

Restrictions of ownership, leasing, transfer and financing of land and real properties in Europe and North America

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Federal Land Cadastre Service of Russia
Prospect Vernadskogo, 37, korpus 2
MOSCOW 119415
Russian Federation

Tel (+7 095) 930-7351

On behalf of:

**United Nations Economic Commission for Europe
Committee on Human Settlements
Working Party on Land Administration
Palais des Nations
8-10 Avenue de la Paix
1211 GENEVA
Switzerland**

Tel (+ 41) 22 917-2374

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Preface

The UN-ECE Working Party on Land Administration, at its first session in November 1999 agreed to carry out a survey on the restrictions that existed in ECE member states on the ownership, leasing, transfer and mortgaging of land (real estate). The interest to conduct this survey was driven by the transition processes in countries of Central and Eastern Europe many of which for more than half a century had little or no experience of private land ownership as well as by the changing economic and natural environment that is challenging the concept of private ownership rights.

At the meeting in September 2000, the Bureau of the Working Party on Land Administration has reconfirmed its interest in the survey and appointed the delegation of the Russian Federation as responsible for the collection, processing and analysis of data from member countries on the subject of the survey.

The objective of the study was to achieve a better understanding of the present legal position on the attitudes to private ownership rights in land and other real property that prevail in the UN ECE region. Access to land and real property, financing its development, leasing, transferring and buying land and real property are recognized as essential features of an active and successful market economy based on private land and property ownership. Yet restrictions within individual countries exist where these are perceived to be in the wider interest of a country or its citizens.

This study is based on a simple questionnaire, which seeks answers to thirty-eight questions classified under four main headings:

- a. Restrictions on ownership of agricultural and non-agricultural land and real property
- b. Restrictions on leasing agricultural and non-agricultural land and real property
- c. Restrictions on transferring the ownership of agricultural and non-agricultural land and real property
- d. Restrictions on financing the investment or development of agricultural and non-agricultural land and real property

In order to address issues relating to agricultural and non agricultural land use each question was divided into two parts that have allowed to collect separate pieces of information in respect of these two major types of land use. The survey also makes an attempt to find out if in some countries individuals, legal entities and governments may enjoy different rights in land and real property.

Restrictions of rights in land and real properties are a highly sensitive issue. It is subject to cultural legal and historic traditions that develop in countries over centuries. Thus countries demonstrate different views on what can be considered a restriction of rights in land and real property. A restriction in one country may not be treated or considered as such in another. As the respondents were constantly kept informed on the progress made in the preparation of this report and every effort was made to verify with them the accuracy of information presented I have often encountered the problem of different attitudes towards restrictions and limitations of property rights. Because of the nature of this study I have decided to follow the views of respondents rather than give my own interpretations. Readers of this paper are also left with the opportunity to make their own conclusions on the issues presented by respondents as Annex 1 includes all their original replies.

The study is based on replies from 31 countries and jurisdictions in Europe and North America. It provides a snapshot of legal situation with respect to restrictions on ownership, leasing, transfer and mortgaging of land (real estate) that has developed in the UN ECE Region by the beginning of the XXI century. As with the development of human society the

issues of finding a balance between private and public interests in land are becoming increasingly important it is hoped that the results of this study may become a helpful tool for local, regional and national governments as well as other public institution in development of national land policies.

I am grateful to the UN ECE Working Party on Land Administration for supporting the idea of this study as well as to the Federal Land Cadastre Service of Russia for making this publication possible. I particularly appreciate the input made by John Manthorpe from the UK and Gabor Remetey Fulop from Hungary who have proposed the idea of this study and designed the original outline of the questionnaire. Acknowledging the fact that this publication became possible only due to the input that was given from the people who have donated their time to provide their informative replies to the questionnaire I would very much like to thank them for their efforts and patience.

If you do have any comments or enquiries please contact me at the address below:

Alexey L. Overchuk, Ph.D.

Deputy Chief
Federal Land Cadastre Service of Russia

Prospect Vernadskogo, 37, korpus 2
MOSCOW 119415
Russian Federation

Tel: (+7 095) 930-7351

Fax: (+7 095) 930-2794

Email: alo@fccland.ru

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Survey area

In November 2000 the Study Questionnaire on Land (real estate) mass valuation system for taxation purposes was circulated among all relevant authorities in the countries of the UN ECE Region. Copies of the Questionnaire and the attached letter can be found in Annex 2. The collection and verification of replies has continued until September 2002.

The following UN ECE member countries have send in their replies to the Questionnaire:

- | | | |
|---------------------------|-----------------|------------------------|
| 1. Armenia | 12. France | 22. Romania |
| 2. Austria | 13. Georgia | 23. Russian Federation |
| 3. Azerbaijan | 14. Germany | 24. Slovak Republic |
| 4. Belarus | 15. Hungary | 25. Slovenia |
| 5. Belgium | 16. Iceland | 26. Spain |
| 6. Bosnia and Herzegovina | 17. Latvia | 27. Sweden |
| 7. Canada* | 18. Lithuania | 28. Switzerland |
| 8. Cyprus | | 29. Ukraine |
| 9. Denmark | 19. Malta | 30. United Kingdom** |
| 10. Estonia | 20. Netherlands | |
| 11. Finland | 21. Norway | |

* Within Canada the reply was received from the Province of Ontario.

** Within the United Kingdom two separate replies were received from England and Scotland.

Commentary of the Results of the Study

Property rights in land constitute one of the fundamental institutions that determine the very nature of social and economic framework of society. It is widely recognized that these rights are critical for economic growth and sustainable development as well as for good governance and social stability.

The countries of Central and Eastern Europe and of the Commonwealth of Independent States have recently experienced dramatic changes of their economic and political systems. This transformation process has particularly put the issue of land and its role in society on the surface of an often conflicting discussion about transferring land and improvements into private property and putting it under the control of individuals and legal entities rather than governments.

These discussions generally accept that private land ownership is a key component of an effective economy and a prerequisite for a functioning market system. To facilitate their countries economic growth governments concentrate their policies on development of land market support infrastructures that ensure sustainable supply of land on the market and create friendly environment for transfer of properties to more efficient owners who have the right to make decisions on how to use their property to its' highest potential.

It is also well understood by societies and governments that land is a unique limited resource. It is subject to many pressures that owners of land are not always able to consider while making management decisions with respect to the use of their properties. The consequences of such decisions often extend far further than land property boundaries. It is also the case that factors influencing land use are often beyond the control of private landowners. Global climate changes, evolvment of new technologies and growing

population density, as well as uncontrolled urban growth, soil degradation and decrease of productive agricultural land provide reasonable basis for increasing public concern and involvement into private property rights.

Like no other known resource land provides basis for all human activity. The relationship between men and land involves multiple interests. The comprehensive nature of land predetermines the need to look at the issue of restrictions imposed by governments on ownership, leasing, transfer and financing of land and real estate from view points that go beyond the understanding of land just been an object of private property rights.

Section A. Ownership of agricultural and non-agricultural land and real property

Ownership of land and real property is a basic right. Limitations related to the area of land held in private ownership are an important tool for prevention of land fragmentation or concentration of land held in single ownership. Imposing of limits on the growth of the number of small land holdings is usually intended to sustain the economic environment that would unless regulated lead to the necessity of land consolidation procedures and corresponding public expenditures. While in some transitional countries heavy land fragmentation became an issue in result of fast and sometimes unbalanced land property distribution in others it has been slowly progressing for centuries of unrestricted transactions on the land market. Apart from possible economic reasons imposing of limits on maximum size of land holding is often driven by political views on social justice that may prevail in the society.

Although the issue of imposing minimum and maximum restrictions on the size land property held in single ownership is evident and often debated the survey has revealed that very few countries actually impose them. Central governments usually stay away from imposing these types of restrictions on landowners. Where they exist maximum or minimum land areas that can be held in single ownership are usually established by municipal or regional legislations as part of their planning control mechanisms.

In urban areas municipal construction and zoning regulations establish minimum and maximum property sizes. These control mechanisms usually exercised by local authorities are often not perceived as restrictions of ownership rights.

Where they are found property size restrictions usually apply to agricultural land. There are examples when the area of land that can be held in single ownership is fixed by legislation. They are more frequently found in transitional then developed economies. Transitional economies also sometimes put time restrictions on the area of agricultural land that can be held in single ownership. It is probably believed that such measure would help to ensure that it is impossible to take advantage of low agricultural land prices due to the generally poor economic status of the agricultural sector in these countries and concentrate land property in single ownership.

There are also more flexible examples of such restrictions. They may sometimes be a condition of an ongoing land consolidation program and (or) be applied to formation of new property units thus gradually optimizing existing property sizes. Sometimes legislation may even specify that a size of a newly formed property should be suitable for its purpose in terms of its extend and design and places the decision on the size of such unit with a

surveyor. If a piece of land property is really small registering authorities may refuse to register ownership rights in it.

Not limiting the size of property held in single ownership itself a government may require specific qualification criteria from owners of agricultural land holdings, which are larger than certain areas.

Responding countries demonstrate various levels of restrictions or requirements relating to the cultivation or use of land and real property. It is common that owners have the right to use their property the way they want to but in consistency with statutory laws and regulations and as long as they do not harm or interfere with rights and interests of other parties.

Ownership restrictions are usually not imposed on a person but on a certain type of property. Limitations of a person's ability to act as a party in a real property transaction can be found in contractual or civil law. For instance, legal maturity age can be a factor limiting a person's right to be involved in transactions with land.

Although collected responses suggest that countries apply different philosophies to restrictions imposed on the use of agricultural and urban land concerns over protection of landscapes and natural environment always exist.

Countries indicate that generally they are more concerned with use restrictions applied to agricultural land. It is viewed as an extremely valuable resource of public significance and governments usually make it obligatory for the owner to use it strictly for agricultural purposes. Although in most transitional economies agricultural land was one of the first targets of privatization in a rare case one can find that a government may even still prohibit private ownership of agricultural land. Where agricultural land is held privately it is common that an owner is obliged to maintain it in agricultural use. An unalloyed use of agricultural property that is different from its established purpose may justify a government to take steps to alienate property from an owner through court proceedings.

Agricultural market prices are often the reason for specific agricultural use restrictions imposed by national or EU regulations.

Some countries impose restrictions on who can be owners of agricultural land. In some transitional economies legal entities cannot hold land in private ownership. This restriction is driven by the idea of not allowing former large agricultural enterprises to reemerge as owners of large agricultural land areas. With respect to individuals the age restriction of when a person can become an owner of agricultural land and certain criteria requirements to farming experience and qualifications can be found in countries with developed land markets.

Use of urban properties is limited by planning and zoning control regulations. Local authorities regulate residential, commercial, industrial or recreational development within certain areas within the boundaries of their jurisdictions. Restrictions on the use of property may also be a result of a concern for preservation of historic or natural monuments and sights. Local authorities may impose restrictions on the height of buildings as well as the materials they can be made of or their shape or shapes of their elements such as roof, windows and etc.

Unrestricted access to land market is believed to be a critical element of a market economy. It is generally understood that administrative barriers that may exist on the land market often negatively impact economic development of countries. The role of governments in real property markets is commonly limited to facilitating the flow of transactions through operation and maintenance of cadastres and property registers. According to the survey in most cases neither central nor regional or local governments place themselves as intermediaries between buyers and sellers. Usually they develop formal procedures not for approval of

ownership of land and real property but for its' registration. Registration requirements and procedures are designed to ensure that property transfers comply with existing legislation that may impose certain restrictions on ownership preventing property from been transferred.

There are however direct examples when local authorities get involved in transactions. In cases of agricultural land transfers their actions are typically justified by concerns over environmental issues or prevention of land speculation. For instance owners may be required to inform a local authority of their intention to sell agricultural land and in advance declare the expected sale price. With non-agricultural real estate an authority may prohibit the sale of rental housing property if the buyer who is either an individual or a legal entity has a record of bad maintenance of similar properties. To impose such restriction an authority would need to have an appropriate court decision to be made.

Attraction of foreign investment and free flow of capital are important factors for development and countries try to design their policies accordingly. Foreign investors look to land ownership right as to a security mechanism for protection of their operation in a country. The perception of land been countries' national territory as well as a significant part of cultural, social and historic heritage rather than just an object of property rights often outweighs the interest to create what may be seen by foreign investors as the best possible legal and economic business environment.

Most countries impose direct legislative restrictions on ownership of land and real property by foreign citizens, legal entities and governments. These restrictions may relate both to types of property objects that can be held in foreign ownership and their location as well as set criteria for foreign persons who can acquire private ownership of land in a country.

While in some countries foreign land ownership is prevented on all types of land in other countries there are only certain types of land that fall under such restriction. There is particular sensitivity about foreign land ownership of agricultural land where large areas are usually a production requirement. Restrictions with respect to area held in foreign ownership are also found.

Property location can make a restrictive impact on foreign land ownership. Location of land in proximity of national boundaries or shorelines may be a factor for restriction of foreign ownership. There are examples of not allowing land property by foreigners on islands and in certain jurisdictions. Ownership of summer homes often attractively located in proximity of shorelines or nature reserves can sometimes be restricted for foreigners with permanent residence elsewhere abroad.

Land transfers to foreigners may be subject to special official approval. According to the EU principles EU-citizens are not treated like foreigners by other EU member countries however conditions of EU accession often imply a certain period when land ownership by citizens of other EU member countries may be restricted. Some EU member countries do not impose restrictions on foreign land ownership but others may have these types of restrictions imposed on non EU-citizens. Some countries correspondingly apply the same rules to ownership of land by foreign citizens as countries where these foreign citizens came from apply to their citizens. Sometimes a foreign person has to be a resident of a country for a certain period before he or she will obtain the right to buy land in the country.

Most of transitional economies in the region are going through the process of reallocation of former state land and real property in private ownership. Special legislation and programs usually govern this process. In some transitional countries land distribution programs were carried out on restitution or compensation for loss of property principles. In countries where historically land and attached improvements had different owners land privatization priority is now given to owners of privatized businesses that occupy these lands in order to form

unified real property units. In cases of agricultural land privatization priority was often given to local community residents or farmers who work with land.

In countries where private property has continuously existed for many years special systems of priorities for the allocation of former state land and real property were not found. It is often the case that a significant share of national territory can be found to be in public ownership. Governments of these countries often have to act on the land market in capacity of landowners. Having this duty central, regional or local authorities enjoy the right to manage these properties in the best public interests. Disposal or exchange of public land occurs on case-by-case bases usually through open public tendering procedures. Transfer of public property into private hands is usually accompanied by debates over efficiencies of public and private sectors and cutting of public expenditures.

Majority of respondents have indicated that certain types of publicly held lands cannot be alienated to private owners. In most cases public ownership is maintained on lands that are used or intended to be used in the interests of the whole society or local community. Where these restrictions exist they extend to a usually legislatively well-defined types of objects such as forests, protected territories, nature reserves, national parks, waterfront areas, wetlands, rivers, lakes, streams, roads, public buildings and etc.

Governments may occasionally make decisions to expropriate land from private owners. Such action may only be taken in wider public interests. The expropriation of property may take place only following a fair compensation been payable to an owner. Compensation is also payable in cases when authorities make decisions to expropriate public land that is held by authorities of other levels.

Section B. Restrictions on leasing of agricultural and non-agricultural land and real property

Leasing of land and real property is also a way to transfer property into the hands of those who may use it more efficiently. Lease markets are a powerful sector of wider land market. A lease is a market arrangement between an owner of property and a tenant that provides the tenant with the right to generate income using the property provided by an owner. While having to give up some of his rights to use property to a tenant in a lease arrangement ownership rights are not transferred. Ownership rights provide grounds for owners of leased property to claim a share of income generated by tenants while tenants do not burden themselves with legal and economic obligations that often accompany ownership of land and other real property.

Relationship between landowners and tenants are often built on cultural, historic and legal traditions of a country. They may be deeply regulated by legally binding contracts or have an informal character. However it is always the interests of contracting parties that establish the basis for this collaboration.

Duration of a lease term is an important element of a land lease relationship. An agreed lease term provides security of tenure both for the owner and for the lessee. On one hand the knowledge that he (she) cannot be removed from land for a certain period builds up stability factor in the mind of the lessee and allows him (her) to plan activities for a more efficient use of property. On the other hand the landowner often secures a stable and reliable source of income coming from regular lease payments.

Different countries have worked out different approaches to establishment of the length of lease term. While some countries do not limit duration of a lease term others impose strict restrictions. Most commonly used maximum possible lease term is often set in many countries for 99 years. Different approaches towards the limits of lease term might be applied depending on whether the whole or a part of property is been leased.

Different approaches to establishment of minimum and maximum lease terms can be seen with respect to agricultural and non-agricultural lands. It is often the case that maximum lease terms where they are established for agricultural land are shorter than for non-agricultural or that agricultural lease term is regulated while non-agricultural land lease term is not regulated. Some countries also apply the same lease term lengths to agricultural and non-agricultural land. Minimum lease term for agricultural land is usually established for 1 year to allow the tenant to complete agricultural production cycle.

Some countries do not regulate the duration of land leases by putting this matter into the hands of contracting parties. While there may be no limits of the term of lease for private property maximum limits may exist for publicly held land. In certain cases when the size of leased property exceeds a certain limit an official approval of the government may be needed.

Unless public lands are involved governments are seldom to interfere into establishment of minimum or maximum amounts of rent payable by a lessee to an owner. These sorts of regulations are likelier to be found in transitional economies with developing land markets that are characterized by insufficient and often unreliable data on land prices. In such cases rent amounts are sometimes linked to normative land values or land taxes. In developed market economies the amount of rent is settled between contracting parties without government involvement.

Regulation of minimum and maximum rent amounts are more frequently applied in cases of agricultural land leases than non-agricultural land.

