

**ANALYSIS OF THE CURRENT CLASSIFIER OF TYPES OF INTENDED  
PURPOSES OF AGRICULTURAL LAND USE AND PROPOSALS FOR ITS  
IMPROVEMENT**

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*The analysis of the current Classification of types of intended purposes of land use is carried out. It is established that the existing 2-level Classification does not meet the modern requirements for monitoring land relations and the norms of current land legislation. The structure and content of the 4-level Classifier of types of intended purposes of land use are proposed, which allows to determine in detail the type of permitted land use.*

*It is established that the current classifier does not distinguish between the form of management and the type of land use. This issue is especially evident in the example of agricultural land, in which case the types of intended purposes indicate the legal form of landowner or user, rather than regulating the direct use of land. The proposed 4-level classifier is able to distinguish between the form of management and the type of land use.*

*In forming this Classifier, the principles of complexity, systematicity, exhaustiveness, hierarchy and legality are taken into account; requirements of automated technologies for maintaining the State Land Cadastre and remote methods of land monitoring are considered, comprehensive and systematic methodological approaches in compliance with current domestic*

*land legislation and relevant bylaws are applied; principles of openness and manufacturability, as well as recommendations of international organizations are taken into account.*

**Key words:** *agricultural lands, classifier, classes, types of purpose of land plots.*

**Problem statement.** Reforming of land relations, processes of decentralization of power, formation of united territorial communities in rural areas, preparation for the introduction of market circulation of agricultural land and relevant changes in land legislation require the development of modern classification systems that would meet today's requirements. First of all, this applies to the introduction of market circulation of agricultural land, given that land will be leased, bought, sold, mortgaged, contributed to the share capital, etc., such operations should be built "... only on a legal basis, which, as evidenced practice, we need to develop and improve" [6, p. 20]. These systems should be formed on the basis of updated scientific and methodological approaches, taking into account the automation of technological processes of maintaining the state land cadastre and the widespread use of remote methods of land monitoring. In addition, the process of constructing classifiers should take into account such defining principles as: "... legality,... openness,... manufacturability,... and harmonization with international norms" [1, p. 60-61].

**Analysis of recent research and publications.** Analysis of recent research and publications. Scientific and methodological principles regarding the classification of lands are revealed in the works of D. Babmindra, A. Barvinskyi, D. Dobriak, Y. Dorosh, O. Dorosh, O. Kanash, O. Pomelov, I. Rozumnyi and others [1; 3-6], but the dynamic processes in the field of land relations require their improvement and development of new methodological approaches to the formation of modern classifications of lands, especially agricultural lands.

**The purpose of the article is** to analyse the current Classification of land use types, to substantiate proposals on the structure and content of the updated Classification of land use types on the example of agricultural land.

**Presenting main material.** Analysis of the current two-level (type, subtype) Classification of types of lands intended purpose, approved by the Order of the State

Committee of Ukraine for Land Resources 23.07.2010 №548 and then amended by the Order of the Ministry of Agrarian Policy and Food №587 from 28.09.2012, Order of the Ministry of Regional Development, Construction and Housing №287 of 12.11.2015, Order of the Ministry of Agrarian Policy and Food №261 of 23.05.2017, indicates its incomplete compliance with current land legislation of Ukraine.

First of all, it is said that this Classification, in particular with regard to agricultural lands, does not take into account the norm of Article 26 of the Land Code of Ukraine on the use of land plots with reclamation systems (Table 1).

Namely, reclaimed agricultural lands are able to ensure the sustainable development of agricultural production in the context of global climate change, which is an urgent problem not only nationally but also globally. Therefore, the accounting of areas of reclaimed land is of practical importance both from the standpoint of development and justification of measures to restore the productivity of steppe agrolandscapes, the soil cover of which is dominated by chernozems, and - state control over their use and protection.

