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The current legislation on land protection in Slovakia with particular regard to  
the decision of the Slovak Constitutional Court on unconstitutional provisions of  
the Act on land acquisition\*\*

*Abstract*

*The accession of the Slovak Republic to the European Union opened a whole new chapter in the country's history and brought dynamic changes to its land transfer legislation. In the Slovak Republic, the moratorium forbidding the purchase of agricultural land by foreigners expired in 2014. Following this period, the European Commission launched a comprehensive examination of the legal status of land acquisitions in the new Member States. The investigation revealed that certain provisions of the Slovak land regulation restricted the EU's fundamental economic freedoms. Even before this revelation, Act no. 140/2014 Coll. on the acquisition of ownership of agricultural land had been the subject of numerous public debates. Consequently, the Slovak Constitutional Court annulled a significant part of the Act on land acquisition in its decision of November 14, 2018. This article introduces the current legislation on land protection in Slovakia and describes the aforementioned decision of the Constitutional Court of the Slovak Republic in detail.*

**Keywords:** natural resources, agricultural land, land transfer law, Slovak Republic.

## 1. Introduction

The accession of the Slovak Republic to the European Union (hereinafter referred to as EU) opened a whole new chapter in the country's history and brought dynamic changes to its land-use legislation.<sup>1</sup> Member States that joined the EU on May 1, 2004 undertook in their accession documents to bring their national rules in line with

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Hajnalka Szinek Csütörtöki: The current legislation on land protection in Slovakia with particular regard to the decision of the Slovak Constitutional Court on unconstitutional provisions of the Act on land acquisition. *Journal of Agricultural and Environmental Law* ISSN 1788-6171, 2022 Vol. XVII No. 32 pp. 126-143, <https://doi.org/10.21029/JAEL.2022.32.126>

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\*\* *This study has been written as part of the Ministry of Justice programme aiming to raise the standard of law education.*

<sup>1</sup> For a more detailed description of Slovak regulations in Slovak language related to this topic, see, for example, the following: Lazíková & Bandlerová 2011; Lazíková & Bandlerová 2014, 116–125; Ilavská 2016, 38–45. For literature in English, see, for example: Lazíková, Bandlerová & Lazíková 2020, 98–105; Drábik & Rajčániová 2014, 84–87; Csirszki, Szinek Csütörtöki & Zombory 2021, 29–52; Lazíková et al. 2015, 367–376; Palšová et al. 2017, 64–72; Palšová 2019, 72–76; Palšová 2020; Bandlerová, Lazíková & Palšová 2017, 98–103; Palšová, Bandlerová & Machničová 2021, 873; Dufala, Dufalová & Šmelková 2017, 156–166.



<https://doi.org/10.21029/JAEL.2022.32.126>

EU legislation.<sup>2</sup> However, for a transitional period, the acceding Member States were allowed to maintain their national legislation in force, even though a few of them were restrictive on the acquisition of ownership of agricultural and forestry land. As we will see, this was essentially the beginning of the most dynamic period of Slovak land regulation.

After April 30, 2014 – the end of the transitional period – the European Commission (hereinafter referred to as EC) conducted a comprehensive examination of the national rules of the newly acceded Member States. Consequently, the EC learnt that certain provisions of the national rules of these States on land use restricted the EU's fundamental economic freedoms. In the case of Slovakia, the affected fundamental freedoms included free movement of capital and freedom of establishment. Violating these fundamental rights could significantly reduce cross-border investment in agriculture. However, it is noteworthy that even before the investigation of the EC, the Constitutional Court of the Slovak Republic had already examined the constitutionality of certain provisions of the Act no. 140/2014 Coll. on the acquisition of ownership of agricultural land (hereinafter referred to as the Act on land acquisition).

## 2. Overview of the constitutionality and most important sources of the Slovak land law

In Slovakia, major changes in agricultural and forestry land legislation occurred in 2017. These changes were primarily linked to the constitutional protection of agricultural and forestry land, which can be found in Chapter Two, Part Two of the Constitution of the Slovak Republic,<sup>3</sup> under the title 'Basic Human Rights and Freedoms.' Similar protective measures are enacted in Part Six of the Constitution, titled 'The Right to the Protection of the Environment and Cultural Heritage.'

Agricultural land, which is both an integral part of a country's territory and an important natural heritage, is available in limited quantity. Therefore, it should be the duty of every country to protect their agricultural land. In case of Slovakia, this 'duty' has been declared in the Slovak Constitution via amendment<sup>4</sup> no. 137/2017 Coll.,<sup>5</sup> with effect from June 1, 2017.<sup>6</sup> This change responds to the Programme Declaration of the Government of the Slovak Republic for 2016–2020 (hereinafter referred to as Programme Declaration).<sup>7</sup>

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<sup>2</sup> On the regulation of the agricultural sector in the EU in the light of EU accession, see: Bánay 2016, 106.

<sup>3</sup> Ústavný zákon č. 460/1992 Zb., Ústava Slovenskej republiky. In English: Constitution of the Slovak Republic, Act no. 460/1992 Coll. Hereinafter referred to as Constitution of the Slovak Republic or Constitution or Slovak Constitution.

<sup>4</sup> Of the 140 MEPs: 113 for, 19 against, 5 abstained, 3 did not vote.

<sup>5</sup> Ústavný zákon č. 137/2017 Z. z., ktorým sa mení a dopĺňa Ústava slovenskej republiky č. 460/1992 Zb.

<sup>6</sup> The amendment to the Constitution was adopted on May 16, 2017.

<sup>7</sup> Programové vyhlásenie vlády Slovenskej republiky

According to the Programme Declaration, Slovakia is a predominantly rural country and, therefore, the policies of the Government aim to support and promote rural development and improve the living conditions of rural populations. The Government considers agriculture, food, and forestry as strategic sectors of the State's economic policy, and they are irreplaceable in the structure of the economy.<sup>8</sup>

The Constitution enshrines the fundamental right to live in a favourable environment. Additionally, it is the constitutional duty of the State to protect and enhance the environment and different types of cultural heritage. Additionally, the provision that none may endanger or damage neither the environment nor natural resources and cultural heritage beyond reasonable limits is also enacted in the Constitution.<sup>9</sup> According to the Constitution, the State shall ensure a cautious use of natural resources, protection of agricultural and forestry land, ecological balance, and effective environmental care, and protect specified species of wild plants and animals. The Constitution specifically emphasizes the protection of agricultural and forestry land among natural resources.<sup>10</sup> Additionally, these two natural resources are defined as non-renewable natural resources<sup>11</sup> and the Constitution accords them priority protection in order to ensure the country's food security.<sup>12,13</sup> The inclusion of the concept of food security in the Constitution is critical, especially in the context of the provisions laid down in the Treaty on European Union,<sup>14</sup> which states that national security is an exclusive competence of the Member States.<sup>15</sup> The concept of national security can also be seen as the concept of State security, and, consequently, the concept of food security can also be considered as an integral part of State security.<sup>16</sup>

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<sup>8</sup> For information, see the Programme Declaration of the Government of the Slovak Republic

<sup>9</sup> Constitution of the Slovak Republic, Article 44 Sections (1)–(3).

