

VANESSA MARIA ROSITO

University of Bari Aldo Moro, Italy
<https://orcid.org/0009-0009-7033-515X>
vanessa.rosito@uniba.it

Generational Change in Agriculture: Recent Italian Legislative Developments within the Framework of European Policies

Abstract: The lack of generational renewal and demographic aging represent crucial challenges for European agriculture. The CAP 2023–2027 acknowledges the central role of young farmers in developing a competitive and sustainable agri-food system. In this context, Italian Law No. 36/2024 aims to promote youth entrepreneurship in agriculture through an integrated approach designed to facilitate young people's access to and permanence in the sector. This paper analyses the main issues related to generational change at both European and national levels, highlighting the need for greater policy integration. It then examines the most recent Italian regulatory approach, assessing its effectiveness in relation to the national entrepreneurial structure and the objectives of the European Union.

Keywords: young farmers, generational change, protection of rural areas, land access, pre-emption

Introduction

The demographic aging of the agricultural population and the insufficient generational turnover represent some of the most pressing challenges currently faced by European agriculture. These phenomena not only undermine the continuity and competitiveness of the sector, but also contribute to the socio-economic decline of rural areas, marked by depopulation, land abandonment, and reduced innovation. In this context, young farmers are increasingly seen as key actors in promoting a more sustainable, resilient, and innovative agri-food system.

Acknowledging this, the European Union has placed generational renewal among the strategic objectives of the Common Agricultural Policy (CAP) 2023–2027, encouraging Member States to adopt tailored measures aimed at attracting and supporting young people in agriculture. Against this backdrop, Italy has recently introduced Law No. 36/2024, a legislative intervention specifically designed to promote youth entrepreneurship in the agricultural sector. Through a multidimensional and integrated approach, this law seeks to overcome structural barriers to entry and permanence for young farmers by enhancing access to land, credit, training, and market opportunities.

1. The Reasons for Legislative Intervention to Promote and Develop Youth Entrepreneurship in Agriculture

On March 26, 2024, Law No. 36 of March 15, 2024, entitled “Disposizioni per la promozione e lo sviluppo dell'imprenditoria giovanile nel settore agricolo” (Provisions for the Promotion and Development of Youth Entrepreneurship in the Agricultural Sector) was published.

This legislative text follows the trend observed at European, national, and regional levels aimed at encouraging young people to enter the agricultural sector by identifying appropriate legal instruments to ensure the preservation of agricultural productive activities, guaranteeing their competitiveness and continuity.

The lack of generational turnover and demographic aging are some of the main issues affecting the European agricultural sector. The problem related to the age of agricultural entrepreneurs, predominantly male and over forty years old, significantly impacts the mortality of European agricultural enterprises. This trend affects rural areas, which are undergoing progressive depopulation and are increasingly utilised for non-agricultural uses, with negative repercussions in terms of biodiversity conservation and food security, making the European Union increasingly dependent on agricultural imports from non-EU markets.

The examination of the regulations introduced by Law no. 36/2024 cannot disregard the context emerging from statistical data, which shows European agriculture where family-run enterprises represent the vast majority of agricultural businesses in the European Union, accounting for 93% of the total, and only 6.5% of those have heads of enterprises with an age under thirty-five years of age.

Additionally, the data analysis reveals the uneven distribution of land. Four percent of all farms, those with more than 100 hectares, own about 52% of agricultural land; small farms, with less than 5 hectares, represent 40% of all farms and use only 6% of all available agricultural land.¹

This strong concentration of land is a sign of the industrialization of agriculture, where a few large enterprises, focused on intensive production, can produce crops on a large scale and sell them globally.

This trend for agricultural concentration, facilitated by the current market structure and the model of direct payment distribution,² has a negative impact on the sustainability and resilience of agriculture, particularly in terms of vitality, employment, and enhancement of rural areas, as well as the protection of the environment, biodiversity, and landscape. The consequence is the abandonment of the agricultural

¹ Eurostat, Statistical Books, Agriculture, forestry and fishery statistics—2020 edition, cap. 2 Agriculture—the factors of production, available on the site: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Farms_and_farmland_in_the_European_Union_-_statistics&action=statexp-seat&lang=it.

