

**LAND TENURE AND
LAND RELATIONS
IN AUSTRIA**

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Contribution to the International Encyclopaedia
“Land Tenure and Land Relations in Different Countries of the
World”

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1 General information about the country

1.1 Location on the world map, adjoining states

Austria is situated “in the heart of Europe”. The position on the globe is determined by the latitudinal coordinates¹ 9° 30' to 17° 5' East and longitudinal coordinates 46° 20' to 49° North. There is no access of the country to the sea. The neighbor states are Germany (Northwest), the Czech Republic (North), the Slovak Republic (Northeast), Hungary (East), Slovenia (Southeast), Italy (Southwest) and Switzerland (West). An enclave within the borderland to Switzerland is formed by the mini-state of Liechtenstein. About 1,300 km, this is 40% of the boundary is allotted to former socialist countries.

1.2 Dimension and nature of the territory

1.2.1 Size, physical structure and relief

Austria's surface is 83,849 km². The territory is extended over five main physical regions of Central Europe: The Eastern Alps (60%), pre-alpine lowlands and the Danube valley (10%), part of the Bohemian plateau (5%), Northeastern lowlands (15%) and Southeastern lowlands (10%). The alpine region consists of a Central zone built up by crystalline shists, accompanied of two limestone chains in the North and in the South. The highest elevation is “Großglockner”, 3,800 m above sea level. Main parts for human settlement are the longitudinal valleys of the rivers Inn, Salzach, Enns, Mur and Drau and the inner alpine Carinthian basin. Pre-alpine lowlands are formed by glacial deposits and post-glacial terraces normally between 300 and 550 m, while the Northern granite and gneiss plateau is culminating at about 1,000 m. The Northeast of Austria is partly a hilly area below 350 m and partly belonging to the westernmost plains of the Pannonian basin, both covered with loess deposits, with the lowest point of Austria East of Lake Neusiedl with 115m above sea level. The Southeastern lowlands between 250 and 600 m result from fluvial morphogenesis, characterized by a strong asymmetry structure of valleys.

The permanently inhabited area (“Dauersiedlungsraum” – this is the non-forested area under intensive agricultural use plus settled areas) comprises about 33,000 km². Like the whole country also this part of the Austrian territory belongs to different physical surface categories in terms of height and steepness. On 56% of this surface category the steepness is less than 20%, while 21% of the land is steeper than 30%.

Due to height categories 19% of the land are lying below 250m, 39% between 250 and 500m, 36% between 500 and 1000m and 6% of the permanently inhabited areas are higher than 1000 m.

1.2.2 Land categories

The main categories of land, especially of used land, changed dramatically since 1937.² The most evident changes concern a heavy exchange of agricultural and forest land which undoubtedly can be seen in the context of intensification in the primary sector. Agriculture has no need for more than one million hectares of marginal land (wet, steep, remote), while forest land is increasing since more than a century. A very strong impact on land use is caused by construction of buildings and roads of different size and categories. One important agent for this is the regional segregation of residential and economic functions which caused a severe increase of commuters movements between centres and peripheral sites.

¹ Slightly rounded

² This is the year of the last agricultural census before World War II.

To a certain extent the prescriptions of the forest law of 1975 have contributed to this development, because due to this act agricultural fields and meadows with at least one third of wood plants officially are supposed as forest area (compared with 50% before).

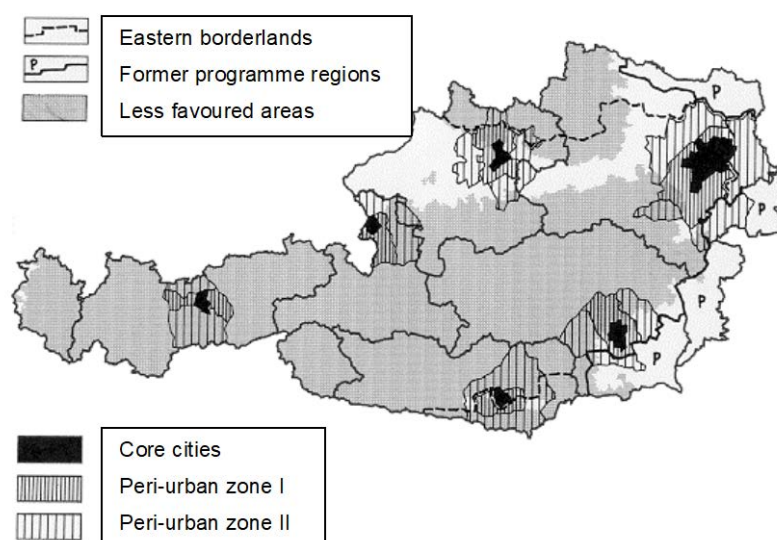
Table 1

Main categories of land 1937-2000 (million ha)				
<i>Land use categories</i>	1937	1970	1985	2000
Agricultural land in total	4,4	4,2	3,9	3,55
of which arable land	2,0	1,7	1,4	1,4
of which permanent grassland	2,2	2,0	1,9	1,9
of which fallow and set aside	..	0,1	0,4	0,15
Forest land	3,4	3,6	3,8	4,0
Unproductive	0,6	0,6	0,7	0,85
of which built up area	0,05	0,1	0,15	0,25
TOTAL	8,4	8,4	8,4	8,4

1.2.3 Distribution of settlements

The regional distribution of settlements is, due to the mountainous structure of Austria, varying in a range of 1:3 by districts. Except urban municipalities suburban zones around Vienna as well as alpine districts in Western and other parts of the country (mainly Tyrol) show a density of „residential zones“ of 18% and more of their permanent settlement areas. Similar under „construction pressure“ are industrial or touristic regions resp. (Styria, Upper Austria). On the other hand Northern and Eastern rural districts are not so densely built up (less than 10%), except some regions characteristic for fragmentation of agricultural land and widely dispersed villages.

The main regional categories of Austria are shown by the cartographic overview:



An important characteristic concerns the types of settlements which are distributed due to their historical development. So in the “old land” of the bavarian settling of Austria before the year 1000 dispersed settlements (hamlets, single peasants) form the main type of rural settlement. During the following settling period in the eastern parts of the country compact villages were founded; they

had an important defence function against riding cohorts of mongolian origin like hunns, or hungarians). Today about 75% of the population is living in central regions of six metropolises – Vienna, Graz, Linz, Salzburg, Innsbruck and Klagenfurt (shown in the graphic above).

1.2.4 Communication

Austria belongs with about 500 motor vehicles per 1000 inhabitants to those countries who register the highest density of private cars in Europe. 75% of cars are reduced pollutant by catalysator equipment or are Diesel-driven. The area zoned for public and private traffic amounts to 1,800 km². The share of traffic areas lies in urban districts fairly above 15% of the permanent settlement zone and in alpine regions normally between 5 and 10%. In agricultural zones of Eastern lowlands the traffic area density is below 5%.

1.2.5 Natural and climatic conditions

Austria is influenced by Westerly cyclones on the Northern hemisphere but also by continentality effects from Eastern Europe. The January temperature of inhabited areas varies in a broad scale between about minus 15° Celsius in alpine villages to 0° at the Eastern border or the surroundings of Lake Constance. Mean July temperatures reach from plus 12° (alpine) to 24° centigrade in the basin East of Vienna.

The precipitation regime is characterized by rainfall throughout the year, with a maximum in spring and early summer. The outer front North and South of the alps register up to nearly 3000mm per year, while lowlands at the Northeastern boundary suffer from less than 500mm of which a high share is drying out in the wind. A periodical winter minimum is typical esp. for the Central alpine region; it is caused by the so-called "hygric continentality" which appears after heavy rainfall on the luff side of mountain ranges. Due to this phenomenon every third winter on average snow is lacking and produced artificially in many winter sport regions.

1.3 Socio-demographic changes and basic data

Main things of human life within a society are called „social functions“.³ Today in every living space, urban and rural, the aspect of individual valuation of these essential is changing: „Material“ functions are gaining weight while ideal functions heavily lose their value. Consequences for the future "socio-political constitution" of human societies in towns and villages to observe are:

- Almost all settlements increased in surface (more and greater dwellings) inspite of less demand due to a decreasing population.
- Negative birth rates do not remain limited to great cities and to Eastern Austria but are conquering even the more traditional regions of the country (alpine, rural).
- Economic targets (good management, to make fortune, provision of reserves), won high priority.
- Movement of people in space became the manifestation of a human territorial drive without any limit thanks to traffic techniques; but vertical migration, social rise Aufstieg, cannot keep pace with this development.
- Finally we must state that the „socio-cultural function“ of the population actually is bringing forth much more trivial and passive consumption of entertainment than active and authentic contributions to regional cultural life.

³ Following the German sociologist MAX WEBER.

Table 2

Population characteristics 1961-2000 (in 1000)			
<i>Demographic categories</i>	1961	1981	2001 ⁴
Population	7,073	7,555	8,121
Male	3,296	3,572	3,948
Female	3,777	3,983	4,173
Age groups: under 15	1,585	1,511	1,351
15 to 60	4,188	4,590	5,068
over 60	1,300	1,454	1,702
Nationality: Austrian	6,972	7,264	7,360
Foreigner	102	291	761
Confession: Catholics	6,295	6,373	
Protestants	439	423	
Others	74	307	
No confession	266	452	

1.4 Political system, government bodies

Austria is a parliamentary democracy and a member state of the European Union. The legislative body is the Parliament whose 183 members are elected in a four year rotation. We can distinguish five organizational fields of the state with a hierarchy of institutions and administrations.

State policy system	
<i>Organizational fields</i>	<i>Main institutions</i>
Bodies of legislation	Federal Parliament Parliaments of 9 Federal states
Public administration	Federal Ministries State governments Communal administration
Political parties	SPÖ – Socialist party FPÖ – Liberal party ÖVP – Peoples party Die Grünen – The Green
Chamber organizations	Chamber of Commerce and trade Chamber of Workers Chamber of Agriculture Chambers of different (free-lanced) professions
Executive	Armed forces Police and Gendarmerie
Social solidarity	Public insurance Civil security and hazard control Co-operative unions

⁴ Statistical extrapolations

1.5 Austria within the European area

Austria's geographical position and the given characteristic features cannot be found in such a combination in any other European state.

1.5.1 Austria as a frontier country

Due to its elongated shape and comparatively small size, most of Austria (some 85% of its population and 78% of its territory, including all large urban agglomerations) consists of border areas with a maximum distance from the national border of 60 kilometers. Therefore, reducing the barrier effect of the borders through its integration into the EU and the opening up of the borders of the Central and Eastern European states has massively changed the geographic conditions for economic development in most of Austria's border regions – a development that entails new options but also new, and partly considerable, risks.

One risk is, in particular, the economic gradient toward the central and eastern European neighbouring states. As long as this „European prosperity edge" exists, it poses the risk of economic and social destabilization for areas on both sides, caused by the excessive mobility of capital and/or persons.

1.5.2 Austria as an Alpine country

The Alpine region covers nearly two thirds of the Austrian territory. Virtually half of the population resides in this region, and essential components of Austria's value added are produced here – by no means only in the field of tourism but in almost all economic sectors. The Alpine region, therefore, is not a nature reserve for Austria but fulfills all the functions of a highly developed spatial unit of living and economic activity.