A lease is a property transfer that is often limited in time. Following lease expiration an owner receives the property back from the tenant and it is the owner's right to expect that while been leased the property was properly maintained and not harmed. Ownership provides the owner with the right to impose restrictions on the way land and real property is used, cultivated or developed by a lessee. The content of these restrictions is usually stipulated by a lease agreement.

Lease agreements usually also specify if a leaseholder can grant a sub-lease without prior approval from an owner. There are cases where sub-leases are not allowed on state owned lands. There are also cases where a leaseholder can enter sublease arrangements without prior approval from an owner.

Most countries do not place any restrictions on leasing of land and real property by foreign citizens, companies or governments or rather apply the same restrictions as for their own citizens. In a small number of countries however such restrictions can be found. An official approval from authorities may be required before a lease agreement can be signed. There may also be restrictions on the amount of area and duration of leases by foreigners or even restriction for foreigners to lease agricultural land. Some EU nations have special conditions for citizens or companies from non EU-member countries. There are also cases when countries apply the same rules to citizens from other countries as applied by these countries to their citizens.

The survey found that countries also impose restrictions on their own citizens with respect to leasing of land and real property. Although such restrictions are rare where they exist they often refer to the legal age of a person entering a lease agreement, relevant education or professional experience of a lessee. Restrictions may also be conditional to the area of land

and real property or be based on owner's residence or utilization of agricultural land. Such restrictions usually apply to leasing of agricultural land.

Almost in every country that responded to the questionnaire leases and sub leases have to be registered in the land cadastre or the register of rights in real property. Following registration the tenant's right to use leased property may be defended against claims of third parties. As registration serves the purposes of protection of person's rights in some countries it is left to a voluntary decision of a person to register. In cases where lawyers facilitate lease transactions it will often be a lawyer's responsibility to insure that ownership rights are registered and his client is protected against possible claims.

It may be the owner or a lessee who is responsible for registration of a lease. In many cases this provision will be regulated by a lease agreement.

In some countries the registration of a lease agreement is subject to the terms of lease duration or the type of leased property. Sometimes short-term agreements do not require to be registered. In such cases duration of short-term leases will be specified in a contract. In some countries mandatory registration of leases is required only in cases where land will be leased for construction purposes.

Countries demonstrate different approaches to the question on whether it is an owner or a tenant who is responsible for paying taxes on leased property. In majority of cases it is the owners responsibility to pay property taxes while a tenant has the responsibility to pay rent to the owner. Cases where a tenant is responsible for paying property tax can also be found. There are also cases when this matter is settled by lease agreement. At least in one case it is mentioned that if the tenant will fail to pay property tax as specified in the lease agreement the government will address it's tax claim to the owner.

Many countries have responded positively to the possibility to register a lease agreement orally. Most of the countries where oral agreements are not possible are transitional economies. The possible reason for this may be that leasing in these countries is based on the recently developed modern law rather than old traditions. Where they exist oral lease agreements are equally valid as those in writing, if their existence can be proven. Registration of a lease in a register requires to be made in writing. Short-term leases of up to one or two years are sometimes concluded orally.

Section C. Restrictions on transferring the ownership of agricultural and non-agricultural land and real property

Most countries have responded that their law permits an unrestricted sale of whole or part of the land and real property. They have however specified that this freedom is only enjoyed by owners of properties rather than tenants.

Different countries demonstrate various degrees of understanding of the concept of restrictions that may be imposed by governments. For instance a persons right to sell property may be limited by restrictions that were imposed on the property in question. Restriction usually apply to agricultural properties that need to maintain its' original use purpose or sale of agricultural land is only allowed to buyers with proper background such as relevant education.

Following introduction of private property in land some transitional economies impose limited moratoriums on sales of land. This is usually done to insure that concentration of ownership

or land speculation cannot occur before development of economy would push land market prices higher.

Transactions may be restricted by limitations imposed on subdivision of properties. The owner cannot subdivide the property in pieces smaller than the minimum size established by authorities.

A local rather than a central authority would establish the minimum below which a land parcel of land cannot be subdivided. In cases when this minimum is not established land fragmentation becomes a danger. This issue is partly addressed through prohibition of subdivision in cases of inheritance.

A formal approval to subdivision is often needed before this procedure can be started. To do that a detailed plan of subdivision must be provided to local authorities. A land registrar may refuse to register plots that are too small to be occupied.

The survey made the attempt to analyze the bundle of ownership rights that usually includes rights to dispose of the property by the way of gift, sale or will. In all countries that were covered by the survey an owner may dispose of his or her land and real property by way of gift. Restrictions on transfer are usually the same as for regular sale. Inheritance of land and other real property is also with some restrictions possible in all countries. Consent from a local government or a farming commission will sometimes be needed in case of agricultural land transfer by will.

In cases of land and other real property transfer former owners are likelier to have the right to impose restrictions on the way the land and real property is used, cultivated and developed by the new owner rather than not to have this right. If not stipulated in the transfer agreement this is mainly possible in cases of gift or inheritance.

Majority of countries have responded that an owner may transfer land and real property without prior approval from central, regional or local governments. In countries where such approvals are necessary agricultural land is usually a scarce resource of immense public importance. Regional or municipal agricultural authorities are involved in this decision-making.

In some countries when a property is offered up for sale municipalities enjoy the right of first refusal. An owner of land may be requested to inform local authorities about the selling price. This is usually done to counteract possible speculation of land and(or) provide opportunities for development of areas within communities.

The law often requires that all new ownership must be registered in the cadastre or land register. Land ownership is typically registered in the register that contains legal information about property objects. The cadastre contains technically relevant information about property objects. In countries where the law does not have such requirement most of properties are registered anyway within a short period of time after the transaction was concluded. Sale contracts generally provide that the buyer takes responsibility for the registration of a sale. For tax and mortgage reasons, registration will normally take place. Registration will further secure the property rights of the buyer against the seller's creditors.

Although no registration commonly carries no penalties owners prefer to register for security purposes to protect themselves against possible third party claims. No further transactions are often possible if a property was not registered. In cases when no registration was done mortgaging becomes impossible and property cannot be used as a tool to increase economic wealth of its' owner.

It is more typical for the countries not to impose time limits for registration of new ownership. Buyers usually understand that without registration there is no delivery of ownership. If the land right is not registered at a conclusion of a contract the right of ownership is not created

properly and the new owner is not publicly protected. In countries where they exist the time period for registration of new ownership may be as long as six months but is most commonly limited to thirty days.

Section D. Restrictions on financing the investment or development of agricultural and non-agricultural land and real property

It is a well-recognized fact that land property can be a source of wealth. The ability to secure investment against land that is facilitated by operational cadastre and registry systems is a distinct feature of developed economies. Reintroduction of private property rights in land in countries of Central and Eastern Europe and the CIS countries pursued the goal of making these economies more efficient.

Realization of this policy is only possible when mortgage-financing mechanisms are put in place and countries demonstrate to be very keen about introduction of such mechanisms. Immense priority is given to security of rights of mortgage lending institutions that opens up the opportunity for investments and economic development.

In every country that has responded to the questionnaire with one exception the law permits an owner to raise money by mortgaging land and real property. Owners and leaseholders enjoy different rights with respect to their right to mortgage land. Leaseholders cannot mortgage land unless specified otherwise in the lease agreement. Leaseholders may have the opportunity to mortgage the right to lease land.

In most countries law generally defines mortgage rights as real rights. Lenders obtain and secure these rights by registering mortgages in registers of rights or special mortgage registers. Sometimes mortgage rights are defined as easements or accessory rights.

The use of mortgage loans by borrowers is usually regulated by contractual freedom. The purpose of the loan will typically be defined in the loan contract. Special restriction conditions may apply to leaseholders of agricultural land that are usually obliged to reinvestment in agricultural facilities.

In all countries before issuing a mortgage loan a lender will make an independent assessment of the value of any land and real property put up as security. Special valuation experts who often work within lending institutions insure the sufficiency of collateral. Banks also make the assessment of borrower's personal ability to fulfill loan obligations. Sometimes a bank would provide the potential borrower with a list of independent assessment companies to order assessment of the property elsewhere.

Attracting foreign investments is critical to development of any economy. In most of the countries it is possible to secure a loan from a foreign bank or company against land and other real property. Restrictions apply in the same way as for ownership of land by foreign citizens. In some cases restrictions may also apply to certain types of property, e.g. agriculture or fish industry. Authorization for loan effectiveness may be needed from Central Bank if a loan matures in less than one year.

Protection of lenders rights is a critical mortgage loan security mechanism. Lenders secure mortgage rights in very much the same way as owners or tenants secure ownership or lease rights. These rights only become valid when they are registered. While in some countries mortgages are usually registered either in the cadastre or the register in others there are special mortgage registration agencies. A special role of property registries and cadastres in

economic development is emphasized by the fact that only registered properties can be mortgaged.

In an event when a borrower fails to make payments on the loan as contracted in the mortgage documents it is critical for the lender to get compensation for losses. For cases like these it is common that a lender himself cannot immediately take possession of the property of the borrower. A lender would only have the right to initiate a foreclosure procedure. Countries have developed special foreclosure procedures that as a rule involve a forced sale of property on public auction basis. The revenue received from the public auction will be divided among lenders according to their priority. If anything will be left after mortgage claims are satisfied the owner of the auctioned property will get the remaining share. A lender may come into position of the property if at least a number of auction attempts were unsuccessful. Local authorities often conduct such auctions although a case of involvement of a land administration authority was also found. Alienation of property from an owner may also require a special court decision.

Lenders maintain themselves out of the bankruptcy procedures that may be imposed on debtors. A bankruptcy of a borrower is a risk for a lender and governments design mechanisms to make it lower. Registered mortgage loans are compensated prior to the debts of non-registered lenders. Among registered lenders debts are compensated according to their ranking in land or mortgage registers. In an event of debtor's bankruptcy, a lender may be able to obtain a court order to sell debtor's property.

Respecting mortgage finance mechanisms as vital development tools most countries give privileges to mortgage lenders compared to other creditors. Mortgage lenders usually have priority among other creditors that in some countries may even be considered higher than personal rights. The first registered mortgage lender has the right to be paid out of the profit of the sale before any other creditor. Even when the debtor no longer owns the property the lender may still sometimes start the foreclosure procedure against a new owner.

In a few countries mortgage lender will have priority before other credits except those provided by the government. Tax debts may have priority over mortgage loan debts. but such legal environment will make financial institutions more hesitant to issue loans and that may have a negative impact on development.

Foreclosure is a delicate issue that often goes beyond the problem of an owner having to give up his property rights. It is often the case that people have to give up their homes and way of life. On the other hand property transfer from less efficient to more efficient owners is considered as a key component of efficiently operating market economy.

Lending institutions are very reluctant to issue mortgage loans in countries where they expect to encounter problems with removal of former owners from property premises. In some transitional economies debtors maintain the right to be in possession of their former property. It is more typical that unless agreed otherwise with the new owner and a lease contract on the property is facilitated an old owner will have to leave property premises. Legislation may sometimes provide an old homeowner a certain period of time to find a new residence.

Forced property transfer may also involve the rights of leaseholders who had lease agreements with previous owners. The presence of a leaseholder may reduce a sale price of a foreclosed property and make the interests of a lender more vulnerable. At the same time leaseholders cannot share the responsibility for actions that brought their landowners to bankruptcy. The position of a leaseholder with respect to the property in question will often be described in special legislation or the terms of a lease agreement. In such cases certain restrictions of leaseholders rights may be reflected in the increase of lease payment to the new owner or the termination of a lease contract.

While most countries have procedures protecting the rights of leaseholders occupying property after it has been sold in the interests of the lender some transitional economies miss legal mechanisms that protect leaseholders against such claims. This situation may have a negative impact on development of lease markets.

A leaseholder of agricultural property may often retain the control of the property until the end of the contract. Certain time restrictions with respect to the lease period may be applied in such cases. The new owner may also respect a lease if the property is used as a main residence and a lease agreement is fixed in time.

In majority of cases lenders enjoy the right to impose restrictions on the mortgaged real property. These terms and conditions are usually provided in loan contracts. These restrictions however do not comprise fundamental characteristics of the private ownership right itself. The owner however may be required to ask lender's permission to sell mortgaged property. The borrower would also have to carry out general duties of owner by taking proper care of the mortgaged property in order that it may keep its value as a sufficient collateral for the mortgage. Lenders also require borrowers to take obligatory insurance to cover possible losses that might occur. Restrictions imposed by the lender on the borrower are discharged after the loan contract is fulfilled.

Country Responses Categorized by Individual Questions

Section A. Ownership of agricultural and non-agricultural land and real property

A1. Are there restrictions or limitations relating to the area of land and real property in a single ownership?

Country	Yes	No	Not defined
1. Armenia		<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ¹		
3. Azerbaijan	<input type="checkbox"/>		
4. Belarus	<input type="checkbox"/>		
5. Belgium		<input type="checkbox"/>	
6. Bosnia and Herzegovina		<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>		
8. Cyprus	<input type="checkbox"/> ²		
9. Denmark	<input type="checkbox"/>		
10. Estonia		<input type="checkbox"/>	
11. Finland		<input type="checkbox"/>	
12. France		<input type="checkbox"/>	
13. Georgia			<input type="checkbox"/>
14. Germany		<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/> ³	<input type="checkbox"/> ⁴	
16. Iceland		<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	<input type="checkbox"/> ⁵	
18. Lithuania		<input type="checkbox"/> ⁶	
19. Malta		<input type="checkbox"/>	
20. Netherlands		<input type="checkbox"/>	
21. Norway		<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>		
23. Russian Federation	<input type="checkbox"/> ⁷		
24. Slovak Republic		<input type="checkbox"/>	
25. Slovenia		<input type="checkbox"/>	
26. Spain	<input type="checkbox"/> ⁸	<input type="checkbox"/>	
27. Sweden	<input type="checkbox"/> ⁹		
28. Switzerland	<input type="checkbox"/> ¹⁰	<input type="checkbox"/>	
29. Ukraine		<input type="checkbox"/> ¹¹	
30. United Kingdom (England)		<input type="checkbox"/>	
31. United Kingdom (Scotland)		<input type="checkbox"/>	

¹ For agricultural land and in certain cases for non-agricultural land.

² Only in case of land consolidation areas minimum areas are established.

³ For agricultural land.

⁴ For non-agricultural land.

⁵ Minimum area should be determined in the regulations of construction of municipality

⁶ Except the cases where detail plans exist, in forestry land and protected areas.

⁷ For agricultural land. Minimum area size can be specified in regional legislation. Special rules apply to irrigated land. Maximum area can also be specified in regional legislation but can not be more than 10% of the total area of cultivated land located within administrative boundaries of a district.

⁸ For dwellings financed by State only a property per owner

⁹ Every new property should according to cadastral legislation be suitable for its purpose in terms of its extent and design. It is up to the cadastral surveyor to decide on the size of a property unit.

¹⁰ Maximum area is established.

¹¹ Transitional provisions of the new Land Code valid until 2010 restrict the size of a parcel of agricultural land that one individual or legal entity may own to 100 hectares or less. Land plot size could exceed 100 hectares if an inherited land is added. (Land Code, p.13 of the Transitional Provisions)

A2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors)?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ¹²	<input type="checkbox"/>
2. Austria	<input type="checkbox"/>	<input type="checkbox"/>
3. Azerbaijan	<input type="checkbox"/>	<input type="checkbox"/>
4. Belarus	<input type="checkbox"/> ¹³	<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>	<input type="checkbox"/>
6. Bosnia and Herzegovina	<input type="checkbox"/>	<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/>	<input type="checkbox"/>
8. Cyprus	<input type="checkbox"/>	<input type="checkbox"/>
9. Denmark	<input type="checkbox"/> ¹⁴	<input type="checkbox"/>
10. Estonia	<input type="checkbox"/>	<input type="checkbox"/>
11. Finland	<input type="checkbox"/>	<input type="checkbox"/>
12. France	<input type="checkbox"/>	<input type="checkbox"/>
13. Georgia	<input type="checkbox"/>	<input type="checkbox"/>
14. Germany	<input type="checkbox"/> ¹⁵	<input type="checkbox"/>
15. Hungary	<input type="checkbox"/> ¹⁶	<input type="checkbox"/>
16. Iceland	<input type="checkbox"/> ¹⁷	<input type="checkbox"/>
17. Latvia	<input type="checkbox"/>	<input type="checkbox"/>
18. Lithuania	<input type="checkbox"/>	<input type="checkbox"/>
19. Malta	<input type="checkbox"/> ¹⁸	<input type="checkbox"/>
20. Netherlands	<input type="checkbox"/>	<input type="checkbox"/>
21. Norway	<input type="checkbox"/>	<input type="checkbox"/>
22. Romania	<input type="checkbox"/>	<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/> ¹⁹	<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	<input type="checkbox"/>
25. Slovenia	<input type="checkbox"/>	<input type="checkbox"/>
26. Spain	<input type="checkbox"/> ²⁰	<input type="checkbox"/>
27. Sweden	<input type="checkbox"/> ²¹	<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/>	<input type="checkbox"/>
29. Ukraine	<input type="checkbox"/> ²²	<input type="checkbox"/> ²³
30. United Kingdom (England)	<input type="checkbox"/>	<input type="checkbox"/>
31. United Kingdom (Scotland)	<input type="checkbox"/>	<input type="checkbox"/>

¹² Concerning agricultural land there are restrictions relating to land use (cultivation), nature protection etc.

¹³ Agricultural land cannot be held in private ownership.

¹⁴ Agricultural use is obligatory. Non-agricultural use must be in accordance with planning regulations.

¹⁵ For Agricultural land restrictions apply through landscape protection plans and environmental protection issues. For non agricultural land restrictions are applied through development plans.

¹⁶ Obligation for utilization of agricultural land.

¹⁷ Two years of practical farming experience is needed, but the minister for agriculture can grant an exemption from this requirement.