² Pamela Lattanzi, “Le dimensioni aziendali nelle scelte della nuova Pac: le piccole aziende agricole,” *Rivista di diritto agrario*, no. 2 (2022): 180.

sector by small enterprises, which are unable to establish themselves economically in the market, with negative implications for the vitality of entrepreneurship and rural areas.³

In Italy,⁴ as with the European scenario, the agriculture sector is characterised by the progressive exit of small, family-run farms—often unable to sustain their activities—from the market and the growing detachment between land ownership and agricultural management due to increasing uncertainties about the future sustainability of agricultural activities. This leads to a tangible risk of abandoning agricultural productive activities, seen as one of the main obstacles to the competitiveness of the sector, with effects on the socio-economic vitality of rural areas in terms of depopulation, population ageing, and lack of innovation.⁵

In this context, the presence of young farmers would represent an opportunity to develop a competitive and sustainable food system in its economic, social, and environmental dimensions. However, numerous factors still hinder young people's access to agriculture. Specifically, as highlighted in the Commission's analysis, these factors are: economic factors, such as difficulties in accessing land due to high land prices, difficulties in accessing financial resources, market risks, and lack of infrastructure; cultural and social factors, represented by the perception of agricultural activity as an unattractive occupation unable to offer adequate social protection, and the difficult access to knowledge and innovations.⁶

Additionally, the low profitability of agricultural enterprises,⁷ especially those that are individually owned and not part of aggregative organisations, discourages young people—who are increasingly often equipped with specialised degrees—from approaching agricultural activities.⁸

The objective of attracting young farmers to rural areas must be considered from a broader perspective, and the policy for generational turnover must be an integral part of a general agricultural policy direction. Recognising that agricultural

³ Research for AGRI Committee: "The Future of the European Farming Model. Socio-economic and territorial implications of the decline in the number of farms and farmers in the EU," Policy Department for Structural and Cohesion Policies Directorate-General for Internal Policies, April 2022.

⁴ Istat (2022). 7° Censimento generale dell'Agricoltura, <https://7censimentoagricoltura.it/>.

⁵ <https://www.pianetapsr.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/2866>. See also "Giovani e Agricoltura. Rapporto 2024," Document created within the framework of "Programma Rete Rurale Nazionale 2014–22, Marzo 2024."

⁶ Silvia Bolognini, "La comunicazione della Commissione europea "Il futuro dell'alimentazione e dell'agricoltura," *Rivista di diritto agrario*, no. 1 (2018): 110.

⁷ Irene Canfora, "Raggiungere un equilibrio nella filiera agroalimentare. Strumenti di governo del mercato e regole contrattuali," in *Cibo e diritto. Una prospettiva comparata: Volume 1*, ed. Lucia Scaffardi and Vincenzo Zeno-Zencovich (Roma TrE-Press, 2020), 237; Laura Costantino, "La problematica dei prezzi dei prodotti agricoli: strumenti normativi tra antichi problemi e nuove crisi," *Rivista di diritto agrario*, no. 2 (2020): 783.

⁸ With regard to the subjective category of young farmers, their weakness is underlined in "Whereas" 81 of Regulation (EU) no. 2021/2115, of the European Parliament and of the Council of 2 December 2021.

enterprises provide societal benefits by generating positive externalities,⁹ efforts to attract young farmers to rural areas must include legal instruments, in addition to incentive measures, to ensure their entry and retention in the sector.

In this framework, on the one hand, EU policy develops and globally addresses the challenges posed by the agri-food chain considered as a whole, pursuing objectives aimed at creating a competitive and sustainable agri-food system.¹⁰ On the other hand, Member States are in the best position to ensure the entry and retention of young people in agriculture.

While the new CAP implementation model entails greater responsibility for Member States, which must intervene at the national regulatory level to promote young people's access to agriculture, it also offers the possibility for individual Member States to structure strategies that are tailored to the domestic context, capable of reflecting the specific needs of young farmers.¹¹

Accordingly, a brief overview of the principal tools supporting young farmers under the CAP and at the national level is necessary before delving into the innovations introduced by Law No. 36/2024.

2. Young Farmers in Light of the Common Agricultural Policy 2023/2027 and the National Strategic Plan

Generational change has always been considered a priority on the political agenda of the European Union. Over the years, the European legislator has provided significant support measures for young farmers in the awareness that these measures renew the entrepreneurial fabric of the sector, reduce the phenomenon of depopulation¹² by ensuring the permanence of families in rural areas and facilitating the inclusion of new productive forces.