However, the specific geographic conditions of Austria (topography, climate, limited availability of land for settlement and economic purposes) are particularly aggravating factors for the accomplishment of spatial development objectives in the Alpine region, even though the economy in this region shows a predominantly dynamic development.

1.5.3 Austria as a landlocked and transit country

Austria is a landlocked country and has seized the opportunity to establish world-wide economic relations comparatively late. Due to its geographic position in the heart of Europe, with major Alpine crossings and the Danube waterway, Austria's character has nevertheless been determined since days of old – although it had no significant conurbation in terms of international trade – by transit traffic between the European economic centers and has been integrated in such a way into the economic structure of Europe.

As recently as only two decades ago, this position, in terms of European transport geography, was conceived and used as an economic advantage. The enormous growth of traffic flows, however, has made it clear in recent times that this position also has its dark sides and has resulted in increasing political resistance of the population concerned. This development gives rise to the need to look for a viable compromise between the interests of the economy, the road users and the local population concerned, and to take measures to restrict traffic and to reduce its environmentally harmful effects. Especially due to Austria's character as a landlocked and transit country, this cannot be done at the regional or national levels alone but requires measures to be taken in particular within the European framework.

2 Historical formation of land tenure in it's modern borders

2.1 History of formation

Austria in terms of its social history is a part of "Upper Germany". Therefore the land tenure system is mainly influenced by typical Germanic common rights, while the public right system is characterised by a lot of individual or personal rights derived from the Roman social and juridical system.

The Germanic settlement periods in the Eastern Alps and most of the Northern and Eastern pre-alpine lowlands found a relatively dispersed illyric and slavic population. The first Germanic settling period, roughly spoken before the year 1000, occupied Austria not farer to the East than to the meridian of Melk in Lower Austria. In this region we find the typical Bavarian pattern of dispersed settlements, mostly isolated farmsteads with a few and normally small centres called "Kirchweiler" which means a small hamlet with a (catholic) church. The cultivated land is situated around the farms and the heritage custom belongs to the type of the principal heirs right.

The second Germanic settling period took place as a reaction on the desastrous invasions of awars, huns, and hungarians, the latter of which defeated in 955 in the famous battle on the Bavarian "Lechfeld", near Augsburg. After the repulsion of these hordes of step tribes the parts of Austria East of Melk became repopulated between about 1000 and 1150, but now with compact and large "street villages" and similar types, first of all defeatable against potential enemies. The arable land was surrounding the villages and was characteristically divided into three sections due to the common type of land use, the famous "three-field system". The heritage system usually was the "gavelkind" which lead to an extreme division of land with splitting up of the agricultural area.

The normal use of the three parts in the three-field system can be described by their function for producing of winter cereals, summer cereals, and as fallow fields, which wer commonly used as pastures (sheep, goats). This part under common use is called "Allmende"; the open surface within the villages has also been used commonly (as ponds, or meadows), furthermore considerable parts of the woodlands, and last but not least also alpine pastures.

The result of these fundamental historical origins is a legal conglomerate of

- individual land use rights of the farms themselves – in relation to the landlords,
- of common rights on land and other resources which in general are better used in co-operation,
- and other rights (water supply, transport, milling rights, construction material) based on their historical assignment to farms but allocated on someone else's land (so-called "Dienstbarkeiten" or public and service rights).

2.2 Landmarks in the land relations

2.2.1 Land register systems from the pre-industrial to the post-industrial era

During the government of Maria Theresia (1740 to 1780) and her son Joseph II (1770 to 1790) the first cadastral map was developed. It served more or less as a land data base for taxation only.

During the early years of the 19th century, this is after the end of the "Holy Roman Empire" (1804) whose emperors the Habsburg archdukes have been, a more scientific period was influencing the economy and also the agricultural administration, because of an increasing awareness of domestic socio-economic needs. In this period, starting with 1812, Franz I. the sovereign of the new "Austrian Empire" ordered a modern land register survey throughout the whole empire between the Lake

of Constance and the Bukowina (today part of Ukraine); this was the beginning of the elaboration of the famous (so-called) “Franciscan Cadastre”.

This land register was based upon a completely new survey with the scale of 1:2880. The trigonometrical base was formed by two basic straight lines: The base of Wiener Neustadt (for the Eastern parts of the empire) and the Adriatic base (for the alpine regions). The survey was completed in 1866.

Parallel to the land register survey a topographical map was elaborated which produced a threefold map edition (1:25,000, 1:50,000, and 1:75,000), covering the whole empire.

For special maps (1:25,000 and 1:50,000) and the land register plan a revision was performed beginning with 1927 in order to clarify the new territorial situation after the First World War. Further revisions came along after 1945 and later. A modern cartographic tool is the Austrian ortho-photo map in the scale of 1:5,000.

The final effort in modernising of the Austrian cadastral basis has taken place with the elaboration of the “Digital land register”⁵ (between 1975 to 2000).

2.2.2 Milestones in land reforms and the formation of the territorial system

The *peasants liberation of 1848* – inseparably joined with the name of the politician Hans Kudlich – brought about the transfer of property rights to the farmers, with a notable compensation for the former landlords which normally consisted of one third of the land (but in many cases the worst parts of the rural space).

The introduction of *autonomous communities* in 1865 together with their embodiment in the Austrian constitution lead to a stable system of communal autonomy, with legal participation of the communities as territorial authorities, with a partial sovereignty concerning finances, and local planning.

The *breakdown of the Austro-hungarian empire* in 1918 principally did not create a new administrative situation in terms of the land register but the perspective of the provision of food for the population was charged heavily by the impossibility to nourish the Austrian population by domestic supply.

In order to ease the fate of 600,000 starving and unemployed Austrians the project of an *“inner-austrian colonisation”* was started, but it remained an uncompleted process. Around the year 1930 several thousands of new farmsteads with the goal of subsistence were created. Even in the outskirts of great cities (Vienna, Graz, Linz) areas were parcelled (size between 0.5 and 2 ha) and zoned as agricultural land for such subsistence farmers.

In the period of the “Third Reich” first the action of *„disencumberment”* of the mostly overdebted farmers began – politically seen a very clever move.

Adjustment and *mechanization* of the agricultural sector in the real meaning of these terms was carried out not earlier than during World War Second. It is a fact that the primary sector was acknowledged as essential for the military strategy and therefore even heavy subsidisation was justified in the meaning of the Nazi power politicians.

The performance of the first *Austrian forest inventory* took place under circumstances of the given military occupation. This inventory was elaborated during the years 1949 to 1954. Its scientific val-

⁵ The so-called „Digitale Katastralmappe, DKM“

ue is undoubted, but the statistical data are to a certain extent influenced by the trial to hide the real values in order to avoid the rise of covetousness of the Soviet occupants.

The change-over of the traditional cadastral map from the scale 1:2880 to 1:2000 (or 1:1440 to 1:1000 resp.) was done continuously since about 1970; it was the first step to the Austrian “digital cadastral map”, the basis of the now completed electronic land register.

3 “Various” land

3.1 Land as socio-geographical category

The socio-geographical aspect of land means the distribution among the main social groups and activities. Although Austria is a post-industrialised country, about 85% of her surface are “rural”. Between the Lake of Constance and the Hungarian border a rich spectrum of rural landscapes can be found, with typical structures shaped by open space elements, different settlement types, marvellous types of farmsteads and others.

The rural land tenure is “functioning” in a multifunctional context:

- It is the nutritional basis for the whole population and source of raw materials for different industries,
- but it is also the recreational area for the majority of Austria’s inhabitants and also for millions of foreign tourists in summer and winter,
- and it is a regulating factor for the availability and quality of major public goods (e.g., water, air).

Austria consists of nine federal countries; the federal capital of Vienna and five more centres are forming considerably large agglomerations with more than 100,000 inhabitants, each with an industrial environment, of which the regions around Vienna (the “industrialised quarter” of Lower Austria), the “Zentralraum Linz” in Upper Austria and the Inn valley in Tyrol are of major importance.

Austria is one of the first touristic regions in the world and thus highly profiting from the recreational and leisure activities and services throughout the country. The main regions concerned are alpine grasslands and pastures serving as grounds for winter sports, and mountainous areas and also those around lakes are attractive regions for summer tourism (the alpine landscapes, the “Salzkammergut lakes” in Upper Austria and Salzburg as well as the Carinthian lakes).

Looking at Austria as a transit country we have to state, that a larger part of its surface is dedicated to the infrastructure for communication facilities for the European Union and the continent as a whole. Most parts of the country are highly accessible for different types of public and individual traffic, both in a process of intensification and infrastructural improvement. The main transit routes are the “Brenner line” between Germany and Italy, the “Tauern route” between Central Europe and the Balkan states and the Danube corridor between Southern Germany and Middle Eastern Europe. The so-called “diagonale corridor” between Poland and Italy (via the Vienna basin) is under construction in terms of communication.

3.2 Land as economical category

Land is the spatial base for the existence of the population and also the public reproduction process as a whole, it is subject and means of production in the agricultural (rural) and forestry economy, the vehicle of natural resources and technologies and therefore the subject of a wide range of public interests and relations.

Austria's agricultural production potential during the last century shifted from a significant lack of food⁶ to the situation, that since 1970 theoretically the fourfold population (as of 1920, then it was 6 million people) could be fed ceteris paribus to conditions as during the years after World War I.

Table 3

Land use categories in Austria 1950 and 1995 (ha, rounded)			
Land categories	1950	1999	Change index*)
Cadastral area	8,385,000	8,385,000	100
Gross economic area	7,684,000	7,565,000	98
<i>Agricultural land</i>	<i>3,850,000</i>	<i>3,430,000</i>	<i>89</i>
<i>Woodland and forest**)</i>	<i>3,063,000</i>	<i>3,290,000</i>	<i>107</i>
<i>Unproductive and other areas</i>	<i>771,000</i>	<i>845,000</i>	<i>110</i>
Subcategories (selected)			
Arable land	1,600,000	1,403,000	88
Grassland total	2,189,000	1,940,000	87
Permanent and special crops	63,000	86,000	138
Built up area	-	73,000	-
Traffic area	-	180,000	-
Water surface	131,000	131,000	100
*) Index (1950=100); **) Due to the statistic of land use, therefore not compatible with the officially registered forest area			

Table 4

Agricultural land – structure and dimensions (ha)			
Categories (selected)	1970	1995	Change index*)
Total arable land	1,544,000	1,405,000	91
Bread grain	417,000	356,000	85
Coarse grain	421,000	279,000	66
Corn maize	124,000	120,000	97
Silage maize	47,000	144,000	310
Sugar beet	44,000	52,000	119
Oilseeds	12,000	170,000	1380
Potatoes	110,000	27,000	25
Permanent crops: Wine	46,000	57,000	123
Permanent crops: Orchards	47,000	19,000	41
Total grassland	2,215,000	1,977,000	89
Intensively used grassland	1,032,000	970,000	94
Extensive grassland	1,182,000	1,007,000	85
*) Index (1950=100)			

3.3 Economic marginalisation of land

3.3.1 The Phenomenon of Fallow Land in Eastern Austria

The socio-economic changes during the 1970s and 1980s led to considerable variations in agricultural land use, particularly in Burgenland. No other Austrian region shows a comparable concentration of part-time farming and commuting. The most striking phenomenon of structural change has been a continuing reduction of areas used in agricultural production. The fact can be summarized as follows:

⁶ In 1920 the government stated that "Austria never will be able to reach a status of self-sufficiency for the population by her own means"

About 25 percent of formerly cropped fallow land in Austria is located in the Southern Burgenland. In this region the area of fallow land amounted to thousands of hectares, initially covering remote areas with marginal soils but later on grasping even the best of soils. In several communities the area of fallow land surpasses that of used farmland. This development of the land use pattern was partly determined the peripheral location of the area at the Austro-Hungarian border which belonged to the former "Iron Curtain".