<sup>10</sup> Constitution of the Slovak Republic, Article 44 Sections (4)–(5).

<sup>11</sup> For more on this subject, see, for example: Hornyák 2017; Orosz 2018; Olajos 2018; Szilágyi 2018.

<sup>12</sup> See, for example, the material issued by the Office of the National Council of the Slovak Republic on the occasion of the 25th anniversary of the Slovak Constitution, written by Natália Rolková Petranská. See: Rolková Petranská 2017, 70.

<sup>13</sup> Constitution of the Slovak Republic, Article 44 Section (4): “*The state looks after a cautious use of natural resources, protection of agricultural and forest land, ecological balance, and effective environmental care, and provides for the protection of specified species of wild plants and animals.*” See also the Constitution of the Slovak Republic, Article 44 Section (5): “*Agricultural and forest land are non-renewable natural resources and enjoy special protection by the state and society.*”

<sup>14</sup> Consolidated version of the Treaty on European Union, Article 4 Point 2: “*The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.*”

<sup>15</sup> The last sentence of the Consolidated version of the Treaty on European Union, Article 4 Point 2.

<sup>16</sup> Pavlovič 2020, 67.

However, the rights enshrined in Article 44 of the Constitution are not directly enforceable, but they can be enforced through different Acts. This possibility is stated in Article 44 Section (6) of the Constitution, which explicitly refers to the enforceability of third-generation human rights, also known as solidarity rights. It is important to underline that solidarity rights include not only the right to protect cultural heritage but also the right to protect the environment. It arises from the provision of the Constitution that everyone has a right to a sustainable environment. Notwithstanding the previous sentence, this right cannot be considered as an individual right, as its purpose is primarily to ensure that society benefits from it. That's why it must be considered as an intergenerational right, but it should also be noted that solidarity is inherent in the right to the environment.<sup>17</sup>

It is also noteworthy that Article 20 Section (2) of the Constitution has been amended as follows: *"The law shall lay down which property, other than property specified in Article 4 of this Constitution,<sup>18</sup> necessary to ensure the needs of society, national food self-sufficiency, the development of the national economy and public interest, may be owned only by the state, municipality, or designated individuals or legal persons. The law may also lay down, that certain things may be owned only by citizens or legal persons resident in the Slovak Republic."*

This amendment enables the legislator to restrict the acquisition of agricultural and forestry land by certain groups of persons – legal as well as natural – including foreigners. The Explanatory Memorandum to the Act on land acquisition<sup>19</sup> (hereinafter referred to as the Explanatory Memorandum) justifies these changes based on the need to establish a framework for the protection of agricultural land against speculative purchases, which could have negative consequences.<sup>20</sup>

The State ought to be responsible for the protection of its land through legislation as well as control of certain activities, supported by sanction mechanisms. These instruments should, therefore, be legally binding and enforceable. Certain arguments state that the changes in the Constitution on land protection are rather declaratory. However, it enabled the legislators to adopt laws on land protection, which were anchored in the Constitution.<sup>21</sup>

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<sup>17</sup> Pavlovič 2020, 63.

<sup>18</sup> Constitution of the Slovak Republic, Article 4: *"(1) Raw materials, caves, underground water, natural and thermal springs and streams are the property of the Slovak Republic. The Slovak Republic protects and develops these resources, and makes careful and effective use of mineral resources and natural heritage to the benefit of its citizens and subsequent generations. (2) The transport of water taken from water bodies located within the territory of the Slovak Republic outside the borders of the Slovak Republic by vehicles or pipeline is prohibited. This prohibition does not apply to water intended for personal use, drinking water put into consumer containers within the territory of the Slovak Republic and natural mineral water put into consumer containers within the territory of the Slovak Republic; nor to water provided for humanitarian help or assistance in states of emergency. Details of conditions for transporting water for personal use or water provided for humanitarian help and assistance in states of emergency shall be stated in a specific Law."*

<sup>19</sup> The explanatory memorandum to the Act on land acquisition is available in Slovak language on the website of the National Council of the Slovak Republic.

<sup>20</sup> Pavlovič & Ravas 2017.

<sup>21</sup> Pavlovič 2020, 63.

The Slovak land regime regulation is a complex system of legal norms. The most important legal source in this context is the Act on land acquisition,<sup>22</sup> which regulates certain legal stages in the acquisition of ownership of agricultural land by transfer and also regulates powers of public administrative bodies regarding the transfer of ownership of agricultural land. A detailed listing of all legal sources is beyond the scope of this study.<sup>23</sup>

### 3. A short historical overview on land acquisitions

As stated above, the accession of Slovakia to the EU on May 1, 2004 was an important milestone in the history of Slovak land regulations. The legal framework of the EU has undoubtedly played a decisive role in its land protection. However, there is still no legal provision to protect the agricultural land in the country – to date, no legal measures have been implemented to limit the sale of agricultural land.

