

Act LV of 1994
on Arable Land

Parliament passes the following Act with the purpose that on the basis of the ownership and use relationships under transformation, market relationships based on private property become determining in agriculture, the operation of the new farming organizations under formation be efficiently assisted by the trade of arable land and by arable land as security of credit extension based on mortgage, that landed properties suitable for pursuing competitive agricultural production come into existence, and the disadvantageous consequences of minimization of landed properties shall not burden the property structure of agriculture, that farmers may pursue undisturbed agricultural production, the diminution of the surface of arable land remain within reasonable boundaries, and the protection of the quality of arable land receive an appropriate legal background:

Chapter I

INTRODUCTORY PROVISIONS

Scope of the Act

Section 1

- (1) The scope of the Act covers all arable lands to be found in the territory of the country.
- (2) The scope of the provisions relating to the utilization of land and protection of arable land covers - if this Act thus provides - also land, which was declared by earlier legal rules as land serving for the placement of building structures, land with special destination or land unsuitable for utilization (land not qualifying as arable land).

Section 2

- (1) This Act defines provisions relating to the acquisition of the ownership right of arable land, and the prohibition of acquisition, to the use, utilization of arable lands (hereinafter: land use, land utilization), the formation of land property plots and land protection.
- (2) The provisions relating to arable land - with the exception of the rules defined in this Act relating to usufructuary lease - shall also apply to lands in the inner area under agricultural or silvicultural cultivation.
- (3) Upon the request of the owner or the land office, the building authority of first instance shall certify whether a land in the inner area under agricultural, silvicultural cultivation qualifies as an established building plot of land, a building site or constructed area.
- (4) The provisions of separate regal rules are governing
 - a) the plantation of forests, their designated purpose, treatment, use, evaluation and liquidation, silviculture, the protection of forests, the payment of fee of compensation and penalty in connection with the change of the branch of cultivation, temporary utilization and withdrawal from production of a forest, and for the protection of the nation's forests;
 - b) the protection of land as an element of the environment.
- (5) The provisions of this Act shall apply to arable lands under nature protection - unless an Act on nature protection provides otherwise.
- (6) Unless a legal rule otherwise provides, the provisions of this Act shall also apply to the protection of the soil of forest areas.

Definitions of Terms

Section 3

For the purposes of this Act

- a) *arable land*: is that plot of land which is registered in the outskirts of a settlement in the land register in the branch of cultivation of plough-land, vineyard, orchard, meadow, reeds and forest or as fish-pond;
- b) *homestead*: is a complex of dwelling and economic buildings, group of buildings built in the outskirts of a settlement with the purpose of agricultural production (plant cultivation and animal husbandry, as well as related processing of products and storage of produces) and of the land belonging thereto under an identical topographical lot number;
- c) *foreign private person*: is a non- Hungarian citizen, except for immigrants or persons recognized as refugees;
- d) *foreign legal entity*: is a legal entity with seat abroad, or the unincorporated organization having such seat;
- e) *soil*: is the living substance of the solid crust of the Earth, the most important quality of which is fertility, it is a conditionally renewing natural resource;
- f) *land in the inner area under agricultural, sylvicultural cultivation*: is a plot of land in the inner area, which is registered in the branch of cultivation of plough-land, vineyard, orchard, garden, meadow, reeds and forest, or as fish-pond until its purposeful utilization (until its formation into a building plot, building area or area in accordance with the National Construction Regulations);
- g) *protection of arable land*: is the protection of the quantity of arable land (hereinafter: land protection) and the protection of quality of arable land (hereinafter: soil protection).

Chapter II

ACQUISITION OF THE OWNERSHIP OF ARABLE LAND

Section 4

For the purposes of this Chapter, the acquisition of the ownership of arable land, including the ownership defined as a ratio, under any title (by any way of acquisition) shall be considered acquisition of ownership, except for the acquisition of ownership by intestate inheritance, adverse possession, building in, expropriation, and in the course of auction with the purpose of compensation.

Acquisition of Ownership by Domestic Private Persons

Section 5

- (1) A domestic private person may acquire the ownership of arable land only up to the measure that arable land of not more than 300 hectares or of the value of 6000 Gold Crowns (hereinafter: GC) be in his ownership.
- (2) When establishing the measure in accordance with subsection (1), the surface of the land withdrawn from cultivation forming one independent real property (plot of land) together with the arable land shall also be taken into consideration.
- (3) When establishing the measure of arable land that may be acquired by a domestic private person, the arable land situated on the territory of a homestead formed as an independent real property (plot of land) with the surface of not more than 6000 m shall be left out of account.
- (4) Private persons may exchange the ownership of arable land existing at the time of the coming into force of this Act for an arable land, whose surface and GC value is not in excess of the surface and GC value of the original arable land.
- (5) The measure of surface and GC value of the arable land

a) purchased from the amount of indemnification received due to the expropriation of the arable land,

b) passing into ownership through the termination of co-ownership of the arable land

existing at the time of the coming into force of this Act may exceed the measure in accordance with subsection (1).

Acquisition of Ownership by Domestic Legal Entities

Section 6

(1) No domestic legal entity and unincorporated organization may - with the exception of the Hungarian State, local governments, forest-owners' and pasture-owners' associations and public foundations - acquire the ownership of arable land.

(2) An ecclesiastic legal entity may acquire ownership of arable land on the basis of will or a contract of donation, support or caring.

Acquisition of Ownership by Foreigners

Section 7

(1) No foreign private person and legal entity may acquire ownership of arable land and protected nature area.

(2) The prohibition in accordance with subsection (1) does not refer to the case when a foreigner acquires the ownership of arable land outside a protected nature area in accordance with Section 5, subsections (3) to (5).

Section 8

A foreigner may acquire ownership of a homestead formed as an independent real property (plot of land) with a surface of not more than 6000 m in accordance with the provisions of separate legal rules pertaining to other real properties not qualifying as arable land.

Control of Acquisition of Ownership

Section 9

A contract violating the restriction of acquisition of ownership shall be null and void. If the acquisition of ownership of arable land or protected nature area took place in a way infringing the restriction of acquisition of ownership defined in this Act or in excess of the permitted measure of acquisition by the entry in the land register, the land office shall proceed in accordance with the rules governing the case of evident invalidity of a deed.

Rights of Pre-emption

Section 10

In case of the sale of arable land or homestead, the usufructuary lessee the métayer tenant and the sharing farmer are entitled to the right of pre-emption. In case of a protected nature area, the Hungarian State is also entitled to the right of pre-emption, which may be exercised by the competent nature protection (National Park) directorate on its behalf preceding the usufructuary lessee, the métayer and the sharing farmer.