During the last 50 years the population has decreased by about 30 percent while the decrease of the agricultural population amounted to 85 percent in that period. Industrial plants, trades and services were insufficiently developed, and during the period from 1880 to 1950 many inhabitants emigrated to overseas countries as well as to the Vienna region and other industrialized parts of the country. This led to an increasing proportion of old people among the agricultural population.

Another cause for leaving land unused is the traditional practice of inheritance: The farm is divided among heirs by creating parcels of farmland. Neighbouring parcels may thus belong to different persons. The mean size of farms decreased to 4.4 hectares. Emigrants or their descendants remain owners of some 10 percent of the farmland in Southern Burgenland. In most cases this land falls fallow.

Similarly land turns fallow because of either a shortage of agricultural labour supply or the limited usefulness of these areas with respect to income-generation.

Future developments can be evaluated from different points of view. The economy as a whole is sufficiently prepared to offer alternative sources of income to commuters of agricultural origin. In addition, the fact that land is taken out of agricultural use removes a burden from the CAP due to the agricultural marketing order scheme.

From the ecological point of view fallow land is of greater value than cultivated land and suspected negative consequences arise only in certain circumstances: The deterioration of soils may be promoted by uncontrolled afforestation. Further extension of fallow land areas might lead to a shift of the ecological equilibrium, e.g., densely populated lowland may assume woodland character whilst steeper uplands remain a feasible production resource.

3.3.2 Fallow Land in the High Alps

Fallow grassland covers the upper alpine area to a considerably higher degree than any other region in Austria. During the 1980s and later some 300.000 hectares of farmland in the country is out of production. Most of it (at least 30%) is comprised of mountainous pastures on marginal soils.

Using the term "socio-economically determined fallow land" for it, on upper mountainous areas we have to distinguish between fallow arable land and idle meadows and pastures. While in the former no continuous transition to more extensive uses could be observed this was characteristically the case with grasslands. In Western Tyrol (the Reutte district) as in any other region with a similar structure the use of marginal lands has been abandoned because of insufficient returns and other socio-economic factors. The situation in that exemplary region was as follows:

Some 14,000 hectares of farmland were out of use. Idle areas in valley bottoms attract attention, covering at least 1,400 hectares of ecologically superior locations. However, the bulk of idle spaces is provided by vast areas of alpine grassland. Five types of idle lands can be distinguished according to their former uses: Intensive farmland in flat valley bottoms, smooth and steeper valley pastures, river banks and water meadows, mountainous grassland and idle mountain pastures.

There are quite diverse reasons for abandoning farmland, first of all considerations with respect to the ecological and morphological situation. Of immediate concern to farmers is the steepness of the slopes. Almost all mountainous grassland declines the utilization of machinery to substitute for labor. Even on the lower river sites (valley bottoms) steepness is a cause for abandonment. On the other hand, if the slopes are smooth, grassland even the shadow sides of the valleys are still cultivated. Idle land on marshy soils can only be found in many regions, which might be considered as “natural idle land”.

The environmental structure of the region suggests that cultivation ceases because people fled the extreme hardship of mountain peasantry. The share of the agricultural population receded from 22 to 3 percent within 20 years. Due to industrialization in many areas under concern most of the occupational migrants who left agriculture and forestry found employment in the same district.

A third rather important reason for the occurrence of unused farmland is the tenure system in Western Austria. Most mountain pastures and forests are communal property designed to be operated and exploited co-operatively. Interest in exploitation has been decreasing rapidly as many co-owners switch to higher-yielding income sources out of agriculture. Thus communal farmland has been deteriorating.

The land use problem has been intensified by the condition of the forests. Circa two thirds of the woodland is sparse and has grown too old. Forests meant to protect the valleys are not fully operative in this direction; these forests can be classified as “fallow woods”. The condition of forests, the attempts to improve it by afforestation of steep slopes and upper mountain areas, and the efforts to strengthen protective woodland also suffer from the density of wildlife which is at a multiple of desired levels.

3.4 Ecological categories of land in Austria

In Austria the competence for protection of nature and environment is lying in the responsibility of federal countries, except for National parks which are subject to the competence of the federal state and the Austrian “Länder”.

In Austria several types or levels of protection can be distinguished:

- *Water protection areas*: Limited and controlled land use, especially concerning the deposit of solid and liquid manure.
- *Natural parks*: Areas for recreation in combination with the proliferation of better knowledge about nature, relatively small in size; agricultural production controlled but normally not limited, except the prohibition of changes in the land use structure which would touch the purpose of this natural preservation category.
- *Landscape protection regions*: Areas with peculiar amenities which should be preserved for the native and touristic population; a sub-category is formed by the so-called “preserved landscape elements” for the maintenance of the vitality of the area and the protection of natural habitats; most important in the size of the surface concerned.
- *Natural protection regions*: The highest level of nature conservation in Austria targeting at the optimal maintenance of natural regions; most in number.
- *National parks*: A special category of conservation areas, for which the international criteria of the IUCN are applied; furthermore a minimum size due to the Ramsar indicators is requested; in general no agricultural use except that concerning the necessary management of a given land use for maintaining sustainable protection purposes.

- *Natura 2000 areas*: due to the European “Fauna-Flora-Habitat“-regulation 92/43/EWG and the regulation for the protection of birds (from 1979) a spatial network of protected areas for Europe as a whole is in elaboration in the EU-member states; the network consists of two spatial categories:
 - special protection zones for songbirds and 182 other species of birds,
 - special protection zones for natural habitats of 253 types of biocenoses, 200 animal species and 434 plant species.

In the case of acknowledgement as „Sites of community interest, SCI“ the delineation of areas concerned will have to be elaborated at the latest until 2004.

Table 5

Legally protected areas in Austria 1997		
<i>Category</i>	<i>Number</i>	<i>Area (ha)</i>
National parks	5	356,146
Natural protection regions	356	324,306
Landscape protection regions	244	1,389,914
Natural parks*	29	142,548
Other protected regions	20	152,602
Total	625	2,222,968

* Not included in the total because of their status as parts of other protection categories.

The agricultural contribution to the protection of nature and landscapes is the output of the so-called “ÖPUL”. About 140,000 farmers still participate in this financially well suited programm with five years contracts for different levels of activities, active (e.g., preservation of cultural and typical elements of the landscape) or passive (e.g., renunciation of agro-chemicals and fertilizers).

Table 6

ÖPUL*) – support for ecological awareness in agriculture		
<i>Measure**, selected (no. of farms participating)</i>	<i>Area (ha)</i>	<i>Dotation 2001 million €</i>
Basic support (122,436)	1,969,395	100.6
Biological agriculture (16,306)	249,797	69.5
Renunciation of input goods on grassland (47,955)	136,940	63.8
Reduction of input goods on arable land (37,903)	547,066	61.2
Renunciation of silage fodder (10,026)	112,295	20.4
Maintenance of the cultural landscape (53,349)	205,227	41.2
Alpine pasture (8,177)	261,920	23.6
Green cover on arable land (59,036)	932,565	91.6
Total (137,537)	2,250,930	588.4

*) The abbreviation stands for: Österreichisches Programm für eine umweltgerechte Landwirtschaft, this is the „Austrian Programm for an environmentally viable agriculture“.

** Multiple choice, therefore the total is not the sum of different measures.

3.5 Land as commodity

The land market in Austria is fairly liberalised. There is no discrimination neither of members of the national population nor of foreigners, except regulations of the EU. The transfer of agricultural land is underlying the control of a so-called “land transfer commission” which is installed on different administrative levels (communities, federal countries, and the federal state).

Land prices in general are the result of supply and demand relations, but the factors influencing the price level are completely different for agricultural land and for construction areas:

- For agricultural land the basic factor is the natural fertility, but elements of the local situation, the CAP subsidy system and needs for land due to the limitation of the livestock density per ha (e.g., the regulations of the cited "ÖPUL").
- The price for land with construction rights depends on the given various sites (urban centres, urban periphery, rural residential zones, rural periphery, touristic centres a.s.o.), but also on the search for individual advantages on the land market. So in the vicinity of cities we can watch very often high prices for agricultural land because of (more or less) justified expectations; this situation very often touches best agricultural land, e.g., in the environment of the country capitals, and especially in the region between Vienna and Bratislava which is until now the granary of Austria but expecting a boom of prospective development after the Slovak Republic's accession to the European Union.
- On the other hand in mountainous regions with touristic importance speculation is looking at fairly low productive grassland for which high prices are offered (mainly by foreigners) but almost no transfer is taking place.

3.6 Subject of planning and projecting

Chapter 8 of this contribution is dealing with the system of planning and projecting of land tenure in Austria. The main issue to mention here is that no land can be used for construction purposes without authorisation by the zoning community. For the elaboration of zoning plans the responsibility is with the community councils. Zoning and construction plans are subordinated to the control of the planning authority of federal countries.

4 Land relations

4.1 The socio-political land system and its legal base

Important legislative fundamentals:

- *Federal law on the „constitution of land“⁷*: Legal framework for the maintenance of the spatial structure of rural areas as a whole;
- *Federal countries' laws on the „regional constitution of land“*: directives for the maintenance of the countries' rural space and related measures of „cultural techniques“, consolidation of land, unification or separation of farmsteads, rural resettlement;
- *Law of succession*: Regulating customs and rules of inheriting real estate and other property; in general two types of inheritance are usual among farmers in Austria: the right of the principal heir and the gavelkind custom;
- *Civil code*: Regulating all private and economical relations and concerns within the society;
- *Federal law on agriculture*: Regulating all concerns of the federal administration of agriculture; furthermore the legal complex regulating all measures for agricultural commodities on the markets is also related to this matter; with Austria's accession to the EU the „market order“ moved from the national to the supranational competence in Brussels;
- *Federal countries' laws on agriculture*: Regulating the countries' measures for maintaining of the regional structure of agriculture;
- *Co-ownership rights*: Regulating co-ownership and agricultural co-operation; the most important type in cities is co-ownership of freehold flats and one-family houses, in rural areas the joint ownership of land which is commonly used by local groups of farmers;
- *Laws on regional planning of the federal countries*: Regulating the framework of regional and/or rural development in a comprehensive sense; there is no Federal law on regional planning in Austria so far, but in the consent of all public authorities (federal state, federal countries and communities) and the so-called „social partners“ for a period of ten years the Austrian Space Development Concept is edited by the ÖROK⁸;
- *Forest law*: Regulating all concerns of forests and woodland; important is (1) the specific designation of forests due to their protection function (water retention, prohibition of erosion, and avalanche protection) and (2) the special chapter concerning the task „spatial planning of forests“;
- *Law on railways*: Important for the acquisition of land for public purposes (e.g., concerning public security);
- *EU-accession treaty*: The basis for the implementation of the common EU legislation and policy measures („acquis communautaire“) which has priority to national law;
- *Federal law on statistics*: Regulating the statistical censuses and surveys, e.g., the utilisation of soil;
- *IACS⁹*: In Austria the so-called „INVEKOS“ which is the basis for CAP area and headage payments, and area-related payments of the Austrian programme for environment protection in agriculture¹⁰.