In addition, this Classification does not clarify the distribution of agricultural land in the three main areas of use, enshrined in the norm of Part 1 of Article 22 of the LCU, according to which “Agricultural land is land provided for: 1) agricultural production, 2) agricultural economic research and training activities, 3) the location of the relevant production infrastructure, including the infrastructure of wholesale markets for agricultural products, or intended for these purposes” [2]. They are simply “dissolved” in the list of subtypes of the lands of the studied category.

Table 1

**Classification of types of lands intended purpose(fragment)**

Code		Name
Type	Subtype	
01		<b>Agricultural lands</b>
	01.01	For conduction of commodity agricultural production
	01.02	For farming
	01.03	For personal farming
	01.04	For subsidiary agriculture
	01.05	For individual gardening
	01.06	For collective gardening
	01.07	For backyard
	01.08	For haymaking and cattle grazing
	01.09	For research and educational purposes
	01.10	For promotion of the best practices in agriculture
	01.11	For agricultural services
	01.12	For accommodation of the infrastructure of wholesale markets for agricultural products
	01.13	For other agricultural purposes
	01.14	For the purposes of subsections 01.01-01.13 and for preservation and use of lands of the nature reserve fund

\*Classification approved by the Order of the State Committee of Ukraine for Land Resources 23.07.2010 №548 and then amended by the Order of the Ministry of Agrarian Policy and Food №587 from 28.09.2012, Order of the Ministry of Regional Development, Construction and Housing №287 of 12.11.2015, Order of the Ministry of Agrarian Policy and Food №261 of 23.05.2017

This, in turn, makes it impossible to clearly (unambiguously) define the purpose of land. For example, according to the current Classification, Land for collective gardening (code 01.06) can be used either for commercial agricultural production (code 01.01) or for research and educational purposes (01.09), because according to Part 3 of Article 35 of the LCU “Land plots intended for gardening, can be used for laying perennial orchards, growing crops, as well as for the construction of the necessary buildings, farm buildings, etc.” [2]. According to Article 33 of the LCU, land plots intended for personal farming (01.03) may be transferred by citizens for use by legal entities of Ukraine and used by them for commercial agricultural production (01.01) or farming (01.02) without changing the intended purpose of these land plots[1].

As for subsections 01.13 and 01.14, it is impossible to determine their specific purpose at all, which creates preconditions for violations in the field of land relations regulation.

These shortcomings are a significant obstacle to the monitoring of land relations, which is the basis for both planning and implementation of appropriate measures for the rational use and protection of land in particular and ensuring sustainable development of rural areas in general.

In our opinion, the real mechanism for eliminating these shortcomings in the study area is the introduction of a 4-level Classifier of types of lands intended purpose, a fragment of which in relation to agricultural land, is presented in Table 2.

Given the definition of agricultural land, given in part 1 of Article 22 of the LCU, at the 2nd level of the Classifier, we introduce “Main intended purpose”. Which consists of following: under code 01.01 – “For the production of agricultural products”, 01.02 – “For the implementation of agricultural research and training activities”, 01.03 – “For the placement of production infrastructure”.

Additionally, code 01.04 indicates “Reserve lands”, because according to the second part of Article 19 of the LCU “Land plots of each category of land, which are not provided for ownership or use of citizens or legal entities, may be in reserve” [2].

