

ROMANIAN LEGAL STRUCTURE OF AGRICULTURAL HOLDINGS IN THE CONTEXT OF THE COMMON AGRICULTURAL POLICY 2014-2020

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Abstract: This Article "Legal structure of agricultural holdings romanian in the context of the common agricultural policy 2014-2020" falls within the field of agricultural research oriented structures, aiming to achieve a documentation of previous research, describe the existing situation and formulating its explanations.

Keywords: agricultural holdings; Common Agricultural Policy 2014-2020; current legal framework; animal products; individual

Research methodology

In developing the scientific approach we using a range of research methods such as:

The analysis is a scientific method of research, with which every element of a whole is studied in detail.

Analysis and general study involves the examination of complex operations to drawing conclusions on the prevailing trends in the phenomena investigated.

Investigation

Comparison examination consists of two or more things, beings or phenomena, done in order to determine similarities and differences between them (comparative examination consists of different legal organizational forms).

Exam critical to reveal the mistakes, shortcomings, pointing and indicating the causes and means of remedying and straightening.

The main sources of information used in creating the article are: legislation, books, articles, papers published in the field of agriculture, agricultural statistics and enhancement of practical experience.

Through research on legal structure Farms we tried to bring a contribution to research in this field, for a better understanding of the realities of providing alternative embodiment, or recovery of negative conditions in the sector.

I. Conceptual framework on farms in Romania

The concept of holding refers to economic unit, now that exploits land, forests, mines etc. in French and comes from exploitation¹.

Since agriculture as industry and part of the market economy was the number one priority of many governments since 1990, the first time since 1989 the term was

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defined by O.U.G farm 108 of 27 June 2001 on farms in order to support agriculture or labor and employment in this sector.

According to art. 1 of O.U.G. 108/2001 "agricultural holdings are complex organizational forms of property, which highlight the earth, animals, and other means of production, interconnected in a unitary system, the execution of works, services and achieving efficient products agricole "². (O.U.G. 108/2001)

We believe that the delimitation commercial farms and family farms according to O.U.G 108/2001 is not made on the basis of economic efficiency - their financial, as would be normal size criterion but after going as back as in the past on the quantitative side of the problem and not the quality or even a combination of the two.

Due to limits O.U.G. 108/2001 and the need to achieve a coherent framework for the implementation of programs financed from the national budget and EU funds come into force on 03.15.2015 Law No. 37/2015 concerning the classification of farms and agricultural holdings.

"According to law 37/2015 defined and redefined a series of phrases such as:

- a) agricultural farm - basic economic unit for agricultural production consists of agricultural land and / or premises where there are buildings, storage areas, agricultural machinery and equipment, other outbuildings, livestock and poultry, and related utilities which contribute to development agricultural activities;
- b) farmer - natural or legal person or a group of natural or legal persons who own or use an agricultural farm that performs alone or together with other family members or associate members, agricultural production;
- c) farm - the organizational form consists of all units used for agricultural activities and managed by a farmer situated within the same Member State of the European Union;

Farms and agricultural holdings, may have one or more owners and may be privately or associative, and their legal form is in line with the provisions of the legislation.

Farms and farms in Romania according to the type of activity can be grouped as follows:

- A. Specialist holdings - crops
 - 1) Specialist field crops;
 - 2) holdings specializing in horticulture;
 - 3) Specialist permanent crops.
- B. Specialist holdings - animal production
 - 1) Specialist grazing livestock;
 - 2) Livestock Specialist granivores.
- C. Mixed
 - 1) holdings of mixed cultures;
 - 2) Mixed livestock;

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3) Mixed crops and livestock;

4) holding classified.

Depending on the economic dimension farms and agricultural holdings are classified and defined as follows:

a) under 1,999 euro - subsistence farms that produce entirely for their own use;

b) 2000-7999 euro - semi-subsistence farms that provide their own consumption and a small part of what sells agricultural production;

c) 8000-49999 euro - small commercial farms that sell more than 50% of agricultural production make;

d) 50000-99999 euro - commercial farms / holdings medium farm sells its entire production they make;

e) 1,000,000 euro - commercial farms / farms which sells higher whole agricultural production on herself.

(2) semi-subsistence farms provided in par. (1) b) can process from the production of traditional products with the legal provisions in force.