On October 12, 2017, at the request of the European Parliament,<sup>24</sup> a guidance was published by the EC to help the newly acceded Member States to eliminate legal barriers to the sale and purchase of agricultural land, such as excessive price speculation and concentration of property rights.<sup>25</sup> The guidance shows that Member States possess

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<sup>22</sup> Zákon č. 140/2014 Z. z. o nadobúdaní vlastníctva poľnohospodárskeho pozemku

<sup>23</sup> For the most important sources of Slovak land law, see, for example: Act no. 229/1991 Coll. on ownership of land and agricultural property, as amended (Zákon č. 229/1991 Z. z. o úprave vlastníckych vzťahov k pôde a inému poľnohospodárskemu majetku), which regulates the rights and obligations of owners, users, and lessees of land, as well as the competence of the State in regulating ownership and user rights on land; Act no. 180/1995 Coll. on certain measures for land ownership arrangements, as amended (Zákon č. 180/1995 Z. z. o niektorých opatreniach na usporiadanie vlastníctva k pozemkom); Act no. 504/2003 Coll. on the lease of agricultural land plots, agricultural enterprise, and forest plots, as amended (Zákon č. 504/2003 Z. z. o nájme poľnohospodárskych pozemkov, poľnohospodárskeho podniku a lesných pozemkov); Act no. 180/1995 Coll. on certain measures for land ownership arrangements, as amended (Zákon č. 180/1995 Z. z. o niektorých opatreniach na usporiadanie vlastníctva k pozemkom); Act no. 330/1991 Coll. on land arrangements, settlement of land ownership rights, district land offices, the Land Fund and land associations, as amended (Zákon č. 330/1991 Zb. o pozemkových úpravách, usporiadaní pozemkového vlastníctva, pozemkových úradoch, pozemkovom fonde a o pozemkových spoločenstvách); Act no. 162/1995 Coll. on cadastre of real estate and on registration of ownership and other real estate rights, as amended (Zákon č. 162/1995 Z. z. o katastri nehnuteľností a o zápise vlastníckych a iných práv k nehnuteľnostiam); Act no. 220/2004 Coll. on the protection and use of agricultural land, as amended (Zákon č. 220/2004 Z. z. o ochrane a využívaní poľnohospodárskej pôdy); Act no. 40/1964 Coll., Civil Code, as amended (Zákon č. 40/1964 Zb., Občiansky zákonník); Act no. 202/1995 Coll., the foreign exchange act, as amended (Zákon č. 202/1995 Z. z., Devízový zákon).

<sup>24</sup> For further information, see the motion for a European Parliament resolution on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers.

<sup>25</sup> For more information, see: Sales of farmland: Commission issues guidelines to Member States.

the legal power to implement measures to control the sale of agricultural land.<sup>26</sup> As the EC report shows, the guidance aims to protect economic interests and investments connected to the land regime. It is worth mentioning that these rules derive from the Accession Treaty of 2003, which granted the new Member States a transitional period.<sup>27</sup>

Generally speaking, the Member States that joined the EU in 2004, including Slovakia, are legally obliged to harmonize their national rules with the EU rules. For most of the Member States, this transitional period lasted seven years, till 2011, but the Slovak Republic submitted a request<sup>28</sup> to the EC for a three-year extension.<sup>29</sup>

Consequently, on April 14, 2011 the EC adopted Decision no. 2011/241/EU<sup>30</sup> approving the application and extending the transitional period concerning the acquisition of agricultural land in Slovakia until April 30, 2014.<sup>31</sup>

Since April 30, 2014, the EC has conducted an extensive investigation among the newly acceded Member States.<sup>32</sup> It learnt that certain provisions in national laws of these States still restricted EU's fundamental economic freedoms. In case of Slovakia, the restriction on free movement of capital and the freedom of establishment were explicitly problematic, as restricting these fundamental rights could lead to a significant

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<sup>26</sup> The guidance defines as acceptable the restrictions based on the prior authorization of the national authorities for the acquisition of the land, restrictions on the size of the land to be acquired, State price interventions or, for example, pre-emption rights for land acquisitions. The guidance marks unacceptable the State interference for the imposition of an obligation to cultivate land or a prohibition on the acquisition of land, and the requirement of an agricultural qualification as a precondition for land acquisitions.

<sup>27</sup> Pavlovič 2020, 65.

<sup>28</sup> The main reason for the transitional period was the need to protect the socio-economic conditions for agricultural activities in Slovakia, owing to the introduction of a single market system and the transition to the common agricultural policy. Additionally, further concerns about the potential impact on the agricultural sector were to be considered because of the large initial differences in land prices and incomes, especially in comparison with the Western and northern countries. The transitional period was intended to facilitate the process of land restitution and privatization for farmers. See: Nociar 2016.

<sup>29</sup> Laziková & Bandlerová 2014, 121.

<sup>30</sup> Commission Decision of 14 April 2011 extending the transitional period concerning the acquisition of agricultural land in Slovakia.

<sup>31</sup> Commission Decision of 14 April 2011 extending the transitional period concerning the acquisition of agricultural land in Slovakia (2011/241/EU) is available in English language (and also in official languages of the EU) on the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0241&from=HU>

<sup>32</sup> Ágoston Korom and Réka Bokor, "Land policy of the new Member States – Transparency and non-discrimination." The authors indicated that although "the European Commission has discretionary powers as to which Member State to open a full investigation or infringement procedure against" and that the EC "monitors the application of EU law for all Member States on an ongoing basis and takes action on complaints against the laws and measures of all Member States equally," they found the discrimination against the new Member States to be worrying, unjustified, and unfounded. For further information, see: Korom & Bokor 2017, 262–263, 266.

reduction in cross-border agricultural investment.<sup>33</sup> Therefore, in 2015, the EC launched infringement proceedings against five Member States: Hungary, Bulgaria, Latvia, Lithuania, and Slovakia. In case of Slovakia, the legal provisions related to 10 years of permanent residence or registered office and a minimum of three years of commercial activity in agricultural production were controversial. The most problematic, however, was the criterion of a long-term residence in Slovakia,<sup>34</sup> which resulted in discrimination of other EU nationals.<sup>35</sup> The Slovak legislature responded to this situation by amending a certain paragraph of the Foreign Exchange Act,<sup>36</sup> which fully opened the agricultural land market not only to EU citizens, but also to third-country nationals. Additionally, several new rules concerning the purchase of agricultural land were adopted by the country.<sup>37</sup>

The Act on land acquisition, which came into force on June 1, 2014 regulated the transfer of agricultural land, while ensuring a relatively wide contractual freedom. The explanatory memorandum of this Act stated that a principal objective of the legislation was to regulate the acquisition of agricultural land to prevent speculative land purchases, and, thereby, create a legal framework to allow agricultural production to continue as originally intended. The prime objective of the law, therefore, is to ensure that agricultural land is used by the user for its intended agricultural purposes.<sup>38</sup>

One of the most important provisions of the Act on land acquisition was the introduction of a strictly regulated tendering procedure. According to it, the seller was obliged to upload his intention to sell the agricultural land<sup>39</sup> at least 15 days before the transfer to the database on transfer of ownership of agricultural land, which was established by the Ministry of Agriculture and Rural Development of the Slovak Republic. Additionally, the landowner had to publish his offer on the bulletin board of the territorially competent municipality. The publication of the official notice on the bulletin board of the municipality was free of charge, and the municipality had to cooperate in publishing such offers.<sup>40</sup> The potential buyer was obliged to indicate his intention to acquire ownership of the land at the address of the owner, within the time limit specified, and for the price offered in the register.<sup>41</sup> If these conditions were fulfilled, the ownership of the agricultural land could be acquired by a natural or legal person who had been resident or had a registered office in the country for at least 10 years and had been engaged in agricultural activity for at least 3 years before the

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<sup>33</sup> See the press release of the EC: *“Financial services: Commission requests Bulgaria, Hungary, Latvia, Lithuania and Slovakia to comply with EU rules on the acquisition of agricultural land.”*

<sup>34</sup> Macejková 2016, 19–20.