¹⁸ Land Development may be restricted by the Planning Authority. For example, it depends whether the property is out of the development zone or within building schemes, etc.

¹⁹ Agricultural land parcel can be alienated from an owner if it is not used according to rules established in the Land Code. Zoning regulations apply.

²⁰ For dwellings financed by State only a property per owner. EU restrictions applied for agricultural land.

²¹ Planning decisions.

²² There are restrictions for agricultural land that concern individuals. Law on Land Lease (article 6, p.3) states that they need to have necessary qualification and experience. Only legal entities founded by Ukrainian citizens or Ukrainian legal entities could lease agricultural land, provided that in the Statute the agricultural production is foreseen. (Law on Land Lease, article 6, p.3). Ukrainian citizens who want to use land as private farmers (that is a legal entity according to the Ukrainian Law) should reach an age of 18 year, have documents certifying their qualification and meet the competition requirements (Law on Private Farming, article 4, p.1)

²³ For non agricultural land.

A3. Does the central, regional or local government have to approve the ownership of land and real property?

Country	Yes	No
1. Armenia		<input type="checkbox"/>
2. Austria		<input type="checkbox"/>
3. Azerbaijan		<input type="checkbox"/>
4. Belarus	<input type="checkbox"/> ²⁴	
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark	<input type="checkbox"/>	<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/> ²⁵
16. Iceland	<input type="checkbox"/> ²⁶	<input type="checkbox"/>
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway	<input type="checkbox"/> ²⁷	<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/> ²⁸	
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain		<input type="checkbox"/>
27. Sweden		<input type="checkbox"/> ²⁹
28. Switzerland	<input type="checkbox"/> ³⁰	
29. Ukraine	<input type="checkbox"/>	
30. United Kingdom (England)		<input type="checkbox"/>
31. United Kingdom (Scotland)		<input type="checkbox"/>

²⁴ Agricultural land cannot be held in private ownership.

²⁵ In case of Government acquiring property the procurement has to be carried out in accordance with the Act on the State Finance.

²⁶ For agricultural land.

²⁷ For agricultural properties.

²⁸ In cases of agricultural land sales an owner has to inform local government of an expected transaction and the sale price.

²⁹ Some restrictions exist for a very limited number of instances and only in some areas in the case of agricultural land.

³⁰ For agricultural land.

A4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ³¹	
2. Austria	<input type="checkbox"/> ³²	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/> ³³	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/> ³⁴	<input type="checkbox"/>
19. Malta	<input type="checkbox"/> ³⁵	
20. Netherlands		<input type="checkbox"/>
21. Norway	<input type="checkbox"/> ³⁶	<input type="checkbox"/> ³⁷
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/> ³⁸	
24. Slovak Republic	<input type="checkbox"/>	
25. Slovenia	<input type="checkbox"/> ³⁹	
26. Spain	<input type="checkbox"/> ⁴⁰	
27. Sweden		<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/> ⁴¹	<input type="checkbox"/> ⁴²
30. United Kingdom (England)	<input type="checkbox"/>	
31. United Kingdom (Scotland)		<input type="checkbox"/>

³¹ Foreign citizens can have land in ownership.

³² Except EU citizens.

³³ Except EU citizens.

³⁴ Except EU citizens. Foreigners can not acquire agricultural land.

³⁵ Regulated by the Immovable Property Acquisition by Non-Residents Act.

³⁶ For agricultural land.

³⁷ For non-agricultural land.

³⁸ Foreign citizens or companies cannot be owners of land located in areas close to national boundaries.

Foreign citizens or companies cannot be owners of agricultural land.

³⁹ EU citizens have the right to buy if they live at least for 3 years in Slovenia.

⁴⁰ Except EU citizens.

⁴¹ For agricultural land.

⁴² For non-agricultural land. (Individuals: Land Code, article 81, p.2 (land could be purchased if the property attached to this land is already owned by a foreign citizen). Legal Entities: (Land Code, article 82, p.2. land could be purchased for construction purposes and if the real property attached to this land is already owned by a foreign legal entity) Governments: Land Code, article 85 (the Cabinet of Ministers should give an approval)

A5. Are there restrictions relating to the ownership of land and real properties by citizens? (For example by education, age or other factors).

Country	Yes	No
1. Armenia	<input type="checkbox"/> ⁴³	<input type="checkbox"/>
2. Austria		
3. Azerbaijan		<input type="checkbox"/>
4. Belarus	<input type="checkbox"/> ⁴⁴	
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark	<input type="checkbox"/> ⁴⁵	
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/>
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta	<input type="checkbox"/>	
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain		<input type="checkbox"/>
27. Sweden	<input type="checkbox"/> ⁴⁶	
28. Switzerland	<input type="checkbox"/> ⁴⁷	
29. Ukraine	<input type="checkbox"/> ⁴⁸	49
30. United Kingdom (England)	<input type="checkbox"/> ⁵⁰	
31. United Kingdom (Scotland)		<input type="checkbox"/>

⁴³ Individuals below 18 years old cannot be subject to a contractual transaction of property by themselves due to their restricted ability to act as a party in a contract. They need to act via a legal representative. They however can inherit land and property.

⁴⁴ Private ownership of agricultural land is not allowed.

⁴⁵ More than 30 ha requires education as a farmer.

⁴⁶ For agricultural properties. There is a certain possibility to prohibit the sale of rental housing properties, through a court procedure, if buyer has a record of bad maintenance of such properties.

⁴⁷ For agricultural land. Land-use planning zones rules apply in non-agricultural areas.

⁴⁸ Only citizens of Ukraine with agricultural education or with experience of work in agriculture may own agricultural land. Only legal entities founded by Ukrainian citizens or Ukrainian legal entities could own agricultural land provided that in the Statute the agricultural production is foreseen. Ukrainian citizens who want to own land as private farmers (that is a legal entity according to the Ukrainian Law) should reach an age of 18 year, have documents certifying their qualification and meet the competition requirements.

⁴⁹ For non-agricultural land.

⁵⁰ Owners must be at least 18 years of age.

A6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?

Country	Yes	No	Not applicable
1. Armenia	<input type="checkbox"/>		<input type="checkbox"/>
2. Austria			
3. Azerbaijan	<input type="checkbox"/>		
4. Belarus	<input type="checkbox"/>		
5. Belgium		<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>		
7. Canada (Ontario)			<input type="checkbox"/>
8. Cyprus	<input type="checkbox"/>		
9. Denmark		<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>		
11. Finland		<input type="checkbox"/>	
12. France		<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>		
14. Germany		<input type="checkbox"/>	
15. Hungary		<input type="checkbox"/>	
16. Iceland			<input type="checkbox"/>
17. Latvia	<input type="checkbox"/>		
18. Lithuania	<input type="checkbox"/> ⁵¹		
19. Malta	<input type="checkbox"/> ⁵²		
20. Netherlands			<input type="checkbox"/>
21. Norway		<input type="checkbox"/>	
22. Romania		<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/> ⁵³	
24. Slovak Republic		<input type="checkbox"/>	
25. Slovenia	<input type="checkbox"/>		
26. Spain		<input type="checkbox"/>	
27. Sweden			<input type="checkbox"/>
28. Switzerland		<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/> ⁵⁴	<input type="checkbox"/> ⁵⁵	
30. United Kingdom (England)		<input type="checkbox"/>	
31. United Kingdom (Scotland)			<input type="checkbox"/>

⁵¹ The Law on Restoration of Ownership Rights to the Existing Real Property indicates the priorities in restituting land and other real property.

⁵² Regulated by the Disposal of Government Land Act and various policies.

⁵³ Generally no. Privatized businesses that occupy government land have the right to buy this land from the government at a nominal price.

⁵⁴ On agricultural land the priority is given to those who work on this land (Land Code, article 25, p.1. article 29, p.1., article 32, p.1). When land is being sold the priority is given to the local people and local governments. (Land Code, article 130, p.2)

⁵⁵ For non agricultural land.

A7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific type of land? (for example forests, protected nature areas, land covered by water and etc.)

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ⁵⁶	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/> ⁵⁷	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/> ⁵⁸	
19. Malta	<input type="checkbox"/> ⁵⁹	
20. Netherlands		<input type="checkbox"/>
21. Norway	<input type="checkbox"/> ⁶⁰	<input type="checkbox"/> ⁶¹
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/> ⁶²	
24. Slovak Republic	<input type="checkbox"/>	
25. Slovenia	<input type="checkbox"/>	<input type="checkbox"/> ⁶³
26. Spain	<input type="checkbox"/>	
27. Sweden		<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/> ⁶⁴	
30. United Kingdom (England)		<input type="checkbox"/>
31. United Kingdom (Scotland)		<input type="checkbox"/>

⁵⁶ Anybody may acquire also specific types of land. There may however be administrative restrictions relating e.g., to the separation of parcels, to the erection of buildings and generally to changes of the land or land use, for example it is not allowed to erect a dwelling house on nature protected land); Land in the ownership of the state can only be purchased according to a tender procedure. See also point 1.

⁵⁷ Only existent for legislative protection of national parks.

⁵⁸ State-owned forests, public water bodies, reservation areas, protected territories. Legal entities can acquire agricultural land.

⁵⁹ Such types of land are government owned.

⁶⁰ For agricultural land.

⁶¹ For non-agricultural land.

⁶² Such types of land are government owned unless a water body is locked within the boundaries of a private land parcel.

⁶³ Government.

⁶⁴ There are restrictions for individuals and legal entities. According to the Land Code local governments are prevented from ownership of some land categories.

A8. Is compensation payable to an owner by government if it expropriates land in wider public interests?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Slovenia	<input type="checkbox"/>	
26. Spain	<input type="checkbox"/>	
27. Sweden	<input checked="" type="checkbox"/> ⁶⁵	
28. Switzerland	<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/>	
30. United Kingdom (England)	<input type="checkbox"/>	
31. United Kingdom (Scotland)	<input type="checkbox"/>	

⁶⁵ Including government, since an expropriation can be made by local government (municipalities).

Section B. Restrictions on leasing of agricultural and non-agricultural land and real property

B1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ⁶⁶	<input type="checkbox"/> ⁶⁷
2. Austria		
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark	<input type="checkbox"/> ⁶⁸	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/> ⁶⁹	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/> ⁷⁰	
14. Germany	<input type="checkbox"/> ⁷¹	<input type="checkbox"/> ⁷²
15. Hungary	<input type="checkbox"/> ⁷³	<input type="checkbox"/> ⁷⁴
16. Iceland		<input type="checkbox"/> ⁷⁵
17. Latvia		<input type="checkbox"/>
18. Lithuania	<input type="checkbox"/> ⁷⁶	<input type="checkbox"/> ⁷⁷
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia	<input type="checkbox"/> ⁷⁸	
26. Spain	<input type="checkbox"/> ⁷⁹	
27. Sweden	<input type="checkbox"/>	
28. Switzerland	<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/> ⁸⁰	

⁶⁶ Maximum time limit for leasing of state agricultural land is 25 years. For construction purposes state owned land can be leased for 99 years.

⁶⁷ Time limits are subject to contractual agreement between the parties. In certain cases when land area exceeds certain limits official approval is needed

⁶⁸ No limit for a whole real property. If part of real property is rented, then maximum is 30 years.

⁶⁹ For agricultural properties maximum is 15 years when housing building included. Minimum is not defined. For non-agricultural properties maximum is 100 years. Minimum is 30 years if the contract allows tenant to build a residence. Otherwise no minimum defined.

⁷⁰ Different maximum and minimum lease terms apply for agricultural and non-agricultural land.

⁷¹ For heritable buildings the rights are provided according to contract.

⁷² For agricultural land.

⁷³ For agricultural land.

⁷⁴ For non-agricultural land.

⁷⁵ The Farming Act 1976 provides that land shall be leased for the minimum term of five years, at a time. For state, region, municipal, public funds and institute owned agricultural land the general rule provides that such land shall be leased for the life term of the leaseholder, except for those farms that go with public posts, schools etc., where the lease term follows the hiring terms of civil servants. For state owned agricultural land, not governed by the farming act, the lease term can be up to ten years. For individual land parcels out of state owned agricultural land, the lease term can be up to 50 years, at a time.

⁷⁶ For the state land – maximum 99 years.

⁷⁷ No minimum or maximum for private land.

⁷⁸ Minimum of 10 years for agricultural land with some exceptions for less. Maximum of 99 years for non-agricultural land.

⁷⁹ No maximum established.

⁸⁰ Land lease contract is valid only for 50 years.

- 30. United Kingdom (England)
- 31. United Kingdom (Scotland)

□⁸¹

□

⁸¹ No minimum established.

B2. Are there any limits of amount of rent?

Country	Yes	No
1. Armenia		<input type="checkbox"/>
2. Austria		<input type="checkbox"/> ⁸²
3. Azerbaijan	<input type="checkbox"/> ⁸³	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	<input type="checkbox"/> ⁸⁴
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/> ⁸⁵	
13. Georgia	<input type="checkbox"/> ⁸⁶	
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/> ⁸⁷
17. Latvia	<input type="checkbox"/> ⁸⁸	
18. Lithuania		<input type="checkbox"/>
19. Malta		<input type="checkbox"/>
20. Netherlands	<input type="checkbox"/> ⁸⁹	
21. Norway	<input type="checkbox"/> ⁹⁰	<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain	<input type="checkbox"/> ⁹¹	<input type="checkbox"/> ⁹²
27. Sweden		<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/> ⁹³	
29. Ukraine	<input type="checkbox"/> ⁹⁴	
30. United Kingdom (England)		<input type="checkbox"/>
31. United Kingdom (Scotland)		<input type="checkbox"/>

⁸² Generally no, but there is a provision in the Austrian General Civil Code according to which damages can be claimed if the value of a service is less than half the value of the amount paid for it (laesio enormis).

⁸³ No maximum established

⁸⁴ For non-agricultural properties.

⁸⁵ Theoretically no, but in fact there exists a "frame price" per square meter in the French land market according to the location of the land.

⁸⁶ For agricultural land the amount of rent has to be greater than the amount of land tax. Maximum amount is not defined. For non-agricultural land the amount of rent is a normatively defined value. The maximum amount is established on tender basis.

⁸⁷ For agricultural land, the rent is governed by the Farming Act 1976, based upon valuation of land. Rent may not be raised during the lease period of the same family and their heirs.

⁸⁸ In some cases maximum is determined if land is rented for purposes of building maintenance and object is privatized.

⁸⁹ According to the 'Land Use and Tenant Act' and the 'Agricultural Land Lease Act' there exists a rent control system.

⁹⁰ Maximum rent is installed for arable land.

⁹¹ For agricultural land.

⁹² For dwellings financed by the state and for contracts before 1994.

⁹³ No minimum is set for agricultural properties.

⁹⁴ Minimum Amount of Land Plot (Share) Rent for the Land Owners of former Collective Agricultural Enterprises is equal to the 1, 5 and 2% of land plot (share) evaluation. (Decree of the President dated February 2, 2002). The amount of rent should not be less than land tax if land is leased (Law on Land Lease, article 19)

B3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/> ⁹⁵	<input type="checkbox"/> ⁹⁶
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia	<input type="checkbox"/>	
26. Spain	<input type="checkbox"/> ⁹⁷	<input type="checkbox"/> ⁹⁸
27. Sweden	<input type="checkbox"/>	
28. Switzerland	<input type="checkbox"/>	
29. Ukraine	<input type="checkbox"/>	
30. United Kingdom (England)	<input type="checkbox"/>	
31. United Kingdom (Scotland)	<input type="checkbox"/>	

⁹⁵ For non-agricultural land.

⁹⁶ For agricultural land

⁹⁷ For dwellings financed by the state and for contracts before 1994.

⁹⁸ For agricultural land.

B4. Can the leaseholder grant a sub-lease without prior approval of the owner?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ⁹⁹	
2. Austria	<input type="checkbox"/> ¹⁰⁰	
3. Azerbaijan		<input type="checkbox"/>
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/> ¹⁰¹	
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/> ¹⁰²	
8. Cyprus	<input type="checkbox"/> ¹⁰³	
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/> ¹⁰⁴	<input type="checkbox"/> ¹⁰⁵
12. France		<input type="checkbox"/>
13. Georgia	<input type="checkbox"/> ¹⁰⁶	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/> ¹⁰⁷	
16. Iceland	<input type="checkbox"/> ¹⁰⁸	
17. Latvia		<input type="checkbox"/> There have to be explanation
18. Lithuania		<input type="checkbox"/>
19. Malta	<input type="checkbox"/> ¹⁰⁹	
20. Netherlands	<input type="checkbox"/> ¹¹⁰	<input type="checkbox"/> ¹¹¹
21. Norway	<input type="checkbox"/> ¹¹²	
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/> ¹¹³	
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain	<input type="checkbox"/> ¹¹⁴	<input type="checkbox"/> ¹¹⁵
27. Sweden		<input type="checkbox"/>
28. Switzerland		<input type="checkbox"/>
29. Ukraine		<input type="checkbox"/>
30. United Kingdom (England)	<input type="checkbox"/> ¹¹⁶	
31. United Kingdom (Scotland)	<input type="checkbox"/> ¹¹⁷	<input type="checkbox"/> ¹¹⁸

⁹⁹ Depending on the terms of the lease agreement.

¹⁰⁰ Depending on the terms of the lease agreement.

¹⁰¹ Only with prior written approval of the owner.

¹⁰² Depending on the terms of the lease agreement.

¹⁰³ Depending on the terms of the lease agreement.

¹⁰⁴ On non-agricultural land leasing can be transferred to another person without permission from the landowner, if the land is leased or if the contract does not deny the sub-leasing.

¹⁰⁵ No, if the leasing area is not used for housing.

¹⁰⁶ On agricultural land only with prior written approval of the owner. On non-agricultural land the prior approval of the owner is necessary, but the owner cannot neglect leaseholder's proposal.