The current Common Agricultural Policy 2023–2027 also continues to provide specific measures to support young farmers, recognising their important role in

⁹ Franco Sotte et al., "Giovani e impresa in agricoltura," *Agriregionieuropa* 1, no. 2 (2005); Anna Carbone et al., "La misura giovani tra nuovo Regolamento sullo sviluppo rurale e prime evidenze dell'applicazione 2000–2003," *Agriregionieuropa* 1, no. 2 (2005).

¹⁰ European Commission, "Strategic Dialogue on the Future of EU Agriculture. A Shared Perspective on Agriculture and Food in Europe (Final report)," 2024, https://agriculture.ec.europa.eu/document/download/171329ff-0f50-4fa5-946f-aea11032172e_en?filename=strategic-dialogue-report-2024_en.pdf.

¹¹ Irene Canfora, "I giovani agricoltori e l'obiettivo del rinnovo generazionale nella politica agricola comune 2021–27," *Diritto Agroalimentare*, no. 1 (2020): 7; Domenico Cristallo, "I giovani agricoltori al vaglio della Cgue: criticità e prospettive," *Rivista di diritto agrario*, no. 2 (2022): 93; Barbara Zanetti et al., *L'Italia e la Pac post 2020—Policy Brief 7, OS 7: attrarre i giovani agricoltori e facilitare lo sviluppo imprenditoriale nelle aree rurali* (Rete Rurale Nazionale, 2020).

¹² Fernando Salaris, "I giovani agricoltori," in *Trattato breve di diritto agrario italiano e comunitario*, ed. Luigi Costato and Alberto Abrami (Cedam, 2003), 241.

the maintenance and enhancement of the territory, and, above all, in the creation of a more competitive and innovative system,¹³ which guarantees development of rural areas.

The legal definition of young farmer appears in Art. 4, par. 6, of the Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013.¹⁴ In this article, it is established that, in line with the role entrusted to the Member States in achieving the objectives, the definition must be determined by each individual State in the strategic plans of the CAP. In fact, “Young farmer” shall be determined in such a way as to include: (a) an upper age limit set between 35 years and 40 years; (b) the conditions for being ‘head of the holding’; (c) the appropriate training or skills required, as determined by Member States.”

The Regulation (EU) No. 2021/2115, establishing rules on support for strategic plans to be drawn up by Member States under the Common Agricultural Policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD), provides a package of general objectives (Art. 5) and focuses on nine specific objectives (Art. 6).

For the purposes of this contribution, Regulation (EU) No. 2021/2115, which contains provisions on supporting strategic plans drafted by Member States, includes among the specific objectives of Article 6, letter (g), the objective of “to attract and support young farmers and new farmers and facilitate sustainable business development in rural areas.” To achieve this specific objective, Regulation (EU) 2021/2115 provides two main instruments for Member States: the possibility of introducing complementary income support for young farmers (CIS-YF), financed within the framework of direct payments¹⁵; and within rural development, the possibility of granting support for the establishment of young farmers and the start-up of new rural businesses (INSTAL).¹⁶

Furthermore, in the context of generational change policies, Member States can integrate other instruments: support for cooperation for generational change, aimed

¹³ Francesco Piras, “Il sostegno ai giovani agricoltori nell’ambito della Pac,” *Agriregionieuropa* 14, no. 55 (2018).

¹⁴ OJ L 435, 6.12.2021, pp. 1–186, hereinafter: Regulation (EU) 2021/2115 or reg. (EU) 2021/2115.

¹⁵ Emilio De Meo et al., “Il nuovo sistema dei pagamenti diretti nella riforma della Pac 2023–27,” *Rivista di diritto agrario*, no. 2 (2022): 275.

¹⁶ Article 75 reg. (EU) 2021/2115: “Member States shall grant support in the form of lump sums or financial instruments or a combination of both. Support shall be limited to the maximum amount of aid of EUR 100,000 and may be differentiated in accordance with objective criteria.”

at encouraging the development of youth entrepreneurship in agriculture through forms of coaching and cooperation between farmers who have achieved retirement age and young people who do not own agricultural land, with the aim of gradually passing the management of the agricultural business activity to young people¹⁷; investment support for young people or financial instruments with specific rules for young people¹⁸; training and consultancy for young agricultural entrepreneurs, as part of the so-called Agricultural Knowledge and Innovation System (AKIS)¹⁹; possible support for generational turnover activated within the Leaders; the possibility for Member States to grant start-up aid for young farmers and start-up aid for agricultural activities, taking into account the particular difficulties that young people encounter in starting an agricultural business.²⁰

In line with the European Union framework, the Strategic Plan of Italy defines the strategy to support and attract young people into agriculture through a set of interventions to meet the needs identified under specific objective 7 (SO7), namely “Attirare e sostenere i giovani agricoltori e i nuovi agricoltori e facilitare lo sviluppo imprenditoriale sostenibile nelle zone rurali” (Attract and support young farmers and new farmers and facilitate sustainable entrepreneurial development in rural areas).