Chapter III

USE OF ARABLE LANDS

Rights of Use

Section 11

(1) The rules of the Civil Code (hereinafter: CC) shall apply mutatis mutandis for the usufruct, right of use and land

easement as well as for the inception of the right of use on arable land.

(2) In the course of utilization of arable land by the production of propagation material, the land user shall coordinate his sowing-plans with the neighbouring land user in the interest of keeping the protection distances prescribed in a separate legal rule. Otherwise, the provisions of CC relevant to the law of neighbours shall also apply *mutatis mutandis* in case of arable lands.

Usufructuary Lease of Arable Land

Section 12

Unless this Act otherwise provides, the rules pertaining to usufructuary lease of CC shall apply to the usufructuary lease of arable land.

Duration of Usufructuary Lease

Section 13

(1) Domestic private persons and legal entities or unincorporated organizations may - except for the Hungarian State and the local governments - conclude the contract of usufructuary lease pertaining to arable land for not more than the time period defined in subsections (2) to (4).

(2) The longest duration of a contract of usufructuary lease shall be not more than 10 years, with the exceptions included in subsections (3) and (4).

(3) A contract of usufructuary lease may be concluded for not longer than the end of the fifth year following the expiration of the production period (age of maturity for cutting) for arable lands in the cultivation branch of forest or for the plantation of forests.

(4) For arable lands in the branch of cultivation of vineyard and orchard and those planted with other vegetation, or for the plantation of vineyard, orchard or another plants, the contract of usufructuary lease may be concluded for not longer than the end of that year in which the vineyard, orchard or plantation has any value (period of depreciation write-off).

Section 14

A foreign private person and legal entity may conclude a contract of usufructuary lease for not longer than the duration defined for Hungarians.

Benefit in Payment of Rent

Section 15

(1) If the usufructuary lessee is entitled to a land tax payment benefit for the leased area under the title of damage caused by Act of God (diminution or remittal of land tax), he shall be entitled to a benefit of rent payment in at least the same proportion (diminution or remittal of rent). The usufructuary lessee shall communicate the use and measure of the benefit of rent payment to the lessor within 8 days of receipt of the decision on the granting of the land tax payment benefit.

(2) Until the non-appealable conclusion of the authority procedure directed to the establishment of land tax payment benefit, the rules relating to the belated performance of the obligor shall not apply.

Section 16

The usufructuary lessee shall lose the rent payment benefit, if he fails to communicate his claim to the benefit to the lessor within the deadline in accordance with Section 15 subsection (1).

Section 17

In a year in which not even two-thirds of the average crop has been produced due to an Act of God or another extraordinary event, the usufructuary lessee may claim a reasonable diminution of rent or the remittal of rent even if he has not received any land tax payment benefit, or he cannot avail himself of it. He shall communicate his relevant claim to the lessor already before gathering the crops.

Termination of the Usufructuary Lease by Notice and Cessation Thereof

Section 18

The lessor may terminate the usufructuary lease by notice with immediate effect also in case the lessee

- a) transferred the use of the arable land to another party without the approval of the lessor or in difference from the approval, made investment projects in the arable land in excess of the sphere of ordinary husbandry, or changed the branch of cultivation of the arable land;
- b) he pursues any activity in difference from the legal rules on nature protection or the regulations of the authorities of nature protection, or an activity adversely influencing the substance or condition of the natural area, furthermore, he endangers in any way the subsistence of natural values.

Section 19

- (1) The lessee being a private person may terminate the usufructuary lease by a notice with immediate effect if his health condition deteriorates to such an extent, or such a durable change occurs in his family and life circumstances, which impedes the performance of his obligations arising from the usufructuary lease.
- (2) In the case defined in subsection (1), the lessee may - in lieu of the termination by notice with immediate effect - appoint with the approval of the owner that private person, who shall replace him in the contract of usufructuary lease, and continue the usufructuary lease with unchanged conditions.

Section 20

On cessation of the contract of usufructuary lease, the lessee

- a) may take away the items of equipment and fittings established by him;
- b) may claim the actual value that may be established on cessation of the contract, of the equipment that cannot be taken away, of the vegetation planted by him as well as of the soil protection interventions and installations resulting in the improvement of the quality of the soil;
- c) shall, in the absence of an agreement to the contrary with the lessor, demolish and remove at his own cost without any claim to indemnity, the building structures of temporary nature established by him. In case of the non-performance of this obligation, the demolition or removal may be performed by the lessor at the expenses of the obligor.

Section 21

The ex-lessee shall be entitled to the right of pre-lease for the arable land taken on usufructuary lease, except if the contract of usufructuary lease ceased to exist as a consequence of termination by notice with immediate effect by the lessor.

Magnitude of the Area that May be Taken on Usufructuary Lease

Section 22

- (1) A domestic private person and legal entity or unincorporated organization may - with the exception of the Hungarian State, the local governments and those contained in subsection (2) - take on usufructuary lease an arable land of the surface of not more than 300 hectares or of the value of 6000 GC.
- (2) An economic association and a co-operative may take on usufructuary lease an arable land of the magnitude of

not more than 2,500 hectares or of the value of 50,000 GC. In the course of this restriction, the arable land which is taken by a co-operative on usufructuary lease from its members or by an economic association from its quotaholders shall be left out of consideration.

Section 23

A foreign private person and legal entity may take on usufructuary lease arable land of the magnitude of not more than 300 hectares or of the value of not more than 6000 GC.

Métayage

Section 24

On the basis of a contract of métayage pertaining to arable land, the lessee is entitled to the temporary utilization of arable land and to collecting the proceeds thereof, and is obliged to deliver in kind half or another ratio of the produces produced to the lessor as consideration. With the exception of the provisions relating to the duration of usufructuary lease and the magnitude of the area to be taken on usufructuary lease, the rules pertaining to the usufructuary lease of arable lands shall also be governing for métayage.

Sharing Cultivation

Section 25

(1) On the basis of a contract of sharing cultivation pertaining to arable land, the contracting parties define jointly what they should produce on the arable land given in sharing cultivation, what part the contracting parties should undertake from the different tasks of cultivation of land (preparation of soil, ploughing, sowing, pruning, care of plants, plant protection, harvesting etc.), and in which proportion they shall share from the crop, they define furthermore the rules relating to the bearing of the damage caused by an Act of God or other extraordinary events.

(2) Otherwise, with the exception of the provisions pertaining to the duration of usufructuary lease and of the magnitude of the area that may be taken on usufructuary lease, the rules relating to the usufructuary lease of arable land shall be governing mutatis mutandis with regard to sharing cultivation.