<sup>35</sup> Szilágyi 2017, 176.

<sup>36</sup> Act no. 202/1995 Coll., the Foreign Exchange Act, Paragraph 19a: *“A foreigner can acquire ownership of real estate in the country if there are no restrictions on the acquisition of such property in special laws.”*

<sup>37</sup> Lazíková, Bandlerová & Lazíková 2020, 100.

<sup>38</sup> Kollár 2019.

<sup>39</sup> The procedure for the transfer of ownership of land, laid down in Paragraph 4 of the Act on land acquisition.

<sup>40</sup> Strapáč 2015, 15.

<sup>41</sup> Lazíková, Bandlerová & Lazíková 2020, 101.

conclusion of the contract.<sup>42</sup> If no one expressed the intention to buy the land offered for sale in this way, the agricultural land could be claimed (in the first place) by a person having permanent residence or a registered office in the municipality where the agricultural land was located. In the absence of interest, an offer could be made to natural person residents or legal persons with a registered office in a neighbouring municipality.<sup>43</sup> If no one expressed an intention to buy the land offered for sale in this way, the agricultural land could be offered to the person having permanent residence or a registered office outside the municipality in whose administrative territory the agricultural land was located. If no acquirer (irrespective of permanent residence or registered office) expresses interest in acquiring the land in the tendering procedure, the transferor may transfer the land exclusively for the price or value equal to that indicated in the unsuccessful tendering procedure, and exclusively to a person who has been a permanent resident or has a registered office in the territory of the Slovak Republic for at least 10 years. Additionally, the transfer may be made no later than six months after the unsuccessful completion of the tendering procedure.<sup>44</sup> The competent district office<sup>45</sup> was responsible for verifying the existence of legal requirements for the transfer of ownership of land.

It should be noted, however, that even before the formal request of the EC, the Act on land acquisition was the subject of numerous professional and political debates because of its provisions. Consequently, two political groups of the National Council of the Slovak Republic (hereinafter referred to as the Slovak Parliament) submitted a petition<sup>46</sup> to the Constitutional Court of the Slovak Republic seeking examination of the constitutionality of the aforementioned provisions.<sup>47</sup>

#### **4. Decision of the Constitutional Court of the Slovak Republic on the constitutionality of certain provisions of the Act on land acquisition<sup>48</sup>**

On November 14, 2018 the Constitutional Court of the Slovak Republic<sup>49</sup> ruled in a closed session, on the one hand, on the motion of a group of 40 members of the Slovak Parliament to initiate proceedings under Article 125 Section (1) Point (a) of the

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<sup>42</sup> Kollár 2019.

<sup>43</sup> Act on land acquisition, Paragraph 4 Section (7)

<sup>44</sup> Relevans advokátska kancelária 2017.

<sup>45</sup> The territory of Slovakia is divided into eight regions (*kraje*) and 79 districts (*okresy*).

<sup>46</sup> The petition was not a joint petition, but two separate petitions were submitted. The first one was filed by a group of 40 members of the Slovak Parliament on 2 July 2014, while the second one was filed by a group of 33 members of the Slovak Parliament on 3 July 2014. The Constitutional Court in its preliminary examination of the petition found that the conditions for the substantive examination of the two cases provided were met, and therefore merged the two petitions. For this reason, they were recorded as one petition in the paper.

<sup>47</sup> Drábik & Rajčániová 2014, 84.

<sup>48</sup> Decision no. PL. ÚS 20/2014 of the Constitutional Court of the Slovak Republic.

<sup>49</sup> Ústavný súd Slovenskej republiky. Hereinafter referred to as Constitutional Court or Slovak Constitutional Court.



Constitution of the Slovak Republic<sup>50</sup> examining the conformity of the Act on land acquisition with certain provisions<sup>51</sup> of the Constitution of the Slovak Republic, and, on the other hand, on the motion of a group of 33 members of the National Council of the Slovak Republic to initiate proceedings pursuant to Article 125 Section (1) Point (a) of the Constitution on the conformity of the Act on land acquisition with certain provisions<sup>52</sup> of the Constitution.<sup>53</sup> In its decision, the Constitutional Court found that the provisions of Paragraphs 4, 5 and 6 of Chapter I of the Act on land acquisition in question were not in line with certain provisions of the Constitution of the Slovak Republic;<sup>54</sup> however, it did not accept the rest of the proposals of either group.<sup>55</sup>

Given the limited scope of the study, I will introduce only those parts of the decision that I consider paramount.<sup>56</sup>

It is clear from the nature of the legal norms examined and the petitioners' arguments that the key issue for the Slovak Constitutional Court was the assessment of the constitutionality of the problematic legislation in relation to Article 20 Section (1) of the Slovak Constitution.<sup>57,58</sup> Article 20 of the Constitution enshrines that everyone has the right to own property and the ownership right of all owners possesses the same legal content and needs the same protection. The Article further states that property acquired in a manner that is contrary to Slovak laws shall not enjoy such protection,

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<sup>50</sup> Constitution of the Slovak Republic, Article 125 Section (1) Point a): *"The Constitutional Court decides on the compatibility of laws with the Constitution, constitutional laws and international treaties to which a consent was given by the National Council of the Slovak Republic and which were ratified and promulgated in a manner laid down by law..."*

<sup>51</sup> More specifically, Article 1 Section (1), first sentence, in conjunction with Article 2 Section (2); Article 12 Sections (1) and (2); Article 13 Sections (3) and (4); and Article 20 Sections (1), (2), and (4) of the Constitution of the Slovak Republic.