The drafting phase of the Strategic Plan of Italy led to the formulation of a single need regarding Specific Objective 7, precisely E3.1: “Promuovere l'imprenditorialità nelle aree rurali favorendo l'ingresso e la permanenza di giovani e di nuovi imprenditori qualificati alla conduzione di aziende agricole, forestali ed extra—agricole, garantendo un'adeguata formazione, facilitando l'accesso al credito ed al capitale fondiario e favorendo la multifunzionalità delle imprese e i processi di diversificazione dell'attività aziendale, la sostenibilità ambientale, l'innovazione e la digitalizzazione dell'azienda” (Promote entrepreneurship in rural areas by encouraging the entry and retention of young and new qualified entrepreneurs in the management of agricultural, forestry, and non-agricultural businesses, ensuring adequate training, facilitating access to credit and land capital, and promoting the multifunctionality of enterprises and the diversification of business activities.)

In light of the performance-based model, the National Strategic Plan associates two result indicators with specific objective 7, chosen from the common ones identified for the strategic objective in question. Specifically, indicator R.36 “Numero di giovani agricoltori che si sono insediati beneficiando del sostegno della PAC” (Number of young farmers who created an agricultural business with the support of

¹⁷ Article 77.6 reg. (EU) 2021/2115.

¹⁸ Article 73.4 reg. (EU) 2021/2115.

¹⁹ Article 78 reg. (UE) 2021/2115.

²⁰ Article 18 of Regulation (EU) 2022/2472 of the Commission of 14 December 2022 declares the compatibility of such aid with the internal market, pursuant to articles 107, par. 3, letter (c), and 108, par. 3, TFEU. See also the Communication from the Commission “Guidelines for State aid in the agricultural and forestry sectors and in rural areas” (2022/C 485/01).

the CAP), which, in fact, quantifies the new farmers established thanks to support from the CAP. Furthermore, result indicator 36 breaks down new young farmers by gender. The reference to young farmer must be understood as defined pursuant to Art. 4, par. 1, letter (e), reg. (EU) 2021/2115.

Another indicator chosen is R.39 “Numero di imprese rurali, tra cui imprese della bioeconomia, create grazie a finanziamenti a titolo della PAC” (Number of rural agricultural businesses, including bioeconomy businesses, created with the support of the CAP). This indicator quantifies the result by considering the number of agricultural businesses developed with the support of the CAP, not limiting itself to just the new businesses created.

The position of young farmers and the issue of generational turnover are also closely related to specific objective 8 (SO8), which is “Promuovere l’occupazione, la crescita, la parità di genere, inclusa la partecipazione delle donne all’agricoltura, l’inclusione sociale e lo sviluppo locale nelle zone rurali, comprese la bioeconomia circolare e la silvicoltura sostenibile” (To promote employment, growth, gender equality, including the participation of women in agriculture, social inclusion, and local development in rural areas, including the circular bioeconomy and sustainable forestry.)

In this regard, it highlights what has already been previously emphasised regarding policies supporting small agricultural enterprises: all actions undertaken converge towards the same goal, namely preserving the vitality of rural areas to ensure, through their prosperity, the resilience of the entire agri-food sector.²¹

The definition of a young farmer²² appears in paragraph 4.1.5 of the National Strategic Plan, where, in line with the decisions of Reg. (EU) 2021/2115, it is expected that such an individual meets these requirements:

- a) a maximum age limit of 40 years;
- b) the conditions for being a company head;
- c) adequate training and/or skills requirements.

The strategy for young farmers and generational turnover will be implemented by combining complementary income support for young farmers and rural development intervention for the establishment of young people in agricultural businesses with national tools and initiatives, aimed at encouraging the establishment of young people farmers and accessing to credit and land capital, in order to create the best conditions for the development of new entrepreneurship in rural areas.