(3) farms and agricultural holdings referred to in para. (1) c) - e) represent forms of consolidation of agricultural land and may have their own units for processing and compliance with legal provisions in force."³

Our opinion is that Law No. 37/2015 on the classification of farms and agricultural holdings is made on the basis of economic efficiency - their financial as normal and their legal form is in line with the provisions of the legislation.

II. The legal form of agricultural holdings

1. Farmers individual physical persons

An individual or group of individuals who own or use an agricultural farm that performs alone or together with other family members or associate members, agricultural production;

"According to the Tax Code, individual natural persons are individuals individually or in a form of association which derive income from:

- Vegetable cultivation of agricultural products;

- Running of nurseries, vineyards, fruit and the like;

- Growth and exploitation of animals, including exploitation of animal products in their natural state;"⁴

According to APIA 2015 individual natural person is the farmer payment in the previous year benefited from direct payments that do not exceed the amount of 5,000 euros and performing at least a minimum agricultural activity in his farm is active farmer can benefit from direct payments. The farmer who payment in the previous year benefited from direct payments which exceed 5000 euros must be registered with the Trade Register Office or hold legislative act establishing, showing farming.

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Farmers individual persons have the following characteristics:

- a small area;
- diversified production structure, determined by the food needs of the family and getting those revenues that contribute to continuing work and the costs of production (plowing, disking, etc.);
- reduced technical equipment and rudimentary in some areas, which hampers the production technologies.

We believe that through APIA, in order to coerce the government fiscal physical persons farmers who receive direct payments that exceed the amount of 5000 euro to be registered at the Trade Register Office or hold legislative act establishing, showing farming.

Revenues from agricultural activities include revenue from land cultivation, animal breeding and exploitation, held under any title, including those leased.

This income is taxable whether or not evidence recovery products.

No income from farming income from capitalization products listed above in another way than unprocessed. This income is considered income from self-employment tax and obeys the rules of their respective category.

Revenues not set income standards are subject to income taxation for self-employment net income determined in annual real system.

Taxable incomes from agricultural activities

“Vegetable products included in the groups for which revenue is determined based on income norms laid down in the official catalog of varieties of crop plants in Romania, approved by the Minister of Agriculture and Rural Development (in 2012, the Order 3/2012):

- Cereals,
- Oilseeds,
- Potatoes,
- Sugar beet,
- Tobacco
- Hops on fruit,
- Vegetables in the field,
- Vegetables in protected areas,
- Grain legumes: beans peas; bean beans; bob; lentils; chickpeas; lupines
- Trees bearing fruit,
- Living on fruit,
- Flowers and ornamental plants.

Animal products for which revenue is determined based on income norms are defined as follows:

1. cows and buffaloes (cattle - cattle females of the species that have calved at least once; buffaloes - females of the species buffalo that have calved at least once);

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2. ovine and caprine animals (sheep - ewes that have lambed at least once; goats -- goats that have calved at least once);
3. fattening pigs - pigs over 35 kg, including breeding sows;
4. bee - bee families;
5. poultry - all birds of the species *Gallus domesticus*, ducks, geese, turkeys, guinea fowls, quails"⁵

Accounting obligations of taxpayers who derive income from agricultural activities

Taxpayers who derive their income from agricultural activities that have been set income standards have accounting obligations.

If expenses incurred in common are related to income for which different tax regimes that rule determination based on annual income and net income determined based on data from single-entry accounting, expense allowances will be allocated in proportion to areas of land / number of head of livestock / number of hives owned.

With regard to individual farmers believe individuals acting freely in the market, take production decisions, and its destination, decide the price according to supply and demand.

Marketing of products is usually done on traditional markets, uncertain in terms of income generation, on an ad-hoc, small quantities of potential buyers, and specific playing in that market.

2. Agricultural entities organized as freelancers, individual enterprises and family enterprises

Given that Law no. 300/2004 on authorizing natural persons and family associations carrying out economic activities independently, with subsequent amendments, has led to failures in the authorization, its provisions are interpreted differently by local authorities approved their application, enter into force GEO no. 44/2008 of 16 April 2008 on economic activities by authorized individuals, individual enterprises and family enterprises.

Authorized person

Authorized person is a natural person authorized to carry out any form of economic activity permitted by law, using mainly its workforce.

Authorized person features

Authorized person shall operate according to the law or employ, as employers, third parties with labor contract, concluded under the law;

However, a person can accumulate quality professional individual with the employee of a third party that works both in the same field and in another area of economic activity than what is authorized person;

Authorized person shall not be considered an employee of third parties collaborating with the law, even if collaboration is exclusive;

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Individual enterprise

"Individual enterprise is now economic, without legal personality, organized by sole proprietors.