<sup>52</sup> More specifically, Article 1 Section (1); Article 2 Section (2); Article 12 Sections (1) and (2); Article 13 Sections (3) and (4); Article 20 Sections (1), (2), and (4); Article 35 Sections (1) and (2); and Article 55 of the Constitution of the Slovak Republic.

<sup>53</sup> The Slovak Constitutional Court, in its preliminary examination of the motions to open proceedings, concluded that the conditions for the substantive examination of the two cases provided for in the Constitution and in Act No. 38/1993 of the National Council of the Slovak Republic on the organization of the Constitutional Court of the Slovak Republic, the procedure before it, and the status of its judges, as amended, were met, and therefore, by its decision of September 17, 2014, PL. ÚS 20/2014, it merged the two motions to open proceedings into a joint procedure and accepted them for further proceedings. It did not grant the requests for suspension of the contested legislation.

<sup>54</sup> More specifically, Article 1 Section (1); Article 13 Section (4), and Article 20 Section (1) of the Constitution of the Slovak Republic.

<sup>55</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 1 and 2.

<sup>56</sup> The decision of the Constitutional Court itself is 81 pages long, which does not include the dissenting opinions.

<sup>57</sup> Constitution of the Slovak Republic, Article 20 Section (1): *"Everyone has the right to own property. The ownership right of all owners has the same legal content and protection. Property acquired in any way which is contrary to the legal order shall not enjoy such protection."*

<sup>58</sup> For more on the right to property, see, for example: Drgonec 2019; Orosz et al. 2021; Čič et al. 2012.

and that the right of inheritance is fundamentally guaranteed.<sup>59</sup> Thus, based on this it can be concluded that the property rights of all owners have the same legal content; however, there is no precisely defined (delimited) definition for such content.<sup>60</sup> It can, therefore, be concluded that the right to property is considered a fundamental right by the Slovak Constitutional Court, but the right to acquire property is not considered a fundamental constitutional right. The Constitutional Court has already ruled in several cases that Article 20 Section (1) of the Constitution does not guarantee the right to acquire property<sup>61</sup> and that Article 20 Section (1) of the Constitution only protects property acquired in accordance with the law in force.<sup>62,63</sup>

As highlighted by the Constitutional Court, the legislation in question is substantially related to the fundamental right to property, and the Act on land acquisition is intended to impose limits on the transfer of ownership to a form of individualized ownership, where the limits are determined by the legal conditions of the entity to which the owner of the agricultural land wishes to transfer ownership. The inspected legislation, therefore, focuses directly on the conditions for the use of one of the legal elements of the right to property, namely the right to dispose of the object of property (*ius disponendi*),<sup>64</sup> and, therefore, falls within the scope of Article 20 Section (1) of the Constitution of the Slovak Republic.<sup>65</sup>

Based on the proportionality test,<sup>66,67</sup> the Slovak Constitutional Court concluded that all the three factors of the proportionality test<sup>68</sup> failed in terms of the restriction of

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<sup>59</sup> Constitution of the Slovak Republic, Article 20 Section (1).

<sup>60</sup> It is worth mentioning that the Slovak Constitutional Court has repeatedly accepted the content of the right to property as defined by the Roman private law by stating that the owner is entitled to possess, use, enjoy, and dispose of the object of the right to property (see, for example, decisions no. PL. ÚS 15/06 and II. ÚS 8/97). This is, therefore, the most complete and broadest definition of a subjective right to ownership, which includes both the general characteristics of a subjective right and specific characteristics that clearly distinguish it from other subjective rights (PL. ÚS 30/95).

<sup>61</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 13/97

<sup>62</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 33/95

<sup>63</sup> Like the Constitutional Court of Hungary. In this context, see the Decision of the Constitutional Court of Hungary, no. 743/B/1993, ABH 1996, 417. The Constitutional Court of Hungary has also ruled that acquired property must be protected by fundamental rights and that the guarantees for the protection of this property right must be defined (Decision no. 575/B/1992). On the constitutional issues of land transactions regulation, see, for example: Csák 2018. For the related Hungarian case law, see: Olajos, Csák & Hornyák 2018; Olajos, 2015.

<sup>64</sup> Civil Code, Paragraph 123.

<sup>65</sup> For further, see the Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 31.

<sup>66</sup> The proportionality test has still not found its place in the Slovak legal environment, which is because of the fact that the Constitutional Court was relatively late in applying this test in its decision-making. Although the first two steps of the proportionality test were defined in a simplified form in 2001 (see in this respect, Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 3/00), they were not developed and applied to the extent necessary, and were used only as part of the supporting argument. In fact, the actual application of the

the fundamental right to property.<sup>69</sup> However, as was stated by the Slovak government, the inspected legislation passes all three steps of the proportionality test,<sup>70</sup> for the following reasons. First, because the objective of the legislation can only be achieved by adopting measures that would remedy the existing legal situation because agricultural land to be protected in the public interest is gradually, but appreciably, decreasing.<sup>71</sup> Nevertheless, it is indubitable that the legislature, inspired by the best practices of other countries, would have adopted legislation that explicitly regulates the conditions for the acquisition of ownership of agricultural land.<sup>72</sup> Regarding the second criterion of the proportionality test, it can be stated that agricultural land is indispensable for society's needs and the development of national economy, and given the active public interest in its professional agricultural and environmental management, it can only be owned by persons who meet certain legal conditions. However, the legislation in force also lays down criteria to prevent abuse of such conditions and protect current and future owners of agricultural land against arbitrary decisions by persons entitled to acquire ownership of agricultural land.<sup>73</sup> Moreover, the comparison of the contested legislation with the Act on protection and use of agricultural land is quite important because this Act protects land after it is acquired by someone else, whereas the Act on land acquisition does not act *ex post* but preventively, that is, before a new owner acquires the agricultural land. As regards the third step of the adequacy test of the legislation, it

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legislation in the constitutional procedure can only be discussed since 2011. See: Zelenajová 2016, 379.

<sup>67</sup> The proportionality test can also be characterized as a constitutional restriction of a human right or fundamental freedom only if several – usually three – steps (in other words, a subtest) are met. See: Lalk 2016, 285. In the first stage, the appropriateness test is applied, whereby an act restricting a fundamental right is examined to determine whether it is suitable for achieving the objective pursued, which may include the protection of the public interest. The second stage is the test of indispensability, the test of necessity, that is, the need to compare the legislative measure under examination, which restricts a fundamental right or freedom, with other measures that serve the same purpose but do not affect fundamental rights and freedoms or affect them to a lesser extent. The final stage is to examine the criterion of proportionality in the strict sense.