⁷ The Austria term „Flurverfassung“, hardly to translate into English expresses the complex situation and the organisation of the rural space as a whole.

⁸ Österreichische Raumordnungskonferenz – Austrian Conference for Spatial Planning

⁹ Integrated Administration Control System (in German „Integriertes Verwaltungs-Kontrollsystem“).

¹⁰ The so-called „ÖPUL – Österreichisches Programm für eine umweltschonende Landwirtschaft“.

4.2 Forms of land property

4.2.1 Individual property

The normal type of soil property is the individual property. About (roughly estimated) 5 million ha of the gross economic surface are owned individually, but 1 million ha of 7,5 million agricultural and forest land is owned by co-owners. About 1,5 million ha are belonging to public authorities and state enterprises. Individual owners can be natural or juridical persons, public authorities in Austria (in this short compilation) comprise the federal state, the federal countries and especially communities, furthermore state-owned limited corporations and co-operatives.

Due to the EU membership of Austria discrimination against EU citizens is legally banned in order to guarantee the four freedoms of the EU treaty. After the accession of Central European candidate states this will also include the citizens of this region of the continent.

42% of the forest area is owned by individual farmers. About 10% of the forest area belongs to the Federal forest association, while 48% are owned by 250 large forest enterprises (with more than 200 ha each).

4.2.2 Rural co-ownership rights

About 5,500 groups with co-ownership rights (together about 100,000 share-holders which are not only farmers) are jointly using their properties of altogether 1 million hectares or more, this is about 13% of the gross economic area. Today not more than 8 or 10% of the co-owners seem to use their property.

4.2.3 Service rights up on an other persons land

These rights authorise alpine farmers to use land due to their traditional shares of typical user rights upon other persons properties which, due to the last survey of service rights, are the following:

- 9,700 pasturing rights (farmsteads) on permanent grassland and 5,900 grazing rights (farmsteads) on alpine pastures; the most charged enterprise is the Federal forest association with about 170,000 grazing rights (animals) for adult cattle on their land;
- 19,000 beneficiaries (farmsteads) of 280,000 cbm of fire wood and 63,000 cbm of timber;
- 9,300 beneficiaries (farmsteads) of 268,000 cbm of litter.

The user rights first of all comprise rights of pasturing but also the procurement of fire wood, timber, and wood for construction. The most important effect is to relieve small fodder farms with little productive grassland with the important effect of increasing of their winter fodder area by the utilisation of summer pastures.

A statistically unknown area of "woodland pasture" (between 350,000 and 400,000 ha approximately) is used for pasturing purposes (cattle and sheep) for about 200,000 to 250,000 LU¹¹.

¹¹ Livestock units, standardised values for different types of animals.

Table 7

Legal types of pasturing	
Ius pascendi	Own pasture on own land
Servitus pascendi	Right of pasturing on other people's land
Ius compascendi	Right of "co-pasturing" of the land owner whose land is legally used by an other person
Ius compascui	Multiple rights of pasturing on a third persons land
Ius compasculationis simplex	Right of pasturing of a user community on common land
Ius compasculationis reciprocum	Reciprocal right of pasturing on the legal partners land

4.2.4 Renting (leasing) of land

Leasing of land is very important in Austria. This type of land possession is based on the leaving of land for use against payment. Between 15% (in less productive regions) up to 30% (in high productive regions respectively) are leased by agricultural producers.

Leaving and renting (or leasing) of land is based on the land lease law. Normally leasing is based on legal contracts by which agricultural land only, or together with residential or economical buildings is rented for agricultural use. The rent of lease must be appropriate and fair.

An important element is the term of lease which can be 15, 10, or 5 years in order to give a certain security for the entrepreneur renting land. In cases where the leasing term is 99 years we can assume a state of quasi-ownership.

4.3 Forms and mechanisms of disposal of land property

Besides these forms of land ownership, traditional and modern mechanisms of distribution, re-distribution, use of land resources and restoration of consumers' relations can be observed. The Austrian peculiarities in rural areas are concentrated on leasing of land, land ownership transfers, and inheriting of land.

4.3.1 Selling and purchasing of land

Selling and purchasing of land for construction is generally unlimited. Construction rights are bound to zoning categories.

In rural areas the transfer of agricultural land is limited, because first the agricultural demand and farmers needs for land should be taken into account. The aim is to continue the policy of improvement of efficient and productive private farms.

So the authorisation of the so-called "land transfer commission" for each case of selling and/or purchasing of agricultural land is required. Due to the given situation that every federal country has its own land transfer legislation the legal basis is rather complicated and disunited.

4.3.2 Inheriting of land – urban and rural rights

Austria knows the right of the principal heir as well as the gavelkind custom. Since several years the latter custom is not desired and officially impeded.

Also in the context of inheritance the political aim is to maintain a stable agricultural structure and to avoid the splitting up of farmsteads by partition of estates. Therefore the so-called „Erbhof“, the

hereditary farm owned by a natural person, a couple or a parent with a child is seen as a guarantor of a stable rural structure.

In the case of devolution the principal heir has to buy out¹² those heirs who do not inherit the farm.

4.3.3 Participation rights and service rights in the Austrian agriculture and forestry

These rights on the one hand are an important component of mountain agriculture but on the other hand are associated with a considerable array of problems concerning economics, property rights and land use for which a solution should be sought. An evaluation of the relevant documents concerning participation rights produced the following results for about 10 years ago (actual data not available):

With the exclusion of the smallest participation rights (about 1,000 associations in total, covering an acreage of less than 9,000 ha), in Austria there are some 4,500 farm associations who own more than 1 million ha of land. Between 120,000 and 130,000 participants have the right to extract services from the land. By 1990 about 30,000 of these were farmers (about 25%); currently, however, more than 75% of the holders of service rights are either part-time farmers or non-farmers whose interest in making use of their rights is diminishing.

- The resumé (mainly from the viewpoint of forestry) is that
- the production potential of the forest is impaired by service rights,
- the timber of forests subjected to grazing depreciates in value,
- clearing activities reduce the growth of the forest,
- the knottiness of the timber increases,
- the decay of the timber accelerates,
- and the soils of forests subjected to grazing become compact, thereby impairing the water balance.

4.4 State participation in land regulation and soil management

4.4.1 Regulation of land relations

Land survey, the Federal land management authority, and the soil survey and soil protection service are described in chapter 6.

4.4.2 Management of land resources

The Austrian land reform system is well-known under the term of "agricultural operations"; it provides a broad spectrum of measures:

- during the period 1950 to 1995 all types of consolidation and regulations of agricultural fields and forest parcels, normally on the territory of a community, eventually as "partial consolidation" in cadastral boundaries, touched about 2 million ha or almost 30% of the total agricultural and forest land; the number of proceedings amounted to about 60,000, the figure of farms concerned amounts to about 550,000 (multiple representation in different measures);
- the most important measure was consolidation; about 900,000 ha have been consolidated until the 1990s (at least one time, but several communities up to three times during 50 or 70 years), which represents 45% of the surface concerned by agricultural operations;

¹² By a so-called „Übernahmspreis“, the succession price.

- the term “Flurbereinigung” designates a limited procedure for a few farmsteads; this type of operation concerned about 55,000 proceedings on more than 90,000 ha;
- rural resettlement, especially in cases where pig farms cannot maintain their location within densely populated villages with more and more non-agricultural inhabitants;
- construction of collective infrastructure (farm roads, bridges, canals, elements of the landscape a.s.o.) which normally is the most expensive part of the operations;
- regulation and partition of the land tenure of agricultural communes (Agrargemeinschaften);
- regulation and settlement of service rights;
- improvement of the farm road system;
- stabilisation of alpine pasturing;
- rural housing;

For the initiation of a procedure of consolidation the majority of land proprietors must agree with a quorum. The costs are distributed among the federal state (60%), the Länder (20%) and the Interessenten (20%)¹³.

During the last two decades and under a certain influence from German experience land reform became an important tool of rural development as a whole. All related measures are used as transformation means for a timely structure of land tenure, for the development of villages, ecology and preservation of nature, water management and other measures of public interest.

Furthermore the performance of projects of rural planning and also the maintenance of economical and touristic functions of rural sites are important fields of an efficient land resource management. The strengths of rural development in co-ordination with “agricultural operations” are:

- balanced and multi-targetted planning in rural areas
- land mobility as a traditional factor of the procedure
- interdisciplinary co-operation of different planning authorities involved
- participation
- experience of planners in project management, communication, and moderation.

4.4.3 Settlement of service and co-operative user rights

The regulation of grazing rights, conducted some 100 years ago in Austria, created a status which has prevailed. The regulation was a quantitative determination of rights which corresponded to the utilization at that time. For decades this regulation was undisputed and economically acceptable because the pace of economic development during that time was low. The general economic development, however, called for a similar development of grazing rights which did not occur. Because most grazing rights refer to forest pastures, their (unwelcome) effect is on both agriculture and forestry. The pros and cons of the grazing rights cannot be demonstrated in this study, but a new ordinance of these rights ought to take in order to bring this urgent agricultural policy problem to a fair solution for holders, providers, and the general public.

For a short period (about 1985 to 1995) the process of settling service rights seemed to be accelerated, and about 3% of the territory concerned were regulated annually during these years. But finally the settling rate fell back to 1% p.a. or even less.

¹³ The shares are slightly variable.

5 Land market

5.1 Objects and subjects of land market

Table 8

Main elements of the Austrian land market		
System of land ownership registration	Decentralised in administrative districts; land registers belong to the local courts (in districts) and co-operate with the local geodetic survey offices; the “digital cadastre map” has been elaborated and the digital land register is also operating.	
Regulation of ownership rights	In the civil code; in principle all EU citizens and other foreigners ¹⁴ can own land (natural persons and legal entities), agricultural land inclusive, furthermore religious bodies, the state, and communities	
Land market system	Fully liberalised, with non-discriminating control of transfers of agricultural land (for both natives and foreigners)	
Tenure and leasing of land	Generally admitted to all subjects on the land market; in special cases supported by land lease or clearance boards (“Pachtbörsen”)	
Land transfer regulations	Purchase	Natives and foreigners, both individual and juridical persons, the federal state, communities and other regional authorities, unions, churches, and endowments
	<i>Leaving</i>	
	<i>Donation</i>	
	<i>Renting, Leasing</i>	
	<i>Common ownership</i>	
	<i>Common use</i>	
Foreigners as land owners	Generally admitted, no limitation except by the legal activities of the land transfer commission	
Origins of land prices	„On the free market“ (in relation of supply and demand); land values estimated by authorised experts	
Mortgage regulations	Land tenure since the 18 th century basis of enfiteus investment, for private persons since the middle of the 19 th century. Credit available until about 70% of the land values, land as collateral is usual. Land values stipulated by means of market data and information, calculation of revenues and the valuation of costs	
Land transfers	Austria’s protectionistic system in agriculture was a strong impediment to the mobility of land markets and the intensity of agricultural land transfers; much more mobility since the accession to the EU with considerable consolidation activities among farmers and increased lease of land	
Other regulations	Pasture co-operatives and shareholders of service rights on pastures and in forests owned by other persons	
Large scale enterprises	The largest is the Federal forest association which during the 1980s owned up to about 500,000 ha of forest and (mostly marginal) agricultural land; about 250 forest “enterprises” with more than 200 ha, and about 120 large scale agricultural farms with 1,000 to 4,000 ha are existing.	