Chapter IV

PROCEDURES REGARDING THE FORMATION OF PLOTS OF LAND PROPERTY

General Arrangement of Land Properties

Section 26

(1) In the interest of the better adjustment of the conditions of production to the natural features, of the formation of more favourable arable land sizes, and of family lands that may be cultivated jointly, a land redistribution procedure shall be proceeded with extending to the area of the locality or a part thereof that may be separated with natural boundaries, by integrating the owners' separated arable lands in the outskirts. The procedure of general redistribution of lands shall be governed by the provisions of a separate Act.

(2) Until the coming into force of the separate Act, in the interest of the realization of the aims mentioned in subsection (1), a voluntary exchange of lands may be initiated with the purpose of integrating land properties.

Voluntary Exchange of Lands with the Purpose of Integrating Land Properties

Section 27

(1) A voluntary exchange of lands may be proceeded with in the interest of integration of the dispersed lands of the owner in the framework of a rapid and simple procedure. If the owner exchanges his arable land not with the purpose of integration of lands, or if the exchange does not directly result in the integration of lands, the exchange of lands shall be considered an exchange in accordance with the rules contained in Section 378 of CC.

(2) The organization of voluntary exchange of lands simultaneously concerning several arable lands located dispersively belonging to several owners may also be initiated with the land office.

(3) In the course of the voluntary exchange of lands organized by the land office, the exchange of the lands shall be made with the approval of the participants (exchange partners).

Section 28

(1) If the voluntary exchange of lands with the purpose of integration of the arable lands of one owner into a single land concerns several land parts located dispersively belonging to several owners, the owners and other interested parties wishing to exchange may jointly request the land office to organize the voluntary exchange of lands. The organization of voluntary exchange of lands may be requested at any land office, on whose area of competence any one of the lands to be exchanged is located.

(2) On the occasion of the entry in the land register necessary on the basis of the agreement on voluntary exchange of lands, the land office certifies on the deed that the exchange of lands served the purpose of integration of lands.

Section 29

The land office informs the interested parties about the institution of the procedure regarding the voluntary exchange of lands. In this, the land office communicates the land parts available for the purpose of exchange indicating them by topographical lot numbers, with the simultaneous indication of the names and addresses of the participants (owners). The notice has to contain a call, with the indication of the deadline, for the interested parties to make their final offers and/or make their offers made in their previous request more specific in the knowledge of the land parts indicated in the decision and of the concrete owners, and to provide for the preparation of the necessary agreements relating to the exchange of lands, or for having them prepared.

Section 30

(1) Upon the request of the interested parties, the land office shall, do the work of land survey relating to the voluntary exchange of lands, against payment of fee, and transfer the exchanged territories to the possession of the owners.

(2) In the agreement relating to the voluntary exchange of lands, the participants have to summarize documentarily the new legal situation of the land parts which would be the result of the exchange, the value settlement, if any, offered by the owners relating to the land parts to be exchanged, and the agreements on other questions concluded between the exchange partners.

Section 31

(1) In case of the exchange of arable lands of different values, the value difference as well as the countervalue of the building structures and other investment projects, vegetation on the land, as well as that of the agricultural work done in the current economic year are to be refunded.

(2) The refund of the countervalue may be made in cash, as well as with any item of property, or in a mixed way (in cash and with a property item).

Section 32

The voluntary exchange of lands shall not be impeded by land easement, the right of use providing for the placement of land survey marks, cabling, water conduction rights and mine easement as well as any other right of use in the public interest subsisting on the arable land.

Section 33

In case of prohibition of alienation and encumbering, usufructuary right, right of support and life annuity subsisting on the arable land, the land may only be involved in the voluntary exchange of lands with the approval of the obligee of the prohibition or right.

Section 34

The following shall be considered participants in the procedure aimed at the voluntary exchange of lands:

- a) the owners of the arable land involved in the procedure, furthermore, the owners of buildings and building structures located on the land part, if they are persons different from the owner of the land part;
- b) with regard to the land parts affected by the exchange, over and above the owners of the arable land, those obligees, to whose benefit or in whose interest any right or fact was recorded in the land register, and those further obligees as well, who are entitled to the possession and use of the land part due to their right of usufruct or another right of use.

Section 35

- (1) If the consent of a third party or the approval of the authority is necessary for the validity of the declaration of agreement relating to the voluntary exchange of lands, that is to be obtained also in the procedure organized by the land office.
- (2) The voluntary exchange of lands shall not exclude the realization of the general redistribution of lands that may be proceeded with later on in accordance with the separate legal rules.

Chapter V

UTILIZATION AND PROTECTION OF ARABLE LAND

Utilization, Secondary Utilization, Re-utilization

Section 36

- (1) The user shall - according to his option - utilize the arable land with production in accordance with its branch of cultivation or to meet - without pursuing production - the regulations of soil protection (obligation of utilization). The state may - with indemnification - order that the user meet his obligation of utilization without the pursuance of production (suspension of the obligation of utilization).
- (2) The following may be done with the licence of the authorities:
 - a) depart temporarily or definitively from the utilization of arable land as defined in subsection (1) in such a way that it becomes unsuitable for further agricultural utilization;
 - b) draw a land in the outskirts into the inner area;
 - c) utilize a land in the inner area under agricultural cultivation in accordance with its purpose;
 - d) plant a protection forest not in the nature of soil protection forest (hereinafter together: utilization for other purposes).
- (3) For melioration resulting in the change of the branch of cultivation of arable land, the opinion of the land office shall be obtained already at the planning stage.

Section 37

The elements of the landscape determining its morphological and local climatic character, thus especially the reliefs and the characteristic surface formations, the natural water surfaces, the reeds and watery living areas (seas, water-courses, dead streambeds, sources), the natural vegetation of areas with unfavourable features for agricultural production, the values of landscape with cultural or historical importance (tumuluses, earthworks, ruin fields etc.) shall be preserved in the course of the utilization of arable land, the preparation and implementation of melioration plans, as well as the pursuance of other activities.

Section 38

(1) If the utilization for other purposes of arable land was licensed, the land user shall perform its obligation of utilization in accordance with Section 36, subsection (1) until the commencement of the licensed utilization of the land (temporary utilization).

(2) The user shall regularly provide for caring for the vegetation on the land not qualifying as arable land, if this does not impede or restrict the utilization of the area corresponding to the utilization of the land for other purposes (secondary utilization).

Section 39

(1) After the termination of utilization for other purposes the user shall make the area suitable for agricultural or silvicultural cultivation and to provide for the utilization thereof (re-utilization).

