

## EVOLUTION OF LEGISLATION IN THE AGRICULTURAL FIELD IN ROMANIA IN THE PERIOD 1990-2025

Alexia Anamaria MATEI <sup>1</sup>, Natalia-Mariana LASAC <sup>1</sup>, Dorotheea DUME <sup>1</sup>, Ioana Camelia CHEBELEU <sup>1</sup>

<sup>1</sup>University of Oradea, Faculty of Environmental Protection, Gen. Magheru street, nr. 26, Oradea, Romania

### RESEARCH ARTICLE

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#### Abstract

*This paper analyzes the evolution of agricultural legislation in Romania between 1990 and 2025, focusing on land reforms, alignment with European Union legislation, and new regulations regarding sustainability and digitalization in agriculture. The study is based on the analysis of legislation, government reports, and academic sources. The results highlight the impact of legislative changes on land ownership, farmer financing, and environmental protection, offering an insight into future trends in the Romanian agricultural sector.*

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**Keywords:** legislation, land ownership/land fund, agricultural sector

#Corresponding author: Ioana Camelia CHEBELEU  
chebeleuioanacamelia@yahoo.com

#### INTRODUCTION

After 1990, Romania underwent a significant agrarian reform process, marked by land restitution, privatization of agricultural structures, and alignment with European agricultural policies. Following EU accession in 2007, agricultural legislation was harmonized with the Common Agricultural Policy (CAP), allowing farmers to benefit from subsidies and rural development programs. In recent years, new regulations have focused on sustainability, digitalization, and adaptation to climate change.

The purpose of this paper is to analyze legislative transformations in agriculture and assess their impact on the Romanian agricultural sector. The study includes an analysis of key adopted laws, subsidy policies, and recent environmental protection measures.

#### MATERIALS AND METHODS

The materials used for drafting this paper consist of legal acts and web pages. The methods applied are of a legal nature, including the formal method, the comparative method, the logical method, and the analytical method. The use of these methods aimed to conduct a systematic analysis of information from the studied sources, leading to the formulation of

viewpoints, research findings, and conclusions.

#### RESEARCH RESULTS

Land Reform and Land Privatization (1990-2000)

Law 18/1991 on the Land Fund – Republished[1]

Law no. 18/1991 formed the basis for the restitution of agricultural land to former owners, leading to land fragmentation and difficulties in developing large farms. Known as the Land Fund Law, it is the fundamental legal act that regulates the legal regime of land in Romania. The main objective of the law is to establish and restore private property rights over land, particularly through reconstitution or constitution of these rights for entitled persons.[1]

#### Structure and General Provisions:

The law classifies land according to its purpose, including:  
Agricultural land (arable land, vineyards, orchards);  
Forest land;  
Land permanently covered by water;  
Intravilan land within urban and rural localities;

Special-purpose land (transportation, hydrotechnical constructions).

Landholders are defined as holders of property rights, other real rights, or those who have possession or temporary holding status. The land fund and its associated rights must be recorded in land registry and real estate advertising documents.[2]

### **Reconstitution and Constitution of Property Rights:**

The law provides for the reconstitution of property rights for individuals whose land was taken over by agricultural production cooperatives or the state, as well as their heirs. It also allows for the constitution of property rights for individuals who previously did not have such rights, under certain conditions. Initially, the maximum reconstituted area was 10 hectares per family, but later amendments increased this limit to 50 hectares.[4]

### **Amendments and Updates:**

Since its adoption in 1991, the Land Fund Law has undergone numerous amendments to address changing socio-economic realities. A significant modification was introduced by Law no. 73/2024, which established new rules regarding land funds, adapting legislation to current requirements[10].