<sup>68</sup> In other words, the inadequacy of the legislation under examination to achieve the objective pursued, the existence of other legislation allowing targeted and technically justified interference with the beneficial element of the property right, the restriction imposed by the legislation under examination on the dispositive element of the property right.

<sup>69</sup> Furthermore, see the decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, Point 3.

<sup>70</sup> Agreeing with the argument of the Slovak Government.

<sup>71</sup> It also should be noted that Act no. 220/2000 Coll. on the protection and use of agricultural land, as amended, does not provide protection against speculative land purchases, subsequent changes in the type of land, and possible misuse of ownership.

<sup>72</sup> See, for example, the legislation in Hungary, Poland, Germany, France, or Slovenia.

<sup>73</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 20, Point 30.

can be concluded that it interferes proportionally with the property rights of agricultural landowners, but does not interfere with the substance of the property right.<sup>74</sup>

It would constitute an impermissible interference with the right to property only if the contested legislation were to eliminate the dispositive element of the right to the ownership of agricultural land altogether, or if it were to make the disposal of agricultural land subject to compliance with a procedural regime that would make the disposal of agricultural land effectively impossible – but the contested legislation obviously does not have that effect.<sup>75</sup> Along that logic, the contested measure also passes the third step of the proportionality test and can, therefore, be found to be in line with Article 20 Section (1) of the Constitution of the Slovak Republic.<sup>76</sup>

Additionally, the Constitutional Court stated that, “*The protection of agricultural land and its productive potential is a public interest whose nature legitimises regulatory intervention by the State in the agricultural land market environment. Agricultural land is part of the land, that is to say, of immovable property, which is the subject of property rights and other rights in rem and of legal obligations. The two characteristics outlined above logically require that the requirement to protect the productive potential of agricultural land (public interest) and the fundamental right granted to the owners of agricultural land by Article 20 Section (1) of the Constitution be constitutionally compatible.*”<sup>77</sup> The Act on land acquisition is a piece of legislation that predominantly regulates the content of the property rights of the owners of agricultural land. In the view of the Constitutional Court, its protective function in relation to the productive potential of agricultural land is more a matter of legislative wish than reality.<sup>78</sup>

Furthermore, the Slovak Constitutional Court considers the Act on land acquisition to be an adequate and effective instrument for the protection of agricultural land. It notes, however, that the legislature undoubtedly has room to optimize the legislation in question or even introduce new regulatory restrictions of a targeted nature capable of guaranteeing the achievement of the objective pursued. In this respect, the Slovak Constitutional Court highlights the examples of foreign legislation – notably Austria and, to some extent, Hungary – which require proven professional competence of the organization owning or managing the agricultural land. The Slovak legal system, *de lege lata*, does not require any professional experience of the person carrying out agricultural production.<sup>79</sup>

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<sup>74</sup> For more information, see the dissenting opinion of *Iveta Macejková*, judge of the Constitutional Court in the Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, last pages.

<sup>75</sup> See the dissenting opinion of *Iveta Macejková*, judge of the Constitutional Court in the Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, last pages.

<sup>76</sup> I can agree with the position of the Slovak Government at the time on the arguments made in relation to the proportionality test. See the Constitutional Court Decision in question, points 28–31.

<sup>77</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 78.

<sup>78</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 255.

<sup>79</sup> Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, 79.

In the context of the decision of the Constitutional Court, agreeing with the dissenting opinion<sup>80</sup> of Constitutional Judge *Milan Lalič*, it is for the legislature to assess, justify, and decide on the need to change the various technical protection regimes for agricultural land in relation to the various legitimate interests, including the possible dilution of the owner's right of disposal. Additionally, it should be emphasized that only the Constitutional Court has the power to review arbitrary and irrational excesses that operate in a complex manner, and are not present in the examined case.<sup>81</sup>

Furthermore, on November 18, 2015 the Plenary Session of the Slovak Constitutional Court decided to continue the proceedings in the case only after the conclusion of the infringement proceedings against the Slovak Republic initiated before the EC on March 26, 2015. However, in light of the fact that the infringement proceedings had not yet been definitively closed on November 14, 2018, it was inappropriate to decide on the merits of the case.<sup>82,83</sup>

In conclusion of this chapter, it can be stated that the Constitutional Court has confirmed the unconstitutionality of parts of the Act on land acquisition that also coincide with the problems raised by the EU. It is noteworthy that Slovakia addressed the problem much earlier than the EU did. While Slovakia's swift response is a positive step, the decision of the Constitutional Court shows that the need to optimize the rules for the protection of agricultural land has been on the agenda recently. Slovakia has recognized the fact that agricultural land is a valuable natural resource that should be protected.

## 5. Conclusions

In my opinion, the decision of the Plenum of the Constitutional Court of the Slovak Republic of November 14, 2018,<sup>84</sup> PL. ÚS 20/2014 has taken a surprising turn for everyone. It can be agreed that it is the most significant decision regarding the land transfer regulation.

Regarding Slovakia, we see that restrictions on the acquisition of agricultural land have been in force for more than four years. The regulation of the Act on land acquisition severely restricted the owners from selling the land. It can also be concluded that the legislature intended to protect agricultural land. However, the decision of the Constitutional Court of the Slovak Republic, and the infringement proceedings brought by the EC, among others, against Slovakia, show that legal restrictions on the transfer

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<sup>80</sup> It is also stated that States possess the discretion to prevent the acquisition of agricultural land for speculative purposes, even if the restriction in question is not the most appropriate, best, or reasonable, but is in some way related to the objective pursued and has, in the meantime, been achieved. By this logic, the regulation was not unconstitutional if it pursued a legitimate aim and the means chosen to achieve it were still acceptable.

<sup>81</sup> See the dissenting opinion of *Milan Lalič*, Constitutional Court judge in the Decision of the Constitutional Court of the Slovak Republic, no. PL. ÚS 20/2014, last pages.

<sup>82</sup> As Constitutional Judge *Peter Brňák* indicated in his dissenting opinion.

<sup>83</sup> See the last page of the Constitutional Court Decision in question.