Features

organization and operation of his business, sole proprietors, as employers individual may engage third parties with labor contract, registered at territorial labor inspectorate, according to the law, and can collaborate with other freelancers, entrepreneurs with other people Physical holders of individual companies or representatives of family enterprises or other legal entities to carry out an economic activity, without this would change the legal status acquired under this section; sole proprietors holder of an individual enterprise will not be considered an employee of collaborating with third parties under Art. 24, even if collaboration is exclusive;

sole proprietors holder of an individual enterprise may be added and the quality of an employee of a third party that works both in the same field and in a different area than the one where economic activity has now organized individual;

sole proprietors holder of an individual enterprise is provided in the public system of pensions and other social insurance rights and is entitled to be insured in the social health insurance system and unemployment insurance, as provided by law;

individual holder of individual company liable for its obligations heritage affectation, if it was established, and, in addition, the entire patrimony, and in case of insolvency, will be subject to the simplified procedure provided by Law no. 85/2006, with subsequent amendments;"⁶

Family businesses

"Enterprise family is now economical, without legal personality, organized by an enterprising individual with his family.

Features

family now consists of two or more members of a family.

Members of a family enterprise can be simultaneously PFA or holders of individual companies. Also, they can accumulate and quality of employee of a third party that works both in the same field and in another area of economic activity than the now organized their family;

members of a family enterprises are insured in the public pension system and other social insurance rights and are entitled to be insured in the social health insurance system and unemployment insurance, as provided by law;

Family businesses can not hire third parties with labor contract;"⁷

Accounting Obligations

Individual, company representative holder individual enterprise and family will keep single-entry accounting, according to the regulations on the organization and management accounting simple entry by individuals who have the status of the

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taxpayer, in accordance with the law on the Tax Code, as amended and completions.

The tax system

In real system. These individuals have to pay a tax of 16% on net income in a calendar year (the difference between receipts and payments). They have an obligation to keep accounts using the simple Registry of receipts and payments.

On-time income. These people pay a fixed amount determined annually by the general directorates of public finance authorities, depending on the specific activity and the area where it operates, provided that the activity to be included in the nomenclature for self-employment net income can be determined annual income based on the rules for operating individual taxpayers.

We believe that due to the obligatory physical features individual APIA for farmers receiving direct payments that exceed the amount of 5000 euro to be registered at the National Trade Register Office, most farmers will be organized according to GEO no. 44/2008 of 16 April 2008 is the simplest form of organization.

3. Companies in agriculture established under Law 31/1990.

"In order to perform acts of commerce, individuals and legal entities may join and may be companies with the legal provisions.

According to Law 31/1990, the companies will be in one of the following forms:

- a) general partnership;
- b) limited partnership;
- c) joint-stock company;
- d) partnership limited by shares
- e) limited liability company.

Social obligations are guaranteed with social patrimony so in general partnerships and general partners in limited partnerships limited by shares or unlimited and joint liability for social obligations and shareholders, limited partners and associates in a limited liability company are liable only up the competition subscribed capital."⁸

Characteristics companies

Limited Liability Company (LLC)

The main feature is that the liability of social debts is limited to contributions to the share capital subscribed and paid. The share capital of an LLC must be at least 200 lei, divided into shares with a nominal value of at least 10 lei each and every associate in hand can hold a whole number of shares. A limited liability company may be founded by at least one associate (sole) and not more than fifty (50) associates. These associates can count among its individuals and / or legal entities. A person, whether natural or legal, can not be sole partner in more than one LLC. If a person intends to establish several companies, it is necessary that at least one share to be owned by another person or entity. A limited liability company can not

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have, as sole shareholder another limited liability company which is, in turn, owned by a sole shareholder.

An LLC is managed by one or more directors, who may have limited or full powers and can be Romanian or foreign citizens. The term of office administrator / administrators may be limited or unlimited. There is no difference between companies that work with or without foreign capital.

In case LLC is the sole shareholder, the sole may be an employee of the limited liability company whose sole shareholder is, except who is a sole administrator or member of the Board.

For US tax purposes, Ltd. is a dual classification entity ("check-the-box" entity).