(2) The user shall report to the land office the termination of the utilization for other purposes. The plan prepared for the works to be done in the interest of re-utilization shall be enclosed to the report.

(3) The plan prepared for the re-utilization of an area withdrawn from cultivation shall be - with the exception of mine areas - approved by the land office, and it shall, in its decision on this issue

a) establish the aim of the re-utilization, as well as

b) prescribe the obligations of the land user in the interest of re-utilization.

(4) The plan shall be approved

a) by the county land office, if the area suitable for re-utilization extends to the territory of competence of several land offices,

b) by the Budapest or county land office (hereinafter together: county land office) concerned by the largest area, if the area suitable for re-utilization lies in several counties.

Section 40

If, after the termination of the utilization for other purposes, the utilization of the land being in state property and made suitable for agricultural production does not belong within the scope of activities of the user, and nobody else undertakes utilization, the local government of the settlement competent in accordance with the location of the arable land may acquire ownership of the arable land free of charge.

Change of the Branch of Cultivation

Section 41

Change of the branch of cultivation is to be reported - in accordance with the provisions of the relevant separate legal rule - to the land office.

Section 42

(1) For the change of the branch of cultivation of arable land under nature protection, the permission of the nature protection authority shall be obtained, and it shall be enclosed in the report to the land office on the change of the branch of cultivation.

(2) In case of change of the branch of cultivation of arable land without the permission prescribed in subsection (1) or in difference from the permission, the land user shall restore the area into the branch of cultivation in accordance with the land register, and pay the prescribed land protection fine.

(3) The decision establishing the obligation of the restoration of the branch of cultivation in accordance with the land register shall be passed by the land office upon the request of the nature protection authority.

(4) Taking into account the standpoint of the nature protection authority, the land office may grant exemption, upon

request, from the obligation to restore the branch of cultivation in accordance with the land register.

Section 43

The land office shall regularly control compliance with the obligations regarding utilization, including temporary and secondary utilization.

Utilization of Arable Land for Other Purposes

Section 44

- (1) Arable land may be used for an investment project accompanied by utilization for other purposes only exceptionally, primarily by the use of arable land of poorer quality.
- (2) Vineyards, orchards, areas equipped for irrigation and meliorated areas as well as arable lands of better than average quality may only be used in particularly justified cases, for the purposes of territorially fixed investment projects. For the purpose of waste depots, areas either unsuitable for agricultural cultivation or of poor quality shall be designated, in compliance with the requirements of environmental protection.
- (3) Use shall be restricted to the smallest area corresponding to justified need.
- (4) Areas to be utilized as inner areas according to the settlement plan of the locality shall be drawn into the inner area continuously, depending on the implementation of the arrangement plan.
- (5) Utilization of arable land for other purposes may be temporary or definitive.

Section 45

- (1) Temporary utilization of arable land for other purposes may only be licensed for a definite period, at most on one occasion for not more than five years. After the expiration of the term, the user shall restore on the arable land temporarily utilized for other purposes the previous state fixed in the land register, and make the arable land suitable for agricultural or silvicultural production (hereinafter: restoration of the original state).
- (2) If, due to the utilization for other purposes, the area concerned becomes unsuitable in at least one economic year for agricultural or silvicultural production, the utilization for other purposes shall qualify temporary.
- (3) Temporary utilization may be licensed, if the plan prepared for the restoration of the original state of the area is enclosed in the application, and the plan contains proposals for the implementation of the works necessary for restoration.
- (4) Such exercise of the right of use ensuring the placement of electric equipment, cabling, water conduction rights and right of mine easement which does not allow the continuance of production and/or the compliance with the regulations of soil protection shall be considered as temporary utilization. The obligee shall report this fact within eight days of commencement of the exercise of the right to the land office. In case of failure of report, in addition to the land protection contribution, the threefold sum of the land protection contribution shall be paid as land protection fine.

Licensing of Utilization for Other Purposes

Section 46

- (1) Utilization of arable land for other purposes shall be licensed by the land office competent in the area.
- (2) If the application for licensing the utilization for other purposes relates to arable land located on the areas of competence of several land offices, the application shall be judged by the county land office. And if the area concerned is located on the area of several counties, the application shall be judged - after a preliminary conciliation - also by the county land offices in accordance with their territorial competences.
- (3) In the case defined in subsection (2), the application shall be submitted to each land office concerned

simultaneously, and reference shall be made therein to the land offices concerned in this way.

(4) Utilization for other purposes connected with the provision of home defence or law enforcement tasks, shall be governed by the provisions of a separate legal rule.

Section 47

(1) The application shall contain the full area requirement necessary for the utilization for other purposes.

(2) In case of investment project, several places (alternatives) shall be indicated, with the exception of territorially fixed investment projects and of snow-shield forest belts. For the purposes of this provision, the following shall be considered as territorially fixed investment projects: extension of existing facilities, the construction of the traffic and public utilities connections thereof, as well as mine lands and the facilities necessary for the exploitation of other natural resources.

(3) A copy of the land survey basic map indicating the area planned to be utilized for other purposes and the area survey data belonging thereto shall be enclosed in the application.

Section 48

(1) The land office shall decide on licensing utilization for other purposes on the basis of on-the-spot examination, or it makes a proposal to the county land office entitled to licensing.

(2) The licensing authority may - in a justified case - oblige the user to do the works necessary for the protection of arable land.

Section 49

The permission issued for the utilization of arable land for other purposes shall cease to have effect, if this utilization has not been commenced for five years.

Utilization for Other Purposes without Permission

Section 50

(1) The arable land utilized for other purposes without permission shall be restored to its original state.

(2) The following shall qualify as utilization of arable land without permission:

a) if, when commencing utilization for other purposes the licensing has not yet taken place, or the time defined in the permission for the utilization for other purposes has already lapsed;

b) if the user continues temporary utilization over the time defined in the permission.

(3) If in connection with the utilization of the arable land for other purposes, the restoration of the original state was ordered, or the user has received exemption therefrom, the land protection fine and the land protection contribution for the temporary or definitive utilization of arable land for other purposes shall be paid.

Section 51

(1) Restoration of the original state shall be ordered by the land office, also setting a deadline.

(2) The obligor shall report the implementation of the restoration to the land office. On the basis of the report the land office shall proceed with a local inspection, and pass a decision on the acceptance of the restoration, and simultaneously, it decides on the issue of the land protection contribution and fine payable, or prescribes the implementation of further works necessary in the interest of restoration, by setting a new deadline.

(3) Upon request - in justified cases - the Ministry of Agriculture (hereinafter: Ministry) may give dispensation from the obligation of restoration to the original state, in such cases it simultaneously provides for the land protection contribution and fine to be paid.