²¹ Com (2021) 345 final, “A long-term Vision for the EU’s Rural Areas—Towards stronger, connected, resilient and prosperous rural areas by 2040”, Bruxelles, 30.6.2021.

²² Nicola Lucifero, “Il “giovane” agricoltore,” *Trattato breve di diritto agrario italiano e dell’Unione europea. Agricoltura, pesca, alimentazione e ambiente*, ed. Luigi Costato and Ferdinando Albisinni, 4th ed. (Cedam, 2023), 450.

3. The Measures Included in Law No. 36/2024

It is evident that young farmers play a crucial role in developing and safeguarding the competitiveness of the agricultural sector. Thus, given the issues related to the obstacles they face in accessing the sector, it is essential to consider what possible legal solutions can be implemented.

The Italian legislator, even before enactment of the law in question, had launched regulatory interventions aimed at encouraging the presence of young people and women in the agricultural sector. In particular, among the measures adopted, those concerning land ownership, the provision of subsidised mortgages and agricultural welfare are noteworthy, now as then.

Given the problems linked to the obstacles that young farmers encounter in accessing the sector, we need to ask ourselves what the possible legal solutions are.

The objective of the national strategy under examination is to strengthen the resilience and vitality of rural territories, generating opportunities for new entrepreneurship, especially for the young generations and women, favouring the conditions of access to land and credit, and guaranteeing and recognising the importance of access to training as a tool for acquiring knowledge and skills necessary for innovation and competitiveness in the agricultural sector.

Law no. 36/2024, in this sense, in compliance with and implementing EU legislation, and in consideration of the specific Italian business structure, has the objective of structuring an organic and non-sectoral system of internal rules aiming to integrate and coordinate the instruments already in place in favour of young farmers, in order to promote, support and relaunch youth entrepreneurship in the agricultural sector.

The range of tools provided by the national legislator includes fiscal-financial measures, such as incentives granted through a dedicated fund to support initial establishment and the provision of a favourable tax regime. Civil law measures include a preferential regime for young farmers in the pre-emption between neighbouring lands, as well as training incentives. Due to the variety of measures contemplated by the law, this is an ambitious project that attempts to address the issue of generational turnover in agriculture from all angles.

Within the law, specifically, Chapter II, dedicated to support the establishment of young people in agriculture (“Sostegno all’insediamento dei giovani nell’agricoltura”), and Chapter III, dedicated to measures aimed at encouraging the retention of young people in the agricultural sector and fostering generational turnover (“Misure per favorire la permanenza dei giovani nel settore agricolo e il ricambio generazionale”), identify appropriate tools to promote youth agricultural entrepreneurship. Chapter IV, which deals with activities related to agricultural labour analysis (“Attività di analisi in materia di lavoro agricolo”), provides for the establishment of the National Observatory for Youth Entrepreneurship and Work in Agriculture, whose

aim is to foster administrative synergies in the field of youth entrepreneurship, also through the coordination between state and regional initiatives.

Article 2 provides a definition²³ of youth agricultural enterprise or young agricultural entrepreneur, understood as an enterprise established in any form, which, exclusively engaging in agricultural activities as defined by Article 2135 of the Italian Civil Code, meets the following conditions: (a) the owner is an agricultural entrepreneur aged over eighteen and under forty-one years old; (b) in the case of partnerships and cooperatives, including the cooperatives referred to in Article 1, paragraph 2, of Legislative Decree 18 May 2001, no. 228, at least half of the partners are agricultural entrepreneurs aged over eighteen and under forty-one years old; (c) in the case of corporations, at least half of the share capital is subscribed by agricultural entrepreneurs aged over eighteen and under forty-one years old, and the administrative bodies are composed, for at least half, of the same individuals.

Article 3 provides for the establishment of a fund, accessible to young agricultural entrepreneurs under 41 years of age, individually or in association, aimed at co-financing programmes prepared by the regions. The resources intend to encourage interventions aimed at: purchasing land and structures necessary for starting agricultural business activities; purchasing capital goods, with priority given to those intended to increase company efficiency and to introduce innovations relating to the product, as well as to the cultivation practices and natural maintenance of the land and to the process of growing the products through precision techniques; expanding the minimum production unit, defined according to location, cultivation direction and use of labour, in order to promote company efficiency.