¹⁰⁷ Depending on the terms of the lease agreement.

¹⁰⁸ Depending on the terms of the lease agreement. Lease agreements for state owned agricultural land have a standard clause for prohibition on sub-leasing arrangements.

¹⁰⁹ Depending on the terms of the lease agreement.

¹¹⁰ For non-agricultural land depending on lease terms.

¹¹¹ For agricultural land.

¹¹² Depending on the terms of the lease agreement.

¹¹³ An owner has to be notified unless specified otherwise in the lease agreement.

¹¹⁴ For non-agricultural land.

¹¹⁵ For agricultural land.

¹¹⁶ Unless the Head lease contains a requirement of consent.

¹¹⁷ For agricultural land only if the Head Lease is "of unusual duration" (more than 30 years).

¹¹⁸ For non-agricultural land

B5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)

Country	Yes	No
1. Armenia	<input type="checkbox"/> ¹¹⁹	<input type="checkbox"/>
2. Austria		
3. Azerbaijan		<input type="checkbox"/>
4. Belarus		<input type="checkbox"/>
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus	<input type="checkbox"/> ¹²⁰	
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/> ¹²¹
16. Iceland	<input type="checkbox"/> ¹²²	
17. Latvia		<input type="checkbox"/>
18. Lithuania	<input type="checkbox"/> ¹²³	<input type="checkbox"/> ¹²⁴
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania	<input type="checkbox"/> ¹²⁵	
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain	<input type="checkbox"/> ¹²⁶	<input type="checkbox"/> ¹²⁷
27. Sweden		<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/> ¹²⁸	<input type="checkbox"/> ¹²⁹
29. Ukraine		<input type="checkbox"/>
30. United Kingdom (England)		<input type="checkbox"/>
31. United Kingdom (Scotland)		<input type="checkbox"/>

¹¹⁹ With approval of official authority.

¹²⁰ In respect of the area and in respect of the period of the lease.

¹²¹ The same as for Hungarian citizens.

¹²² No restrictions apply for citizens of the European Union and the European Economic Area. For other nationals restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.

¹²³ Maximum lease term for the State land is limited to 99 years.

¹²⁴ No restrictions established for private land and real property. No restrictions on area.

¹²⁵ The leasing of land is only allowed for Romanian citizens.

¹²⁶ For agricultural land foreigner who are not citizens of the EU can only be leaseholders if the citizens of Spain enjoy the same right in respective countries.

¹²⁷ For non-agricultural land.

¹²⁸ For non-agricultural land.

¹²⁹ For agricultural land.

B6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors)?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ¹³⁰	<input type="checkbox"/>
2. Austria		
3. Azerbaijan		<input type="checkbox"/>
4. Belarus		<input type="checkbox"/>
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/> ¹³¹	
8. Cyprus		<input type="checkbox"/>
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/> ¹³²	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/> ¹³³	<input type="checkbox"/> ¹³⁴
16. Iceland		<input type="checkbox"/> ¹³⁵
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain	<input type="checkbox"/> ¹³⁶	<input type="checkbox"/> ¹³⁷
27. Sweden		<input type="checkbox"/>
28. Switzerland		<input type="checkbox"/>
29. Ukraine	<input type="checkbox"/> ¹³⁸	
30. United Kingdom (England)	<input type="checkbox"/> ¹³⁹	
31. United Kingdom (Scotland)		<input type="checkbox"/>

¹³⁰ A person must be of a legal age to deal with land.

¹³¹ A person must be of a legal age to deal with land.

¹³² Depending on the lease agreement.

¹³³ In regard agricultural property depending on the term, area of land and real property and gold crown but in other cases there are no restrictions.

¹³⁴ For non-agricultural land.

¹³⁵ The Farms Act 1976 provides that local governments can impose restrictions based on owner's residence and utilization of agricultural land, and that the owner or lessee shall have two years of practical farming experience. However, the EFTA Surveillance Authority has decided that these provisions and others concerning the rights of local governments to intervene into a private sale agreement for agricultural land contravene the EEA Agreement and EU law.

¹³⁶ For individuals: they must earn their living working as farmers. For companies: they must have agriculture as only activity. In both cases if these requirements are not fulfilled the contract is valid but won't have the advantages of an agricultural lease.

¹³⁷ For non agricultural land

¹³⁸ Education and experience is required for leasing of agricultural land.

¹³⁹ Owners must be at least 18 years of age.

B7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)

Country	Yes	No
1.Armenia	<input type="checkbox"/>	
2.Austria	<input type="checkbox"/> ¹⁴⁰	
3.Azerbaijan	<input type="checkbox"/> ¹⁴¹	
4.Belarus	<input type="checkbox"/>	
5.Belgium	<input type="checkbox"/> ¹⁴²	
6.Bosnia and Herzegovina	<input type="checkbox"/>	
7.Canada (Ontario)	<input type="checkbox"/> ¹⁴³	
8.Cyprus	<input type="checkbox"/> ¹⁴⁴	
9.Denmark	<input type="checkbox"/> ¹⁴⁵	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/> ¹⁴⁶	
12. France	<input type="checkbox"/> ¹⁴⁷	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/> ¹⁴⁸	<input type="checkbox"/> ¹⁴⁹
15. Hungary	<input type="checkbox"/> ¹⁵⁰	<input type="checkbox"/> ¹⁵¹
16. Iceland	<input type="checkbox"/> ¹⁵²	
17. Latvia	<input type="checkbox"/> ¹⁵³	
18. Lithuania	<input type="checkbox"/> ¹⁵⁴	
19. Malta		<input type="checkbox"/>
20. Netherlands	<input type="checkbox"/> ¹⁵⁵	
21. Norway	<input type="checkbox"/> ¹⁵⁶	
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/> ¹⁵⁷	
24. Slovak Republic	<input type="checkbox"/> ¹⁵⁸	
25. Slovenia	<input type="checkbox"/>	
26. Spain	<input type="checkbox"/> ¹⁵⁹	
27. Sweden	<input type="checkbox"/> ¹⁶⁰	

¹⁴⁰ The lease can be registered if the owner agrees to this. The right can then be defended against third parties. It is usually the leaseholder who is responsible for the entry.

¹⁴¹ The tenant is responsible.

¹⁴² Each lease is registered in the registry office in order to impose a specific tax on written leases. Both the owner and the tenant are responsible.

¹⁴³ Depending on the terms of a lease.

¹⁴⁴ Depending on the terms of lease. The remaining term of lease must be 15 years or greater. The immovable property must be registered. If part of the immovable property is leased it must be consistent with the restrictions relating to the division of land or real property. Both the owner and the tenant are responsible.

¹⁴⁵ Registration in the Land Registry is voluntary.

¹⁴⁶ Leases that allow building on land must be registered, otherwise it is voluntary. Responsibility is taken by the tenant.

¹⁴⁷ Usually for long-term leases that involve buildings.

¹⁴⁸ In case heritable building rights.

¹⁴⁹ For agricultural land.

¹⁵⁰ Agricultural leases are registered in the leasehold register in accordance with the Act on Arable Land.

¹⁵¹ For non-agricultural land.

¹⁵² An owner and a tenant are responsible.

¹⁵³ Depending on the agreement between the owner and the tenant. The tenant is interested to register lease in cadastre and in register.

¹⁵⁴ Only registered lease contract can be used against third persons. Both the owner and tenant can register the lease contract.

¹⁵⁵ Long leases (which have the status of real right) are registerable contrary to short leases which normally are by contract only.

¹⁵⁶ Only for leases for building purposes with lease term of more than ten years.

¹⁵⁷ As agreed between the parties. Short-term leases are not registered.

¹⁵⁸ It is voluntary.

¹⁵⁹ The tenant is responsible.

¹⁶⁰ Any of the parties can apply for registration. The lease agreement between the parties without registration, but has no protection against claims of third parties without registration.

28.	Switzerland		<input type="checkbox"/>
29.	Ukraine	<input type="checkbox"/>	¹⁶¹
30.	United Kingdom (England)	<input type="checkbox"/>	¹⁶²
31.	United Kingdom (Scotland)	<input type="checkbox"/>	¹⁶³

¹⁶¹ Law on Land Lease, article 18 and Procedures for Registering Land Use It is foreseen that the responsibility to register the land lease contract is defined by the agreement between owner and tenant (according to the Civil Law)

¹⁶² Where land is registered there is no compulsion to register at any time. In practice almost all dealings with registered land are registered within two months. The result is obtained mainly because of: (a) lawyers duties to clients to ensure that the transaction is completed and legal ownership obtained; (b) the fear of loss of priority for the dealing against another incompatible dealing by the registered owner; (c) the requirements of lenders to ensure that their security is completed by registration.

¹⁶³ If a lease lasts longer then 20 years. The tenant is responsible for registration.

B8. Is it the owner or the tenant who is responsible for paying tax on the leased property?

Country	Owner	Tenant	Owner or tenant
1. Armenia	<input type="checkbox"/>		
2. Austria	<input type="checkbox"/>		
3. Azerbaijan		<input type="checkbox"/>	
4. Belarus			<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>		
6. Bosnia and Herzegovina	<input type="checkbox"/>		<input type="checkbox"/> ¹⁶⁴
7. Canada (Ontario)			<input type="checkbox"/> ¹⁶⁴
8. Cyprus	<input type="checkbox"/>		
9. Denmark	<input type="checkbox"/>		
10. Estonia	<input type="checkbox"/>		
11. Finland	<input type="checkbox"/>		
12. France	<input type="checkbox"/> ¹⁶⁵		
13. Georgia	<input type="checkbox"/> ¹⁶⁶	<input type="checkbox"/> ¹⁶⁷	
14. Germany			<input type="checkbox"/>
15. Hungary ¹⁶⁸			
16. Iceland		<input type="checkbox"/> ¹⁶⁹	
17. Latvia	<input type="checkbox"/> ¹⁷⁰		
18. Lithuania	<input type="checkbox"/>		
19. Malta	<input type="checkbox"/> ¹⁷¹		
20. Netherlands	<input type="checkbox"/> ¹⁷²	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/> ¹⁷³	<input type="checkbox"/> ¹⁷⁴	
22. Romania	<input type="checkbox"/>		
23. Russian Federation	<input type="checkbox"/>		
24. Slovak Republic	<input type="checkbox"/>		
25. Slovenia ¹⁷⁵			
26. Spain	<input type="checkbox"/> ¹⁷⁶	<input type="checkbox"/> ¹⁷⁷	
27. Sweden	<input type="checkbox"/>		
28. Switzerland	<input type="checkbox"/>		
29. Ukraine	<input type="checkbox"/> ¹⁷⁸		
30. United Kingdom (England)		<input type="checkbox"/> ¹⁷⁹	
31. United Kingdom (Scotland)		<input type="checkbox"/> ¹⁸⁰	

¹⁶⁴ Depending on lease terms.

¹⁶⁵ In case of real estate tax.

¹⁶⁶ For agricultural land.

¹⁶⁷ For non-agricultural land.

¹⁶⁸ Not clear.

¹⁶⁹ For non-agricultural land, but the lessee can deduct the fifteen fold annual rent for leased land against the tax value of the land. For agricultural land, the lessee would be bound by the lease contract to pay the property tax on land to the government, but if he fails to do so, the government would only have a claim against the landowner.

¹⁷⁰ If there are no other provisions in the agreement.

¹⁷¹ Capital Gains Tax is paid by the owner on the transfer of property.

¹⁷² Taxes relate to both ownership of land and use of land.

¹⁷³ For agricultural land.

¹⁷⁴ For non-agricultural land.

¹⁷⁵ No answerer

¹⁷⁶ Taxes related to ownership.

¹⁷⁷ Taxes related to rent.

¹⁷⁸ It is an owner who is responsible for paying taxes, the tenant for paying rent

Law on Payment for Land, article 2

¹⁷⁹ Usually it is the tenant but it depends on particular agreement.

¹⁸⁰ Usually it is the tenant but it depends on particular agreement.

B9. Is it possible to enter into the lease agreement orally?

Country	Yes	No
1. Armenia		<input type="checkbox"/>
2. Austria	<input type="checkbox"/>	
3. Azerbaijan		<input type="checkbox"/>
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/> ¹⁸¹	
8. Cyprus	<input type="checkbox"/> ¹⁸²	
9. Denmark	<input type="checkbox"/>	
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/> ¹⁸³	
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/> ¹⁸⁴
16. Iceland	<input type="checkbox"/> ¹⁸⁵	
17. Latvia	<input type="checkbox"/>	
18. Lithuania		<input type="checkbox"/>
19. Malta	<input type="checkbox"/> ¹⁸⁶	
20. Netherlands	<input type="checkbox"/> ¹⁸⁷	
21. Norway	<input type="checkbox"/>	
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Slovenia		<input type="checkbox"/>
26. Spain	<input type="checkbox"/>	
27. Sweden		<input type="checkbox"/> ¹⁸⁸
28. Switzerland	<input type="checkbox"/>	
29. Ukraine		<input type="checkbox"/> ¹⁸⁹
30. United Kingdom (England)	<input type="checkbox"/> ¹⁹⁰	
31. United Kingdom (Scotland)	<input type="checkbox"/> ¹⁹¹	

¹⁸¹ Cannot be registered against the title.

¹⁸² Cannot be registered.

¹⁸³ If the leasing time is less than two years.

¹⁸⁴ Except leases of private apartments.

¹⁸⁵ Oral lease agreements are equally valid as those in writing, if their existence can be proven, but for registration in the land register, there must be a lease in writing.

¹⁸⁶ If the lease does not exceed four years on agricultural land and two years on non-agricultural land.

¹⁸⁷ For short term leases.

¹⁸⁸ Certain kinds of lease agreements can be made orally, but they can not be registered.

¹⁸⁹ Law on Land Lease, article 13.

¹⁹⁰ All leases for a term exceeding three years must be granted by deed.

¹⁹¹ Only for leases lasting for 1 year or less.

Section C. Restrictions on transferring the ownership of agricultural and non-agricultural land and real property

C1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)

Country	Yes	No
1. Armenia	<input type="checkbox"/> ¹⁹²	
2. Austria	<input type="checkbox"/> ¹⁹³	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus		<input type="checkbox"/> ¹⁹⁴
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark	<input type="checkbox"/>	
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/> ¹⁹⁵	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/> ¹⁹⁶	
16. Iceland		<input type="checkbox"/> ¹⁹⁷
17. Latvia		<input type="checkbox"/> ¹⁹⁸
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ¹⁹⁹	
20. Netherlands	<input type="checkbox"/>	
21. Norway		<input type="checkbox"/> ²⁰⁰
22. Romania	<input type="checkbox"/> ²⁰¹	<input type="checkbox"/> ²⁰²
23. Russian Federation	<input type="checkbox"/> ²⁰³	<input type="checkbox"/> ²⁰⁴
24. Slovak Republic	<input type="checkbox"/>	
25. Slovenia		<input type="checkbox"/> ²⁰⁵
26. Spain	<input type="checkbox"/> ²⁰⁶	<input type="checkbox"/> ²⁰⁷
27. Sweden	<input type="checkbox"/> ²⁰⁸	
28. Switzerland	<input type="checkbox"/>	

¹⁹² For owners only.

¹⁹³ For owners but not for leaseholders.

¹⁹⁴ Agricultural land cannot be held in private ownership. Non-agricultural land cannot be sold to foreigners.

¹⁹⁵ Only in cases when property is not subject to restrictions.

¹⁹⁶ For owners but not for leaseholders.

¹⁹⁷ Agricultural use must be maintained. for agricultural land unless the minister for agriculture lifts restrictions. Subdivision of non-agricultural properties needs approval of local government under planning law. Division of mortgaged land may require consent from mortgagee.

¹⁹⁸ Certain areas of the country are subject to restrictions.

¹⁹⁹ Owners only.

²⁰⁰ Sale of agricultural land needs to be approved by the government. Subdivision of non-agricultural properties needs approval of local government.

²⁰¹ For non-agricultural land.

²⁰² Co-owners, neighbors or leaseholders enjoy priority right in acquiring of agricultural land.

²⁰³ Owners only. Agricultural land parcels cannot be smaller than a size specified by regional legislation.

²⁰⁴ Owners only.

²⁰⁵ Sale of farm land is only allowed to farmers.

²⁰⁶ The owner has no restriction for selling non-agricultural real property except in dwelling financed by State that must approve the purchase. The leaseholder of non-agricultural property has no restriction for transferring his right to a third person.

²⁰⁷ The owner cannot subdivide the property in pieces smaller than the minimum size established. The leaseholder cannot sell his right.

²⁰⁸ If part of the property is sold the transfer is only valid if an application for a cadastral measure (e.g. subdivision) is applied for within a certain time and it is possible to carry out property formation.

29.	Ukraine	<input type="checkbox"/> ²⁰⁹	
30.	United Kingdom (England)	<input type="checkbox"/>	
31.	United Kingdom (Scotland)	<input type="checkbox"/>	

²⁰⁹ The moratorium on land sales is foreseen till 2005 (Transitional Provisions of the Land Code, p.15)

C2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?

Country	Yes	No
1. Armenia		<input type="checkbox"/> ²¹⁰
2. Austria		<input type="checkbox"/>
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ²¹¹	
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/> ²¹²	
8. Cyprus	<input type="checkbox"/>	
9. Denmark		<input type="checkbox"/>
10. Estonia	<input type="checkbox"/> ²¹³	
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/>
17. Latvia	<input type="checkbox"/> ²¹⁴	<input type="checkbox"/> ²¹⁵
18. Lithuania		<input type="checkbox"/> ²¹⁶
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/>	<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	
25. Slovenia ²¹⁷		
26. Spain	<input type="checkbox"/> ²¹⁸	
27. Sweden		<input type="checkbox"/> ²¹⁹
28. Switzerland	<input type="checkbox"/> ²²⁰	<input type="checkbox"/> ²²¹
29. Ukraine		<input type="checkbox"/>
30. United Kingdom (England)		<input type="checkbox"/>
31. United Kingdom (Scotland)	<input type="checkbox"/> ²²²	

²¹⁰ Subdivisions are prohibited in case of inheritance.