5.2 The land transfer commission

With the so-called land transfer commission Austria has a well acknowledged controlling instrument of agricultural land transfer activities. Every sale and purchase treaty concerning agricultural land must be recorded to the named commission. The commissions task is to decide whether the land to transfer should be offered to an agricultural entrepreneur who is searching for land to increase or consolidate its real estate, or not. If there is such a demand on local or regional level the interested farmer can enter into the contract, but has to accept the negotiated conditions (if they are “regionally usual”). This gives security to contractual freedom.

¹⁴ No discrimination due to the necessary accordance with “four freedoms”.

This commission is installed basically on community level and consists of representatives of the farmers, the local administration and economic unions. In case of avoidance the suit will be transferred to a higher instance at the country's or federal state's level (due to the required unequivocal administration of the law by stages of appeal).

5.3 Other transactions on the land market

Sale and purchase and land lease have been demonstrated already in chapter 4. What concerns land tenure as gift, it is used among relatives normally, but also in the form of donations to churches or charitable endowments and non profit NGOs.

What remains to explain is the making over of an enterprise in agriculture and forestry. The persons who take over a farm today are confronted with two important hindrances:

- the one is the provision for the retired farmers, which, e.g., consists of the right of housing, allowance, warm meals daily and sometimes also in the (partial or periodical) inhibition of selling land which the successor has to take into account;
- the second hindrance consists of possible financial or other requests of the not inheriting siblings, which sometimes might be unpayable.

For many reasons private exchange of land is an important possibility to improve the soil structure of a farm, especially in regions with split up land tenure. This is the fact in several Eastern parts of Austria (Lower Austria, and especially in Burgenland due to the introduction of the French "code civil" during the 19th century in the so-called "countries of the Hungarian crown"); but also in Western districts (Western Tyrol and Vorarlberg) with Alemannic population whose traditional inheritance right preferred to partition of the land split up land tenure is a fact.

5.4 The mortgage system

The mortgage is a lien on land serving for the security of a money due. Economically the mortgage can be used by the mortgagee for long term loans and for the mortgagor for the acquisition of credits for investment in construction and working funds.

The basic intention of the mortgage banks was to satisfy the great demand for credits in agriculture during the 18th century, and this intention is still existing. The first mortgage institutions were founded in the 1770s. This credit system was of particular importance especially at the beginning of the industrialisation period but also later, during the great housing and construction boom of the urbanisation period in the 19th century (which in Austria is called the "Gründerzeit"¹⁵).

The mortgage system is one of the most important means of financing in general, and especially in agriculture with land as private property. The mortgage must be incorporated in the land register. If this is the fact the mortgagee has the right of disposal and to alienate his mortgage claim also to a third person. If there exist several mortgages on one piece of land, "first" and "junior" mortgages can be distinguished.

The normal type of a mortgage is the mortgage deed, but other types are also usual. Besides the hypothecation of the real estate other assets and properties of the mortgagor are also liable.

In Austria the mortgage is the unique form of a pledge on land; land charge and annuity charge as usual e.g. in Germany are unknown. The mortgage presupposes a valid mortgage claim but the

¹⁵ Eventually the „founders period“, due to the immense activities in building houses for millions of migrants towards the large cities.

personal liability of the mortgagor can be excluded. For one claim several pieces of land can be held responsible (“simultaneous mortgage”). The principle of registration is prescribed.

Concerning the type of the institution the normal case in Austria is the “mixed” mortgage bank which is offering other financial business too.

5.5 Prices for land

Market prices for land origin from supply and demand on the market, but also from other circumstances and influences. There are great differences in the regional dynamic of the land markets, and the soil value due to the land taxation normally is not the main factor for the origin of land prices.

The level of prices for agricultural land differ between 5,000 (low fertility, peripheral situation, low demand for land, no touristic or other lucrative activities) and 35,000 EUR per ha (high fertility, in regions with larger farms searching for economies of size, or in the vicinity of large centres or in agglomerations, and also in touristic regions, in the latter areas sometimes only theoretically due to speculation, be there a real land market or not).

The renting prices for agricultural land differ from 1.5 to 4 (maximum 5) per cent of the land purchase prices.

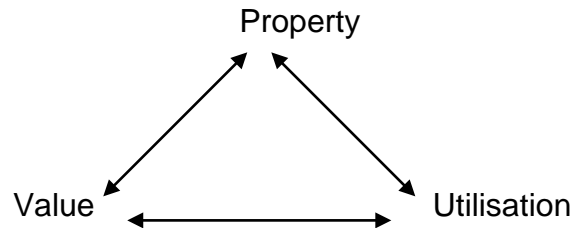
During the last two or three decades Austria faced critical situations as well as conjuncture periods on her land markets. So during the 1970s and 1980s a strong agricultural overproduction lead to little demand for land and very low prices, especially for rented land. In many regions land was leased for nothing. After the accession to the EU and the introduction of the CAP payments land prices increased considerably, particularly the renting prices.

Map: land prices in austria

will be delivered after being found and scanned

6 Land administration – a management system of land structures

„Land administration“ is an organisational complex of inventory, storage and distribution of information about property, value and use of land, normally provided by public institutions. In this sense land administration comprises all those regulations and measures which are registering the rights, the utilisation and the evaluation of land and provide their availability for the public. The three main elements of land administration are well-known:



In the international context four different systems of land administration can be distinguished:

- the Anglo-American “*Deeds System*”
- the “*Publication system*”, e.g., in France, Italy, Belgium and Luxemburg
- the “*Torrens System*” prevailing in the Commonwealth
- and the Central European “*Titel System*” applied in the Netherlands, Switzerland, Austria and Southern Tyrol.

6.1 The land register

6.1.1 Organisational structure

Registering, administration and provision of legally valid information about land and the safeguarding of real estate property in Austria is executed by two institutions (or so-called “public books”) – the cadastre and the land register. Together with the assessment of the land tax these tasks establish the core of the Austrian land administration. They are integrated with the states administrative levels and serve as the data basis for the land administration activities of federal countries and communities.

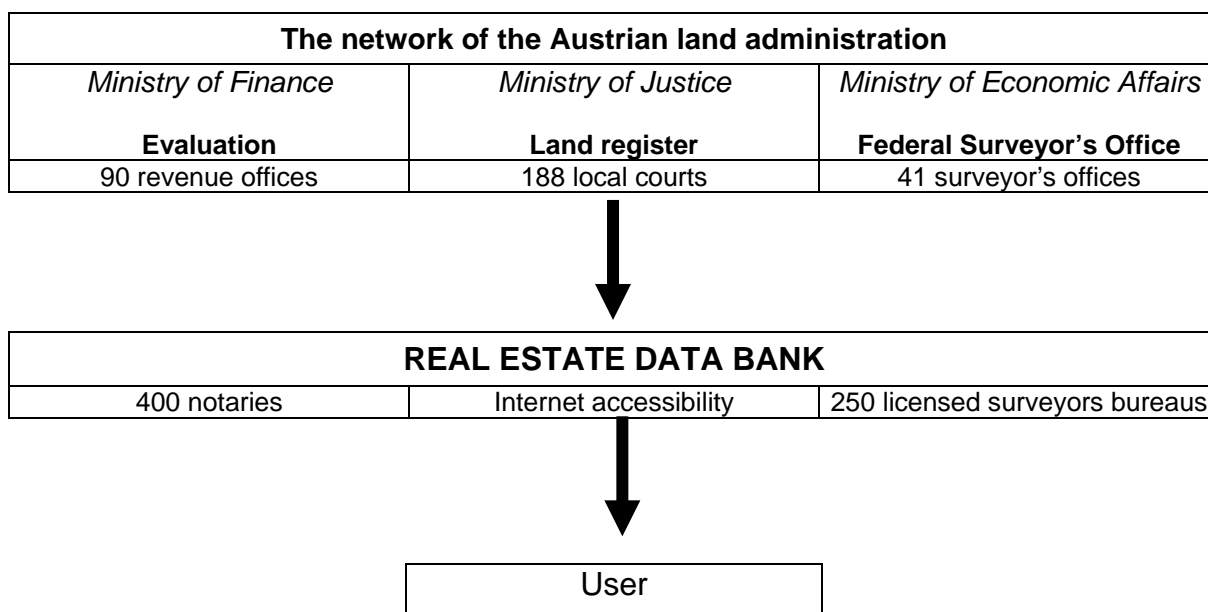
Table 9

The public land administration system	
Federal state	<ul style="list-style-type: none"> • Guidance of the cadastre (surveyor’s offices in political districts) • Guidance of the land register (land registry offices as departments of the local courts) • Assessment of the land tax
Federal countries (9)	<ul style="list-style-type: none"> • Regional (spatial) planning • Conservation of nature
Communities (2359)	<ul style="list-style-type: none"> • Zoning of land • Land tax collection

6.1.2 The network of the Austrian land administration

Cadastre and land register form a nation-wide, actual information system neutral vis-à-vis of different interests. A precondition for the perfect functioning of this network is the legal obligation to keep the land register and the land cadastre compatible and identical. The basis is the storage of data in a common register, the “real estate data bank”¹⁶. Rights of property and disposition are also incorporated in the register in order to secure an effective protection of the ownership rights.

Table 10



The guidance of the cadastre is carried out by the surveyor’s offices, while the land register is in the competence of the local courts. The actualisation principally is performed due to the application of proprietors and owners of rights. The survey will be made by licensed surveyor’s bureaus, the contracts of purchase are prepared by notaries who also are carrying out and executing the legal changes.

6.1.3 Elements of the land register

Due to the Austrian juridical system real rights or “interests in rem” can be acquired exclusively by incorporation in the land register. Every incorporation consists of three sheets or “folia”, the “real estate sheet” (1), the “ownership sheet” (2) and the “encumbrance sheet” (3). The contents of these folia are the following:

- (1) the number of the real estate (plot), utilisation, size (surface), situation (address); furthermore limitations and obligations due to public prescriptions (e.g., legal service rights);
- (2) the ownership rights and private-law limitations;
- (3) all rights encumbering the real estate and all limitations and obligations related to the encumbrances (liens and pledges, prohibition of disposal, etc.).

¹⁶ „Grundstücksdatenbank“

6.2 The land cadastre

6.2.1 Elements of the land cadastre

Originally the cadastre was a “land tax cadastre operate”. 1965 the elaboration of a boundary cadastre began in order to provide a legally binding inventory of boundaries of parcels, land utilisation categories, surface and other data. The new cadastre consists of the real estate register, technical data about the trigonometry network, and the cadastral map.