Table 2

**Classification of types of lands intended purpose**

Land Category	Main intended purpose		Class of intended purpose		Type of intended purpose	
Code	Code	Name	Code	Name	Code	Name
1	2	3	4	5	6	7
01	<b>Agricultural lands</b>					
	01.01	For the production of agricultural products	01.01.01	For conduction of commodity agricultural production	01.01.01.01	For growing cereals, legumes and fodder crops in crop rotations
					01.01.01.02	For growing potatoes, technical and melon crops in the open ground
					01.01.01.03	For planting fruit trees
					01.01.01.04	For growing grapes (vineyards)
					01.01.01.05	For growing hops (hop plantations)
					01.01.01.06	For growing berry crops
					01.01.01.07	For growing organic crops
			01.01.02	For farming	01.01.02.01	For growing cereals, legumes and fodder crops in crop rotations
					01.01.02.02	For growing potatoes, technical and melon crops in the open ground
					01.01.02.03	For planting fruit trees
					01.01.02.04	For growing grapes (vineyards)
					01.01.02.05	For growing hops (hop plantations)
					01.01.02.06	For growing berry crops
					01.01.02.07	For growing organic crops
			01.01.03	For personal farming	01.01.03.01	For growing cereals, legumes and fodder crops in crop rotations
					01.01.03.02	For growing potatoes, technical and melon crops in the open ground
					01.01.03.03	For planting fruit trees
					01.01.03.04	For growing grapes (vineyards)
					01.01.03.05	For growing hops (hop plantations)
			01.01.04	For subsidiary agriculture	01.01.04.01	For growing cereals, legumes and fodder crops in crop rotations
					01.01.04.02	For growing potatoes, technical and melon crops in the open

					ground
				01.01.04.03	For planting fruit trees
				01.01.04.04	For growing grapes (vineyards)
				01.01.04.05	For growing hops (hop plantations)
				01.01.04.06	For growing berry crops
		01.01.05	For gardening	01.01.05.01	For individual gardening
				01.01.05.02	For collective gardening
				01.01.05.03	For growing ornamental perennials
				01.01.05.04	For growing seedlings of fruit plants
				01.01.05.05	For growing seedlings of ornamental plants
		01.01.06	For backyard	01.01.06.01	For growing potatoes and melons
				01.01.06.02	For growing herbaceous berry crops
		01.01.07	For haymaking and cattle grazing	01.01.08.01	For the organization of haymaking
				01.01.08.02	For the organization of pastures
01.02	For conduction of agricultural research and educational activities	01.02.01	For research and educational purposes	01.02.01.01	For the organization of agrotechnical field experiments
				01.02.01.02	For the organization of varietal field trials
				01.02.01.03	For placement of seed plots (for propagation of seeds of agricultural crops)
		01.02.02	For promotion of the best practices in agriculture	01.02.02.01	For the organization of demonstration sites
		01.02.03	For the accommodation of infrastructure of research institutions and educational institutions	01.02.03.01	To accommodate office buildings and structures
				01.02.03.02	To accommodate public buildings and structures
				01.02.03.03	For placement of industrial buildings and structures
				01.02.03.04	To accommodate engineering infrastructure
				01.02.03.05	For equipment of places of collection, utilization and destruction of biological waste
01.03	For agricultural production infrastructure	01.03.01	For accommodation of the infrastructure of wholesale markets for agricultural products	01.03.01.01	For placement of buildings and structures
				01.03.01.02	For placement of systems, networks, lines, services
				01.03.01.03	For placement of warehouses, storages
				01.03.01.04	For placement of halls, platforms, pavilions
				01.03.01.05	For transport and internal roads
		01.03.02	For placement of outbuildings and yards	01.03.02.01	For placement of buildings and structures for storage and processing of agricultural products
				01.03.02.02	For placement of buildings and structures for growing crops indoors

				01.03.02.03	For placement of buildings and structures for the preparation and storage of feed for farm animals
				01.03.02.04	For placement of buildings and structures for storage and maintenance of agricultural machinery
				01.03.02.05	For placement of buildings and structures for storage of mineral fertilizers and pesticides
				01.03.02.06	For placement of facilities for preparation and storage of organic fertilizers
				01.03.02.07	For placement of buildings, structures for keeping and breeding cattle
				01.03.02.08	For placement of buildings and structures for keeping and breeding pigs
				01.03.02.09	For placement of buildings and structures for keeping and breeding sheeps
				01.03.02.10	For placement of buildings and structures for keeping and breeding goats
				01.03.02.11	For placement of buildings and structures for keeping and breeding horses
				01.03.02.12	For placement of buildings and structures for keeping and breeding rabbits
				01.03.02.13	For placement of buildings and structures for keeping and breeding poultry
				01.03.02.14	For placement of buildings and structures for keeping and breeding fur animals
				01.03.02.15	For placement of buildings and structures for keeping and breeding bees
				01.03.02.16	For transport and internal roads
				01.03.02.17	For placement of engineering structures of reclamation systems
				01.03.02.18	For placement of protective and other forest plantations
				01.03.02.19	For placement of field roads and runs
				01.03.02.20	For equipment of places of collection, utilization and destruction of biological waste
	01.04	Reserve lands			