Land Protection Contribution

Section 52

(1) In case of utilization of arable land for other purposes, a one-time land protection contribution shall be paid.

(2) Measure of the land protection contribution is contained in *Schedule No. 1* to the Act.

(3) No land protection contribution shall be paid if the land is utilized on the basis of and in accordance with permission for the purposes of

a) facilities serving soil protection,

b) protecting forest serving soil protection,

c) irrigation canal and inland water canal,

d) facilities of public utilities, potable water and sewage, and their protecting area;

e) residential area and public domain in the inner area;

f) establishment of dwelling and farm-buildings necessary for justified permanent residence and agricultural production in the farming (homestead, farm) area defined by the local government of the locality,

g) natural area protected with priority,

h) investment project for nature protection and for utilization for nature protection.

(4) The following shall qualify as facilities serving soil protection defined in subsection (3), paragraph a): works, facilities scheduled in melioration plans, as well as the establishment of canal and water-course serving the conduction of detrimental inland waters.

Section 53

(1) The amount of the contribution shall be fixed in the decision licensing utilization for other purposes.

(2) In case of utilization without permission, the land protection contribution shall be fixed in the decision accepting the restoration of the original state or in the decision giving dispensation from the obligation of restoration.

(3) The person using the arable land shall be obliged to pay the contribution.

(4) Payment of the full amount of the contribution shall be due

a) on the day of commencement of implementation in case of investment projects,

b) within thirty days of becoming non-appealable of the licensing decision or of the decision accepting restoration of the original state or giving dispensation from the obligation of restoration, in case of utilization licensed definitively for other purposes or in case of utilization without permission,

c) In case of temporary utilization, until the lapse of the time defined for the restoration of the original state in the licensing decision.

(5) If utilization for other purposes is realized on a smaller area than licensed, the difference in contribution shall be repaid upon request to the debit of the Land Protection Fund within five years of the date when the payment of contribution became due.

Section 54

(1) Half of the land protection contribution shall be paid, if the arable land is utilized on the basis of and in

accordance with the permission for

- a) the implementation of an investment project connected with agricultural activities,
- b) the establishment of a reservoir also suitable for fish-breeding,
- c) the establishment or renewal of flood-prevention dam, also serving agricultural interests.

(2) The land protection contribution increased by fifty per cent shall be paid if vineyard, orchard qualified as goods producing in accordance with a separate legal rule, or an arable land equipped for irrigation or with soil protecting facilities are utilized for other purposes.

Land Protection Fine

Section 55

- (1) A land protection fine shall be paid by the person who, attributably,
- a) omits an obligation related to the utilization of arable land or the temporary, secondary utilization or re-utilization,
 - b) following temporary utilization makes the arable land suitable for production as an arable land of a lower quality class than the quality class defined in the land register or makes it suitable for production after the lapse of the deadline defined in the decision;
 - c) changes the branch of cultivation of an area under nature protection without permission or in difference from the permission;
 - d) utilizes arable land without permission for other purposes, or in difference from the provisions thereof;

(2) The land protection fine may be inflicted repeatedly, except for the case of dispensation from the obligation of restoration of the branch of cultivation of arable land in accordance with the land register or from the obligation of restoration of the original state of arable land utilized for other purposes.

Section 56

- (1) The measure of the land protection fine is contained in *Schedule No. 2* to the Act.
- (2) The land protection fine shall be paid within thirty days from the decision inflicting it becoming non-appealable.
- (3) No exemption may be given from the payment of the land protection contribution and the land protection fine, and payment by instalments or other benefit may not be licensed either.

Organs Acting in Matters Related to Arable Lands

Section 57

Unless this Act and other legal rules otherwise provide, the following land authorities shall act in the matters related to arable lands:

- a) in the first instance, the district land office competent according to the location of the arable land,
- b) in the second instance, the county land office.

Chapter VI

PROTECTION OF THE SOIL

Purpose of Soil Protection

Section 58

The purpose of soil protection is the protection of the fertility and quality of the arable land, prevention of its physical, chemical and biological deterioration. The protection of the soil is the common task of the state and the land user, and that of the investor and operator.

Section 59

(1) The protection of the soil shall be ensured by approved professional soil protecting cultivating processes, soil protection interventions and facilities, suitable for the prevention of water and wind erosion endangering the quality of arable land (hereinafter together: erosion), extreme states of water balance, interventions, processes causing sodification, acidification and other physical, chemical and biological deterioration or pollution, as well as for the maintenance of the fertility of soil.

(2) Soil protection shall be directly implemented by the land user.

Responsibilities of the State

Section 60

(1) The state develops and operates the system of keeping record of soils in accordance with quality, in the form of soil maps and other information data bases. It operates a measurement, observation, control and information system for continuously monitoring the quality changes of soils.

(2) On the basis of the experiences of measurements, observations and controls, the state provides for a national legal, economic and technical regulation and/or interest system preventing the unfavourable development of the quality of arable land.

(3) The state supports, in a way defined in a separate legal rule, the activity related to the prevention of quality deterioration and/or the maintenance of quality of arable land.

(4) The state defines the national conception of soil protection and the related long and medium term action programme, it provides for the preparation of plans containing national and regional soil protection responsibilities, for the scheduling of tasks as well as for the propagation of environment-friendly technologies, processes preventing quality deterioration of arable land, and the organization and support of related research and development activities.

(5) The state provides for the tasks resulting from international agreements related to soil protection.

(6) For providing for licensing and authority tasks related to soil protection, the state operates a soil protection authority.

(7) The Ministry provides for the state responsibilities related to soil protection with the co-operation of the Ministry of Environmental Protection and Regional Development, through the fitosanitary and soil protection stations (hereinafter: soil protection authority).

Responsibilities of the Land User

Section 61

The land user shall, adjusting itself to the ecological features of the land, pursue such land protecting type of farming based on the harmonization of land utilization, propagation technology and soil protection interventions, which takes also into consideration the requirements of nature protection, environmental protection, water protection, public hygiene and veterinary requirements defined in separate legal rules.

Section 62

(1) In an eroded or erosion prone area, the land user shall

a) cultivate plants which serve well the soil coverage on ploughlands exposed to soil decay through erosion, and/or plant a soil protection forest belt, if necessary, and apply a cultivation method, which promotes the absorption into

the soil of precipitation waters, give special care in pasture areas to soil preserving pasturing methods and restore the grass cover by renewing it, when it does not meet the requirements of soil protection;

b) on areas endangered due to the cultivation branch or cultivation method not corresponding to the geographical, soil and precipitation conditions, change the cultivation branch or cultivation method in such a way that it should ensure an increased degree of soil protection against erosion;

c) in areas, where the soil cannot be duly protected against erosion by cultivation methods, by professionally approved territorial placement of the cultivated lands, by the plantation of grass, bush and forest belts, apply soil protection interventions and build structures defined in an implementation plan based on a pedological expert opinion.