Outlined below is Art. 4, which contains provisions regarding the preferential tax regime for the first establishment of youth businesses in agriculture, meeting the conditions that the beneficiaries have not carried out any other agricultural business activity in the previous three years and have regularly fulfilled the social security, insurance and administrative obligations envisaged by law and that the benefit does not concern cases relating to cases of transfer of businesses (either in the form of individual businesses or companies) pre-existing to young agricultural entrepreneurs.

A further provision is provided for Article 5, where, for sales contracts concerning the purchase of agricultural land and related appurtenances not exceeding 200,000 euros, reductions have been arranged regarding the compensation for notary activities.

The instruments described can be interpreted in light of the result indicators identified in the National Strategic Plan, such as R.36 “Number of young

²³ Margherita Brunori, *Le qualifiche soggettive dell'imprenditore agricolo. Criteri, evoluzione, prospettive*, (Giappichelli, 2024), 152–57.

farmers who have established an agricultural enterprise with CAP support” and R.39 “Number of rural agricultural enterprises, including bioeconomy businesses, created with CAP support.” These instruments, in fact, influence the number of young farmers who, by accessing such support measures, go on to establish an agricultural enterprise.

Particular attention is dedicated to training. In fact, Article 6 recognises the possibility to offer young agricultural entrepreneurs a tax credit equal to 80% of the expenses actually incurred in the year 2024 and, appropriately documented, up to a maximum amount of 2,500 euros for each beneficiary, for participation in training courses relating to the management of the agricultural company.

Article 9 provides the possibility for the regions to offer incentives to associations made up mostly of young people for the management of replacement services in associated companies, as well as providing incentives for maintaining the business unit through the use of the family pact referred to in the articles from 768-bis to 768-octies of the Civil Code.

In line with the AKIS tool foreseen by Art. 78 reg. (EU) 2021/2115, Art. 10 provides for the establishment of the National Observatory for entrepreneurship and youth work in agriculture (ONILGA). This body, composed of representatives of the Ministry of Agriculture, Food Sovereignty and Forestry, the Ministry of Labor and Social Policies, Ismea, the organisations of employers and workers in the agricultural sector and the youth associations operating in the agricultural and agri-food sectors, will be a place for planning, exchanging and disseminating knowledge and innovation, in order to operate in synergy to support the decision-making and problem-solving process in agriculture. Among the many skills are: collecting and processing data relating to the employment possibilities of young people in the agricultural sector and, in general, in rural areas; analysing the legislation concerning youth work and of the interventions carried out by state and regional administrations as well as by the European Union; consultancy and support towards administrations and public bodies for the planning and implementation of initiatives in favour of young people working in the agricultural sector; promoting active policies, rural development policies, support for the organisation and implementation of training experiences and business exchanges, as well as business coaching and tutoring services, for young people, carried out by other agricultural entrepreneurs with suitable requirements and skills.

Lastly, as a further measure aimed at encouraging youth entrepreneurship, the law intervenes, with Art. 11, regarding direct sales. To be precise, paragraph 1 provides that the Municipalities, in the markets for the direct sale of agricultural products carried out in public areas through the use of stands, may reserve for young agricultural entrepreneurs, both in the form of individual and associated enterprises, a share of parking spaces up to 50 percent of their total number.

The young agricultural entrepreneur intervenes directly in the marketing circuit of agri-food products, satisfying his or her own needs and receiving adequate remuneration for work. Indeed, a measure of this type, which values the local dimension, guarantees the appropriation of the profit margin which, otherwise, would be dispersed along the segments of the supply chain.

4. Article 8 “La prelazione di più confinanti” (The Pre-Emption Right of Multiple Neighbors)

Regarding measures aimed at ensuring the retention of young farmers, Article 8 is particularly representative of the legislation in favour of young farmers.

This article, titled “Prelazione di più confinanti” (Pre-emption by Neighbours), introduces a preferential criterion for young entrepreneurs in terms of privileged access to the right of pre-emption for *inter vivos* transactions.²⁴

It should be noted that the right of pre-emption for neighbours grants the neighbouring cultivator the right to be preferred over a third party in the transfer of ownership of a rural property. The violation of this preferential right entitles the pretermitted pre-emptive right holder to acquire ownership through the remedy of right of redemption.