### **Importance and Impact:**

Law no. 18/1991 played a crucial role in the restitution and privatization process of land in post-communist Romania. Through its implementation, the law sought to correct the abuses of the communist regime and restore private property rights, significantly impacting land ownership structure and the country's economic development.[1]

Law 1/2000 on the Reconstitution of Property Rights over Agricultural and Forest Land, as Requested under the Provisions of the Land Fund Law No. 18/1991 and Law No. 169/1997

Law no. 1/2000 addressed some issues in previous legislation, allowing for the extension of property rights.[2]

The main objective of Law no. 1/2000 is to reconstitute property rights over agricultural and forest land for individuals and legal entities who were abusively dispossessed during the communist regime.[2] It complements and

clarifies the provisions of the Land Fund Law no. 18/1991 and Law no. 169/1997, establishing detailed procedures and criteria for land restitution.

### **General Provisions:**

Article 3 of the law stipulates that reconstitution of property rights for individuals is granted for the difference between 10 hectares per family and the area taken into the agricultural production cooperative or acquired through special laws, without exceeding 50 hectares per dispossessed owner. If a locality does not have enough land to fully satisfy claims, restitution will be made from available land within the administrative unit or from neighboring communes, subject to county commission approval. If complete restitution is still not possible, compensation will be provided for the unrestituted land area.

### **Restitution of Agricultural Land:**

Article 23 states that representative structures of religious units can obtain property rights over agricultural land they previously owned, within the following limits:

- Eparchial centers: up to 100 hectares;
- Deaneries: up to 50 hectares;
- Monasteries and hermitages: up to 50 hectares;
- Parishes and affiliated churches: up to 10 hectares.

Additionally, pre-university educational institutions with an agricultural or forestry profile, rural primary schools, and public child protection institutions can receive up to 50 hectares of land if they previously owned it.[9]

### **Special Provisions:**

Article 4 regulates the situation of land outside urban areas that was formerly owned by individuals or legal entities and later taken over by the state for hydrotechnical, hydroelectric, hydroamelioration works, mining exploitation, or petroleum operations. In such cases, restitution is carried out through equivalent land areas from the local commission's reserve or, if insufficient, from the private domain of the state in the same locality or other locations agreed upon by former owners. If compensation through

land is not possible, financial compensation will be provided in accordance with the law.[9]

#### **Reconstitution Procedure:**

The law mandates the establishment of local and county land commissions responsible for analyzing restitution requests and proposing appropriate solutions. Eligible persons must submit claims within the legally established timeframe, accompanied by supporting documents proving prior ownership and dispossession.

#### **Amendments and Updates:**

Since its adoption, Law no. 1/2000 has undergone numerous amendments and additions aimed at improving the restitution process and clarifying certain procedural aspects. These include Emergency Ordinance

no. 102/2001 and Law no. 247/2005, which introduced significant modifications in property and justice matters.[3]

#### **Importance and Impact:**

Law no. 1/2000 played a crucial role in the restitution of properties abusively confiscated during the communist period, contributing to the correction of historical injustices and the re-establishment of private property rights. Its implementation had a significant impact on the land ownership structure in Romania and influenced the economic development of rural and forested areas.[2]

Complementarity and Differences Between the Two Previously Analyzed Laws Although both laws share the same general objective – the restitution of property rights – they differ in approach and applicability:

Table 1

**Complementarity and Differences Between the Two Previously Analyzed Laws**

Aspect	Law No. 18/1991	Law No. 1/2000
<b>Main Objective</b>	Establishing the legal regime of land and initiating the restitution process	Extending the restitution process and clarifying the legal status of forest and agricultural land
<b>Scope of Application</b>	All types of land (agricultural, forest, urban, industrial, etc.)	Exclusively agricultural and forest land
<b>Beneficiaries</b>	Individuals dispossessed of land during the communist period and their heirs	Individuals who were unable to claim their land under Law No. 18/1991 or whose cases were rejected for various reasons
<b>Maximum Restituted Area</b>	Initially 10 ha, later extended to 50 ha	The area may exceed 50 ha for forests and agricultural land, depending on supporting documents
<b>Involved Institutions</b>	Local and county land commissions, courts of law	Ministry of Agriculture, Ministry of Environment, National Forest Administration

### Integration into the European Union and Adoption of the Common Agricultural Policy (2000-2007)

Alignment with EU legislation imposed standards on food safety, environmental protection, and the organization of the agricultural market.

