commissions, law, regulations

**JEL:** Q15, Q19

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<sup>1</sup> Professor. Dr., Higher School of Security and Economics – Plovdiv, Bulgaria, e-mail: jurist57@abv.bg

## Introduction

According to data from the Agrostatistical Reference Book 2000-2023 ([www.agrostat@mzh.govtment.bg](mailto:www.agrostat@mzh.govtment.bg)), issued by the Ministry of Agriculture and Food ([www.mzh.govtment.bg](http://www.mzh.govtment.bg)), the utilized agricultural area in the Republic of Bulgaria has decreased from 5,582,050 hectares in 2000 to 5,002,992 hectares in 2023. The utilized agricultural area is the area used by the farm, regardless of its ownership. The utilized agricultural area includes arable land, permanent crops, permanent grassland and family gardens. In reality, for the period 2000–2023, the utilized agricultural area has decreased by 579,058 hectares. This decrease may be due to a number of factors – physical, natural geographical, subjective, but one of the main factors is the implemented procedure for changing the purpose of agricultural land for non-agricultural needs.

The change of the purpose of agricultural land for non-agricultural needs, according to the norm of Art. 17, para. 1, item 1 and item 2 of the Law on the Protection of Agricultural Lands ([www.lex.bg](http://www.lex.bg)), is carried out and permitted by commissions at the regional directorates “Agriculture” when the requested area is up to 50 decares from 5 (fifth) to 10 (tenth) category or is not irrigated and the commission on agricultural land at the Ministry of Agriculture and Food – over 50 decares. The owners of agricultural land make a request to the mayor of the municipality for a change of the purpose of the land when the land must be included within the boundaries of urbanized territories or new urbanized territories must be created.

The change of the purpose of agricultural lands for non-agricultural needs is mainly related to the implementation of construction on them. “The regulatory framework in the field of territorial development specifically allows for construction for agricultural territories without changing the purpose of the land properties, whose functions are compatible with their purpose. For this purpose, it is necessary to take into account the specific and specific for agricultural territories development legal regulations and to have a detailed development plan or design visa issued by the chief architect of the municipality” (Velkovska, G., 2024).

In accordance with Article 20a, paragraph 2 of the Agricultural Land Protection Act, the mayor of the municipality shall, within 30 (thirty) days, make proposals to the specified commissions, and their positive decision shall be grounds for issuing a permit for the development of a detailed development plan under the terms and conditions of the Spatial Development Act ([www.lex.bg](http://www.lex.bg)).

According to the provisions of Article 17a, paragraph 1, items 1, 2 and 3 of the Agricultural Land Protection Act, a change in the purpose of agricultural land for non-agricultural purposes may be allowed for:

- Construction of technical infrastructure facilities within the meaning of the Spatial Development Act;

- Creation of new or expansion of the construction boundaries of existing urbanized territories;
- Creation or expansion of the boundaries of individual regulated land properties outside the construction boundaries of existing urbanized territories.

According to some researchers, “due to objective reasons, there is interest in the procedure for including agricultural land within the boundaries of the urbanized territory, but, on the other hand, there is more limited interest in creating a new urbanized territory from the relevant agricultural land” (Velkovska, G., 2024).

In accordance with Article 21 of the Agricultural Land Protection Act, for each facility proposed to be built or expanded on agricultural land, the required site shall be determined with a property sketch or project sketch. The sites and routes shall be approved by the specified commissions at the request of the land owner and at the request of the investor of the facility, and the decision shall be issued within one month of the submission of the written request. According to the provisions of Article 24, paragraphs 1 and 2 of the Agricultural Land Protection Act, if a decision to approve a site or route has entered into force, the interested party may request permission to develop a detailed development plan in accordance with the Spatial Planning Act.

In the presence of a detailed development plan that has entered into force, the interested party shall propose a change in the purpose of the necessary agricultural land for non-agricultural needs. The specified committees shall issue a decision to change the purpose of the agricultural land within 30 (thirty) days of the proposal.