The real estate register comprises for each plot

- the plot number
- utilisation categories and sections
- the total size (area) of the plot
- the size of sections of (different) utilisation
- other indications for the identification of the plot (street names and others)

The scale of the (actual) cadastral map varies due to the information density between 1:1000 (urban areas), 1:2000 (rural areas) and 1:5000 (alpine areas).

6.2.2 The “digital cadastral map”

Since 1987 the Federal surveyor's office is elaborating the digital cadastral map. The final realisation of this project is expected for the end of the year 2003, for the whole surface of the federal state with altogether 11 million land plots. The four layers of the digital cadastral map will contain numbers and boundary lines, utilisation categories, buildings, and coordinates of fixed points and boundaries.

6.2.3 The digital land evaluation map

An important cornerstone of the land administration system is the digital land evaluation map. This map contains the value of real estate as its attribute. The basis is the outcome of the land evaluation system which will be combined with the cadastral data, in order to determine the “productivity (or yield) index”. On the basis of the digital cadastral map and digital evaluation data the productivity index can be calculated automatically in this system. Finally the productivity index is recorded in the real estate register for use of the administration of finance.

6.3 Basic geographical data for land management tasks

6.3.1 The cadastre of mountain farms

70% of the cadastral surface of Austria belong to the less favoured mountainous area, which has been delineated conform to EU prescriptions; about 90,000 mountain farms exist in this region. The tool for the classification of these farmsteads is the “mountain farm cadastre” originating from the 1950s, improved and actualised during the 1970s and later. Since 1995 the results of this “applied cadastre” form the basis for the so-called “equalization payments” which are dedicated to less favoured areas within the European Union.

For the new (digital) cadastre of mountain farms data of the Ministry of Agriculture and of the Federal Surveyor's Office are combined:

- the Ministry of Agriculture is contributing with farm data due to the given conditions of aggravated farming (“zoning of mountain farms”),
- the Federal Surveyor’s Office is delivering actual and completed real estate data, and furthermore data of the steepness of the plots.

The result of the co-operation of the named authorities involved is an evaluation system of farms run under aggravated conditions, appropriated for a differentiated support system which is based on objective and duplicable criteria. The basic elements of this evaluation system are

- the digital cadastral map,
- land evaluation data,
- the digital elevation model,
- and the climate model.

6.3.2 The “Integrated Administration Control System – IACS”

The Austrian IACS-system, called “INVEKOS” on national level, is the basis for all support payments to farmers due to the CAP, the Austrian “ÖPUL” and other transfers. Its installation happened during 1995. The main elements are

- the annual application for support (by the farmers),
- the “INVEKOS” data basis containing all farms belonging to the support system, with the parallel registration of about 2.5 million agricultural plots,
- an alpha-numeric system for the identification of agricultural plots, based on the official cadastral map, which also provides the access to the real estate register (“Agrarflächendatenbank”),
- and a control system performed administratively and on the spot.

6.4 Soil protection

6.4.1 Targets and measures

Soil protection requests a doubled definition:

- First, as the sum of measures targetting at sustaining of land and soils substantially. This type of “quantitative” soil protection is aiming at saving of land resources, because most of the space required for construction, other than primary economical use, and for traffic purposes is agricultural land;
- Second, as the sum of measures targetting at a sustainable soil quality and its improvement respectively. This type of “qualitative” soil protection is the maintenance of optimal soil productivity and of the water clearing capacity of soils, which implicitly includes the avoidance of any contamination of groundwaters.

Soil protection consists of different measures:

- maintenance of agriculture in mountainous areas (which are the main part of Austria’s less favoured areas) as well as in well favoured zones;
- maintenance of living conditions of the natural space, but goals of environment protection should not be performed without harmonization with needs and aims of the agricultural sector;
- maintenance of the agricultural landscape as a great cultural heritage and also the fundament of broad economical activities;

- erosion control; denudation and soil degradation are widespread phenomena under the climatic regime in Central Europe and should not be intensified by inadequate human activities; threats of the rural culture as a whole ("Landeskultur") must be avoided.

6.4.2 Instruments of soil protection

In order to master soil protection problems Austria knows several instruments, which can serve in concerns of regional policy as well as in agricultural policy. To these instruments are belonging the protection of agricultural land by zoning, the planning system of hazardous areas, the spatial planning of forest areas, and other resorts, as for instance the delineation of areas for water protection or (natural or cultural) landscape conservation.

It is of course a question how efficient these instruments are in practice. Because on the one hand zoning so far was not enough to establish a sufficient spatial management in the interrelation of regional policy forces, and on the other hand it was impossible to impede construction activities even in „red“ hazardous zones, not of private and not of public interest.

On the opposite the protection of open space especially in alpine areas was really successful (planning of „green“ zones, or of zones where agriculture should be the prevailing utilisation). For agricultural land in particular important is the legal limitation of immissions (e.g., No_x, SO₂, heavy metals).

6.4.3 Reasons for a “land development plan”

But for agricultural land as a whole the protection especially of best land is endangered by aims of construction; this actually appears as a main target which should be achieved by a suitable tool of “agricultural land use planning”, based on the acknowledgement of concrete “spatial effects” of agriculture, whose environmental importance is evident:

- the „production effect“ – i.e. the productivity of the soil, but also the sustainable maintenance of all resources of production, regionally differentiated by the given spatial continuum of suitability for agriculture;
- the support to “public welfare” in the sense of positive impacts on resources of vital necessity, like water and air (in quality and quantity);
- the “effect on spatial structures”, given by separating or linking areas of non-agricultural utilisation, or the shielding of inconvenient and disturbing categories of use;
- the “leisure effect” of agricultural land, given by offering of a cultural landscape with a highly differentiated and (therefore) normally beautiful shape, or well-kept if not agriculturally used, and (as far as possible) freely disposable for a civilised public.

It is necessary to investigate and to quantify the real public demand for the above described effects of agricultural land which might be much greater than assumed. On the other hand it is necessary to find out the real suitability of the farmers land to satisfy the public necessities related to these effects. For it is more than only desirable that the actual and extensive offer of agriculture and the farm enterprises to the maintenance of a sustainable environment is not longer ignored or even denied; on the contrary it will be necessary to pay farmers in the future not for renunciation of production but for making available of goods which are not included in the returns of production, but the society is day per day demanding for.

7 Land evaluation system

7.1 Evaluation of natural productivity

Registration and evaluation of natural conditions of productivity due to the given spectrum of pedological types, climate, morphology and hydrology in Austria is elaborated by the Austrian soil taxation service (“Bodenschätzungsdienst”). This department comprises 46 employees, most of which graduated (University of agriculture or at a higher educational establishment on federal or country level). Furthermore seven forest experts are responsible for the evaluation of forest enterprises (most of which being large scale forest units).

The soil taxation service – as an integrated part of the states administration of finance – is elaborating the so-called soil taxation map. This map is the basis for fiscal taxation of agricultural enterprises, together with a multitude of other parameters for evaluation and taxation of sub-complexes of the agricultural and forest property (vineyards, horticulture, orchards, alpine pastures etc.). Besides the fiscal purposes the inventories of the soil taxation service – especially the soil taxation maps – are serving for many other (non-agricultural) purposes with non-fiscal concerns. The results represent a nation-wide compilation of data on the natural productivity (or fertility) of soils under agricultural use; the scale of these maps is the cadastral scale (formerly 1:2,880, actually 1:2,000, with some variations).

The soil taxation data are used for the following concerns:

- regional planning
- “zoning” of land (for different purposes)
- landscape planning
- resource protection (water, soils, natural environment)
- land reform and agricultural planning
- compensation payments
- agricultural support (LFA¹⁷, environment protection programme)

In order to assure a consistent procedure of soil evaluation the relative values from 470 “model soils” (parcels, so-called “Bundesmusterstücke” on federal level and “Landesmusterstücke” on regional level) are used as a comparative basis; these model parcels represent characteristic values for main regions and are legally binding the deduction of land values due to their generally acknowledged representativity in natural productivity concerns.

During the last years (about 1999 to 2001) the “Bundesmusterstücke” have been reconsidered by the federal taxation advisory board (“Bundesschätzungsbeirat”). This procedure brought about more weight for climatic influences among all natural conditions under consideration in order to accentuate the relation between potential and actual soil fertility.

7.2 The Austrian soil taxation scheme

The technical device for the evaluation of agricultural soils is the so-called valuation frame for arable land, and the frame for grassland respectively. The systematic of these fundamental tools is explained in the following.

¹⁷ Less favoured areas

Table 9

The Austrian soil taxation system	
<i>Steps to measuring natural productivity by soil classification ("soil classes")</i>	<i>Parameters for the identification of productivity</i>
Soil texture	8 classes due to the content of sand, clay and argille (texture fractions) plus marshy soils
Soil maturity level	Value ("1" for best to "7" for worst soils ¹⁸), in order to characterise the complex condition of soils due to the long term influence of climate, vegetation, morphology and utilisation. In consideration are the humus content, pedological horizons, structure, and stratification
<i>Climate classes (for grassland only)</i>	<i>Value in order to characterise the climatic conditions for fodder production ("a" for best to "e" for the worst climatic condition)</i>
<i>Humidity classes (for grassland only)</i>	<i>Value in order to characterise the soil humidity ("1" for optimal to "5" for the worst condition)</i>
Mode of origin	Diluvial soils, loesses, alluvial soils, soils on decomposition substrate
Additional or reductional values	Due to conditions of the individual or local situation of the land, e.g., the size or the accessibility, etc.

The result finally is being concretised in the so-called „soil formula“ (an example):

“L 1 Lö 100/83”

The components of this formula represent in this example:

L	soil texture (“L” for clay)
1	soil maturity level (“1” for best condition)
Lö	mode of origin (“LÖ” for loess substrate)
100	soil value (“100” for the maximum, compared with the representative model soils in the region, whose values are ranking between “1” and “100”)
83	soil value of arable land (“83” due to a factual reduction of the value)

Table 10

Deduction of productivity parameters	
Productivity (or yield) index (“Ertragsmeßzahl”)	Index value separately set for each parcel
Farm index (“Betriebszahl”)	Complex value due to the weighed average over all parcels of a farm
Yield index per ha (“Hektarsatz”)	The farm index, multiplied by an inflation factor (actually about “150”); this parameter (normally) represents the return rate of the soil capital
Rateable value of the farm (“Einheitswert”)	Yield index per ha, multiplied by the farm’s area of agricultural land

¹⁸ The corresponding terms in the land taxation scheme are „Bodengare“ for completely matured (fermented) soils, and „Bodenmüdigkeit“ for poor and highly degraded soils.

7.3 Human impact on the increase of “natural” fertility

Under normal circumstances the changes of natural conditions have a limited impact on agricultural yields which oscillate within a corridor of less than ± 10 per cent¹⁹. That means that “natural checks” like floods, too high or too low precipitation, frost, or insolation etc. are of much lower influence than the different economical input in the frame of the production systems.