(2) In soils sour or inclined to souring

a) artificial fertilizers or manure of no souring effect shall be spread out, or the artificial fertilizer of souring effect shall be complemented by adequate liming;

b) for the replenishment of the quantity of calcium that was extracted by the plants, and was removed through lixiviation, furthermore, in order to neutralize the atmospheric precipitation of souring effect, liming shall be carried out on the basis of a pedological expert opinion.

(3) On sodic soils or soils prone to sodification

a) such water management shall be exercised and irrigating water of such quality shall be applied, which shall not induce secondary sodification;

b) soil improvement against sodification shall be implemented on the basis of a pedological expert opinion.

(4) The application of a pedological expert opinion is necessary furthermore for the

a) improvement of sand soils,

b) landscape arrangement,

c) subsoiling, if this is justified by the soil conditions, and

d) irrigation.

Section 63

(1) In case of licensing the regulation of permanent extreme water balance situations evinced in the soil and endangering the quality of the soil, by water regulation or irrigating operations, the preparation of implementation plans based on a pedological expert opinion is necessary.

(2) The professionally approved operation and maintenance of establishments serving for soil protection and the preservation of ground formations providing protection against water erosion shall be secured.

Section 64

Land users shall provide for the preservation of the humic fertile layer of the soil, for the maintenance of its contents of organic materials, as well as for the exercising of environment friendly nutriment management based on examination, taking into consideration - in case of utilization of artificial fertilizers - the nutritive material production of the soil and the nutritive material demand of the cultivated plants.

Section 65

In case of the division or integration of arable lands, such procedures shall be applied which do not impair but even improve the conditions of soil protecting husbandry.

Section 66

(1) In order to prevent the pollution of the soil, the land user shall protect - in the course of land use - the arable land from materials foreign to the soil and impairing the quality thereof.

(2) A pedological expert opinion shall be prepared and the contents thereof shall be followed

a) in case of the placement of sewage water, sewage sludge and other non-dangerous wastes on the arable land, furthermore,

b) for spreading out thin liquid dung.

(3) The crop increasing materials subject to licence may be applied on the basis of the contents of licences for distribution defined in a separate legal rule.

Section 67

For the soil protecting technical installations, the land user may only apply products and materials qualified or standardized from the aspect of soil protection.

Section 68

(1) The land user shall preserve the documentation of each intervention and activity connected with the protection of soil, furthermore, he shall keep a plot registry in accordance with a separate legal rule.

(2) Activities and events endangering the quality of arable land shall be reported to the soil protection authority.

Section 69

(1) The land user shall

a) obtain permission for the implementation of all tasks of soil protection - except for those contained in Section 63, subsection (1) -, for which this Act prescribes the preparation of a pedological expert opinion or implementation plan,

b) obtain specialized authority's approval for the procedure defined in Section 63, subsection (1)

from the soil protection authority.

(2) For licensing the activity defined in Section 66, subsection (2) paragraph a), the land user shall obtain the approval of the specialized authority for public health and veterinary hygiene, environmental protection and water management competent for the region, as well as that of the notary of the locality's local government.

Obligations Related to Investment Projects, Operation, and Utilization of Arable Land for Other Purposes

Section 70

(1) Investment projects on arable land (industrial, agricultural, locality development, communication, water management, depositing and others) shall be planned in such a way that the placement of the facilities shall not deteriorate the conditions of soil protecting farming in the surrounding areas. In the course of the implementation of investment projects the investor, in the course of operation the operator, shall provide for saving the surface soil. In the course of implementation and operation it shall be ensured that the environmental effects shall not cause any damage in the quality of the arable land concerned.

(2) The special authority's approval of the soil protection authority is necessary for

a) licensing the implementation and operation of investment projects in accordance with subsection (1),

b) the plan prepared for the re-utilization of arable land to be utilized or utilized temporarily for other purposes.

The Soil Protection Authority and its Responsibilities

Section 71

- (1) The responsibilities of soil protection authority defined in this Act are fulfilled by
- a) the soil protection supervisor charged by the head of the soil protection authority, or
 - b) the head of the soil protection authority.
- (2) In matters under the competence of the soil protection authority, the superior authority is
- a) in case of the soil protection supervisor, the head of the soil protection authority,
 - b) in case of the head of the soil protection authority, the Ministry.

Section 72

- (1) Upon the request of the land user or the investor, the soil protection authority shall issue licenses or specialized authority's approval in the cases defined in Sections 69 and 70, on the basis of the pedological expert opinions and/or implementation plans enclosed by them. The substantive and formal requirements of pedological expert opinions and implementation plans are contained in a separate legal rule.
- (2) The several professional requirements of soil protection are contained in the standards and technical directives in force, and/or they shall be defined by the Minister of Agriculture in separate legal rules.

Section 73

The soil protection authority shall issue, upon the request of the owner or land user, a certificate (verification) on the meeting of the requirements of soil protection.

Section 74

The soil protection authority controls

- a) the fulfilment of the obligations of soil protection defined in Sections 61 to 70,
- b) the existence of permissions, specialized authority's approvals prescribed in Sections 69 and 70, as well as the compliance with the soil protection requirements contained therein, and
- c) in case of the restoration of arable land withdrawn without permission from production, the compliance with the requirements of soil protection.

Section 75

- (1) In the course of controls defined in Section 74 of this Act, the soil protection authority orders, in case of infringement of the obligations or of the provisions contained in the permissions and specialized authority's approvals, after a preliminary notice,
- a) cessation of the activities causing deterioration of the quality of arable land, elimination of sources of pollution,
 - b) implementation of maintenance works of facilities and interventions serving the protection of soil,
 - c) suspension of the use of non-qualified or non-standardized soil protection materials or products.
- (2) The appeal lodged against the decision ordered in accordance with subsection (1), paragraph b) has no delatory effect on execution.
- (3) In case of subsection (1), paragraphs b) and c), the soil protection authority shall initiate the refund of utilized state subsidies.

(4) The soil protection authority shall inform out of turn the authority of environmental protection competent for the area, of the soil polluting activity coming within the competence of the authority of environmental protection.

Section 76

The soil protection authority shall regularly provide professional information to the land users and investors with the purpose of compliance with soil protection obligations, as well as the promotion of soil protecting farming and the prevention of the quality deterioration of soils.