Law 36/2024, innovating the previous regulations, repeals article 7 of Legislative Decree no. 18 May 2001. 228, and provides for new preferential criteria in the case of multiple neighbouring subjects, for the purposes of exercising the right of pre-emption pursuant to Art. 7 of the Law of 14 August 1971 no. 817,²⁵ of the right of redemption referred to in Art. 8, fifth paragraph, of the Law of 26 May 1965 no. 590²⁶ and of the right of pre-emption in the disposal and leasing procedures referred to in the Art. 66, third paragraph, of the legislative decree of 24 January 2012 no. 1.

Article 8 of Law No. 36/2024 establishes new criteria for resolving the competition for pre-emption or redemption by multiple eligible parties, stipulating that preference is given to the individuals mentioned in Article 2, paragraph 1: namely, agricultural entrepreneurs aged over eighteen and under forty-one years old (letter (a)), partnerships and cooperatives in which at least half of the members are agricultural entrepreneurs within the same age range (letter (b)), and corporations

²⁴ Referring in this case to agricultural pre-emption. Given that the pre-emptions can be divided into voluntary or legal, among the latter we note those in the field of inheritance (732 Civil Code), regarding the succession in agricultural contracts (articles 48 and 49, L. 3 May 1982, no. 203); in leases (articles 38 and 39, Law 27 July 1978, no. 392); in company law (Art. 2469 Civil Code); in the family business (Art. 230 bis of the Civil Code).

²⁵ Pre-emption of the owner of the land bordering the one offered for sale.

²⁶ Pre-emption granted to the tenant of the property offered for sale.

in which at least half of the share capital is held by agricultural entrepreneurs within the same age range and the administrative bodies are composed, for at least half, of the same individuals (letter (c)).

Additionally, among these subjects, the law recognises a further order of priority, preferring young agricultural entrepreneurs as per letter (a),²⁷ followed by youth agricultural enterprises as per letters (b) and (c).

In cases of equal conditions among neighbours, preference will be given to the party possessing adequate knowledge and skills according to Article 4, paragraph 6, of Regulation (EU) 2021/2115.

This provision can be seen as confirming the legislator's intent to ensure the continuation of activity on the specific property subject to pre-emption or redemption by a young person, whether a natural or legal person.

Furthermore, by recognising possession of adequate knowledge and skills as a residual criterion of preference, it underscores the importance of ensuring an agri-food system that comprises educated young farmers, thus being modern, efficient, and innovative. It should be added that the pre-emption right of the young farmer in the case of multiple neighbours should reduce disputes in this area and, consequently, facilitate the growth of business capital through access to land and expansion of areas. Thus, Article 8 frames the legislative intent to consolidate young agricultural enterprises and support generational turnover in agriculture.

Summary

The examination of the contents of Law No. 36/2024 prompts several considerations. Young Italian—and European—farmers encounter multiple barriers to entry into the agricultural sector. To ensure generational turnover, an economic support policy for young people is necessary, based on a fairer distribution of resources, and providing greater support to young small and medium-sized enterprises, as well as recognising their key role in terms of production functions and supply of goods for the community.

Furthermore, merely providing economic support to young farmers is not sufficient. It is necessary to implement targeted measures for generational turnover that, in the long term, operate stably and systematically.

It therefore emerges that several factors influence generational turnover. For this reason, the objective of attracting young farmers to rural areas must be considered from a broader perspective, and the policy for generational turnover must be an integral part of a general agricultural policy direction, aiming not only to offer

²⁷ In practice, Art. 8 provides for a preference criterion that favours the natural person, making the individual prevail over partnerships and corporations.

measures to incentivise the entry of young people but also to structure a competitive agri-food system as a whole, capable of ensuring a reasonable level of remuneration and guaranteeing the resilience of agricultural activities.²⁸

The critical challenges related to generational turnover require intervention on certain legal institutions to guarantee generational transition in agriculture and facilitate the settlement of young people. One example is the right of pre-emption for neighbours. This legal instrument directly impacts land ownership and access. In doing so, it supports young farmers during the phases of starting and expanding their agricultural enterprises, while also encouraging them to remain in the sector. Indirectly, it also supports the modernisation and innovation of infrastructure, as well as competitiveness, recognising that a young head of the company brings added value to their enterprise and to rural communities.

In this perspective, Member States, also through the flexibility afforded by the new CAP implementation model, may develop strategies that take into account the needs of young farmers in connection with the specificities of the national territory.