<sup>84</sup> Published on February 11, 2019 in the Collection of Act of the Slovak Republic (*Zbierka zákonov Slovenskej republiky*).

of agricultural land interfered with the property rights of individuals owning such land as well as with the free movement of capital and the freedom of establishment.<sup>85</sup> Thus, the pressure from the EC and the efforts of certain members of the Slovak Parliament<sup>86</sup> to annul certain provisions of the Act on land acquisition contributed to the ruling of the Constitutional Court that the above-mentioned provisions were in conflict<sup>87</sup> with the Constitution of the Slovak Republic. Eventually, certain contested provisions<sup>88</sup> of the Act on land acquisition<sup>89</sup> were annulled. The decision of the Constitutional Court has resulted in a cardinal change, especially regarding the acquisition of agricultural land, because now not only natural persons, but legal persons also can acquire unrestricted ownership of agricultural land in Slovakia.<sup>90</sup> In my opinion, this leads to the conclusion that the Slovak State is currently not adequately implementing its real responsibilities in the field of land protection. However, it is necessary to state, as the Constitutional Court emphasizes in its decision, that the more important the constitutionally protected interest, the greater the responsibility of the State to protect it effectively. If land is not adequately protected by law and institutions, it becomes a commodity that can be easily manipulated and abused.<sup>91</sup>

Last year, in October 2020, an amendment to the Act on land acquisition was submitted by the Ministry of Agriculture and Rural Development of the Slovak Republic for inter-ministerial consultation, which was scheduled to enter into force on May 1, 2021. The aim of the proposal was to restrict the acquisition of ownership of agricultural land in order to avoid speculative land purchases.<sup>92,93</sup> However, the proposal did not receive a positive response, especially from certain professional organizations and investors; no new legislation has been introduced since then.

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<sup>85</sup> Ptačinová 2019.

<sup>86</sup> For example: *Peter Osuský, Ondrej Dostál, Alojz Baránik and Milan Laurenčík* (former) MPs' proposal for a law on the repeal of the Act on land acquisition, submitted on September 23, 2016. Available on the official website of the National Council of the Slovak Republic.

<sup>87</sup> Veliký 2019.

<sup>88</sup> Paragraphs 4, 5, and 6 of the Land Law were repealed, which, as already mentioned, regulated the procedure for the transfer of ownership of agricultural land, the provisions on the compulsory offer, and the provisions on the verification and presentation of the conditions for the acquisition of ownership of agricultural land.

<sup>89</sup> For more information, see: Ptačinová 2019.

<sup>90</sup> With exceptions based on the principle of reciprocity. In this context, see: Paragraph 7 of the Act on land acquisition.

<sup>91</sup> Palšová, Bandlerová & Machničová 2021, 11.

<sup>92</sup> An article on this topic (in Hungarian) was submitted in April 2021 by the author to the journal *Publicationes Universitatis Miskolcensis, Sectio Juridica et Politica*.

<sup>93</sup> The proposal and the full documentation have been published on Slov-Lex, the Legislative and Information Portal of the Ministry of Justice of the Slovak Republic. The complete package is available in Slovak language on the following link: <https://www.slov-lex.sk/legislativne-procesy/-/SK/dokumenty/LP-2020-504>

This leads to the conclusion that, although the State has recognized the fact that agricultural land has high value and needs protection, and has also taken steps to protect agricultural land, progress is unlikely at this time due to the lack of an institutional framework for implementation of land protection legislation.

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### Bibliography

1. Bandlerová A, Lazíková J & Palšová L (2017) The ownership and the right of use of agricultural land in Slovakia, *CEDR Journal of Rural Law*, Vol. 3, No. 1., pp. 98–103.
2. Bányai K (2016) *A magyar mezőgazdasági föld tulajdoni és használati forgalmának jogi korlátai és azok kijátszása*. PhD értekezés, Miskolc.
3. Čič M et al. (2012) *Komentár k Ústave Slovenskej republiky*, Eurokódex, Bratislava.
4. Csák Cs (2018) A földforgalmi szabályozás alkotmányossági kérdései, *Agrár- és Környezetjog*, 14(24), pp. 19–32. doi: 10.21029/JAEL.2018.24.19.
5. Csirszki M M & Szinek Csütörtöki H & Zombory K (2021) Food Sovereignty: Is There an Emerging Paradigm in V4 Countries for the Regulation of the Acquisition of Ownership of Agricultural Lands by Legal Persons?, *Central European Journal of Comparative Law*, Vol II, No. 1, pp. 29–52. doi: 10.47078/2021.1.29-52.
6. Drábik D & Rajčániková M (2014) Agricultural land market in Slovakia under the new land acquisition law, *Review of Agricultural and Applied Economics*, XVII (2), pp. 84–87. doi: 10.15414/raae.2014.17.02.84-87.
7. Drgonec J (2019) *Ústava Slovenskej republiky*, C. H. Beck, Bratislava.
8. Dufala M, Dufalová L & Šmelková J (2017) Land protection and land care in Slovak Republic, *Bratislava Law Review*, 2/2017, pp. 156–166. doi: 10.46282/blr.2017.1.2.78.
9. Hornyák Zs (2017) A mezőgazdasági föld mint természeti erőforrás, *Pro Publico Bono – Magyar Közjagazgatás*, 2017/4, pp. 188–204.
10. Ilavská B (2016) Legislatívna ochrana poľnohospodárskej pôdy v SR, in: Sobocká J (ed.) *Vedecké práce Východného ústavu pôdoznanectva a ochrany pôdy*, Národné poľnohospodárske a potravinárske centrum – Výskumný ústav pôdoznanectva a ochrany pôdy Bratislava, Bratislava, pp. 38–45.
11. Kollár P (2019) *Zrušenie účinnosti podstatnej časti ustanovení zákona č. 140/2014 Z. z. o nadobúdaní vlastníctva poľnohospodárskeho pozemku*, <https://judrkollar.sk/zrusenie-ucinnosti-podstatnej-casti-ustanoveni-zakona-c-140-2014-z-z-o-nadobudani-vlastnictva-polnohospodarskeho-pozemku/> [10.09.2021]
12. Korom Á & Bokor R (2017) Gondolatok az új tagállamok birtokpolitikájával kapcsolatban: transzparencia és egyenlő elbánás (Land policy of the new Member States – Transparency and non-discrimination), in: Gellén K, ed., *Honori et virtuti: ünnepi tanulmányok Bobvos Pál 65. születésnapjára*, Iurisperitus, Szeged, pp. 259–267.
13. Lazíková J & Bandlerová A (2011) *Agrárne právo*, Slovenská poľnohospodárska univerzita v Nitre, Nitra.
14. Lazíková J & Bandlerová A (2014) Nadobúdanie vlastníckeho práva k poľnohospodárskej pôde cudzincami na Slovensku, in: Bandlerová A & Mandalová K, ed., *Zborník konferencie „Výzvy a perspektívy agrárneho práva“*, Slovenská poľnohospodárska univerzita v Nitre, Nitra, pp.116–125.