Soil Protection Fine

Section 77

In case of the attributable serious infringement of soil protection obligations and/or requirements, the soil protection authority shall inflict, in the measure defined in *Schedule No. 3* to the Act, soil protection fine against the land user, the investor, or another person causing damage.

Section 78

(1) Payment of the soil protection fine does not exempt from responsibility for contravention and may be inflicted repeatedly in case of continuous infringement of soil protection requirements.

(2) The land protection fine shall be paid within thirty days of the inflicting decision becoming non-appealable, to the account of the Land Protection Fund established by a separate legal rule.

(3) No exemption may be granted from payment of the soil protection fine, and no payment by instalments or any other benefit may be licensed.

Chapter VII

COMING INTO FORCE, TRANSITIONAL AND CLOSING PROVISIONS

Coming into Force

Section 79

This Act comes into force on the 30th day of its promulgation; however, pending procedures shall be concluded in accordance with the previous provisions.

Section 80

The following shall cease to have effect simultaneously with the coming into force of this Act:

- a) Act I of 1987 on Land;
- b) Act XIX of 1989 on the Amendment of Act I of 1987 on Land;
- c) Act XXI of 1989 on the Amendment of Act I of 1987 on Land, as amended by Act XIX of 1989;
- d) Act IX of 1990 on the Amendment of Certain Provisions of Act I of 1987 on Land and of Act III of 1987 on Agricultural Co-operatives;
- e) Act XXXVIII of 1990 on the Amendment of Certain Provisions of Act I of 1987 on Land and of Act III of 1967 on Agricultural Co-operatives;
- f) Section 38 of Act XX of 1991 on the Spheres of Responsibilities and Competence of Local Governments and Organs thereof, of the Republic's Commissioners as well as of Certain Organs with Central Subordination;
- g) Section 15, subsection (3) of Act LXXV of 1991 on the World Expo to be Organized in 1996;

h) Section 28, subsection (2) of Act LXXXVIII of 1992 on Agricultural Funds;

i) Section 95, subsection (7) of Act LXXVIII of 1993 on Certain Rules Relating to the Lease of Flats and Premises, as well as the Alienation thereof.

Section 81

(1) Section 16, subsection (1) of Act XCIII of 1990 on Duties (hereinafter: Duties Act, DA) shall be complemented by the following paragraph h):

(The following are exempt from inheritance duty:)

"h) acquisition of property by the heir, if he acquires property rights free of charge for arable land or for the property ratio thereof, on the basis of a declaration made by the co-heirs either in the life-time of the estate-leaver or after the opening of the inheritance."

(2) Section 26, subsection (1) of DA shall be complemented by the following paragraph n):

(The following are exempt from duty on onerous transfer of property:)

"n) acquisition of property of arable land based on an agreement concluded in the framework of voluntary land exchange with the purpose of integration of lands."

(3) Paragraph 6 of title XVI of the Schedule to the DA shall be complemented by the following paragraph g):

"g) entry in the land register of change in owners based on an agreement concluded in the framework of a voluntary land exchange with the purpose of integration of lands."

(4) Section 19, paragraph a) of Act XXIV of 1988 on Investments of Foreigners in Hungary shall be replaced by the following provisions:

(The company)

"a) may acquire ownership as well as other rights for the real property necessary for its economic activity defined in the articles of association (statutes), except for arable land and protected nature area."

(5) For the purposes of Section 23, subsections (2) and (3) Act XXV of 1991 on the Partial Compensation for the Damages Caused Unjustly by the State in the Property of Citizens, with the Purpose of the Settlement of Property Relations,

a) it shall not qualify as withdrawal from agricultural production, if the arable land or a part thereof is used for the establishment of dwelling and farm buildings, building structures necessary for justifiable permanent residence and agricultural production on the economic area defined by the local government of the locality (homestead, farm);

b) the voluntary exchange of lands with the purpose of integration of lands shall not qualify as alienation.

Transitional Rules Relating to State Property and the Acquisition of Ownership by Foreigners

Section 82

Through its organs exercising owners' rights, the state gives - in accordance with the provisions of legal rules - real properties in its possession into administration, and it withdraws the right of administration.

Section 83

(1) A real property owned by the state may be administered by a state organ.

(2) Acquisition of the right of administration is accomplished through the decision of the organ exercising owners' rights, or through the decision of an authority, by an agreement with the administrator or by the acquisition of

ownership for the state.

(3) Entry in the land register is also necessary for the acquisition of the right of administration, except for the case when it is based on the decision of the organ exercising owners' rights, or the decision of the authority.

(4) Unless a legal rule provides otherwise, the administrator is entitled to the owners' rights, and is burdened by the owner's obligations.

Section 84

(1) In the cases defined in a legal rule, the state-owned real property may also have several administrators; in this case the rules of co-ownership shall apply *mutatis mutandis*.

(2) Administration of state-owned land and the building structure located on it may be divided.

Section 85

(1) On the basis of a written agreement, the administrator may transfer its right of administration against consideration or free of charge to another organ entitled to the administration of the real property.

(2) Within the framework of the legal rules, the administrator may let on lease, on usufructuary lease or transfer the use of, the real property in its administration.

(3) Unless a legal rule provides otherwise, the administrator may not encumber the real property in its administration.

Section 86

(1) The right of administration ceases to exist, if

a) the administrator transfers the ownership or the right of administration of the real property;

b) in a case defined in a legal rule, it is withdrawn by an authority's decision;

c) the right of administration is withdrawn by the organ exercising the ownership right in the interest of termination or reorganization of the administrator, or by the Commissioner of the Republic in the interest of providing area for the World Expo.

(2) Unless a legal rule provides otherwise, in case of withdrawal of the right of administration by authority's decision, the administrator is entitled to indemnity for its right of administration. No indemnity is due for the right of administration, if it was withdrawn on the basis of subsection (1), paragraph c).

(3) The indemnity shall be established in the decision on the withdrawal of the right of administration.

(4) Withdrawal of the right of administration of a real property administered by a state organ may take place, if the state organs concerned could not agree on the transfer of the right of administration, and founder's rights over them are not exercised by the same organ.

(5) In the case defined in subsection (4), the procedure regarding the withdrawal of the right of administration and the appointment of the new administrator shall be conducted by the Commissioner of the Republic competent in accordance with the location of the real property.

(6) The amount of the indemnity due for the withdrawal of the right of administration shall be established by the application of the rules relating to indemnity for expropriation.

(7) No legal remedy lies against the decision of the Commissioner of the Republic through the channels of state administration. Review of the decision may be applied for from the court within thirty days of communication of the decision, alleging the infringement of a legal rule.