In accordance with Article 25, Paragraphs 1 and 2 of the Agricultural Land Protection Act, a copy of the decision to change the purpose of agricultural land for non-agricultural purposes shall be issued to the applicant upon presentation of a document for a paid fee. A copy of the decision to change the purpose of agricultural land for non-agricultural purposes shall be sent by the relevant commission to the municipal administration at the location of the property and to the relevant geodesy, cartography and cadastre office. The reviewed and cited excerpts from the legal framework concerning this issue (change of purpose of agricultural land for non-agricultural purposes) do not provide an answer to the following several questions relating to the legalization of the changed status of agricultural land after the implementation of the relevant described procedures:

- Is there a legal obligation for the applicant to take individual steps before the agency for geodesy, cartography and cadastre to reflect the new status of the land, which is no longer agricultural;
- What are the functions of the mayors in the event of a change, to legalize in the relevant registers and development plans the changed status – no longer agricultural, but urbanized;

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- What is the role of the services for geodesy, cartography and cadastre for registering, respectively reflecting the changed status of the agricultural land in the relevant cadastral registers, etc.

The object of consideration and research in the publication are precisely the missing links in the legislative matter, relating to the legal regulation of the bodies, procedures and technology of the legalization of the changed status of agricultural lands from agricultural to urbanized ones.

The subject of consideration in the publication are the problems arising from these legal defects in the agricultural sector and for the agricultural producers themselves. The author's goal is to justify the need for some legislative and practical changes that would reflect the decisions of the aforementioned commissions in a real and timely manner, by reflecting the new changed status of agricultural lands, respectively its legalization.

## **Materials and methods**

For the purposes of the study, the following were used:

- Literary sources of Bulgarian authors;
- Normative sources (emphasis from the current regulatory framework);
- Analytical tools (normative and analytical methodological apparatus) and a questionnaire survey.

## **Results and discussion**

The flaws in the regulatory framework and their transformation into a permanent negative practice can lead to serious negative results that render meaningless the procedures for changing the purpose of agricultural lands for non-agricultural needs.

First of all, this is the loss of legal effect of the decision to change the purpose. According to the norm of Art. 24, para. 5 of the Law on the Protection of Agricultural Lands, the decision to change loses legal effect when:

- Within three months of the notification of the commissions, the relevant fee has not been paid;
- Within three years of the entry into force of the decision to change the purpose, the issuance of a construction permit for the site has not been requested;
- Within six years of the entry into force of the decision to change the purpose, the construction of the site has not begun.

Secondly, the registers of agricultural lands maintained by the municipal services for "Agriculture" do not reflect and do not legalize the changed status of agricultural lands and do not remove them from the information array, which creates false information about the use of agricultural lands. According to the text of Art. 60, para. 6, item 12 of the Regulations for the Implementation of the Law on the

Protection of Agricultural Lands, the municipal services for "Agriculture" keep registers of agricultural lands and their use.

Thirdly, the information from the aforementioned registers constitutes an information array that serves the statistical State Fund "Agriculture" for the distribution of European subsidies to agricultural producers. This means that agricultural producers who have applied and received a decision to change the purpose of their agricultural land for non-agricultural needs, with the status of the agricultural land unchanged and not reflected in the relevant registers as already urbanized, receive European subsidies for this land as well, which is de facto illegal. According to the norm of Art. 248a of the Criminal Code of the Republic of Bulgaria, "whoever, in order to obtain a loan, presents false information, shall be punished by imprisonment for up to 3 (three) years and a fine of BGN 1,000.00 to BGN 5,000.00. The same punishment shall be imposed on anyone who presents false information or withholds information in violation of an obligation to provide such information in order to obtain funds from funds belonging to the European Union or provided by the European Union to the Bulgarian State, which co-finance projects financed with funds from these funds".

For the purposes of the study, an author's survey was conducted on the topic "Problems in legalizing the status of agricultural lands with changed purpose" among 76 people – agricultural producers from the Southwestern Planning Region. The summarized results of the survey are presented below in the presentation.

The survey covers two sections, namely:

### I. Respondent Profile:

#### 1. Gender structure:

- a) women – 32 people or 42.10%;
- b) men – 44 people or 57.90%

**Gender structure**



*Figure 1. Gender structure*

#### 2. Age (ranges):

- a) 20 – 30 years – 22 people or 28.95%;
- b) 31 – 40 years – 28 people or 36.84%;

c) 41 – 50 years – 16 people or 21.05%;  
 d) 51 – 60 years – 10 people or 13.16%.