²¹¹ Agricultural land cannot be held in private ownership.

²¹² Controlled by local municipalities.

²¹³ The minimum is 30 m². Local government may decide to form smaller units.

²¹⁴ For non-agricultural land minimum area as determined in the regulations of construction of municipality.

²¹⁵ For agricultural land.

²¹⁶ No, except the land according to detail plans, the forestry land and protected areas. No minimum for agricultural land.

²¹⁷ No answerer to all further questions provided.

²¹⁸ The amount is fixed on a territorial level.

²¹⁹ If part of the property is sold the transfer is only valid if an application for a cadastral measure (e.g. subdivision) is applied for within a certain time and it is possible to carry out property formation.

²²⁰ For agricultural land.

²²¹ For non-agricultural land.

²²² The Land Register will refuse to register plots, that are too small to be occupied.

C3. Can an owner dispose of his or her land and real property by way of gift?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ²²³	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ²²⁴	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/> ²²⁵	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/> ²²⁶	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²²³ For agricultural land restrictions are applied on a regional level.

²²⁴ Agricultural land cannot be held in private ownership.

²²⁵ With the same restrictions as for regular sale.

²²⁶ The moratorium on land gifts is foreseen till 2005 (Transitional Provisions of the Land Code, p.15)

C4. Can an owner dispose of his or her land and real property by way of inheritance?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ²²⁷	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ²²⁸	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/> ²²⁹	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/> ²³⁰	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/> ²³¹	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²²⁷ For agricultural land restrictions are applied on a regional level.

²²⁸ Agricultural land cannot be held in private ownership.

²²⁹ Where there is a will, there are restrictions regarding the share of estate the owner, which may be disposed of in this way.

²³⁰ Restrictions apply.

²³¹ Testator's/Decedent's advance disposal (before his death) of agricultural land to heirs will require consent from local government and farming commission.

C5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ²³²	
2. Austria	<input type="checkbox"/> ²³³	
3. Azerbaijan		<input type="checkbox"/>
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/> ²³⁴	
8. Cyprus	<input type="checkbox"/> ²³⁵	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/> ²³⁶	<input type="checkbox"/> ²³⁷
11. Finland	<input type="checkbox"/> ²³⁸	<input type="checkbox"/> ²³⁹
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/>
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/> ²⁴⁰	
19. Malta	<input type="checkbox"/>	
20. Netherlands		<input type="checkbox"/>
21. Norway	<input type="checkbox"/>	
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Spain	<input type="checkbox"/> ²⁴¹	
26. Sweden	<input type="checkbox"/> ²⁴²	
27. Switzerland		<input type="checkbox"/>
28. Ukraine		<input type="checkbox"/>
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/> ²⁴³	

²³² By agreement.

²³³ Mainly in case of gift or inheritance.

²³⁴ By registering the restrictions prior to transferring to a new owner.

²³⁵ By way of easement, in favor of another party.

²³⁶ In case of gift or inheritance.

²³⁷ In case of sale.

²³⁸ The municipality may require erecting a structure when it sells a building site.

²³⁹ For agricultural land.

²⁴⁰ Only at the moment of concluding a contract for the transfer of land or real property.

²⁴¹ Restrictions cannot be applied by third parties.

²⁴² Only in case of gift.

²⁴³ By imposing restrictions in the deed of transfer.

C6. Can an owner transfer land and real property without prior approval of the central, regional or local government?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ²⁴⁴	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/> ²⁴⁵
17. Latvia		<input type="checkbox"/> ²⁴⁶
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/> ²⁴⁷	<input type="checkbox"/> ²⁴⁸
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/> ²⁴⁹
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	<input type="checkbox"/> ²⁵⁰
26. Sweden	<input type="checkbox"/> ²⁵¹	
27. Switzerland	<input type="checkbox"/> ²⁵²	<input type="checkbox"/> ²⁵³
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²⁴⁴ Restrictions may be applied.

²⁴⁵ In case of agricultural land approval of local government and farming commission is needed. Non-EEA/EU citizens will require special permission to buy a property.

²⁴⁶ The municipality has the right of first refusal.

²⁴⁷ For non-agricultural land.

²⁴⁸ For agricultural land.

²⁴⁹ No. An owner who is willing to sell his (her) agricultural land parcel must inform local authorities about the selling price. Local authorities enjoy priority right to buy that parcel at that price from an owner. If a land parcel was sold at price lower than was declared to the local authorities the transaction may be declared invalid.

²⁵⁰ For dwelling financed by the state approval is needed to avoid speculation with the property.

²⁵¹ Except for agricultural properties in some areas where the buyer has to get an approval from the regional agricultural authority.

²⁵² For non-agricultural properties.

²⁵³ For agricultural properties.

C7. Under the law must all new ownership be registered in the cadastre or land register?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/> ²⁵⁴
8. Cyprus		<input type="checkbox"/> ²⁵⁵
9. Denmark		<input type="checkbox"/> ²⁵⁶
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/> ²⁵⁷
17. Latvia	<input type="checkbox"/>	
18. Lithuania		<input type="checkbox"/> ²⁵⁸
19. Malta	<input type="checkbox"/> ²⁵⁹	
20. Netherlands	<input type="checkbox"/>	
21. Norway		<input type="checkbox"/> ²⁶⁰
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain		<input type="checkbox"/>
26. Sweden	<input type="checkbox"/> ²⁶¹	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)		<input type="checkbox"/> ²⁶²
30. United Kingdom (Scotland)		<input type="checkbox"/> ²⁶³

²⁵⁴ There is no law to force it but 99% of owners register.

²⁵⁵ Most owners register for security purposes.

²⁵⁶ Registration is voluntary but in fact all new ownership is registered.

²⁵⁷ Sale contracts generally provide that the buyer takes responsibility for the registration of a sale. For tax and mortgage reasons, registration will normally take place. Registration will further secure the property rights of the buyer against the seller's creditors.

²⁵⁸ Non-registration gives no protection against third parties and does not allow any further transactions.

²⁵⁹ Only in territories which fall within registration areas.

²⁶⁰ In reality always done.

²⁶¹ Non-registration carries no penalties except for having no protection against third party interests and no possibility to register a mortgage.

²⁶² There is no compulsion to register at any time. In practice almost all dealings with land are registered within two month.

²⁶³ Land registration is not compulsory but in practice it is almost always done.

C8. Is there a time limit for registration of new ownership?

Country	Yes	No
1. Armenia		<input type="checkbox"/> ²⁶⁴
2. Austria		<input type="checkbox"/> ²⁶⁵
3. Azerbaijan		<input type="checkbox"/>
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/>	
16. Iceland		<input type="checkbox"/>
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta	<input type="checkbox"/>	
20. Netherlands		<input type="checkbox"/> ²⁶⁶
21. Norway		<input type="checkbox"/>
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	
25. Spain		<input type="checkbox"/>
26. Sweden	<input type="checkbox"/>	
27. Switzerland		<input type="checkbox"/>
28. Ukraine		<input type="checkbox"/>
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)		<input type="checkbox"/>

²⁶⁴ Without registration no delivery of ownership.

²⁶⁵ If the land right is not registered at conclusion of a contract the right of ownership is not created properly and the new owner is not publicly protected.

²⁶⁶ Without registration no delivery of ownership.

Part D. Restrictions on financing the investment or development of agricultural and non-agricultural land and real property

D1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ²⁶⁷	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ²⁶⁸	
5. Belgium	<input type="checkbox"/> ²⁶⁹	
6. Bosnia and Herzegovina	<input type="checkbox"/> ²⁷⁰	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/> ²⁷¹	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/> ²⁷²	
16. Iceland	<input type="checkbox"/> ²⁷³	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ²⁷⁴	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic		<input type="checkbox"/>
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/> ²⁷⁵	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²⁶⁷ A leaseholder may not mortgage the land but may possibly mortgage the right to lease land.

²⁶⁸ Non-agricultural land.

²⁶⁹ Only an owner of immovable property.

²⁷⁰ Only an owner.

²⁷¹ For leases if the terms of a lease provide for this.

²⁷² With consent of an owner.

²⁷³ Leaseholder for agricultural land will in most cases need permission from the landowner.

²⁷⁴ Except leaseholders.

²⁷⁵ Except leaseholders.

D2. Is the right to mortgage defined as the real right in the law?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta		<input type="checkbox"/>
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/> ²⁷⁶
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/> ²⁷⁷	

²⁷⁶ It is defined as an easement

²⁷⁷ The lender obtains a real right in security by registering the mortgage in the Land Register.

D3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ²⁷⁸	
2. Austria	<input type="checkbox"/> ²⁷⁹	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/> ²⁸⁰	
6. Bosnia and Herzegovina		<input type="checkbox"/>
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/> ²⁸¹	
9. Denmark		<input type="checkbox"/>
10. Estonia	<input type="checkbox"/> ²⁸²	
11. Finland		<input type="checkbox"/>
12. France ²⁸³		
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/> ²⁸⁴	
16. Iceland		<input type="checkbox"/> ²⁸⁵
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta	<input type="checkbox"/> ²⁸⁶	
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic		<input type="checkbox"/>
25. Spain	<input type="checkbox"/> ²⁸⁷	
26. Sweden		<input type="checkbox"/>
27. Ukraine		<input type="checkbox"/>
28. Switzerland	<input type="checkbox"/> ²⁸⁸	<input type="checkbox"/> ²⁸⁹
29. United Kingdom (England)	<input type="checkbox"/> ²⁹⁰	
30. United Kingdom (Scotland)	<input type="checkbox"/> ²⁹¹	

²⁷⁸ Contractual freedom.

²⁷⁹ Contractual freedom.

²⁸⁰ Contractual freedom.

²⁸¹ Contractual freedom.

²⁸² Contractual freedom.

²⁸³ Question not understood.

²⁸⁴ Contractual freedom.

²⁸⁵ Leaseholder for agricultural land is restricted in the type and usage of mortgage by law – usually only permitted for re-investment in agricultural facilities.

²⁸⁶ Contractual freedom.

²⁸⁷ Contractual freedom. Usually always in case of agricultural land.

²⁸⁸ For agricultural land

²⁸⁹ For non-agricultural land.

²⁹⁰ Contractual freedom.

²⁹¹ Contractual freedom.

D4. Will a lender make an independent assessment of the value of any land and real property before making a loan?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/> ²⁹²	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²⁹² An independent assessment is required by the Law of Ukraine “On Appraisal of Property, Property Rights and Professional Appraisal Activities”

D5. Can an owner or a leaseholder secure a loan from a foreign bank or company?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ²⁹³	<input type="checkbox"/> ²⁹⁴
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary ²⁹⁵		
16. Iceland	<input type="checkbox"/> ²⁹⁶	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ²⁹⁷	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/> ²⁹⁸	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²⁹³ Only for buildings and structures located on state owned land.

²⁹⁴ For privately owned land.

²⁹⁵ Question not understood.

²⁹⁶ Restrictions apply regarding the ownership of non-EEA/EU citizens of real property. For real property in the fishing industry, there are restrictions applying to all foreign citizens. These restrictions may be construed as to apply for mortgages as well, in the case that the property owner fails to deliver payments on the mortgage.

²⁹⁷ If a loan matures in less than one year, the Central Bank Authorization is needed.

²⁹⁸ Only the owner and long-term leaseholders can do this.

D6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ²⁹⁹	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium		<input type="checkbox"/> ³⁰⁰
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland		<input type="checkbox"/> ³⁰¹
12. France	<input type="checkbox"/>	
13. Georgia ³⁰²		
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/> ³⁰³	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania		<input type="checkbox"/> ³⁰⁴
19. Malta	<input type="checkbox"/> ³⁰⁵	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/> ³⁰⁶	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

²⁹⁹ Mortgages are only valid against third persons if they are registered.

³⁰⁰ Mortgages are registered in the mortgage office and not in the cadastre.

³⁰¹ The owner applies for a mortgage document against which the owner issues a loan. The mortgage document together with the loan contract form transfer real estate into security. The mortgage document alone is without legal power.

³⁰² Question not understood.

³⁰³ Not compulsory.

³⁰⁴ Only the property registered in the Real Property Register can be mortgaged. Mortgages are registered in the Mortgage Register and comes into effect on the moment of its registration in the Central Mortgage Register.

³⁰⁵ Only within registration areas.

³⁰⁶ New legislation is currently in development (May 2002). Mortgages against property are registered in the Property Register according to the Law on Pledge, article 15.

D7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?

Country	Yes	No
1. Armenia		<input type="checkbox"/> ³⁰⁷
2. Austria		<input type="checkbox"/> ³⁰⁸
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/> ³⁰⁹	
5. Belgium		<input type="checkbox"/> ³¹⁰
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus		<input type="checkbox"/> ³¹¹
9. Denmark	<input type="checkbox"/>	
10. Estonia	<input type="checkbox"/>	
11. Finland		<input type="checkbox"/> ³¹²
12. France	<input type="checkbox"/>	
13. Georgia		<input type="checkbox"/> ³¹³
14. Germany		<input type="checkbox"/> ³¹⁴
15. Hungary		<input type="checkbox"/>
16. Iceland		<input type="checkbox"/> ³¹⁵
17. Latvia	<input type="checkbox"/>	
18. Lithuania		<input type="checkbox"/> ³¹⁶
19. Malta		<input type="checkbox"/> ³¹⁷
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation		<input type="checkbox"/> ³¹⁸
24. Slovak Republic	<input type="checkbox"/>	
25. Spain		<input type="checkbox"/> ³¹⁹
26. Sweden		<input type="checkbox"/> ³²⁰
27. Switzerland		<input type="checkbox"/>
28. Ukraine		<input type="checkbox"/>
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

³⁰⁷ Property is sold through public auction.

³⁰⁸ The lender cannot take hold of the property of the owner by himself, but has to follow specific procedures laid down in the law (Execution Law).

³⁰⁹ For non-agricultural property only after two unsuccessful auctions.

³¹⁰ The lender can only start the procedure of foreclosure involving a forced sale.

³¹¹ There is a legal procedure for public auction through the Department of Lands and Surveys, either by way of application from the lender or an order of the court.

³¹² If the leaseholder fails to pay as contracted the collateral will be sold in public auction.

³¹³ Lender can be compensated only through an auction.

³¹⁴ Court decision required.

³¹⁵ The lender has start a legal procedure applying for the forced sale of the property in a public auction by the local district commissioner.

³¹⁶ Special legal procedure has to be followed. Property is sold in an auction.

³¹⁷ Property is sold through a Judicial Sale.

³¹⁸ Resale procedures have to be followed.

³¹⁹ The lender has to use a judicial procedure of an auction sale.

³²⁰ The lender can arrange a public auction for the sale of property in order to secure his due payments.

D8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/> ³²¹	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina ³²²		
7. Canada (Ontario) ³²³		
8. Cyprus	<input type="checkbox"/> ³²⁴	
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/>	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ³²⁵	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	<input type="checkbox"/> ³²⁶
28. Ukraine		<input type="checkbox"/>
29. United Kingdom (England)	<input type="checkbox"/> ³²⁷	
30. United Kingdom (Scotland)	<input type="checkbox"/> ³²⁸	

³²¹ Debts of lenders registered in the Land Titles Register are compensated prior to the debts of non-registered lenders. Among registered lenders debts are compensated according to their ranking in the Land Titles Register.

³²² Question not understood.

³²³ No answerer.

³²⁴ The lender is secured and has priority against other creditors.

³²⁵ Lender will remain unpaid.

³²⁶ Debts on case.

³²⁷ Secured creditors generally have priority over unsecured creditors.

³²⁸ In the event of the debtor's bankruptcy, the lender can obtain a court order to sell the property.

D9 Are there any privileges enjoyed by the mortgage lender compared to other creditors?

Country	Yes	No
1. Armenia	<input type="checkbox"/>	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/> ³²⁹	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/> ³³⁰	
8. Cyprus	<input type="checkbox"/>	
9. Denmark	<input type="checkbox"/> ³³¹	
10. Estonia	<input type="checkbox"/>	
11. Finland	<input type="checkbox"/> ³³²	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ³³³	
20. Netherlands	<input type="checkbox"/> ³³⁴	
21. Norway	<input type="checkbox"/> ³³⁵	
22. Romania	<input type="checkbox"/> ³³⁶	
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/>	
26. Sweden	<input type="checkbox"/> ³³⁷	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/> ³³⁸	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

³²⁹ The first registered mortgage lender has the right to be paid out of the profit of the sale before any other creditor. Even when the debtor no longer owns the property, he can still start the foreclosure procedure against new owner.

³³⁰ It mostly depends on the priorities of other encumbrances.

³³¹ A mortgage lender is a privileged lender being paid before lenders that have not secured their loans.

³³² Mortgages have priority against other credits. If there are several mortgages they are ranked according to their priority.

³³³ The secured lender will enjoy priority of ranking over post ranking creditors.

³³⁴ Priority above personal rights!

³³⁵ A mortgage registered in the Land Book has priority above other obligations except credits.

³³⁶ A mortgage lender has a priority right before other credits except those provided by the government.

³³⁷ Except for tax debts to the government and some other very exceptional and minor debts.

³³⁸ Law on Bankruptcy, article 31.

D10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ³³⁹	
2. Austria	<input type="checkbox"/>	
3. Azerbaijan ³⁴⁰		
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/> ³⁴¹	
8. Cyprus	<input type="checkbox"/>	
9. Denmark		<input type="checkbox"/>
10. Estonia	<input type="checkbox"/> ³⁴²	
11. Finland		<input type="checkbox"/>
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/> ³⁴³	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland	<input type="checkbox"/>	
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/> ³⁴⁴	
20. Netherlands	<input type="checkbox"/>	
21. Norway	<input type="checkbox"/>	
22. Romania	<input type="checkbox"/>	
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain		<input type="checkbox"/>
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine		<input type="checkbox"/> ³⁴⁵
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/>	

³³⁹ Through court.