The introduction of agricultural subsidies through APIA had a major impact on farmers, stimulating agricultural production.[6]

The National Rural Development Program (PNDR) 2007-2013 supported farm modernization and rural infrastructure.[4]

### Strengthening the Common Agricultural Policy (2007-2020)

European subsidies increased the competitiveness of Romanian farmers, but the distribution of funds favored large farms.

The Agricultural Cooperatives Law was adopted to encourage farmer associations, but its implementation remained limited.

PNDR 2014-2020 supported young farmers and investments in modern technology.[7]

Table 2

Impact of the Strengthening of the Common Agricultural Policy (2007-2020)

Field	Positive Impact	Problems and Challenges
<b>Food Security</b>	The EU maintained a high level of agricultural production and food safety.	Increased production costs for farmers.
<b>Sustainability</b>	Farmers adopted more eco-friendly practices, reducing greenhouse gas emissions.	Excessive bureaucracy in accessing "green" funds.
<b>Farmer Incomes</b>	Subsidies ensured a stable income for farmers.	Disparities between large farms and small-scale farmers.
<b>Competitiveness</b>	European agriculture modernized, increasing productivity.	Global competition intensified, affecting prices.

### Common Agricultural Policy (CAP) Reform 2023-2027

The Common Agricultural Policy (CAP) remains one of the most important policies of the European Union (EU), playing a crucial role in food security, environmental protection, and farmer support. The CAP reform for 2023-2027 introduces significant changes, with a stronger focus on sustainability, flexibility, and fairness.

Main Objectives of the CAP Reform 2023-2027[8]

The new reform is designed to address major challenges such as climate change, biodiversity protection, and support for small and medium-sized farmers. Thus,

CAP 2023-2027 is built around three key objectives:[5]

**A fairer agriculture** → More targeted support for small and medium-sized farms.

**A greener agriculture** → Integration of the European Green Deal and the "Farm to Fork" strategy.[7]

**A more flexible and adaptive agriculture** → Tailored to the specific needs of each member state.

◆ **Major Innovation: National Strategic Plans** → Each member state defines its own priorities and specific measures while aligning with the overall CAP objectives.

Table 3

**Main Changes Introduced by the CAP Reform 2023-2027**

Field	New Changes and Measures
<b>Direct Payments</b>	- Capping and more equitable redistribution to small and medium-sized farms.
<b>Sustainability and Environment</b>	- 25% of the direct payments budget allocated to "eco-schemes" (farmers must adopt eco-friendly practices to receive support).
<b>Rural Development</b>	- At least 35% of rural development funds allocated to ecological and climate measures.
<b>Flexibility for Member States</b>	- Each country establishes its own National Strategic Plan.
<b>Support for Young Farmers</b>	- At least 3% of the CAP budget allocated to young farmers.

**CONCLUSIONS**

The adoption and implementation of Law No. 18/1991 regarding land ownership and Law No. 1/2000 for the restoration of property rights over agricultural and forest land were fundamental steps in the process of restoring private property in post-communist Romania. These two legal acts had a profound impact on agriculture, the rural economy, and the land structure of the country, contributing to repairing the injustices from the communist regime while also ensuring clear regulation of property rights over land.

The evolution of agricultural legislation in Romania reflects the transition from a planned economy to a market economy and integration into European structures. The 1990-2000 period was marked by land restitution and the privatization of state-owned farms, but also by excessive fragmentation of property.

After 2000, the legislation was harmonized with European norms, facilitating farmers' access to subsidies and modernization funds. Currently, the major challenges include adapting to climate change, digitizing agriculture, and implementing new ecological regulations.

For the future, Romania needs to continue reforms to support small farmers,

improve agricultural cooperation, and promote sustainable practices.

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