Joint Stock Company (SA)

The share capital of SA is the equivalent in lei of the sum of 25,000 euros, calculated at the rate set by the central bank (National Bank of Romania) for subscription and spilled on capital, but can not be less than 90,000 lei.

The share capital is represented by shares issued by the company, which by the way of transmission may be registered or bearer; the expression of values a capital contribution shareholders, and shareholders receive shares in return for the contribution. It can be set up in one of two forms: closed joint stock company or public company. The shares must be held a minimum of two shareholders, individuals and / or legal persons (no maximum), and is open to both the public and private participation. The nominal value per share will not be less than 0.1 lei (ie 10 money) .According to recent amendments, the shareholders may empower managers to increase the company's share capital by an amount determined, provided it does not exceed half of the existing share capital.

Subsidiaries of the Company

A company can open in the same town the headquarters, or in other places, in various forms dependent parts: branches, warehouses, stores, agents etc.

- Branch is dismemberment, without legal personality of the company; is registered in the Trade Register and is assigned a unique registration code.

- Subsidiaries without branch status is not registered in the Trade Register as a distinct and unique registration code did not own.

Branch of a foreign company

A branch of a foreign company does not have legal personality or share capital. Being a parent unit, branch activities can not exceed the scope of activity of the parent.

Branch

The company with legal personality which are established in the une

Types of companies listed; will have the legal form of the company was established.

Partnership

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Partnership as a legal form of organization is often used in Romania. The three types of partnership stipulated by law leading to the creation of a separate legal entity are:

- Society in partnership
- limited partnerships
- Company limited by shares

The partners of a general partnership and active partners of a limited partnership have unlimited liability regarding the obligations deriving from the partnership to third parties. Each of these partners jointly and collectively responsible for meeting these obligations.

The general partnership (SNC)

It represents an element of credit, providing additional guarantees to third parties that come into contact with the company; meeting is characterized by two elements: associates and jointly and severally liable for the company's debts and its unbounded exercise as a form of collective trade and the right to represent the company belongs to each administrator, except contrary stipulation in the articles of association; It does not require initial capital, but respond with all associations have, except limited partners. The amount of minimum capital is 200 lei. It is characterized by the existence of two categories of partners: limited partners and limited partners.

The limited partnership (SCS)

“General partners have the exclusive right to participate in management of the limited partnership, due to the existence of their personal liability for the debts and social solidarity; management will be entrusted to one or more associated partners; associations respond with all possess, except limited partners. The amount of minimum capital is 200 lei. It is characterized by the existence of two categories of partners: limited partners.

Company limited by shares (SCA)

SCS is a similar company comprising two categories of partners: limited partners and limited partners; capital is divided into shares; ACS Law assimilates stock company is governed by the laws on joint stock company and is represented through: establishing simultaneous and simultaneous constitution or by public subscription. The value of social capital is the equivalent in lei of the sum of 25,000 euros, calculated at the rate set by the central bank is (National Bank of Romania) for subscription and spilled on capital, but can not be less than 90,000 lei.

Economic Interest Group (EIG)

EIG is an association between two or more individuals or legal entities, established for a definite period. Its main objective is the development of economic activities of its members; GIE development itself is a secondary objective.

The number of members of an economic interest group can not be more than 20.

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A key feature of GIE is that its member's unlimited and joint liability for the obligations of the group, and that can not hold, directly or indirectly, shares / shares in one of the member companies or other GIE. An economic interest group may issue shares, bonds or other securities.

European Economic Interest Group (EEIG)

An EEIG is similar to a GIE; it can be established in any EU Member State and in Romania through subsidiaries, offices or other entities without legal personality, provided that they comply with national legislation. The establishment of branches or subsidiaries of an EEIG will be subject to the same registration procedures imposed economic interest groups.

European Company (SE)

SE can be established at the time of registration in any EU Member State in accordance with EC Regulation 2157/2001. European legislation requires Member States to consider IT as a joint stock company under the laws of the Member State in which it has registered headquarters. Through SE, activities carried out in several Member States can be controlled by a single company, instead comply with different rules for each individual state in owning subsidiaries. SE are suitable only for large companies.

Representation

A representative is usually established by foreign companies in Romania to conduct non-commercial activities such as advertising and market research on behalf of the parent. Representative offices can not conduct business in Romania.

To register a representative office, company officials must submit an application to the Ministry of Economy, Trade and Business Environment and pay an annual fee of 1.200 USD equivalents in lei, necessary for obtaining the license.

