



DAMIEN XHONNEUX

FLEMISH FARM LEASE DECREE

THEMATIC GROUP ON GEN Z: LEADING
GENERATIONAL RENEWAL IN FARMING





3 CRITICAL IMPROVEMENTS

1) THE CONDITIONS FOR NON-APPLICABILITY OF THE PRE-EMPTION RIGHT

2) THE INTRODUCTION OF A NEW TERMINATION OPTION: RETIREMENT OF THE TENANT

3) FLEXIBILITY IN LEASE DURATION





THE CONDITIONS FOR NON-APPLICABILITY OF THE PRE-EMPTION RIGHT

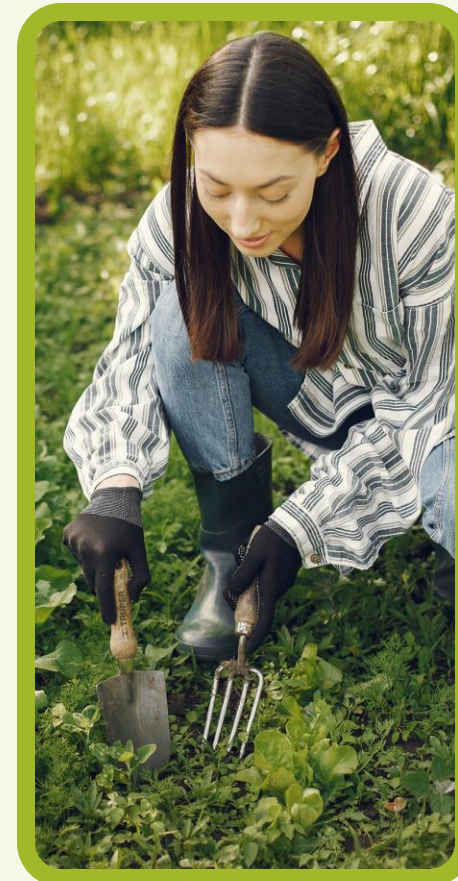
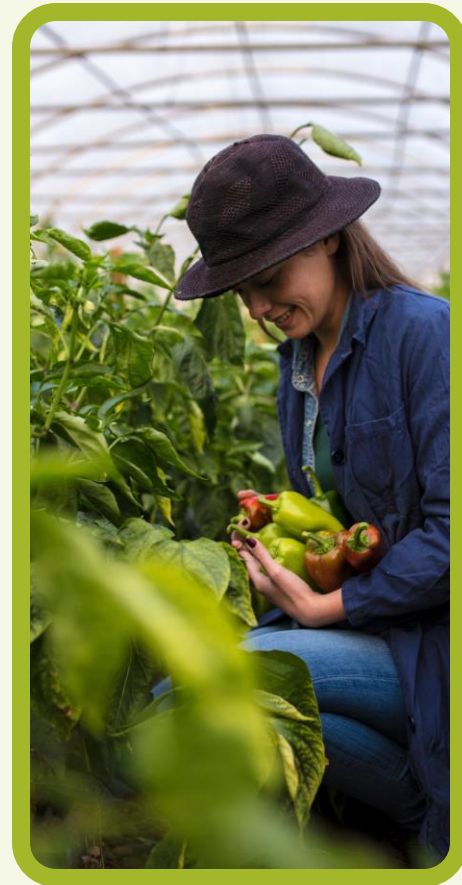
CONTEXT: IN CASE THE SUBJECTED LAND IS SOLD

BAU-SCENARIO: TENANT AS WELL AS HIS/HER FAMILY MEMBERS PARTICIPATING IN THE FARM BENEFIT FROM A PRE-EMPTION RIGHT

→ Introduction of new exceptions:

"TENANTS WHO HAVE REACHED THE OFFICIAL RETIREMENT AGE WILL NO LONGER HAVE A PRE-EMPTION RIGHT IF THEY RECEIVE A RETIREMENT ALLOWANCE AND IF THEY DO NOT DESIGNATE ONE OR MORE PRIVILEGED FAMILY MEMBERS WHO MAY CONTINUE THEIR OPERATION."





THE INTRODUCTION OF A NEW TERMINATION option: retirement of the tenant

- ✓ THE LANDLORD STARTS TO OPERATE THE LEASED PREMISES HIMSELF OR TRANSFERS THE OPERATION TO ONE OR MORE FAMILY MEMBERS SPECIFIED IN THE ACT OR TO A HABITABLE AGRICULTURAL BUSINESS.
- ✓ THE TENANT RECEIVES A RETIREMENT ALLOWANCE.
- INTRODUCTION OF A REBUTTABLE PRESUMPTION REGARDING THE RECEIPT OF A RETIREMENT ALLOWANCE



FLEXIBILITY IN LEASE DURATION

STANDARD LEASE DURATION: 9 YEARS

- INTRODUCTION OF LONGER LEASE AGREEMENTS UP TO 18 YEARS
- ALLOWING MORE FLEXIBILITY REGARDING “END OF LEASE” ARRANGEMENTS BETWEEN TENANTS AND LANDOWNERS

CRITICS: “IT’S LACKING ACTIVE STIMULI FOR LANDLORDS TO ENGAGE IN LONG TERM/ CAREER LEASE AGREEMENTS” (F.I. TAX DEDUCTIONS ON LEASE REVENUE ETC.)





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AGRICULTURE



GOOD PRACTICES IN GENERATIONAL
RENEWAL



**THANK YOU
FOR YOUR
ATTENTION**