15. Lazíková J, Takáč I, Schwarcz P & Bandlerová A (2015) Agricultural land market in Slovakia – economic and legal impacts of the Law no. 140/2014 Coll. on the land acquisition, *Agricultural Economics*, 61(8), pp. 367–376, doi: 10.17221/165/2014-AGRICECON.
16. Lazíková J, Bandlerová A & Lazíková Z (2020) Legislation on land protection in Slovakia, *Ecocycles*, vol. 6, no. 1., pp. 98–105. doi: 10.19040/ecocycles.v6i1.170.
17. Ealík T (2016) Úvod do problematiky ľudských práv, in: Krošlák D et al., ed., *Ústavné právo*, Wolters Kluwer, Bratislava.
18. Macejková I (2017) Vybrané rozhodnutia medzinárodných súdnych orgánov v rozhodovacej činnosti Ústavného súdu Slovenskej republiky, in: Majerčák T, ed., *Ústavné dni - Implementácia rozhodnutí medzinárodných súdnych orgánov vnútroštátnymi súdmi a inými orgánmi verejnej moci - V. ústavné dni*, UPJS, Košice, pp. 7–20.
19. Nociar A (2016) *Zákon o nadobúdaní vlastníctva poľnohospodárskeho pozemku – komentár*, <https://www.aspi.sk/products/lawText/13/114/1/2> [25.10.2021]
20. Olajos I (2018) The summary of the research on agricultural land as a natural resource – A mezőgazdasági földre, mint természeti erőforrásra vonatkozó kutatások összefoglalója, *Agár- és környezetjog* 13(25), pp. 190–212, doi: 10.21029/JAEL.2018.25.190.
21. Olajos I (2015) Az Alkotmánybíróság döntése a helyi földbizottságok szerepéről, döntéseiről, és az állásfoglalásuk indokainak megalapozottságáról: Laikus szervek szerepe a földforgalom szabályozásában, *Jogesetek Magyarázata* 2015(3), pp. 17–32.
22. Olajos I, Csák Cs & Hornyák Zs (2018) Az Alkotmánybíróság határozata a mezőgazdasági földek végintézkedés útján történő öröklésről, *Jogesetek Magyarázata*, 9(1), pp. 5–19.
23. Orosz F (2018) A termőföld mint nemzeti kincs alkotmányos védelme hazai és nemzetközi vonatkozásban, *Publicationes Universitatis Miskolcensis, Sectio Juridica et Politica*, Tomus 36(1), pp. 178–191.
24. Orosz L & Svák J et al. (2021) *Ústava Slovenskej republiky - Komentár, Zväzok I*, Wolters Kluwer, Bratislava.
25. Palšová L, Bandlerová A, Melišková I & Schwarcz P (2017) Agricultural Land Protection – the Case of Slovakia, *Erenet Profile*, 12(4), pp. 64–72. doi: 10.1515/eual-2017-0004.
26. Palšová L (2019) The sublease contract as a tool for solution of the land ownership fragmentation in Slovakia, *CEDR Journal of Rural Law* 5(1), pp. 72–76.
27. Palšová L (2020) *Agricultural lands - fields of conflicts*, Warsaw University of Life Sciences, Warsaw.
28. Palšová L, Bandlerová A & Machničová Z (2021) Land Concentration and Land Grabbing Processes – Evidence from Slovakia, *Land*, 10(8), 873, <https://doi.org/10.3390/land10080873>.
29. Pavlovič M (2020) Vplyv ústavnej ochrany pôdy na vývoj pozemkového práva, in: Tkáčiková J, Vomáčka V, Židek D et al., ed., *Pôda v právnych vzťahoch – aktuální otázky*, Masarykova Univerzita, Brno.

30. Pavlovič T & Ravas F (2017) *Ústavná zmena, ktorej účelom je ochrana pôdy*, <https://www.prosman-pavlovic.sk/ustavna-zmena-ktorej-ucelom-je-ochrana-pody/> [10.10.2021]
31. Petranská Rolková N (2017) *Ústava Slovenskej republiky a jej dvadsaťpäť rokov (1992 – 2017)*, Kancelária Národnej rady Slovenskej republiky, Bratislava.
32. Ptačinová V (2019) *Ústavný súd zrušil obmedzenia pri prevodoch poľnohospodárskej pôdy*, <https://www.epravo.sk/top/clanky/ustavny-sud-zrusil-obmedzenia-pri-prevodoch-polnohospodarskej-pdy-4415.html> [10.09.2021]
33. Relevans advokátska kancelária (2017) *Pravidlá nadobúdania poľnohospodárskych pozemkov a ich pripravované zmeny*, <https://www.relevans.sk/pravidla-nadobudania-polnohospodarskych-pozemkov-pripravovane-zmeny/> [10.09.2021]
34. Strapáč P (2015) *Zákon o nadobudnutí vlastníctva k poľnohospodárskemu pozemku, Právo pre ROPO a obce v praxi*, 2015/4, pp. 15.
35. Szilágyi J E (2017) Az európai jog és a magyar mezőgazdasági földek forgalmának szabályozása, *Agrár- és Környezetjog*, 13(23), pp. 148–181. doi: 10.21029/JAEL.2017.23.148.
36. Szilágyi J E (2018) A potential approach of natural resources law, *Journal of Agricultural and Environmental Law*, 14(25), pp. 270–293. doi: 10.21029/JAEL.2018.25.270
37. Veliký P (2019) *Rezolučný postoj Ústavného súdu k prevodom poľnohospodárskej pôdy*, <https://www.usgb.sk/sk/rezolutny-postoj-ustavneho-sudu-k-prevodom-polnohospodarskej-pody> [10.09.2021]
38. Zelenajová Z (2016) Riešenie kolízie práv druhej generácie v rozhodovacej činnosti Ústavného súdu Slovenskej republiky (Solving of the Second Generation Fundamentals Rights' Collision in the Decision-making of the Constitutional Court of the Slovak Republic), *Časopis pro právní vědu a praxi* 24(3), pp. 377–390, doi: 10.5817/CPVP2016-3-5.