³⁴⁰ No answerer.

³⁴¹ It is done through court.

³⁴² In case of individual – according to the contract. In case of legal entity – the first auction is the procedure of bankruptcy.

³⁴³ Only under Court procedures or through an auction.

³⁴⁴ Judicial sale.

³⁴⁵ According to the general procedures of the Law on Pledge, 1992.

D11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?

Country	Yes	No
1. Armenia		<input type="checkbox"/>
2. Austria		<input type="checkbox"/> ³⁴⁶
3. Azerbaijan ³⁴⁷		
4. Belarus	<input type="checkbox"/>	
5. Belgium		<input type="checkbox"/>
6. Bosnia and Herzegovina ³⁴⁸		
7. Canada (Ontario)		<input type="checkbox"/>
8. Cyprus		<input type="checkbox"/>
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland		<input type="checkbox"/> ³⁴⁹
12. France		<input type="checkbox"/>
13. Georgia		<input type="checkbox"/>
14. Germany		<input type="checkbox"/>
15. Hungary		<input type="checkbox"/> ³⁵⁰
16. Iceland		<input type="checkbox"/>
17. Latvia		<input type="checkbox"/>
18. Lithuania		<input type="checkbox"/>
19. Malta		<input type="checkbox"/>
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation		<input type="checkbox"/>
24. Slovak Republic	<input type="checkbox"/>	
25. Spain		<input type="checkbox"/>
26. Sweden		<input type="checkbox"/>
27. Switzerland		<input type="checkbox"/>
28. Ukraine		<input type="checkbox"/> ³⁵¹
29. United Kingdom (England)		<input type="checkbox"/>
30. United Kingdom (Scotland)		<input type="checkbox"/>

³⁴⁶ Unless there is an agreement with the new owner.

³⁴⁷ No answerer.

³⁴⁸ Question not understood.

³⁴⁹ Except living in a home for three month.

³⁵⁰ Unless the new owner agrees to lease property to the old owner.

³⁵¹ According to the Civil Law.

D12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ³⁵²	
2. Austria	<input type="checkbox"/> ³⁵³	
3. Azerbaijan ³⁵⁴		
4. Belarus		<input type="checkbox"/>
5. Belgium	<input type="checkbox"/>	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)		<input type="checkbox"/> ³⁵⁵
8. Cyprus		<input type="checkbox"/> ³⁵⁶
9. Denmark		<input type="checkbox"/>
10. Estonia		<input type="checkbox"/>
11. Finland	<input type="checkbox"/> ³⁵⁷	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany	<input type="checkbox"/>	
15. Hungary	<input type="checkbox"/>	
16. Iceland		<input type="checkbox"/> ³⁵⁸
17. Latvia		<input type="checkbox"/>
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands	<input type="checkbox"/>	
21. Norway		<input type="checkbox"/>
22. Romania		<input type="checkbox"/>
23. Russian Federation	<input type="checkbox"/>	
24. Slovak Republic	<input type="checkbox"/>	
25. Spain	<input type="checkbox"/> ³⁵⁹	
26. Sweden	<input type="checkbox"/>	
27. Switzerland	<input type="checkbox"/>	
28. Ukraine	<input type="checkbox"/> ³⁶⁰	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)		<input type="checkbox"/> ³⁶¹

³⁵² It depends on the terms of the lease.

³⁵³ Under the Tenancy Law there are rules protecting the leaseholder (Pächter) in case of a change of owners. According to these rules certain restrictions apply for instance to the increase of lease payment or to the termination of the contract.

³⁵⁴ No answer.

³⁵⁵ It depends on the terms of the lease and priority of the lease in relation to the mortgage.

³⁵⁶ Some leaseholders are protected under the Rent Control Law.

³⁵⁷ If the lease is mortgaged with a higher priority than a loan.

³⁵⁸ If mentioned at the auction it might lead to a lower price been offered for a property.

³⁵⁹ In case of agricultural property the leaseholder remains in the land until his contract is finished even if it was done before the contract of mortgage. In case of non-agricultural property only if the contract the lease agreement became effective before the loan was issued. In other cases a leaseholder will remain for the time remaining to make five years or will leave if he occupied the property for more then five years.

³⁶⁰ Land Lease Law, Article 15.

³⁶¹ The leaseholder must look to his lease for his continuing right to occupy the property.

D13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?

Country	Yes	No
1. Armenia	<input type="checkbox"/> ³⁶²	
2. Austria	<input type="checkbox"/> ³⁶³	
3. Azerbaijan	<input type="checkbox"/>	
4. Belarus	<input type="checkbox"/>	
5. Belgium	<input type="checkbox"/> ³⁶⁴	
6. Bosnia and Herzegovina	<input type="checkbox"/>	
7. Canada (Ontario)	<input type="checkbox"/>	
8. Cyprus		<input type="checkbox"/>
9. Denmark		<input type="checkbox"/>
10. Estonia	<input type="checkbox"/> ³⁶⁵	
11. Finland	<input type="checkbox"/> ³⁶⁶	
12. France	<input type="checkbox"/>	
13. Georgia	<input type="checkbox"/>	
14. Germany		<input type="checkbox"/>
15. Hungary	<input type="checkbox"/>	
16. Iceland		<input type="checkbox"/> ³⁶⁷
17. Latvia	<input type="checkbox"/>	
18. Lithuania	<input type="checkbox"/>	
19. Malta	<input type="checkbox"/>	
20. Netherlands		<input type="checkbox"/>
21. Norway		<input type="checkbox"/>
22. Romania	<input type="checkbox"/> ³⁶⁸	
23. Russian Federation	<input type="checkbox"/> ³⁶⁹	
24. Slovak Republic		<input type="checkbox"/>
25. Spain		<input type="checkbox"/>
26. Sweden		<input type="checkbox"/>
27. Switzerland		<input type="checkbox"/>
28. Ukraine	<input type="checkbox"/>	
29. United Kingdom (England)	<input type="checkbox"/>	
30. United Kingdom (Scotland)	<input type="checkbox"/> ³⁷⁰	

³⁶² By agreement.

³⁶³ As long as insolvency or execution proceedings have not started the owner generally does not have to comply with any restrictions. During pending insolvency procedures he must not sell the land or otherwise purposely reduce the value of the mortgaged property. Further impositions are possible if agreed between the parties and registered in the Land Title Register.

³⁶⁴ Yes. Provided that the fundamental characteristics of the right of ownership itself are not compromised (ius utendi, fruendi et abutendi).

³⁶⁵ Obligatory insurance.

³⁶⁶ In case of expropriation – insurance payment.

³⁶⁷ The property owner/debtor will have the general duty of taking care of normal maintenance of the property, in order that it may keep its value as a sufficient collateral for the mortgage.

³⁶⁸ The lender may be opposed to the sale of the ownership right and can ask to be informed in relation with a new mortgage.

³⁶⁹ The property cannot be sold without the agreement of the lender.

³⁷⁰ The mortgage lender can impose restrictions in the mortgage agreement and/or mortgage deed. However the restrictions fall when the mortgage is discharged.

Annex 1. Summary of Original Replies

Part A. Restrictions on ownership of agricultural and non-agricultural land and real property

Armenia

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes. Foreign citizens can not have land in private ownership.		Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	Xo	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Yes	Yes	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests,	Yes. (For example, forests, protected nature areas, land covered by water and etc.)		Individuals
			Legal Entities

protected nature areas, land covered by water and etc.)			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Austria

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	In the interest of preserving, strengthening and creating a viable farming community transactions with land or forest are usually subject to an official authorization by the relevant authority on regional level (Grundverkehrsbehörde)	In the interest of preserving, strengthening and creating a viable community transactions with developed land or land to be developed (for heirs that are not heirs at law) is usually subject to an official authorization by the relevant authority on regional level (Grundverkehrsbehörde)	Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	There are restrictions relating to land use (cultivation), nature protection etc.	There are restrictions concerning preservation of historical monuments or concerning the shape of buildings (roof, windows, height) etc.	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	Ownership is transferred by entry into the Land Title Register (Grundbuch). The regional authority has to approve the ownership in cases, where this is necessary by law (see Point 1).		Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Transactions to foreigners are subject to official approval (Grundverkehrsbehörde) if the law says so. According to the EU-non discrimination principles EU-citizens are not treated like foreigners, but like Austrians		Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Individuals below 18 years cannot be subject to a contractual transaction of property by themselves due to their restricted ability to be party to a contract; they need to act via a legal representative; they can however inherit land and property.		Individuals
			Legal Entities
			Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Private property has been possible in Austria since 1848 for all inhabitants. The state holds a considerable amount of land. Sales of such land occur on individual basis and have to follow a tender procedure. In Austria it is currently discussed whether the state should privatize most of its property for cost saving reasons.		Individuals
			Legal Entities
			Government
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Anybody may acquire also specific types of land. There may however be administrative restrictions relating e.g., to the separation of parcels, to the erection of buildings and generally to changes of the land or land use, for example it is not allowed to erect a dwelling house on nature protected land); Land in the ownership of the state can only be purchased according to a tender procedure. See also point 1.		Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Expropriation is only possible in wider public interest and if compensation is paid. Art 5 of the Austrian State Fundamental Rights and Art 1 of the First Amendment to the Human Rights Convention are applicable.		Individuals
			Legal Entities
			Government

Azerbaijan

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	-	-	Legal Entities
	-	-	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Yes	Individuals
	-	-	Legal Entities
	-	-	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Yes	Yes	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	-	-	Legal Entities
	-	-	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	-	-	Legal Entities
	-	-	Government

Belarus

Question	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	*)	Yes minimum 0.05 maximum 1 ha	Individuals
	*)	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	*)	Yes	Individuals
	*)	Yes	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	*)	Yes, in cases pointed by legislation	Individuals
	*)	Yes, in cases pointed by legislation	Legal Entities
	-	-	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	*)	**)	Individuals
	*)	**)	Legal Entities
	*)	Yes	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	*)	Yes	Individuals
	-	-	Legal Entities
	-	-	Government
6. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	*)	Yes	Individuals
	*)	Yes	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	*)	Yes, non-market price	Individuals
	*)	Yes, non-market price	Legal Entities
	-	-	Government

*) It is impossible for agriculture land to be in private ownership

**) It is impossible for any kind of land to be in private ownership of foreign citizens and companies

Belgium

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? - maximum area - minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes. According to article 544 of the Civil Code each owner has the right to use his property the way he wants, provided that it's not inconsistent with the statutory laws and regulations and he doesn't cause any damage to his neighbors (ius utendi, fruendi et abutendi). For ex. regulations on urban development, protected nature areas, historic buildings and sites, exploitation of certain industrial, agricultural and commercial activities.		Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes. All real property or land owned by the State, the Regions, the provinces, the municipalities and other governmental agencies, which is used or intended to be used by or in the interest of the whole community, is inalienable (can't be sold, obtained by prescription or be seized). For ex. roads, rivers, parks, forests, beaches, official buildings etc.		Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes. Article 16 of the Constitution stipulates that no one can be expropriated from his property unless it's in the public interest and not before he has been fairly compensated.		Individuals
			Legal Entities
			Government

Bosnia and Herzegovina

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? 1.1. maximum area 1.2. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Yes	Yes	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)			Individuals
	Yes	Yes	Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Canada (Ontario)

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Individuals
	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Legal Entities
	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Local municipalities are responsible for planning control and there is restrictions on minimum size.	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	See explanation at the end of this section	See explanation at the end of this section	Individuals
	See explanation at the end of this section	See explanation at the end of this section	Legal Entities
	See explanation at the end of this section	See explanation at the end of this section	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No. However, a person is required to be of the legal age of majority in order to deal with property.	No. However, a person is required to be of the legal age of majority in order to deal with property.	Individuals
	No. However, a person is required to be of the legal age of majority in order to deal with property.	No. However, a person is required to be of the legal age of majority in order to deal with property.	Legal Entities
	No. However, a person is required to be of the legal age of majority in order to deal with property.	No. However, a person is required to be of the legal age of majority in order to deal with property.	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	N/A	N/A	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No	No	Government

8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	N/A	N/A	Government

EXPLANATION FOR QUESTION NO. 3 -

At present there are two Systems of land registration in Ontario - Land Titles System and Registry System.
 In the Land Title System ownership of property is guaranteed by the Government and registered documents must comply with the legislation..
 Ontario is in the process of automating and converting all properties to Land Titles

Cyprus

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No. In the case of Land Consolidation Areas there are minimum areas for each single ownership: a) 2676 sq. m. where land is irrigated and b) 13380 sq. m. where land is not irrigated.	As for Agricultural land	Individuals
	No, as for individuals above.	As for Agricultural land	Legal Entities
	No.	As for Agricultural land	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No.	As for Agricultural land	Individuals
	No.	As for Agricultural land	Legal Entities
	No.	As for Agricultural land	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No.	As for Agricultural land	Individuals
	No.	As for Agricultural land	Legal Entities
	No.	As for Agricultural land	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes, only in respect of the area.	As for Agricultural land	Individuals
	Yes, only in respect of the area.	As for Agricultural land	Legal Entities
	Yes, only in respect of the area.	As for Agricultural land	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No.	As for Agricultural land	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No, but state land may be disposed of or exchanged with private land according to the Law.	For non-agricultural land there are more restrictions for the disposal or exchange of state land.	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No, all forests, rivers, lakes and streams are state owned property.	As for Agricultural land	Individuals
	No, as above.	as above.	Legal Entities
	N/a	N/a	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes, only when land or property is compulsorily acquired under the compulsory Acquisition Law 15/62.	As for Agricultural land	Individuals
	Yes, only when land or property is compulsorily acquired under the compulsory Acquisition Law 15/62.	As for Agricultural land	Legal Entities
	N/a	N/a	Government

Denmark

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Yes, ownership of agricultural holdings bigger than 30 ha require education as a farmer	No	Individuals
	Yes, ownership normally not allowed, require special permission from Land Commission.	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Agricultural use is obligatory	Must be in accordance with planning regulations	Individuals
	Agricultural use is obligatory	Must be in accordance with planning regulations	Legal Entities
	Agricultural use is obligatory	Must be in accordance with planning regulations	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	More than 30 ha requires education as a farmer	Summerhouses can not be owned by foreigners living abroad	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	More than 30 ha requires education as a farmer	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	No
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	x	x	Government

Estonia

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? maximum area minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Ownership of a plot of land may be transferred to an alien with the permission of the county governor to the owner of the plot of land. Acquisition of a plot of land by an alien is prohibited on islands and in some local government units.		Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (For example by education, age or other factors.)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Yes	Yes	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No	No	Government

Finland

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X Physical or juridical persons who are not "citizens" of Aland (Ahvenanmaa) county are not allowed to purchase or rent real estate in Aland county without permission of the provincial government.	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Local and state government compensates to each other.	Local and state government compensates to each other.	Government

France

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Yes	Yes	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Georgia

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	The owner can be Georgian citizen, legal person registered in Georgia.	The owner can be Georgian citizen, legal person registered in Georgia.	Individuals
	Not defined	Not defined	Legal Entities
	Not defined	Not defined	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Agricultural land, if not otherwise determined by the law, can be used only for agricultural purposes.	Non-agricultural land is used according to the defined regime of land use.	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Foreign citizens can't have ownership right to land. Legal persons registered in Georgia has right to purchase land (from private owners)	Foreign citizens can't have ownership right to the land. Legal persons registered in Georgia has right to purchase land (from private owners)	Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Yes, we have distributed among households (Georgian citizens), normatively, at no charge. These priorities didn't apply to foreign citizens and people living in Georgia but not been residents of Georgian.	Single households are declared as private ownership, multi-story house sharers as a common ownership, privatized real property owners have the right to purchase land plots under the liberal conditions. (land tax double value)	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Potential owner can't purchase state owned land, as well as forests, protected nature areas, land covered by water.	Urban land transfers under the contest or free auction equal contest conditions. But following to the determined land use regime requirements.	Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes, the government pays compensation equal to the market value or allots land area of the same value to the owner for expropriated land in wider public interest.		Individuals
			Legal Entities
			Government

Germany

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Restrictions e.g. by landscape protection plans and environmental protection issues	Restrictions by development plans	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
			Government

Hungary

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Yes, one can have arable lands of not more than 300 hectares or 6000 gold crown value in a single ownership.	No	Individuals
	Yes, one cannot at all acquire ownership apart from some exceptions	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes, for example § 36 of Act LV of 1994 on the obligation to utilization	No	Individuals
	– " –	No	Legal Entities
	– " –	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No		Individuals
	No		Legal Entities
	Yes, conditions in accordance with the Act on State Finances	The same	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes, restrictions of the Act on Arable Land and Government Decree No. 7/1996. Korm →	The same	Individuals
	→ – " –	The same	Legal Entities
	→ – " –	The same	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes, for example protected nature areas	Yes, for example protection of historic monuments and buildings	Individuals
	– " –	– " –	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	–	–	Government

Act XXXVIII of 1992 on State Finances

Act LV of 1994 on Arable Land

Government Decree No. 7/1996. (I. 18.) Korm on acquisition of land and real property by foreign citizens