At the time of authorization, the representative must be registered and the Ministry of Finance and the Chamber of Commerce and Industry of Romania and pay an annual income tax worth 4,000 euros, equivalent in lei.

The consortium

National legislation allows concluding a joint venture agreement. Through this agreement, the parties work together to achieve a common goal in business. This form of doing business in Romania does not create a legal person. In general, one party is responsible for bookkeeping ventures.

Trust

Romanian legislation does not recognize the concept of trust.

Entities commonly used by foreign investors

Limited liability companies (LLC) are the most popular means for investors to conduct business activities in Romania because they have fewer administrative requirements, greater flexibility compared to other types of companies and a low

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capital requirement. However, joint stock companies (JSC) remain an attractive option for investors who intends to list of companies on the stock."⁹

4. Forms of association in agriculture according to Law 36/1991

Forms of association simple

"Owners of agricultural land benefiting from the provisions of the Land Law no. 18/1991, and other landowners can to exploit the earth and forms of association.

The shapes are simple association of associations based on agreement between two or more families, whose purpose agricultural land use, livestock, supply, storage, conditioning, processing and selling products or providing services, and other activities.

Asocierele stipulated by law be set up by verbal or written agreement without legal formality, because people in establishing their own business object and understand the conditions in which to conduct business and have no legal personality and associates if they wish, company may conclude contracts as provided by the Civil Code. Also can be and companies under Law No.31 / 1990 on commercial companies."¹⁰

Agricultural companies

If landowners do not want to exploit them individually and not in one of the forms mentioned above, they can be in agricultural societies, juridica personality, as provided by law.

Law 36/1991 is the first law regulating the operation after the fall of communism in agriculture associative structures. The association in such a form aimed at exploiting agricultural land, tools, animals and other means brought into society, and investments of agricultural interest. Agricultural exploitations can consist of organizing and conducting agricultural works and land reclamation, use of machinery and equipment, supply, processing and selling agricultural and non-agricultural, and other such activities.

Important to note that the law mentions non-commercial character of the agricultural society. The request for registration of the agricultural company accompanied by articles of incorporation and status, both in 4 copies shall be filed with the court in whose jurisdiction will be based society. The emergence of dedicated registers these legal forms (which exists in every county court) acquisition marks its legal form.

In the Company of agricultural land and fixed assets can be taken with the right of use from members on specific contracts. (Lease, loan, rent). Managing Agricultural Society is made by the Board of Directors (elected from the members), auditors and the General Assembly. Agricultural Society presents the benefits of a strong mechanisms for maintaining a democratic government but by the specificity of its

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mission centered on production and sharing of fixed and earth for greater efficiency and not on marketing presents a disadvantage.

New forms of association in agriculture occurred in the early years of transition (family associations and associations / societies Farming companies) have not experienced significant success and the new legal framework for the establishment and operation of agricultural cooperatives Western, complete with some mechanisms supporting cooperatives, provided farmers with a new alternative way of farming.

5. Romanian agricultural cooperative, a possibility for farms

One of the most important laws, Agricultural Co-operatives Act which was completely absent and Romanian agricultural sector, finally after more than three years was adopted, promulgated and published in the Official Gazette no. 1236 of 22 December 2004.

Agricultural Cooperatives Law no. 566 of 22 December 2004 is or rather should represent a first step in the right direction, aiming at the creation of appropriate agricultural structures in order to become competitive.

"According to art. 2 of Law no. 566/2004 of Agricultural Cooperatives "agricultural cooperative is an autonomous association of persons and / or legal, as appropriate, legal entity of private law established based on the freely expressed consent of the parties in order to promote the interests of cooperative members, in accordance with cooperative principles, which is organized and functions under this law. " ¹¹

Article 3 of the law is complementary to art. 2 according to which "agricultural cooperative is an autonomous association with a number of members, with variable capital, which acts as an economic, technical and social to provide goods, services and jobs exclusively or predominantly members.

Agricultural cooperatives under art. 4 - (1) are classified into agricultural cooperatives that may be of Grade 1 and 2.

Grade 1 agricultural cooperatives are associations of individuals, compared with 2nd degree cooperatives are legal entities consisting of Grade 1 agricultural cooperatives, mostly, and natural or legal persons, where appropriate, to integrate horizontal or vertical economic activity carried out by them and approved in accordance with this law.