In order to influence the naturally given conditions directly different measures can be taken (and have been taken for many years). They are concerning the domains of the territory, the weather, and soil conditions.

7.3.1 Morphological shape of the territory:

- artificial terracing,
- correction of the terrain features,
- earth works (soil accumulation, or blowing up of rocks).

7.3.2 Climate and weather:

- distribution of risks (by technical or organisational means),
- “mastering of impacts” (adjustment by plant breeding, choice of the production site, optimisation of nutrients).

7.3.3 Soil condition:

- management and adjustment of land resources,
- management of soil nutrients,
- adjustment of aims – towards economic use or maintenance of nature (choice between production facilities or more orientation towards support for environment protection, which can influence the soil condition of the remaining productive land of the farm).

7.4 The fiscal taxation of real estate

The fiscal taxation of agriculture and forestry in Austria is regulated by special determinations in the tax legislation.

7.4.1 Two types of taxation

Austria knows a bipartite land tax: for agricultural land (land tax A) and for building land (land tax B). Each real estate is subject to the real estate taxation. The tax usually must be paid by the owner. The calculation of the real estate tax is based on the land taxation data. The percentage yielding unit for tax rate application in agriculture and forestry is 1.6‰ for the first 3,636 EUR of the rateable value of the farm (this was ATS 50,000 before the year 2002), and 2‰ for the remaining farm value (in each case “of thousands”). The annual amount of the land tax depends on the so-called rate of assessment set by the communities, which is a multitude of the above named per mille rate; the assessment rate actually amounts to 500%.

The land tax is an important fiscal income of the local authorities. Communities and municipalities actually determined the rate of assessment with “400 of one hundred”.

¹⁹ For the Austrian situation Josef Binder calculated the corridor with ± 7 per cent.

Real estate tax for building land is also a communal tax but much higher in value. In case of evident land speculation the financial administration can state that also for land without buildings the land tax B has to be paid.

7.4.2 Purchase tax on real estate

Purchase taxes have to be paid from the transfer values. The percentage is 2% in the case of land purchase by relatives, and 3.5% for other persons. In case that agricultural land is handed over to a relative – spouse, parents, children, grand children, stepchildren, adopted persons, son or daughter-in-law, foster-children – the purchase tax has to be paid from the rateable value of the farm (or the part concerned by the concrete land transfer case respectively). But in this case it is necessary that the land is given for agricultural use for the return of the subsistence of the donator. Purchase of land in connexion with a land reform project (consolidation, reallocation of land) will not be taxed.

7.4.3 Inheritance and donation tax

For Austrian citizens the taxation of agricultural land and forest areas is based on the rateable value of the farm (not the market value). The rate of assessment depends on the value of the inherited or donated real estate and on the “tax class” due to a ranking of the heirs or beneficiaries; it is varying between 2% (for nearest relatives inheriting real estate of less than 7267 EUR²⁰) and 60% (for non relatives and real estate of more than 4,360,370 EUR²¹). The tax itself is reduced by around 100 EUR, if paid for agricultural real estate.

²⁰ Equivalent to ATS 100,000 before 2002.

²¹ Equivalent to ATS 60,000,000 before 2002.

8 Planning and projecting of land tenure

8.1 The European framework for spatially relevant policies in Austria

8.1.1 The spatial development strategies of European states

In this connection, the national spatial development strategies of EU member states are of importance as regards:

1. the transnational perspective in which one's own national spatial development policy needs to observe the relationships and interactions with the development of the spatial structure in other countries and to take their strategies and guidelines into account; this, of course, applies in particular to neighbouring countries;
2. international competition in which the member states are trying to enforce their regional development interests at the European level; for this purpose, the contents of national strategies is frequently taken as a formal basis;
3. the supranational level, because it is now being tried at the European level to formulate a conceptual basis or perspective for spatial development which is to emerge from the combination of the spatial development strategies of the member states and the ideas of the Commission.

In the German original, this chapter contains a short description of national spatial development strategies of all of Austria's neighbouring states. Moreover, due to their transnational aspects, the national guidelines for the spatial policies of the Netherlands and Denmark are also explained.

8.1.2 Areas of EU policy with spatial impact

Under the EU agreements, integrated spatial development policy is not one of the responsibilities of the Union. However, the EU has a number of regionally highly significant powers. In the Maastricht Treaty of February 7, 1992, in the European Union, this area of EU policies with spatial impact was again enlarged. The goals listed there provide the basis and the potential starting point for a European spatial development policy. In a nutshell, they comprise

- economic and social cohesion
- trans-European networks
- the environment

In addition to these three areas, which have an explicitly spatial dimension, there are also other aspects that need to be taken into account which, due to their regional distributory effects, also influence the spatial structure. These aspects include, above all, the Common Agricultural Policy, industrial policy, research and development, energy policy, etc. But also the policies aimed at the creation of the Single Market, that are not directed toward regionally differentiated measures but, quite to the contrary, rather towards a reduction of regional differentiations - such as, for instance, competition policy, - constitute significant (restrictive) conditions for policies with territorial reference at the national and regional levels.

8.1.3 Spatial development strategies

Starting with the preliminaries within the framework of the Council of Europe and the Conference of European Ministers Responsible for Spatial Planning (CEMAT), the large number of steps towards

elaborating common strategies for spatial planning and spatial development policy in Europe are briefly outlined in the German version.

Among the initiatives of the European Commission, the following documents need to be mentioned:

- Europe 2000: Outlook for the development of the Community's territory
- Transregional studies (primarily the study on the so-called „Alpine Arc” region)
- Europe 2000+: Cooperation for European territorial development

This is followed by a short survey of activities carried out by EU Member States so far within the framework of the (informal) meeting of the ministers responsible for regional planning and regional policy as well as of the Committee for Spatial Development. In this connection, particular attention is paid to the document submitted to the meeting of ministers in Leipzig as it contains the essential principles and the provisional organization of the contents of the European Spatial Development Concept to be worked out. According to Part C of the Leipzig Document, such a concept should contain the following three areas of action:

- C.1 Towards a more balanced and polycentric urban System
 - a) The urban system
 - b) The rural-urban relationship
- C.2 Provide parity of access to infrastructure and knowledge
 - a) Environmentally acceptable transport networks
 - b) „Infostructures”
 - c) Peripherality
- C.3 Wise management and sustainable development of Europe's natural and cultural heritage
 - a) Natural heritage
 - b) Cultural heritage

8.2 Regional policy in Austria

8.2.1 The impact of the year 1995

The Austrian concept of regional policy was changed fundamentally during the last decade. The most important fact is that with the accession to the European Union in 1995 the aims of regional policy assumed a much more concrete shape as in the whole post war period before. Especially the financial frame for regional development increased considerably.

The traditional concept of Austria's regional policy is rather old. Due to the distributions of competencies regional policy is matter of the federal states. Many of them introduced several “generations” of regional development concepts, and in some regional concerns regional policy was method of “repair system”, as for instance in border regions to the North, East and Southeast. But these were not the greatest regional problems of the country. The most important objective after 1955 – the year of the conclusion of the Austrian State Treaty – was how to manage the development and growth of “central areas”, conurbations and especially in the metropolitan area of Austria's capital, Vienna.

From the rural viewpoint first of all mountainous areas have attracted high political interest, not only because of agricultural reasons but also as regions suitable for pluriactivity; it is a fact that participation in touristic activities (recreation, vacation) is providing “direct exports” of a considerable

amount of food. The mountainous countryside also consists of a very sensible natural environment with great needs in hazard control. Avalanche and flood control have a long tradition in Austria.

In general three important political commitments to the Austrian regional policy have been introduced during the last three decades:

Main components of the Austrian system of regional policy		
<i>Year</i>	<i>Regional policy measures</i>	<i>General and specific aims</i>
1969/70	Definition and delimitation of mountainous areas or mountain farming regions	Political action to introduce direct payments which concern parts of Austria's Northern borderlands
Since 1974	Modern concepts of Eastern border regions as a result of consensual agreement among the members of the Austrian Regional Planning Commission (ÖROK)	Investment support and development control, regional development projects of the "Länder"; most measures acting as economical "fire-fighting"
1989	Delimitation of "programme regions" at the Northern and Southeastern border with the prospective chance of approval by the European Commission	Regional background for financial support within the frame of structural funds of the EU, with more and concrete participation of border regions
1995	EU-accession, introduction of instruments due to the Union's Structural & Regional Policy	Target 1: General development of Burgenland; Target 5b: Projects on two thirds of the territory; ÖPUL-measures
2000	New scheme of Regional Policy	Target 1: General development of Burgenland; Target 2: Projects on two thirds of the territory; ÖPUL-measures

8.2.2 The institutional framework

In Austria, the powers to pass laws and regulations regarding the different forms of land use (spatial planning authority of the state) are distributed under the Federal Constitution among all territorial authorities:

- the communities (local authorities) are responsible for spatial planning at the local level (local development concepts, land use and building regulation plans);
- the federal government may issue sectoral regulations for spatial planning in areas that come within the responsibility of the national government (e.g. trade law, transport and traffic laws, water and forestry law, mining law);
- all other aspects of governmental authority for spatial planning come within the competence of the Länder (regional governments). However, the regulations which can thus be adopted for supralocal schemes do not qualify as integrated overall plans as there is no statutory requirement in Austria to integrate the spatial planning activities of the federal and Länder governments into one overall scheme (like in Switzerland).

In addition to governmental spatial development policy, there is a series of - non-governmental or only quasi-governmental - activities by the State which have an at least equally strong impact on the structure of the territory and the spatial behaviour of people and institutions. These include, in particular, the setting up and operation of infrastructures and national services, the granting of aids as well as the provision of regionally relevant information services (education and training, research, publications, counselling services).

While the management of infrastructural and public services is, as a rule, entrusted to one of the territorial authorities under pertinent legislation, there are no such regulations in Austria for granting

aids and for information services. The federal government, the Länder and the larger communities thus often work independently along parallel lines and sometimes in political competition with one another, but frequently also by using the opportunities for coordination (mostly in a more or less informal way) at the Same time.

In such relatively complex institutional conditions - which can be explained, at least partly, by the federal structure of Austria - it is rather difficult to pursue a more or less uniform spatial development policy. The more so, as the Austrian constitutional system provides no suitable specific mechanisms of formal coordination. Despite this - or perhaps because of it - a viable network of informal cooperation has developed in Austria in the field of spatial planning policy, which has proved to be quite effective - again, in fact only recently, when the programme documents for the EU Structural Funds were prepared.

8.3 The Austrian Spatial Planning Concept

In accordance with the basic attitude outlined in para. 4.1.2, Austria's spatial development policy is guided by the following ideal concepts of spatial organization and development, formulated in the Austrian Spatial Planning Concept of 1991, which provide a „yardstick" for the assessment of concrete problems and measures. These basic values - which, as already mentioned, must not be mixed up with action-oriented targets - will also be the determinant factors for Austria's attitude towards spatial development policy in Europe.

