



Recommendation 542 (1969)¹

Agricultural inheritance

Parliamentary Assembly

The Assembly,

1. Having noted the reports of the Committee on Agriculture on agricultural inheritance law ([Doc. 2499](#)) and on the financing of structural adaptations in agriculture ([Doc. 2498](#));
2. Being anxious to give agriculture its proper place in economic life and to provide farmers with an income comparable to that in other sectors;
3. Recalling Recommendations 411 (1965) and 476 (1967) relating to agricultural policies, and in particular to the reforms of agricultural structures in Europe;
4. Considering that one of the most important measures for the reform of agricultural structures consists in land consolidation and the revision of the land structure;
5. Considering that such consolidation measures, which are lengthy and costly, remain fruitless if divisions resulting from the sharing out of estates after inheritance persist;
6. Considering that it is therefore important to supplement technical and financial measures for the restructuring and rationalisation of the agricultural economy by corresponding legal reforms, and in particular by improving the agricultural inheritance system;
7. Considering that the Luxembourg Bill to amend and supplement certain clauses of the Civil Code with a view to providing agriculture with a special inheritance system will help in the preservation and creation of economically sound agricultural holdings;
8. Referring to Resolution No: 5 on the possibility of harmonising aspects of the law relating to inheritance, adopted at the 5th Conference of European Ministers of Justice which took place in London from 5-7 June 1968,
9. Recommends that the Committee of Ministers :
 - 9.1. invite the governments of member states to :
 - a. pursue their efforts for the reconversion and modernisation of agriculture, in order to make agricultural holdings economically viable and to assure farmers of an income comparable with that in other economic sectors;
 - b. supplement land consolidation and restructuration measures by an equally essential reform or re-adaptation of the inheritance law applicable to farmers;
 - c. be guided, in any legal reforms contemplated for that purpose, by the Luxembourg Bill amending a number of clauses of the Civil Code with a view to reforming the agricultural inheritance system;

1. Assembly debate on 27 January 1969 (20th Sitting) (see [Doc. 2499](#), report of the Committee on Agriculture). Text adopted by the Assembly on 27 January 1969 (20th Sitting).



- d. include particularly in any legislation applicable to inheritance in agriculture, in order to preserve farms as productive units and to enable those who take them over to acquire them at an economically justifiable price, the following two basic provisions of the Luxembourg Bill :

temporary preservation of the inheritance undivided, for the benefit of the surviving spouse and minor children ;

preferential allocation based on the productive value of the agricultural land ;

- 9.2. instruct the European Committee on Legal Co-operation to consider the possibility of preparing a draft model law covering the subjects mentioned in paragraphs (i) (c) and (d) above.