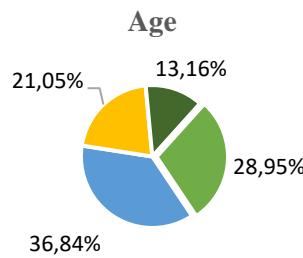


Figure 2. Age

3. Internship as a farmer:

a) up to 5 years – 18 people or 23.68%;  
 b) up to 10 years – 23 people or 30.26%;  
 c) up to 15 years – 19 people or 25.00%;  
 d) over – 15 years – 16 people or 21.06%.

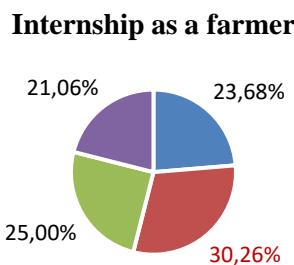


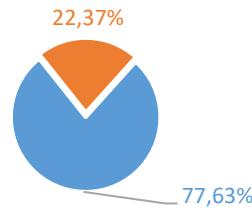
Figure 3. Internship as a farmer

## II. Specialized issues

1. Have you applied for a change of use of agricultural land – your property, for non agricultural needs:

a) yes – 59 people or 77.63%;  
 b) no – 17 people or 22.37%.

**Nove you applied for a change of use of agricultural land – your property, for non-agricultural needs**

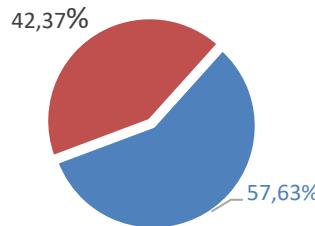


*Figure 4. Have you applied for a change of use of agricultural land – your property, for non-agricultural needs*

2. If your answer to question 1 is “yes”, the area of agricultural land is:

- up to 50 decares – 34 people or 57.63%;
- over 50 decares – 25 people or 42.37%.

**If your answer to question 1 is “yes”, the area of agricultural land is**

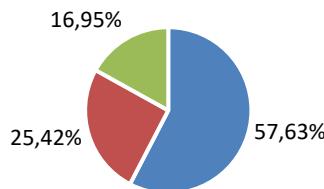


*Figure 5. If your answer to question 1 is “yes”, the area of agricultural land is*

3. The institutions that carried out the change of purpose of your agricultural land are:

- Commission to the Regional Directorate “Agriculture” – 34 people or 57.63%;
- Commission to the Ministry of Agriculture and Food – 15 people or 25.42%;
- The mayor of the municipality (for lands from the municipal land fund) – 10 people or 16.95%.

**The institutions that carried out the change of purpose of your agricultural land are**

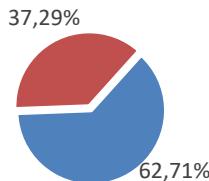


*Figure 6. The institutions that carried out the change of purpose of your agricultural land are*

4. After fulfilling the conditions and providing the documents on your part, did you receive a certificate that would serve as an official recording of the change of agricultural land in the relevant registers:

- a) yes – 37 people or 62.71%;
- b) no – 22 people or 37.29%.

**After fulfilling the conditions and providing the documents on your part, did you receive a certificate that would serve as an official recording of the change of agricultural land in the relevant registers**

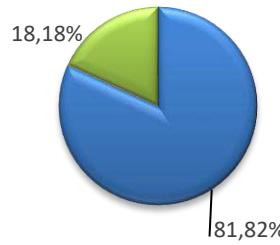


*Figure 7. After fulfilling the conditions and providing the documents on your part, did you receive a certificate that would serve as an official recording of the change in the agricultural land in the relevant registers*

5. If your answer to the previous question is “no”, did you appeal this refusal:

- a) yes – 18 people or 81.82%;
- b) no – 4 people or 18.18%.

**If your answer to the previous question is “no”, did you appeal this refusal**



*Figure 8. If your answer to the previous question is “no”, did you appeal this refusal*

6. If your answer to question № 4 is “yes”, did you, individually, contact the institutions that keep the registers to record the change of purpose:

- yes – 15 people or 40.54%;
- no – 22 people or 59.46%.