Within the **“Main intended purpose”** under code 01.01 **“For the production of agricultural products”** we allocated **“Classes of intended purpose”**, which are the 3rd level of classification. Taking into account the rules set out by the LCU we propose the following classes: 01.01.01 – For conduction of commodity agricultural production (paragraphs “a” and “b” of the third part of Article 22, Article 24 of the LCU); 01.01.02 – For farming (paragraph “a” of the third part of Article 22, Article 31 of the LCU); 01.01.03 – For personal farming (paragraph “a” of the third part of Article 22, Article 33 of the LCU); 01.01.04 – For subsidiary agriculture (paragraph “d” of the third part of Article 22, Article 37 of the LCU); 01.01.05 – For horticulture (paragraph “a” of the third part of Article 22, Article 35 of the LCU); 01.01.06 – For gardening (paragraph “a” of the third part of Article 22, Article 36 of the LCU); 01.01.07 – For haymaking and cattle grazing (paragraph “a” of the third part of Article 22, Article 34 of the LCU);

Within the **“Main intended purpose”** under code 01.02 **“For conduction of agricultural research and educational activities”** we allocated **“Classes of intended purpose”**, which are the 3rd level of classification. Taking into account the rules set out by the LCU we propose the following classes: 01.02.01 – For research and educational purposes (paragraph “c” of the third part of Article 22 of the LCU); 01.02.02 – For promotion of the best practices in agriculture (paragraph “c” of the third part of Article 22 of the LCU); 01.02.03 – For the accommodation of infrastructure of research institutions and educational institutions (allocated in order to preserve the integrity and ensure the effective use of the land complex of these institutions);

Within the **“Main intended purpose”** under code 01.03 **“For agricultural production infrastructure”** we allocated **“Classes of intended purpose”**, which are the 3rd level of classification. Taking into account the rules set out by the LCU we propose the following classes: 01.03.01 – For accommodation of the infrastructure of wholesale markets for agricultural products (paragraph “e” of the third part of Article 22 of the LCU); 01.03.02 – For placement of outbuildings and yards (paragraph “b” of the second part of Article 22 of the LCU).

Within each “**Class of intended purpose**” there are “**Types of intended purpose**” (4th level of classifier), which provide for permitted types of economic activity in accordance with Article 111 of the LCU.

In particular, the second part of this Article provides that “The law, regulations adopted in accordance with it, contract, court decision may establish the following restrictions on land use: a) the condition to begin and complete construction or development of land within the prescribed time; b) a ban on certain activities; c) a ban on changing the intended purpose of the land or landscape; d) the condition to carry out the construction, repair or maintenance of the road, road section; e) condition of observance of nature protection requirements or performance of certain works; e) conditions to grant the right to hunt, catch fish, harvest wild plants on their land at the prescribed time and in the prescribed manner; f) the obligation to maintain and preserve field protective forest strips” [2].

It is also important to note that the proposed classifier, which classifies the intended purpose into four levels, clearly distinguishes the form of management and type of land use, which are not delimited in the current classifier. This applies primarily to agricultural land, where there are the following types of intended purpose: for conduction of commodity agricultural production, for farming, for personal farming, for subsidiary agriculture. But these purposes do not determine exactly how the land is used, but only indicate the form of management of the owner or user. Accordingly, the proposed classifier is able to solve this problem.

It should be noted that according to the above method, lands of other 8 categories can be structured, of course, taking into account the peculiarities of their legal regime of use and the historically formed factual situation.

**Conclusions.** To ensure the comprehensive nature of the definition of all permitted uses of land within agricultural areas in the formation of the classifier of types of land use used comprehensive and systematic methodological approaches in compliance with current domestic land legislation and relevant bylaws; principles of openness and manufacturability, and taking into account the recommendations of international organizations.