As such delimitation agricultural cooperative does not include the possibility of direct processing of agricultural companies and agricultural trading currently existing agricultural cooperatives. Considering the fact that during the next several agricultural companies and companies specialized in agricultural industry will want to turn agricultural cooperative society, without the need for removal and / or dissolution of existing society would be welcome inclusion Agricultural Cooperatives Act and to this possibility.

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According to art. 5 "agricultural cooperative are established and operate with a minimum of five (5) persons. The share capital is comprised of shares of equal value; nominal value shall be determined by the memorandum. The shares may be in cash and / or kind; cash contribution is required from establishing any agricultural cooperatives.

The first substantive issue is the Law of Agricultural Cooperatives requiring a minimum of five persons to be an agricultural cooperative. Often, in rural areas even between brothers they do not want to join, even if arable lands are contiguous. Article 4 of the Ordinance. 26 of 30.01.2000 on associations and foundations reads "The association is a legal entity of three or more people, according to an agreement, pooling and no right of return material contribution, their knowledge or their work contribution in to conduct activities in the public interest, Community and, where appropriate, in the interests of their personal prerogatives ".

In this situation the question is why can not constitute an agricultural cooperative under Law 566 of 22.12.2004 minimum of 3 people. The core problem should it not represent the minimum required to be an agricultural cooperative financial but social and economic results thereof. In particular in the current economic and financial-social in Romania would be more important to impose a minimum quality conditions than of quantity in terms of a minimum of 5 people as still required today.

Considering that the average size of a farm in the European Union is about 19.8 ha., Is between minimum 6.6 ha. in Greece and 82 ha maximum. in Scotland, compared to the situation in Romania where no more than 3.4 ha., and currently existing legislation does not significantly supports arable land consolidation in order to build efficient market-oriented Agricultural Cooperatives.

Establishment of Agricultural Cooperatives must be at the improvement of socio-economic and financial efficiency in the agricultural sector in order to become competitive.

The share capital of the agricultural cooperative may be in cash and / or kind.

According to art. 17. - (1) "the agricultural cooperative rights and obligations of cooperative members are equal, regardless of the size of each quota in the capital, each member is expressed by a single vote. "Respectively art. 19 states' financial liability of a cooperative member are limited to the number of shares subscribed. "(Law 566 of 22.12.2004)

Under Article 17, each cooperative member is entitled to one vote, regardless of the size of the equity share capital, which may be unfavorable agricultural cooperative in terms of economic and financial efficiency as cooperative members who hold shares 1% -5% will tend to make dividend after each crop year, being satisfied only with salaries compared with those who hold 20% and will want to reinvest the entire amount in order to expand and modernize the agricultural sector and agribusiness. In an agricultural cooperative agricultural cooperative have 2

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each holding 20% of capital reinvestment of profit seeking to equip with modern equipment and facilities are 20 agricultural cooperative with 3% participation in the capital who want dividends, according this principle, art. 17 will be distributed dividends in place to acquire agricultural cooperative.

Patrimonial liability is exactly the same as for limited companies, which means that agricultural co-operators responsibility within the subscribed shares, ie regardless of the amount, the amount that will be owed agricultural cooperative, its members will respond only financial limit the subscribed shares, thus can harm the state budget with ease. And in this situation as in the case of limited liability companies there is no protection on the possibility of recovery of debts accumulated by agricultural cooperatives to the state budget, the system of taxes and fees.

We believe that through a proper legislative framework, the former agricultural structures in agriculture could be based on western agricultural cooperatives (until 2004 was passed the first law on agricultural cooperatives).

III Conclusions

We believe a large gap in legislation in Romania lack of regulation of farms. Only 11 years after the fall communism concept was regulated by ordinance 108/2001 farm. We believe that the delimitation commercial farms and family according to GEO 108/2001 is not made on the basis of economic efficiency - their financial, as would be normal size criterion but after going as back as in the past on the quantitative side of the problem and not the quality or even a combination of the two. Our opinion is that Law No. 37/2015 on the classification of farms and agricultural holdings is made on the basis of economic efficiency - their financial as normal and their legal form is in line with the provisions of the legislation.

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⁵Minister of Agriculture and Rural Development (in 2012, the Order 3/2012)

⁶CEO nr. 44/2008

⁷CEO nr. 44/2008

⁸Law 31/1990

⁹Chamber of Commerce and Industry of Bucharest (www.ccib.ro)

¹⁰ Law no. 18/1991

¹¹Law no. 566/2004 of Agricultural Cooperatives