Therefore, interventions must also include measures to improve the position of young farmers along the agri-food supply chain and ensure the removal of obstacles that hinder young people's access to and retention in the sector.

In this context, the recent Italian Law no. 36/2024 on the promotion and development of youth entrepreneurship in the agricultural sector, aiming to be an integrated rather than a sectoral intervention, seeks to structure an organic system of internal regulations. This is intended to supplement and coordinate existing tools in favour of young farmers by providing measures to facilitate the entry and retention of young people in agriculture, thus enhancing the vitality and resilience of the entire agri-food sector.

As a result, Law No. 36/2024, which addresses multiple areas—financial, fiscal, and civil—serves as a starting point for constructing a comprehensive support policy for young farmers, on whom the future of the agricultural production sector depends.

BIBLIOGRAPHY

Bolognini, Silvia. "La comunicazione della Commissione europea "Il futuro dell'alimentazione e dell'agricoltura." *Rivista di diritto agrario*, no. 1 (2018): 110–35.

Brunori, Margherita. *Le qualifiche soggettive dell'imprenditore agricolo. Criteri, evoluzione, prospettive*. Giappichelli, 2024.

Canfora, Irene. "I giovani agricoltori e l'obiettivo del rinnovo generazionale nella politica agricola comune 2021–27." *Diritto Agroalimentare*, no. 1 (2020): 7–22.

²⁸ Nicola Lucifero, "Imprese agricole e start-up tra innovazione e ricambio generazionale," in *Start-up e PMI innovative in agricoltura. Le imprese agricole tra innovazione e sostenibilità*, ed. Mario Mauro (Cedam, 2024), 44.

Canfora, Irene. "Raggiungere un equilibrio nella filiera agroalimentare. Strumenti di governo del mercato e regole contrattuali." In *Cibo e diritto. Una prospettiva comparata: Volume 1*, edited by Lucia Scaffardi and Vincenzo Zeno-Zencovich. Roma TrE-Press, 2020.

Carbone, Anna, Alessandro Corsi, and Franco Sotte. "La misura giovani tra nuovo Regolamento sullo sviluppo rurale e prime evidenze dell'applicazione 2000–2003." *Agriregionieuropa* 1, no. 2 (2005).

Costantino, Laura. "La problematica dei prezzi dei prodotti agricoli: strumenti normativi tra antichi problemi e nuove crisi." *Rivista di diritto agrario*, no. 2 (2020): 783–99.

Cristallo, Domenico. "I giovani agricoltori al vaglio della Cgue: criticità e prospettive." *Rivista di diritto agrario*, no. 2 (2022): 93–106.

De Meo, Emilio, Rocco Roma, and Annalisa De Boni. "Il nuovo sistema dei pagamenti diretti nella riforma della Pac 2023–27." *Rivista di diritto agrario*, no. 2 (2022): 274–88.

Lattanzi, Pamela. "Le dimensioni aziendali nelle scelte della nuova Pac: le piccole aziende agricole." *Rivista di diritto agrario*, no. 2 (2022): 180–215.

Lucifero, Nicola. "Il "giovane" agricoltore." In *Trattato breve di diritto agrario italiano e dell'Unione europea. Agricoltura, pesca, alimentazione e ambiente*, edited by Luigi Costato and Ferdinando Albisinni, 4th ed. Cedam, 2023.

Lucifero, Nicola. "Imprese agricole e start-up tra innovazione e ricambio generazionale." In *Start-up e PMI innovative in agricoltura. Le imprese agricole tra innovazione e sostenibilità*, edited by Mario Mauro. Cedam, 2024.

Piras, Francesco. "Il sostegno ai giovani agricoltori nell'ambito della Pac." *Agriregionieuropa* 14, no. 55 (2018).

Salaris, Fernando. "I giovani agricoltori." In *Trattato breve di diritto agrario italiano e comunitario*, edited by Luigi Costato and Alberto Abrami. 3rd ed. Cedam, 2003.

Sotte, Franco, Anna Carbone, and Alessandro Corsi. "Giovani e impresa in agricoltura." *Agriregionieuropa* 1, no. 2 (2005).

Zanetti, Barbara, Francesco Piras, and Davide Longhitano. *L'Italia e la Pac post 2020—Policy Brief 7, OS 7: attirare i giovani agricoltori e facilitare lo sviluppo imprenditoriale nelle aree rurali*. Rete Rurale Nazionale, 2020.