Iceland

Questions	Agricultural Land	Non-Agricultural Land	Types of Owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No on min. & max.	No on min. & max.	Individuals
	No on min. & max.	No on min. & max.	Legal Entities
	No on min. & max.	No on min. & max.	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No, but if the owner wishes to use it for farming, two years of practical farming experience are needed.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	Yes, the transfer has to be approved by the local Council and the regional farming commission and the Ministry of Agriculture, as provided in the Farms Act 1976. This does not apply to the sale to a close relative (no restrictions). The scope of these restrictions is that farmland shall stay in farm use.	No.	Individuals
	Yes, the transfer has to be approved by the local Council and the regional farming commission and the Ministry of Agriculture. The scope of these restrictions is that farmland shall stay in farm use.	No.	Legal Entities
	No	No.	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No restrictions apply for citizens of the European Union (EU) and the European Economic Area (EEA). For other nationals restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	No restrictions apply for citizens of the European Union (EU) and the European Economic Area (EEA). For other nationals restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	Individuals
	No restrictions apply for entities of the European Union (EU) and the European Economic Area (EEA). For other nationals restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	No restrictions apply for entities of the European Union (EU) and the European Economic Area (EEA). For other nationals restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	Legal Entities

	No restrictions apply for governments of the European Union (EU) and the European Economic Area (EEA). For other governments restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	No restrictions apply for governments of the European Union (EU) and the European Economic Area (EEA). For other governments restrictions apply as specified in the Ownership and Usage of Real Properties Act 1966.	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Not applicable in Iceland.	Not applicable in Iceland.	Individuals
	Not applicable in Iceland.	Not applicable in Iceland.	Legal Entities
	Not applicable in Iceland.	Not applicable in Iceland.	Government
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Restrictions are only existent by legislative protection for national parks.	Restrictions are only existent by legislative protection for national parks.	Individuals
	Restrictions are just existent by legislative protection for national parks.	Restrictions are just existent by legislative protection for national parks.	Legal Entities
	Restrictions are just existent by legislative protection for national parks.	Restrictions are just existent by legislative protection for national parks.	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes.	Yes.	Individuals
	Yes.	Yes.	Legal Entities
	Yes.	Yes.	Government

Latvia

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	Minimum area should be determined in the regulations of construction of municipality	government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Law "On Land Reform in Rural Territories" Law "On Finishing of Land Reform in Rural Territories" Law "On Land Privatization in Rural territories"	Law "On Land Reform in Cities" Law "On Finishing of Land Reform in Cities"	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes, regulated by special Laws	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Lithuania

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No, (except the cases where detail plans exist, in forestry land and protected areas)	Individuals
	Can not acquire land	No, (except the cases where detail plans exist, in forestry land and protected areas)	Legal Entities
	Can not acquire land	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	Can not acquire land	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	Can not acquire land	No	Legal Entities
	Can not acquire land	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Can not acquire land)	No	Individuals
	Can not acquire land)	No	Legal Entities
	Can not acquire land)	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Yes. The Law on Restoration of Ownership Rights to Existing Real Property indicates the priorities in restituting land and other real property	Yes. The Law on Restoration of Ownership Rights to Existing Real Property indicates the priorities in restituting land and other real property	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes, (State-owned forests, public water bodies, reservation areas, protected territories)	Yes, (State-owned forests, public water bodies, reservation areas, protected territories)	Individuals
	Can not acquire land	Yes, (State-owned forests, public water bodies, reservation areas, protected territories)	Legal Entities
	Yes	Yes	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No previous cases	No previous cases	Government

Malta

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Land development may be restricted by planning authority: eg. Depends whether property is out of the development zone or within building shims, etc.		Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Regulated by the Immovable Property Acquisition by non-residents Act.		Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Yes	Yes	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Regulated by the disposal of Government Land Act and various policies.		
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Such type of lands are government-owned.		Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes. Regulated by the Land Acquisition (Public Purposes) Ordinance.		Individuals
			Legal Entities
			Government

Netherlands

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Not applicable	Not applicable	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No	No	Government

Norway

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	Yes	No	Individuals
	Yes	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Generally not, but applicable for houses in certain places.	Individuals
	Yes	No	Legal Entities
	Yes	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No		
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	No	Individuals
	Yes	No	Legal Entities
	Yes	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Romania

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Yes, max. Area 200 HA in a single ownership	Id	Individuals
	id	Id	Legal Entities
	No	Id	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	Id	Individuals
	No	Id	Legal Entities
	No	Id	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	Id	Individuals
	No	Id	Legal Entities
	No	Id	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes, the land is not allowed to be held by a foreign person.	Id	Individuals
	Id	Id	Legal Entities
	Id	Id	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	Id	Individuals
	X		X Legal Entities
	X		X Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (For example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	-	-	Government

Russian Federation

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Minimum area size can be specified in regional legislation. Special rules apply to irrigated land. Maximum area can also be specified in regional legislation but can not be more than 10% of the total area of cultivated land located within administrative boundaries of a district.	No	Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Agricultural land parcel can be alienated from an owner if it is not used according to rules established in the Land Code. Zoning regulations apply.	Zoning regulations apply.	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	In cases of agricultural land sales an owner has to inform local government of an expected transaction and the sales price.	No	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Foreign citizens or companies cannot be owners of land located in areas close to national boundaries. Foreign citizens or companies cannot be owners of agricultural land.	Foreign citizens or companies cannot be owners of land located in areas close to national boundaries.	Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Generally no. Privatized businesses that occupy government land have the right to buy this land from the government at a nominal price.		
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Such types of land are government owned unless a water body is locked within the boundaries of a private land parcel.		Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes		Individuals
			Legal Entities
			Government

Slovak Republic

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Slovenia

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	NO	NO	Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	NO	NO	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	NO, ONLY BY HERITAGE OF PROTECTET FARMS	NO	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	YES, EU CITIZENS CAN BUY IF THEY LIVE AT LEAST 3 YEARS IN SLOVENIA	YES,EU CITIZENS CAN BUY IF THEY LIVE AT LEAST 3 YEARS IN SLOVENIA	Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	NO	NO	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	YES	YES	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	YES	YES	Individuals
	YES	YES	Legal Entities
	NO	NO	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	YES	YES	Individuals
	YES	YES	Legal Entities
			Government

Spain

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	Yes. For dwelling financed by State, only a property per owner	Individuals
	Id	No	Legal Entities
	Id	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No. Are the regulations of EU who impose restrictions	Yes, for dwelling financed by State	Individuals
	No	Yes, for dwelling financed by State	Legal Entities
	No	No	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	Yes, for dwelling financed by State	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes, in very concrete cases for foreigners outside the EU	No	Individuals
	Id above	No	Legal Entities
	Id above	Yes, the acquisition must be approved by Spanish Government	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	No	Individuals
	Yes	No	Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

Sweden

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No in all boxes, as there are no such restrictions. One of the provisions of the law requires that every new property should be suitable for its purpose in terms of its extent, design, etc. This means that it is up to the cadastral surveyor to decide how small or large a real property unit it is possible to create through e.g. subdivision.		Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No in all boxes, except for planning decisions.		Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	There is a need for purchasing permission.	No (see also question 5).	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No		Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Yes	No for non-agricultural land, except for a certain possibility to prohibit the sale of rental housing properties, through a court procedure, if the buyer has a record of bad maintenance of such properties. This applies only to individuals and legal entities.	Individuals
	X		Legal Entities
	X		Government
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Not applicable.		
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No		Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes, including government since an expropriation can be made by local government (municipalities).		Individuals
			Legal Entities
			Government

Switzerland

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	Max. area: yes / min. area: no	No	Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes – the principle of self-cultivation has to be complied with, i.e. that the tenant has to be able to cultivate the land him- or herself (e.g. education and age) (--> Selbstbewirtschaftungsprinzip)	Yes – according to land-use planning zones	Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	Yes – the cantonal (regional) government has the authority, and the Registrar General is checking every transaction if the above mentioned principle of self-cultivation is met and if the price is within a fixed price range.	No	Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	yes – there is a Federal law on purchase of land by foreign citizens (Lex Friedrich)	Ditto	Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	(see 2)	No	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	No	No – state owns non-productive land (state = Canton and/or municipalities)	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
			Legal Entities
			Government

Ukraine

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No restrictions. The size of a land plot in private ownership is not limited. Note: Transitional provisions of the new Land Code that are valid until 2010 limit the size of a parcel of agricultural land that an individual or legal entity may own to 100 hectares or less. Land plot's size could exceed 100 hectares in case if an inherited land is added. (Land Code, p.13 of the Transitional Provisions)	No restrictions	Individuals
	No restrictions	No restrictions	Legal Entities
	No restrictions	No restrictions	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Yes, there are restrictions Law on Land Lease, article 6, p.3 Only individuals who have necessary qualification and experience	No restrictions	Individuals
	Yes, there are restrictions Only legal entities founded by Ukrainian citizens or Ukrainian legal entities could lease agricultural land provided that in the Statute the agricultural production is foreseen. (Law on Land Lease, article 6, p.3) Ukrainian citizens who want to use land as private farmers (that is a legal entity according to the Ukrainian Law) should reach an age of 18 year, have documents certifying their qualification and meet the competition requirements (Law on Private Farming, article 4, p.1)	No restrictions	Legal Entities
	No restrictions	No restrictions	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government

4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	Yes Land Code, article 22, p.4, article 81, p.3, 4	Yes Land Code, article 81, p.2 (land could be purchased if the property attached to this land is already owned by a foreign citizen)	Individuals
	Yes Land Code, article 22, p.4, article 82, p, 3	Yes Land Code, article 82, p.2 (land could be purchased for construction purposes and if the real property attached to this land is already owned by a foreign legal entity)	Legal Entities
	Yes Land Code, article 22, p.4, article 82, p.2, 3	Yes Land Code, article 85 (the Cabinet of Ministers should give an approval)	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Yes Only citizens of Ukraine with agricultural education or with experience of work in agriculture may own agricultural land (article 130 p.1a)	No	Individuals
	Only legal entities founded by Ukrainian citizens or Ukrainian legal entities could own agricultural land provided that in the Statute the agricultural production is foreseen (Land Code article. 130 p. 1b) Ukrainian citizens who want to own land as private farmers (that is a legal entity according to the Ukrainian Law) should reach an age of 18 year, have documents certifying their qualification and meet the competition requirements (Law on Private Farming, article 4, p.1)	X	Legal Entities
	X	X	Government

6. Is a system of priorities applied to the allocation of former state land and real property for private ownership?	Yes, the priority is given to those working on this land (Land Code, article 25, p.1. article 29, p.1., article 32, p.1) When land is being sold, the priority is given to the local people and local governments. (Land Code, article 130, p.2)	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	Yes there are restrictions (Land Code, article 83, p.3, article 84,p. 4)		Individuals
	No Note: However, local governments could not own specific categories of lands (Land Code, article 84,p. 3)		Legal Entities Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes Land Code, article 147		Individuals
	N/A	N/A	Legal Entities Government

United Kingdom (England)

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	Public planning regulations may specify the type of use for particular zones areas. Sellers can impose restrictive covenants (caveats) which restrict use (e.g. usually in apartment blocks or new developments) for the benefit of other occupiers *	* (as for agricultural land)	Individuals
	* (as above)	* (as for agricultural land)	Legal Entities
	* (as above)	* (as for agricultural land)	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	Owners must be at least 18 years of age	Owners must be at least 18 years of age	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	No	No	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No	No	Individuals
	No	No	Legal Entities
	No	No	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes	Yes	Individuals
	Yes	Yes	Legal Entities
	Yes	Yes	Government

United Kingdom (Scotland)

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? a. maximum area b. minimum area	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
3. Does the central, regional or local government have to approve the ownership of land and real property?	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)	No.	No.	Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?	Not applicable.	Not applicable.	
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)	No.	No.	Individuals
	No.	No.	Legal Entities
	No.	No.	Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?	Yes.	Yes.	Individuals
	Yes.	Yes.	Legal Entities
	Yes.	Yes.	Government

Part B. Restrictions on leasing agricultural and non-agricultural land and real property

Armenia

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes. Maximum time limit for leasing public agricultural land is 25 years.	Yes. Maximum time limit for leasing public land for construction purposes is 99 years.
2. Are there any limits of amount of rent? a. minimum b. maximum	No	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes. Depending on the terms of the lease agreement.	
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No.	
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes. (both)	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner.	
9. Is it possible to enter into a lease arrangement orally?	No	

Austria

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Time limits are subject to contractual agreement between the parties. In certain cases (where the area of land exceeds certain limits) official approval by the Grundverkehrsbehörde might be necessary. See also point 1.	
2. Are there any limits of amount of rent? a. minimum b. maximum	Generally no, but there is a provision in the Austrian General Civil Code, according to which damages can be claimed if the value of a service is less than half the value of the amount paid for it (laesio enormis).	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	The owner and the leaseholder (Pächter) will agree on a leasing contract. In this contract the owner can impose any restrictions and limitations as long as they are in accordance with the administrative laws and are further within the morals of the Austrian General Civil Code.	
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	This is dependent on the contractual agreement between the owner and the leaseholder (Pächter).	
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	The leasing of land and real property by foreign citizens, companies and governments might in the same way as transactions be subject to the approval by an official authority (Grundverkehrsbehörde); See point 1.	
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	See point 5.	
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	The lease of land or real estate can be registered, if the owner agrees to this. The right can then be defended against third parties. It is usually the leaseholder (Pächter) who is responsible for the entry.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	It is usually the owner who is responsible for payment of the Real Estate Tax. There is nothing like a "Leasing Tax".	
9. Is it possible to enter into a lease arrangement orally?	According to the Austrian General Civil code lease arrangements like other contracts may be concluded orally. For registration in the Land Title Register however a written contract will be necessary.	

Azerbaijan

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes	Yes
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes No	Yes No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes (tenant)	Yes (tenant)
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Tenant	Tenant
9. Is it possible to enter into a lease arrangement orally?	No	No

Belarus

Question	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes, minimum 5 years, maximum 99 years	Yes, maximum 99 years
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes, max = tax rate For foreigners: min = tax rate	Yes, max = tax rate For foreigners: min = tax rate
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes not the lease right, but lease agreement	Yes not the lease right, but lease agreement
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner or tenant, no restrictions in legislation	Owner or tenant, no restrictions in legislation
9. Is it possible to enter into a lease arrangement orally?	It is impossible for Real Estate	It is impossible for Real Estate

Belgium

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes Min: 9 years / Max: 99 years	Yes House used as main residence: Min: 9 years/Max: 99 years. Real property used for the exploitation of commercial activities: Min: 9 years/Max: 99 years. All other real property: Min: -/Max: 99 years.
2. Are there any limits of amount of rent? a. minimum b. - maximum	Yes Maximum amount of rent = cadastral income (normal average annual rental value) of the real property x specific coefficient.	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes Contractual freedom.	Yes Contractual freedom.
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No One needs the prior and written approval of the owner.	House used as main residence: no. Real property used for the exploitation of commercial activities: no, unless condition to the contrary. All other real property: no, unless condition to the contrary.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Leases are not registered in the cadastre. However each written lease has to be registered at the registry office in order to impose a specific tax on written leases. Both the owner and the leaseholder are responsible.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner	Owner
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

Bosnia and Herzegovina

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes	Yes
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes	Yes
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Yes	Yes
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes	Yes
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner	Owner
9. Is it possible to enter into a lease arrangement orally?	No	No

Canada (Ontario)

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	It depends on the terms of the lease	It depends on the terms of the lease
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No. However, a person must be of the legal age of majority to deal with land.	No. However, a person must be of the legal age of majority to deal with land.
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes – It depends on the terms of the lease	Yes - It depends on the terms of the lease
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	It depends on the terms of the lease	It depends on the terms of the lease
9. Is it possible to enter into a lease arrangement orally?	A lease arrangement could be entered into orally between parties but could not be registered against title.	A lease arrangement could be entered into orally between parties but could not be registered against title.

Cyprus

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No.	As for Agricultural land
2. Are there any limits of amount of rent? a. minimum b. maximum	No.	As for Agricultural land
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes.	As for Agricultural land
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes, but depending on the terms of the lease.	As for Agricultural land
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Yes, in respect of the area and also in respect of the period of the lease.	As for Agricultural land
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No.	As for Agricultural land
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, in the Land Register: a) the terms of the lease must provide that it may be registered. b) the remaining term of the lease, as at the date of application for registration, must be more or equal to 15 years. c) The immovable property must be registered. d) If part of the immovable property is leased, it must be consistent with the restrictions relating to the division of land or real property. e) Both the owner and the tenant are responsible for registration, but the fees are payable by the tenant.	As for Agricultural land
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	The owner.	As for Agricultural land
9. Is it possible to enter into a lease arrangement orally?	Yes, but it may not be registered.	As for Agricultural land

Denmark

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No limits for a whole Real Property. If a part of a Real Property is rented, then max. 30 years	No limits for a whole Real Property. If a part of a Real property is rented, then max. 30 years.
2. Are there any limits of amount of rent? a. minimum b. maximum	No limits	No limits
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes, but very unusual	Yes, but very unusual
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Normally not	Normally not
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Registration in the Land Registry is voluntary	Registration in the Land Registry is voluntary
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	The owner	The owner
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

Estonia

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	There are time limits if land or real property is leased. A usufruct extinguishes by the death of the usufructuary (maximum). A usufruct of a legal person extinguishes in every case after 100 years after creation of the usufruct. A right of superficies may only be constructed for a certain term but for no less than 36 and no more than 99 years.	
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, a usufruct and right of superficies are registered in the land register.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	In case of a lease the owner is responsible. In case of a usufruct or right of superficies the tenant is responsible.	
9. Is it possible to enter into a lease arrangement orally?	It is not possible in case of a usufruct and the right of superficies.	