**If your answer to question number 4 is “yes”, have you, individually, contacted the institutions that keep the registers to reflect the change of purpose**



*Figure 9. If your answer to question number 4 is “yes”, have you, individually, contacted the institutions that keep the registers to reflect the change of purpose*

7. If your answer to the previous question is “yes”, was the change reflected in a timely manner:

- yes – 8 people or 53.33%;
- no – 7 people or 46.67%.

**If your answer to the previous is “yes”, was the change reflected in a timely manner**

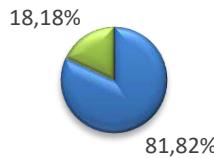


*Figure 10. If your answer to the previous question is "yes", was the change reflected in a timely manner*

8. If your answer to question №6 is “no”, what were your reasons:

- a) this act is the duty of the commission – 18 people or 81.82%;
- b) this act is the result of communication between the municipal administration and the commission – 4 people or 18.18%.

**If your answer to question number 6 is “no”, what were your reasons**

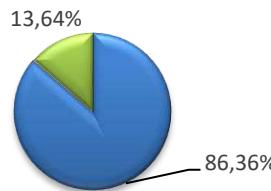


*Figure 11. If your answer to question number 6 is “no”, what were your reasons*

9. If your answer to question № 6 is “no”, you also considered that the change will affect your work:

- a) yes – 19 people or 86.36%;
- b) no – 3 people or 13.64%.

**If your answer to question number 6 is “no”, you have also assessed that the change will be reflected ex officio**



*Figure 12. If your answer to question number 6 is “no”, you have also assessed that the change will be reflected ex officio*

10. Have you found in some cases that your agricultural land has an unchanged status after the change of purpose:

- yes – 29 people or 49.15%;
- no – 30 people or 50.85%.

**Have you found in some cases that your agricultural land has an unchanged status after the change of purpose**



*Figure 13. Have you found in some cases that your agricultural land has an unchanged status after the change of purpose*

## Conclusions

The summarized results from section two of the survey shown in the presentation provide grounds for drawing the following conclusions:

1. The majority of respondents (77.63%) have applied for a change in the purpose of agricultural land, which means that there is an interest in this procedure and legal technology.
2. In terms of the size (area) of agricultural land, the purpose of which is the transformation of land for non-agricultural needs, the share of agricultural

land up to 50 decares is greater – 57.33% versus 42.37% for land over 50 decares.

3. In this regard and in accordance with the regulatory framework, the request for the change of the purpose of the agricultural land was addressed to two institutions – the commission at the regional directorate "Agriculture" – 57.63%, the commission for agricultural lands at the Ministry of Agriculture and Food – 25.42% and the mayor of the respective municipality where the agricultural land is located – 16.95%.
4. With regard to the official recording of the change made in the relevant registers, only 62.71% of the respondents received certificates from the commission, while 37.29% did not receive such a document. In this regard, 81.82% of those who did not receive certificates appealed this act of the commission, and 18.18% preferred not to appeal it.
5. The reflection of the changes in the status of agricultural land and its legalization in the relevant registers is a motive that stimulated 40.54% of the respondents to contact directly the institutions that keep and maintain the registers, but the majority – 59.46%, have not established correspondence with these institutions, most likely, assessing that these changes will be reflected *ex officio*, but according to the responses of the respondents, in 53.33% of them, the change was reflected in the registers in a timely manner, but 46.67% do not have data and information on the legalization of the changed status of agricultural land in the registers.
6. In connection with the above, 49.15% of the respondents answered that upon accessing the registers they found that their agricultural land had an unchanged status after the decision to change its purpose – a problem that was not found in 50.85% of the respondents.

It is necessary to conclude that the legislative framework relating to the timely reflection of the changed status of agricultural land through legalization in the relevant registers has not become a necessary and sustainable practice.

These flaws in the regulatory framework are the cause of violation of other regulatory acts, such as the Environmental Protection Act, when the change in the status of agricultural land was not legalized, but when applying for a change in its purpose, it was tied to investment intentions.

This also hinders the assessment of environmental impact in the context of construction on agricultural territories (Velkovska, G., 2019).

As already indicated in the presentation, as a result of these flaws in the regulatory framework, legal conflicts and contradictory practical situations are created with negative consequences affecting the sustainability of the agricultural sector.

There is an urgent need to refine and improve the regulatory framework regarding the legalization of the changed status of agricultural lands in order to overcome the aforementioned problems.

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