FRAGMENTATION OF LAND PLOTS & ECS

Case study by JUDr. Lucia Filagová, PhD.
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ELRN 3rd. Workshop

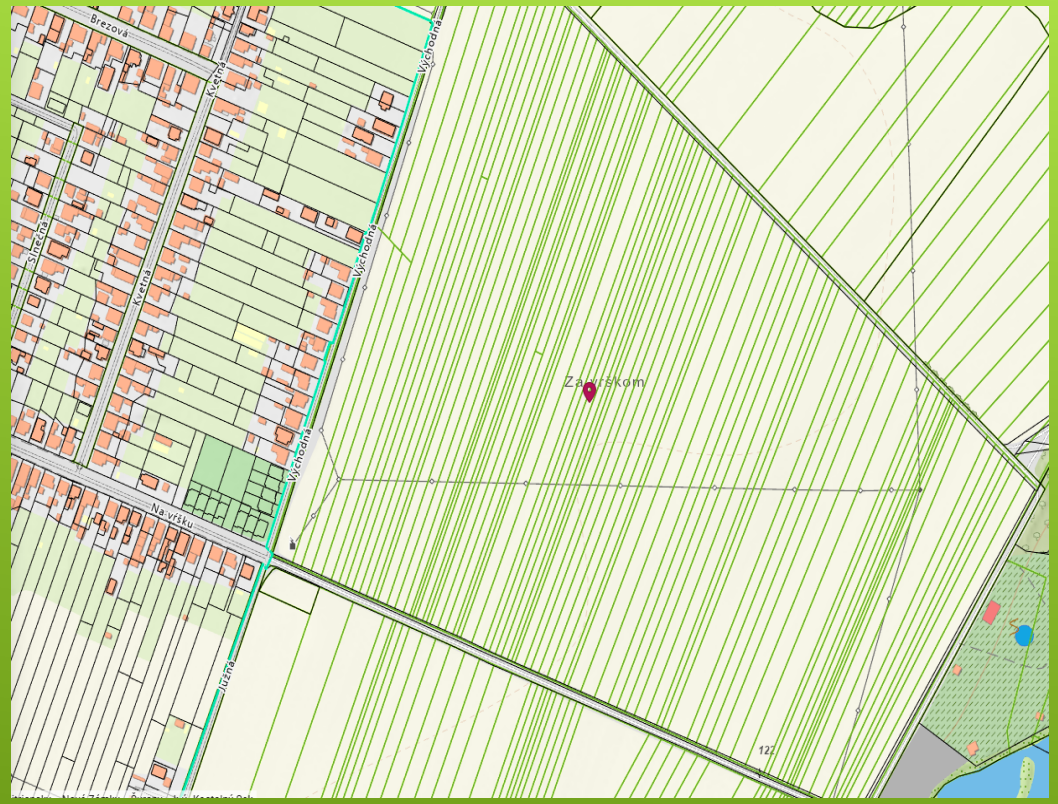
Jurmala, 12th November 2026



FRAGMENTATION OF LAND AND OWNERSHIP RIGHTS

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FRAGMENTATION OF LAND AND OWNERSHIP RIGHTS

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- **Historical heritage**: Inhereted property divided among all heirs
- **Loss of integrity**: Fragmentation of agricultural and forest land increased
- **Critical condition**: The co-ownership shares cover negligible areas
- **Main consequence**: the inability to exercise ownership rights in practice (including due to the large number of co-owners)

HISTORICAL REASONS FOR FRAGMENTATION

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- **Legal obligation**: a co-ownership share must be offered for sale to the other co-owners
- **Breach of obligation**: results in the relative invalidity of the legal act
- may be challenged during proceedings on an application for registration
- may be challenged within three years in court proceedings

RIGHT OF FIRST REFUSAL AND RISKS

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- **Land Consolidation Act in 1991**
- **Goal**: rational spatial planning in the public interest
- **Reasons**: regulation of usage rights, removal of historical obstacles, preparation for investment construction
- **Obstacles**:
  - **unresolved relationships**: the title deeds were not based on 100% ownership
  - **unknown and unidentified owners**

EFFORTS TO REMEDY THE SITUATION

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- **Act. No 180/1995 Coll.** On Certain Measures for the Settlement of Land Ownership
- **ROEP** – Register of the Updated Land Registry
- **Goal** : to restore, supplement and clarify incomplete, missing or historically distorted records of land and ownership rights
- Section 21 of Act. No 180/1995 Coll. – **measures against the fragmentation of agricultural and forest land** upon the transfer or decision

SOLUTION: ROEP AND MEASURES AGAINST FRAGMENTATION

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- **The division of existing parcels of land outside the built-up area of the municipality (by contract or decision) may not fall below the minimum established by law:**
- **Agricultural land :** 3.000 m^2 - stricter regulations have been in effect since September 1, 2022; prior to that, fragmentation was permitted for areas larger than 2,000 m^2)
- **Forest land :** 5.000 m^2
- when handling inheritance matters, a notary has the status of a judicial commissioner
- a notary may not approve an agreement among heirs or transfer land to the heirs in such a way as to result in the fragmentation of the property

TIGHTENING OF MINIMUM AREA REQUIREMENTS

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- **is a public (legal) document and also enforcement order;**
- **its content must comply with the prohibition on the fragmentation of land established by law**
- **a notary in inheritance proceedings:**

1.) approve the agreement among the heirs (specifying which heir will take ownership of the land)

2.) decide on his or her own (if the heirs cannot reach an agreement). As a rule, the notary will assign ownership of the land to the heir best suited to care for it. The other heirs are entitled to financial compensation.

CERTIFICATE OF INHERITANCE

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- a certificate of inheritance is entered into the land registry as part of the registration proceedings
- employee of the Cadastral Department will only verify that the real estate information listed in the certificate of inheritance matches the information recorded in the land registry
- If the information is consistent, the certificate of inheritance is entered into the land registry even if, for example, the notary violated the law prohibiting the fragmentation of land
- If an employee of the Cadastral Department discovers a violation of Act No. 180/1995 Coll., he or she shall notify the GCCA SR
- The GCCA SR shall then report the violation to the Notary Chamber of the Slovak Republic when the notary is handling the inheritance proceedings

REGISTRATION OF A CERTIFICATE OF INHERITANCE IN THE LAND REGISTER AND THE OVERSIGHT MECHANISM

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1.) Would it be possible to register an ECS into the Land Registry if the authority handling violated the law prohibiting the fragmentation of land ?

(is there any Act regarding fragmentation valid in your country ?)

2.) Is it truly contrary to the public interest when a notary in the Slovak Republic violates the prohibition on land fragmentation and issues an inheritance decision that is contrary to this law, and this resolution is nevertheless entered into the Land Registry, while the Notary Chamber of the Slovak Republic is merely notified of the notary´s breach of this duty?

CASE STUDY QUESTIONS

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Thank you for your attention ☺

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