



Documentation Regional development instruments

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Interreg III B

General Data	
Name of instrument:	Pre-emption right of the SAFER (corporation for land planning and rural development)
Country / region:	FR
Spatial level:	regional
Type:	Laws and regulations
Subtype:	Informal planning instrument
Description:	<p>Pre-emption rights are granted to public bodies (State, communes, etc) or, when they concern farms or agrarian fields, are delegated to the SAFER, which are public companies in charge of the public service at regions level. They intervene on real estate market through a right of pre-emption during sales of farms or of agrarian fields, to retrocede them then to the local farmers or to young farmers to preserve this activity. The sellers of agrarian lands have to notify the putting for sale to the Safer, which can pre-empt it only if sale allows a land development: extend neighbouring farms, create new farms to install priority candidates, accomplish a regrouping... When it exercises its right of pre-emption, Safer must sell them off for the delay maximum of 5 years (usually). Right of pre-emption does not practise in certain cases:</p> <ul style="list-style-type: none"> - for lands not having an agrarian vocation (for instance located in ZUP - zone to be urbanized), - against other purchasers also benefiting from a right of pre-emption: the State, local authorities, - against certain purchasers such as farmers or tenants in place and who would be evicted, parents of the seller, neighbouring farmers...
General objectives:	General objective of pre-emption rights of the SAFER were at the beginning to contribute to the improvement of land structures of farming sector. They entrusted over the years missions of town and country planning and protection of environment. They are of this fact land operators.
General Objectives keywords:	sustainable land management ; preservation of farmland ;
Responsible:	Public service providers
Stakeholder Involved:	Local authority/Municipal council
Reference:	The Farm Outline Act law of August 5th, 1960 laid juridical foundations of SAFER. Up to Farm Outline Act law of July 9th, 1999, the legislator did not cease adapting the legal framework of SAFER to enlarge their missions in new stakes of the rural territories
General assessment of	Since SAFER are more and more polyvalent country planners, they have to take into account all the needs expressed by the different actors of the country areas, notably municipal councils, to harmonize them and make them to converge according to

strength and weakness:	different public policies in force. Efficient land management is possible neither with the single agrarian vision nor with the same tools (SAFER congress, 2006).
Metadata:	Date of entry: 2007/02/16 Contact: Ifuplan, Schleißheimer Str. 156, 80797 München
Implementation	
Legal status:	mandatory for responsible body AND mandatory for end-user
Extension:	all municipalities
Type of monitoring:	Mixture of quantitative and qualitative reporting
Assessment	
Relevance	
Status:	strong indirect relevance
Ranking:	2
Remark:	indirect relevance as it adresses the preservation of agricultural land and thus avoid the change into built-up land
Acceptance	
Status:	municipal administration. Local economy, environmental NGOs, municipal residents, superordinate administrations
Ranking:	5
Implementation	
Status:	-
Ranking:	3
Remark:	Depending on financial possibilities of SAFER and on necessity to make use of the pre-emption rights: they look like a last recourse in the case no arrangment is obtained.
Feasibility	
Status:	Legislation, budget, Political will
Ranking:	3
Remark:	-
Effectiveness	
Status:	Direction of effect, type of effect, acceptability perpetuity
Ranking:	4
Remark:	-