



16-17 November 2023

LEGAL REGULATIONS REGARDING THE RIGHT OF PRE-EMPTION IN AGRICULTURAL LAND SALE-PURCHASE RELATIONS

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Abstract *The right of preemption can be established by law or by contract. This right is enjoyed by someone who is preferred as a buyer before others. The holder of the right of pre-emption, called the pre-emptor, can buy a good with priority. According to art. 1730 paragraph (3) Civil Code.*

• Introduction

The right of preemption can be established by law or by contract. This right is enjoyed by someone who is preferred as a buyer before others. The holder of the right of pre-emption, called the pre-emptor, can buy a good with priority.

• Material and method

The materials used to write this work consist of normative acts and web pages. The methods used are legal, namely the formal method, the comparative method, the logical and sociological method and the analytical method. The use of these methods had the role of carrying out a systematic analysis of the information from the studied sources in order to elaborate the points of view, the results of the research carried out and the conclusions.

• Results and discussions

The right of pre-emption regulated by art. 45 of the Forestry Code Co-owners and neighboring owners of forest land, natural or legal persons, under public or private law, have a right of preemption, in the order provided in art. 1,746 of the Civil Code and under the terms of this law, when purchasing privately owned forest land at the same price and under equal conditions.

Right of pre-emption regulated by Law no. 17/2014 amended by Law no. 175/2020

The alienation by sale of agricultural land located outside the village is done in compliance with the substantive and formal conditions stipulated by Law no. 287/2009 on the Civil Code, republished, with subsequent amendments, and the right of preemption, at the same price and under equal conditions.

For the purposes of this law, a young farmer is a person up to 40 years of age, as defined in art. 2 para. (1) lit. (n) from Regulation (EU) no. 1,305/2013 of the European Parliament and of the Council of December 17, 2013 regarding the support for rural development granted from the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EC) no. 1,698/2005 of the Council, with subsequent amendments, who intend to carry out or carry out agricultural activities

• Conclusions

The right of pre-emption is of major importance for forest fund lands because by prioritizing certain people it protects the totality of forests, lands intended for afforestation, those that serve the needs of culture, production or forestry administration, ponds, stream beds, other lands with forestry and non-productive purposes, included in forestry facilities on January 1, 1990 or included in them later, under the terms of the law, regardless of the nature of the ownership right, the national forest fund.