The proposed 4-level scheme of the classifier of types of lands intended purpose can be used in structuring lands of other 8 categories defined by the Land Code of Ukraine, which should legally establish the terms “class and type of intended purpose”, which form the basis of this classification system.

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## **АНАЛІЗ ЧИННОГО КЛАСИФІКАТОРА ВИДІВ ЦІЛЬОВОГО ПРИЗНАЧЕННЯ ЗЕМЕЛЬ СІЛЬСЬКОГОСПОДАРСЬКОГО ПРИЗНАЧЕННЯ ТА ПРОПОЗИЦІЇ ЩОДО ЙОГО УДОСКОНАЛЕННЯ**

*Проведено аналіз чинної Класифікації видів цільового призначення земель. Встановлено, що існуюча 2-рівнева Класифікація не відповідає сучасним вимогам здійснення моніторингу земельних відносин та нормам чинного земельного законодавства. Запропоновано структуру та зміст 4-рівневого Класифікатора видів цільового призначення земельних ділянок, який дозволяє більш детально визначити спосіб дозволеного використання земель.*

*Встановлено, що чинний класифікатор не розмежовує форму господарювання та вид використання земельних ділянок. Дана проблематика особливо проявляється на прикладі сільськогосподарських земель, у випадку яких цільові призначення саме вказують на форму господарювання землевласника та землекористування, а не регулюють безпосереднє використання земельної ділянки. Запропонований 4-рівневий класифікатор здатний розмежувати форму господарювання та вид використання земельних ділянок.*

*При формуванні цього Класифікатора враховані принципи комплексності, системності, вичерпності, ієрархічності та законності; вимоги автоматизованих технологій ведення Державного земельного кадастру та дистанційних методів моніторингу земель, застосовано комплексний та системний методичні підходи з дотриманням норм чинного вітчизняного земельного законодавства і відповідних підзаконних актів; принципи відкритості та технологічності, а також враховано рекомендації міжнародних організацій.*

**Ключові слова:** *сільськогосподарські землі, класифікатор, класи, види цільового призначення земельних ділянок.*

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## **АНАЛИЗ ДЕЙСТВУЮЩЕГО КЛАССИФИКАТОРА ВИДОВ ЦЕЛЕВОГО НАЗНАЧЕНИЯ ЗЕМЕЛЬ СЕЛЬСКОХОЗЯЙСТВЕННОГО НАЗНАЧЕНИЯ И ПРЕДЛОЖЕНИЯ ПО ЕГО СОВЕРШЕНСТВОВАНИЮ**

*Проведен анализ действующей Классификации видов целевого назначения земель. Установлено, что существующая 2-уровневая Классификация не соответствует современным требованиям осуществления мониторинга земельных отношений и нормам действующего земельного законодательства. Предложена структура и содержание 4-уровневого Классификатора видов целевого назначения земельных участков, который позволяет более детально определить способ разрешенного использования земель.*

*Установлено, что действующий классификатор не разграничивает форму хозяйствования и вид использования земельных участков. Данная проблематика особенно проявляется на примере сельскохозяйственных земель, в случае которых целевые назначения именно указывают на форму хозяйствования землевладельца или землепользователя, а не регулируют непосредственное использование земельного участка. Предложенный 4-уровневый классификатор способен разграничить форму хозяйствования и вид использования земельных участков.*

*При формировании этого Классификатора учтены принципы комплексности, системности, исчерпаемости, иерархичности и законности; требования автоматизированных технологий ведения Государственного земельного кадастра и дистанционных методов мониторинга земель, применен комплексный и системный методические подходы с соблюдением норм действующего отечественного земельного законодательства и соответствующих подзаконных актов; принципы открытости и технологичности, а также учтены рекомендации международных организаций.*

**Ключевые слова:** сельскохозяйственные земли, классификатор, классы, виды целевого назначения земельных участков.