Section 87

(1) For the purposes of the transitional rules relating to the right of administration, real properties are the land as well as the complex formed of the land and the building or other building structure located thereon. The transitional rules relating to the right of administration shall apply until the coming into force of the separate Act pertaining to the property of the Treasury.

(2) The provisions of the relevant separate legal rules shall apply to the real properties belonging to the sphere of the state's entrepreneurial property.

Section 88

(1) Unless a legal rule provides otherwise, a foreign legal entity or private person may acquire ownership of another real property not qualifying as arable land, protected nature area by way of sale, exchange or donation with the previous permission of the Ministry of Finance.

(2) Acquisition of property by a diplomatic, consular representation or international organization shall be licensed by the Ministry of Finance with the previous agreement of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs grants its agreement for the acquisition of real property on the basis of an international treaty or reciprocity.

(3) For the purposes of subsection (1), land not qualifying as arable land, or as protected nature area, the complex formed of such land and the building or building structure located on it, as well as the homestead shall be other real property not qualifying as arable land.

Section 89

Where a legal rule contains provisions relating to closed garden, there land in the outskirts shall be understood by closed garden in the future.

Section 90

(1) The Government is hereby authorized to establish by a Decree

- a) the rules necessary for the execution of this Act in connection with state-owned real properties,
- b) the rules in connection with the acquisition of ownership by foreigners pertaining to real estates not qualifying as arable land.

(2) The Minister of Agriculture is hereby authorized to establish by Decree the rules relating to the measure and enforcement of the protective distances in accordance with Section 11, subsection (2).

Schedule No. 1 to Act LV of 1994

Measure of the Land Protection Contribution

1. In case of the eighth quality class, a forint amount corresponding to the four thousandfold product of the GC value shall be paid as land protection contribution (hereinafter: contribution) for the utilization for other purposes of arable land and of land in the inner area under agricultural cultivation.

2. If the arable land is of better quality than the eighth quality class, the multiplier shall be increased up to the fifth quality class by five thousand in case of arable land with the branch of cultivation of plough-land, vineyard, orchard, garden, from the fifth up to the first quality class by seven thousand, in case of meadows, reeds, fish-pond up to the fifth quality class by two thousand, from the fifth up to the first quality class by four thousand.

3. In case of an area registered as fish-pond, the multiplier shall be established by taking for basis the quality class of the adjacent arable land.

4. If the GC value of the area is not included in the land register, the amount of the contribution and/or fine shall be established on the basis of the average of plough-lands in the locality, applying the multipliers relating to the fourth quality class.

5. The contribution for the temporary utilization of arable land for other purposes shall be established by applying the multiplier of thousand with regard to the first year, regardless of quality. The multiplier shall be increased by five hundred every year until the area returns to agricultural production, restored to its original state.
6. When establishing the amount of the contribution, each commenced year shall be considered a whole year, in which the area cannot already be utilized for agricultural production.

Schedule No. 2 to Act LV of 1994

Amount of the Land Protection Fine

1. The land protection fine is,
- a) the forint amount corresponding to the thousandfold product of the GC value of the arable land in the cases included in Section 55, subsection (1), paragraph a);
 - b) in the case included in Section 55, subsection (1), paragraph b), if the quality class of arable land returned to production is
 - by one class poorer than registered in the land register, then the forint amount in accordance with the threefold product of the difference of land protection contribution calculated in accordance with the two quality classes;
 - at least by two classes poorer than the quality class registered in the land register, then threefold of the land protection contribution calculated on the basis of the quality class included in the register;
 - c) in the case included in Section 55, subsection (1), paragraph d), the forint amount according to the threefold product of the land protection contribution to be paid for the utilization of the arable land for other purposes, established taking into account the deadline prescribed in the licensing decision and the time of actual restoration.
2. In the case included in Section 55, subsection (1), paragraph c), the amount of fine is
- a) the forint amount corresponding to the thousandfold product of the GC value of arable land, if the branch of cultivation in accordance with the state land register has been restored;
 - b) the forint amount corresponding to the three thousandfold product of the GC value established on the basis of the original branch of cultivation of the arable land, if the obligor received exemption from the restoration of the branch of cultivation in accordance with the state land register.
3. In the case included in Section 55, subsection (1), paragraph d), the amount of the fine is
- a) threefold of the land protection contribution to be paid for the temporary utilization of land for other purposes, if the arable land is utilized for other purposes without permission or in difference from the provisions thereof;
 - b) threefold of the land protection contribution to be paid for the definitive utilization of land for other purposes, if the obligor received exemption from restoration to its original state of the arable land utilized for other purposes without permission or in difference from the provisions thereof.

Schedule No. 3 to Act LV of 1994

Amount of the Soil Protection Fine

The amount of fine falling on one hectare is the product of the quantity given hereinbelow of edible wheat and the guaranteed price in force:

1. In case of non-compliance with the contents of Section 62, subsection (1), paragraphs a), b) and c), subsection (2), paragraph a) and subsection (3), paragraph a), furthermore, of Section 63, subsection (2), Section 64, Section 66, subsection (1), as well as of Section 68, subsections (1) and (2), as well as with the related standards, technical directives and other provisions

at least 850 kg at most 2400 kg

2. In case of failure to obtain the approvals prescribed by law of specialized authorities, or partially or fully ignoring the contents thereof

a) relating to Section 69, subsection (1), paragraph b)

at least 1800 kg at most 3700 kg

b) in case of infringement of the requirements defined in the specialized authority's approval issued for compliance with the contents of Section 70, subsection (1), on the basis of the measure of surface of the damaged arable land

at least 6000 kg at most 11 000 kg

c) in case of failure to obtain the specialized authority's approval prescribed in Section 70, subsection (2), paragraphs a) and b)

at least 4900 kg at most 8500 kg

3. Relating to the contents of Section 66, subsection (3),

at least 1200 kg at most 3000 kg

4. Relating to the contents of Section 67

at least 6000 kg at most 9800 kg

5. In case of failure to obtain the permissions prescribed in Section 69, subsection (1), paragraph a), or in case of partially or fully ignoring the contents thereof

a) relating to the contents of Section 62, subsection (2), paragraph b), subsection (3), paragraph b) and subsection (4), paragraph a) as well as of Section 66, subsection (2), paragraph b)

at least 2400 kg at most 6000 kg

b) relating to the contents of Section 62, subsection (4), paragraphs b), c) and d)

at least 3700 kg at most 8500 kg

c) relating to the contents of Section 66, subsection (2), paragraph a)

at least 9800 kg at most 18 300 kg