8.3.1 Efficient and prudent management of spatial and environmental resources

- (1) The physical space and the environment are the indispensable substance and framework for any form of human existence. This substance must be used in a sound and moderate fashion. As many opportunities for action as possible need to be ensured for future types of use. For this purpose, account must also be taken of the sum total of the effects (including the long-term effects) of many -individually perhaps harmless - uses, system cycles and cumulative adverse impacts. Processes of self-renewal are to be maintained and enhanced.
- (2) The esthetic quality of the physical space, i.e. of natural or man-made and culturally defined landscapes and landscape elements, of buildings, groups of buildings and settlements, is to be preserved and/or improved.
- (3) In order to prevent space and the environment from being used up and to keep long-term irreversible impairment and damage as low as possible, the utilization of space and the environment must, in particular, take the following aspects into consideration:
 - Areas for the construction of buildings and plants should be as small as possible, taking account of the principle of decentralized concentration. The development of settlements must be adjusted to the possibilities of a cost effective and environmentally sound development of an infrastructure for transport, the provision of public utilities and waste disposal.
 - In the field of housing and leisure time, activities are to be avoided that need a large amount of raw materials, energy and land or lead to a serious damage of the environment.
 - As far as business activities are concerned, environmentally sound techniques and production processes are to be encouraged that save land, raw materials and energy and minimize harmful substances and wastes.
 - the transport of persons and goods is to be done by such means that ensure the requisite services in the best possible way in terms of environmental protection, efficient use of space and the national economy. Basically, what needs to be done is to try to distribute the

social and economic activities spatially in such a way that the volume of traffic is kept at a minimum.

- (4) In particular, it is necessary to ensure for human use the sufficiency and high quality of the following elements of the natural environment and of the natural resources as well as of the land required for their preservation, exploitation or utilization:
- air;
 - water bodies, in particular those of drinking water quality;
 - usable land, in particular of high natural fertility;
 - raw materials;
 - recreational areas, both in the vicinity of living and working places as well as in the form of regional recreational areas and extensive recreational zones of international scale;
 - protected and protective forests, Hood retention areas and other spatial elements serving the protection from natural disasters;
 - natural landscapes of typical character, biotopes housing rare or endangered species, and biodiversity in general;

In this context, account should also be taken of the transborder implications of use and of keeping harmful effects at a minimum. Damage that has already occurred is to be remedied as quickly as possible.

- (5) Similarly, buildings, groups of buildings and cultural landscapes of particular esthetic and/or cultural value or of particular significance for regional identity are to be preserved or, if need be, altered in their form or function or extended very carefully. In regions with strong competition in the use of areas or resources, regulatory measures are required to prevent weaker claims for use from being disregarded, which are desirable in the interest of society or important for the entire spatial structure, and mutually disturbing effects are to be kept at a minimum.

8.3.2 Social development within the limits of space:

- (1) Within the limited capacities of the physical space and the interactions of the ecological system, attempts should be made at achieving a possibly differentiated social, economic and cultural development and a possibly great variety of options for all humans irrespective of their social position, different cultural traditions and spatial living patterns. In this regard, it is desirable to recognize and promote distinct individual, group-specific and regionally determined characteristics.
- (2) Social and spatial restrictions of the opportunities for action, therefore, are to be removed or compensated for as much as possible; primarily in areas and for those groups of persons where the restrictions are most severe. As the basically desired development of some, without accompanying measures, often takes place at the expense of other, weaker ones, increased and joint support is necessary to ensure the development opportunities of such disadvantaged persons or groups.
- (3) As a major and material prerequisite for social development, the essential facilities for all people living in Austria to satisfy their needs for personal development should be
- sufficient in terms of quantity,
 - of a high qualitative standard,

- greatly diversified,
- available with a minimum of economic, social, institutional and qualification-related barriers, and
- accessible with a minimal expenditure of time and money and a minimum strain on the environment.

This applies to the following factors in particular:

- sufficient, affordable and qualitatively adequate housing, differentiated according to needs, with favourable accessibility and a favourable living environment;
 - sufficient and diversified employment opportunities with secure long-term jobs and good prospects regarding income, with good working conditions and within easy reach;
 - ensuring the income also of those groups of the population that cannot participate in gainful activities for reasons of age or health or social handicaps; such income needs to be adequate and appropriate in relation to the capacity of the Austrian national economy;
 - a possibly diversified and cost effective local supply network for satisfying daily needs and, in addition, an efficient supply of private and public services within easy reach;
 - adequate access to the networks of the transportation, telecommunication, supply and waste disposal infrastructure or to equal supply and waste disposal facilities that are independent of such networks;
 - spatial and social opportunities for a variety of cultural and recreational activities both at the local and the regional levels.
- (4) As a precondition for ensuring the long-term, sufficient, high-quality and diversified supply of cost-effective goods and services and for a high income level, it is desirable to have strong, dynamic, highly competitive and innovative enterprises in all branches of the economy as well as a high technical standard of the equipment of enterprises. This applies all the more in circumstances of increasing international integration. For goods and services that cannot cover basic needs under market conditions, social groups (e.g. self-help organizations) or the public sector ought to ensure the non-market supply of services. To reduce the proneness to crises, it should be attempted to increase the diversity of businesses and companies as much as possible and to achieve a high degree of intraregional integration.
- (5) Social development requires (and at the same time enables) individuals, groups, organizational and business units to take responsibility themselves in responding to the permanent changes of external conditions by taking appropriate adjustment and organizational measures. Self responsibility presupposes appropriate information, decision-making powers and freedom of action. Thus, those confronted by problems are to be enabled in all spheres of life - irrespective of their socio-economic status and spatial living patterns - to get sufficient information on the issues they are faced with, to have a say in the solution of their problems and to participate in the decision-making process.

8.3.3 Active participation in the processes of change:

- (1) Processes of change are essential for our open, globally interconnected society. However, they should proceed moderately enough to enable (or to make it easier for) the individual or the society at large to handle them successfully by taking the requisite adjustment measures.
- (2) If profound processes of change take place within a relatively short time (e.g. marked increase or decrease in population, substantial changes in the social and economic structures following the shut-down of a dominating enterprise), this may lead to psychological strains for the per-

sons concerned, to social conflicts and to heavy financial burdens for private persons, enterprises and public households. This applies, above all, to processes with cumulative effects. Therefore, rapid and thus not easily manageable processes of change ought to be slowed down, if possible, in order to reduce the mentioned strain on society.

- (3) Structural adjustment measures are, above all, required at a larger scale if the critical threshold values for the use of land, buildings and plants are not reached or surpassed. As most of these structural adjustments (e.g. joining underused facilities; transition from scattered to dense construction schemes, etc.) are not only expensive but, for technical, legal, economic or psychological reasons, sometimes also time consuming, they should be started as soon as possible. This presupposes sufficient knowledge and predictability of the processes of change.

Essentially, these ideal concepts of spatial policy in Austria correspond to the targets set out in the „Principles for a European Spatial Development Policy" as accepted by the EU Ministers Responsible for Regional Planning in Leipzig in September 1994. In this document, however, ideal concepts were not distinguished from concrete action targets.

8.4 Major sectoral strategies of the Spatial Planning Concept

With regard to organising the spatial processes in the light of this basic ideal conception, the strategy of the Austrian Spatial Planning Concept²² focuses on how to use the influence and control mechanisms accessible for public authorities within the system as effectively as possible. In the chapters on the required measures, focused steps, methods and instruments of responsible public administration are listed and assigned to the responsible territorial entities to be implemented by them in the short, medium and long-term.

8.4.1 Spatial planning

The key strategies concerning the development of settlements relate to its problematic tendencies (consumption of land, hoarding of building land, urban sprawl, etc.), which, in addition, coincide with partly very limited land resources (above all in the Alpine region). Recommendations for action relate to the consistent use of local and supra-local planning instruments many of which are already provided for under pertinent legislation, to amendments to spatial planning laws and building codes, to the harmonization of housing and economic aids with spatial development policy as well as to a better coordination of property-related taxes and charges on the one hand and the requirements of regional development on the other.

The key strategies concerning open space relate to the continuing losses of land, increased conflicts between different forms of utilization and ecological strains caused by the intensive utilization of open space by agriculture and forestry and tourism as well as to the threat to natural resources. It is recommended to increase the number of designated nature reserves, to promote biological agricultural production, to make landscape and green area planning mandatory and to introduce environmental and spatial impact assessments.

These two chapters (development of settlements, open space) were practically non-existent in the Spatial Planning Concept of 1981 while that of 1991 (and the actual concept of 2001) contains no objectives any more concerning central place structures and the like.

²² The first Austrian Spatial Planning Concept was prepared for the period 1991-2000; the renewed version for 2001-2010 was adopted at the latest conference April 4, 2002.

8.4.2 Regional economic policy

The key strategies concerning Regional Economic Policy are based on a realistic assessment of the original situation: the continuing and severe restrictions of income opportunities in rural areas and old industrial areas, the structural problems prevailing also in economically prosperous regions, the additional pressure for integration and restructuring caused by the opening up of eastern frontiers, the low-wage competition from the economies in transition. The goals specified are (taking their feasibility into account): active preservation of existing assets by promoting the innovativeness and competitiveness as well as the self-initiative of the economic actors concerned, encouragement of structural change in old industrial areas, selective assistance for economically weak areas, targeted promotion of the functions of big centers capable of leading to spatial impacts on a large scale, reducing in a controlled manner structures that are no longer viable (e.g. depleted mines) and securing the existence of persons or communities that are disadvantaged or affected by structural change.

The recommendations for action are aimed at a more focused and selective utilization of the instruments of financial aid, the encouragement of the information transfer and the improvement of qualifications as well as of the technological cooperation both among enterprises and between enterprises and regional educational institutions (e.g. vocational colleges or "Fachschulen"), the expansion of the transportation and telecommunication infrastructures in agreement with locational requirements as well as a more efficient coordination of measures. Part of the recommendations for action are differentiated according to economic sectors and types of regions.

8.4.3 Infrastructure

As regards traffic and technical infrastructure, the growing spatial and environmental strains and their implications for the development of settlements are the key issues. For the most part, the objectives and measures are based on preventive strategies (in respect of traffic and wastes), a better coordination with settlement planning and on the use of environmental and spatial impact assessments.

The aspect of social infrastructure is dominated by the problems resulting from demographic developments in the fields of education, health and care for the elderly. The recommendations for action relate to the provision of school sites in thinly populated areas, the need-oriented regional differentiation of educational facilities, the differentiation in the fields of public health and care for the elderly as well as to the creation of mobile services. Emphasis is also placed on the need for interaction between educational and research institutions and regional enterprises in the form of cooperative activities and network.

8.4.4 Methodological aspects

As regards the spatial relevance of the strategies outlined in the Spatial Planning Concept, it needs to be noted that to increase flexibility, but also to facilitate a consensus and to avoid political fights between the representatives of individual regions,

- reference to individual spatial units, location areas or spatial elements is made only in the chapters on problems but not in the chapters on objectives and measures, while, on the other hand,
- the objectives and measures addressed are mostly differentiated according to the various types or categories of areas.

Depending on the individual field of action, differentiation is subject to a variety of criteria. This means that in practical terms, such a Concept can hardly be translated into easily readable syn-

thesis charts and graphic plans. There is only the section on Regional Economy where the Concept contains charts for describing (by necessity in a very simplified fashion) regional problems. However, the categories used to describe the problems directly refer to the recommendations for action contained in the regionally differentiated strategies.

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