Finland

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Max 15 years when housing buildings included. Min. is not defined.	Max. 100 years. Min. 30 years, if the contract allows building for housing for the tenant. Otherwise no minimum defined.
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No, if the leased area is not used for housing.	The leasing can be transferred to another without permission of the landowner, if the land is leased, if the contract does not deny the sub-leasing.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No. The only exception is in Aland county. See No. A4.	As agricultural land
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Leases which allow building on land must be registered in the Land Register, otherwise it is voluntary. Responsibility taken by the tenant.	As in agricultural land
8. Is it the owner or the tenant who is responsible for paying tax on the leased property? (x) Land taxes are collected only for estates which are used for housing, industry, etc. In these cases the owner is responsible for the land tax. Forest and agricultural land is not taxed as land but according to the revenues informed by book-keeping.	The owner pays for all his/her property. The tenant pays for his/her own building only.	
9. Is it possible to enter into a lease arrangement orally?	Yes, if the leasing time is less than two years.	Yes, if the leasing time is less than two years. If housing is concerned or the contract is transferable, the contract must be made in writing.

France

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes (18 to 99 years)*	Yes (18 to 99 years)*
2. Are there any limits of amount of rent? a. minimum b. maximum	Theoretically No, but in fact it exist a “frame prices” per square meter in the French land market according to the location of the land.	Theoretically No, but in fact it exist a “frame prices” per square meter in the French land market according to the location of the land.
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Yes	Yes
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	Like above, it can exist on the contract (lease) the restrictive clause(s).	Like above, it can exist on the contract (lease) the restrictive clause(s).
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	In general No. But it exist exceptions for the long time lease like the leases for building.	In general No. But it exist exceptions for the long time lease like the leases for building.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Yes, but only the real estate property (Real Estate Taxation) and not the dwelling property (Residence Tax)**	Yes, but only the real estate property (Real Estate Taxation) and not the dwelling property (Residence Tax)**
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

* For example the “leases for building purposes” : is a private law contract whereby the owner of a plot leases it for a 18 – 99 years’ period to a builder, with the right to erect a building, in return for a yearly rent. When the lease comes to an end, the owner of the land recovers its use and also becomes the owner of the block built on the site. This mechanism, set up by the 1964 Act, had two aims : reducing the building investments costs, by spreading out land charges over longer periods; enabling the public authorities to remain in the long term in control of the land they have serviced. However, the implementation of the system was not as successful as expected, mainly because of the large financial commitments it required on the part of public authorities; additionally, another drawback was the psychological wish of the people acquiring new flats to enjoy the full ownership of their property. The system has mainly been working in the case of industrial and commercial buildings in the new towns.

** For summary, it exist in France two land taxes : the real estate tax and the residence tax.

About the Real Estate Taxation (or property Tax) : property owners (not for the leaseholders) are liable to yearly settlement of the real estate tax on undeveloped land and of the real estate tax on buildings. These taxes are based on the rental value of the property as assessed by the taxation authorities.

About Residence Tax : the residence tax is a local tax levied on housing (including second homes) and based on the ratable value of the premises, including servants’ rooms, garages, sheds, as well as rooms used professionally that are within the dwelling. On the other hand, buildings used for agricultural purposes and accommodation for pupils are exempt. The destitute, elderly, widowed, handicapped or invalid who are not liable for income tax, as well as the diplomats and

scientific establishments are exempted from the tax. The elaborate set of rebates applies to the ratable value of principal homes according to the number of dependent persons under the same roof and when the householders are not liable for income tax.

Georgia

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Up till 49 years (min = 1 year).	Up till 59 years – construction right. Up till 99 years – leasing, mortgage.
2. Are there any limits of amount of rent? a. minimum b. maximum	≥ land tax Not defined	≥ normatively defined value Determined by the contest or auction results
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Only for agricultural purpose	According to the determined land use regime
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No, he can't without the prior approval of the owner.	The prior approval of the owner is necessary, but the owner can't neglect leaseholder's proposal if there is no special need.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes	Yes
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner	Leaseholder
9. Is it possible to enter into a lease arrangement orally?	No	No

Germany

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	Yes, in case of heritable building rights as agreed in contract
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	No	No
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No	Yes in case of heritable building rights.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Yes	Yes
9. Is it possible to enter into a lease arrangement orally?	No	No

Hungary

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes, not more than 10 years for lease of arable lands; up to the end of the 5 th year following termination of the period of working in case of forests; up to the end of the period of depreciation allowance in case of vineyard, fruit-farm or other plantations.	No
2. Are there any limits of amount of rent? a. • minimum b. • maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes, for example utilization in accordance with the land use.	Yes, this is a matter of agreement.
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	—
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real property.)	Yes, the same as in case of Hungarian citizens.	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	Yes, with regard to term, area of land and real property and gold crown but in other cases there are no restrictions.	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No but these are registerable in the leasehold register in accordance with the Act on Arable Land.	No
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	No land tax has to be paid but in other cases a tax has to be paid in accordance with the general tax legislation. →	The same
9. Is it possible to enter into a lease arrangement orally?	Agreement on lease of area of agricultural land and real property can be concluded only in writing, otherwise it is possible.	Agreements on lease of flats which are in the ownership of municipalities or are state-owned have to be concluded in writing, otherwise it is possible.

Iceland

Questions	Agricultural Land	Non-Agricultural Land
1. 1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No on min. & max.	No on min. & max.
2. Are there any limits of amount of rent? a. minimum b. maximum	No. Contractual freedom.	No. Contractual freedom.
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes. Contractual freedom.	Yes. Contractual freedom.
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes.	Yes.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real property.)	See answer to Question 4 section A.	See answer to Question 4 section A.
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No.	No.
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes. The tenant is responsible.	Yes. The tenant is responsible.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Tenant.	Tenant.
9. Is it possible to enter into a lease arrangement orally?	No. Since it has to be registered it needs to be on paper.	No. Since it has to be registered it needs to be on paper.

Latvia

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. • minimum b. • maximum	In principle No, but in some cases is determined max amount of rent if land is rented for purposes of building maintenance and object is privatized.	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes, can	Yes, can
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	In principle No, it depends on what is determined in the lease agreement	It depend on what is determined in the agreement of lease
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real property.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. 7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, it depends on how agreed owner with leaser. Commonly tenant is interested in the registration of agreement in cadastre and land register.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	In principle owner is responsible for paying tax, if there no other provisions in the agreement.	
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

Lithuania

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Minimum - no Maximum - 99 years for state land Maximum – no for private land	Minimum - no Maximum - - 99 years for state land Maximum – no for private land
2. Are there any limits of amount of rent? a. minimum b. maximum	No No	No No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes (provided for in the contract)	Yes (provided for in the contract)
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Term of lease: Minimum - No Maximum - 99 years for state land No maximum for private land Area - No	Term of lease: Minimum – No Maximum – 99 years for state land No maximum for private land Area – No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Only registered lease contract can be used against third persons. Both the owner and tenant can register the lease contract	Only registered lease contract can be used against third persons. Both the owner and tenant can register the lease contract
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	The owner is responsible	The owner is responsible
9. Is it possible to enter into a lease arrangement orally?	No	No

Malta

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	Following 1995 amendments to Rent Laws, limits are no longer applicable to newly rented.	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes, unless restraining from doing so is in contract.	Yes, unless restraining from doing so is in contract.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No	No
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Capital Gains Tax is played by the owner on transfer of property.	
9. Is it possible to enter into a lease arrangement orally?	Yes if for a period not exceeding four years.	Yes, if for a period not exceeding two years.

Netherlands

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	No	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	Yes
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No for short lease (<6 years). Yes for long-term lease by tenant.	In urban areas only long lease exists which should be registered by tenant.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Both	Both
9. Is it possible to enter into a lease arrangement orally?	Yes for short lease. No for long lease	No

Norway

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	No, but maximum rent is installed for arable land	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Only if provided in the contract	Only if provided in the contract
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, but only for leases for building purposes with a lease for more than ten years.	Yes but only if the land shall be used for building and the length of the lease is more than ten years.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner, in general.	Tenant.
9. Is it possible to enter into a lease arrangement orally?	Yes but never in reality.	Yes but never in reality.

Romania

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes, min. 5 years or less for the smaller areas then 1 HA	-
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes, there are some guidelines for establish the amount of rent bat these are not compulsory.	-
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	-
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	-
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Yes, the leasing of land is allowed only for Romanian citizens/	-
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	-
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No	-
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner	-
9. Is it possible to enter into a lease arrangement orally?	No	-

Russian Federation

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	
2. Are there any limits of amount of rent? a. minimum b. maximum	No	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	An owner has to be notified unless specified otherwise in the lease agreement.	
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	As agreed between the parties. Short term leases are not registered.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	It is an owner.	
9. Is it possible to enter into a lease arrangement orally?	Legally no. Informal legal arrangements do exist however as most of leases are not formally registered,	

Slovak Republic

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	No	No
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes. It is facultative	Yes. It is facultative.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Yes	Yes
9. Is it possible to enter into a lease arrangement orally?	No	No

Slovenia

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Minimum 10 years, but there are also exceptions for less	Maximum 99 years.
2. Are there any limits of amount of rent? a. minimum b. maximum	No.	No.
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes.	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No.	No.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No.	No.
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No.	No.
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?		
9. Is it possible to enter into a lease arrangement orally?	It has no legal ground.	It has no legal ground.

Spain

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes, minimum five years. Not for maximum (please note than in Spanish law when we talk about leasing we refer to renting).	Yes, five years for dwelling. Not for maximum
2. Are there any limits of amount of rent? a. minimum b. maximum	No	Yes, for dwelling financed by State and for contracts before 1994
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	No	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Sub-lease is not valid, except for some cases in with no approval is needed	No, the approval is needed
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	Foreigners outside the EU only can be leaseholders if the same right is recognized to Spanish citizens in his country	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	Yes; for individuals, they must earn their living working as agriculturist. Yes for companies who must have the agriculture as only activity. In both cases if the requirements are not fulfilled the contract is valid but won't have the advantages of and agricultural lease.	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, the tenant is responsible	Yes, id
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	The owner is responsible for taxes related to ownership. The tenant is responsible for taxes related to rent.	Id
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

Sweden

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Yes, depending on the purpose of the lease. In order for such leases to be registered the lease must be within a certain period.	
2. Are there any limits of amount of rent? a. minimum b. maximum	No	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes, but this can not be registered and is only valid between the parties.	
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes. Any of the parties can apply for registration. The lease agreement is valid between the parties without registration, but has no protection against third parties without registration.	
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	The owner	
9. Is it possible to enter into a lease arrangement orally?	No	

Switzerland

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	Min.: yes / max. yes	Min.: yes / max. yes
2. Are there any limits of amount of rent? a. minimum b. maximum	Min.: no / max. yes	Yes – abusive rent
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes – in contract	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No	No
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	Yes – Lex Friedrich
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No	No
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	No	No
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Owner	Owner
9. Is it possible to enter into a lease arrangement orally?	Yes	Yes

Ukraine

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No. (Note: the land lease contract is valid only for 50 years)	
2. Are there any limits of amount of rent? a. minimum b. maximum	Yes. Minimum amount of rent for land plot (share) to be paid to the landowners from the former collective agricultural enterprises are equal to the 1, 5% and 2% of land plot (share) evaluation. (Decree of the President dated February 2, 2002)	
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	The amount of rent should not be less than land tax if land is leased (Law on Land Lease, article 19)	
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes. Law on Land Lease, article 14	
5. Can a leaseholder grant a sub-lease without the prior approval of the owner?	No. Land Code, article 93	
6. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No. Law on Land Lease article 6, p.2.3	
7. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	Yes. Law on Land Lease, article 6, p.3 – special education and experience required	No restrictions
8. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes. Law on Land Lease, article 18 and Procedures for Registering Land Use It is foreseen that the responsibility to register the land lease contract is defined by the agreement between owner and tenant (according to the Civil Law)	
9. Is it the owner or the tenant who is responsible for paying tax on the leased property?	It is an owner who is responsible for paying taxes, the tenant for paying rent Law on Payment for Land, article 2	
9. Is it possible to enter into a lease arrangement orally?	No. Law on Land Lease, article 13	

United Kingdom (England)

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No	No
2. Are there any limits of amount of rent? a. minimum b. maximum	No	No
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes	Yes
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes, unless the Head Lease contains a requirement of consent	Yes, unless the Head Lease contains a requirement of consent
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No	No
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	Owners must be at least 18 years of age.	Owners must be at least 18 years of age
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Where land is registered there is no compulsion to register at any time. In practice almost all dealings with registered land are registered within two months. The result is obtained mainly because of: (a) lawyers duties to clients to ensure that the transaction is completed and legal ownership obtained; (b) the fear of loss of priority for the dealing against another incompatible dealing by the registered owner; (c) the requirements of lenders to ensure that their security is completed by registration.	Where land is registered there is no compulsion to register at any time. In practice almost all dealings with registered land are registered within two months. The result is obtained mainly because of: (a) lawyers duties to clients to ensure that the transaction is completed and legal ownership obtained; (b) the fear of loss of priority for the dealing against another incompatible dealing by the registered owner; (c) the requirements of lenders to ensure that their security is completed by registration.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	Usually the tenant but it depends on the particular agreement between the owner and the tenant.	Usually the tenant but it depends on the particular agreement between the owner and the tenant.
9. Is it possible to enter into a lease arrangement orally?	All leases for a term exceeding three years must be granted by deed	All leases for a term exceeding three years must be granted by deed

United Kingdom (Scotland)

Questions	Agricultural Land	Non-agricultural Land
1. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?	No minimum. Maximum: 175 years.	No minimum. Maximum: 175 years.
2. Are there any limits of amount of rent? a. minimum b. maximum	No.	No.
3. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?	Yes, in the terms and conditions of the lease.	Yes, in the terms and conditions of the lease.
4. Can a leaseholder grant a sub-lease without the prior approval of the owner?	Yes, but only if the head lease is "of unusual duration" (more than 30+ years).	No.
5. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)	No.	No.
6. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?	No.	No.
7. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)	Yes, if they last longer than 20 years. The tenant is responsible for registration.	Yes, if they last longer than 20 years. The tenant is responsible for registration.
8. Is it the owner or the tenant who is responsible for paying tax on the leased property?	It depends on the terms of the lease, but these normally impose the obligation on the tenant.	It depends on the terms of the lease, but these normally impose the obligation on the tenant.
9. Is it possible to enter into a lease arrangement orally?	Yes, but only for leases lasting for 1 year or less.	Yes, but only for leases lasting for 1 year or less.

Part C. Restrictions on transferring the ownership of agricultural and non agricultural land and real property

Armenia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes. Only for owners.	
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No. Subdivision of agricultural land is not prohibited in case of inheritance.	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes. On the basis of an agreement.	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	
8. Is there any time limit for registration of new ownership?	No. Without registration no delivery of ownership.	

Austria

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	The leaseholder (Pächter) may not sell the land as he is not its proprietor. The owner may do so in accordance with the laws (see point 1). Laws are regionally different, for possible restrictions see points 1 to 8.	
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	According to contractual freedom anything may be agreed by the parties. For registration in the Land Title Register administrative restrictions on communal or regional level exist according to the size of the land to be registered.	
3. Can an owner dispose of his or her land and real property by way of gift?	In the interest of preserving, strengthening and creating a viable farming community farms may only be passed to one child, not to two or more children together. Laws thereto are however regionally different.	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	In the interest of preserving, strengthening and creating a viable farming community farms may only be passed to one child, not to two or more children together. Laws thereto are however regionally different.	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Although ownership is an unrestricted right the parties according to contractual freedom may agree on any conditions to it. Restrictions are further possible in case of transactions via inheritance or gift as there the owner can impose conditions on the new owner; if both parties agree, servitudes or real burdens may be imposed.	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Principally the owner can transfer land and real property without prior approval of the central, regional or local government unless this is prohibited by administrative provisions; see point 1.	
7. Under the law must all new ownership be registered in the cadastre or land register ?	Land is registered in the Land Title Register, which contains legally relevant information about the land; only by registration in the Land Title Registry ownership can be transferred. The cadastre contains technically relevant information about the land. The Land Title Register and the Cadastre function electronically via a common data base.	
8. Is there any time limit for registration of new ownership?	Ownership of land is conditioned by registration. If a right concerning a land is not registered soon after conclusion of the contract the new owner is not publicly protected. There is a high risk that a third party acquires the same right once again and has it registered instead of the new and first owner.	

Azerbaijan

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes	Yes
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Belarus

N of Question	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	*)	No, for example, land may be sold only to citizens of the Republic of Belarus
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	*)	Yes
3. Can an owner dispose of his or her land and real property by way of gift?	*)	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	*)	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	*)	Yes in principal, For example by servitude
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	*)	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	*)	Yes Civil Code, in Land Registry
8. Is there any time limit for registration of new ownership?	*)	No

*) It is impossible for agricultural land to be in private ownership

Belgium

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes The leaseholder has the right of pre-emption.	YES
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	NO	NO
3. Can an owner dispose of his or her land and real property by way of gift?	YES	YES
4. Can an owner dispose of his or her land and real property by way of inheritance?	YES	YES
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes Provided that the fundamental characteristics of the right of ownership itself are not compromised (<i>ius utendi, fruendi et abutendi</i>).	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	YES	YES
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes In order to be able to impose a conveyance tax each transaction of real property has to be registered at the registry office and subsequently recorded in the cadastre. If the owner wants to make the transaction opposable to a third party, the deed has to be registered also at the mortgage office.	
8. Is there any time limit for registration of new ownership?	Yes Registry office: Deed: 15 days / Private or oral contract: 4 months. Mortgage office: no time limit.	

Bosnia and Herzegovina

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes	Yes
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	Yes	Yes
8. Is there any time limit for registration of new ownership?	Yes	Yes

Canada (Ontario)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	There are restrictions in subdividing the Land	There are restrictions in subdividing the Land
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Local municipalities control planning development and do have restrictions on the size of properties to be developed.	Local municipalities control planning development and do have restrictions on the size of properties to be developed.
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes	Yes
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	As a common practice over 99.9% of the properties are registered. But there is no Law to force it.	As a common practice over 99.9% of the properties are registered. But there is no Law to force it.
8. Is there any time limit for registration of new ownership?	No	No

Cyprus

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes, for the whole of the land. If part of the property is sold, this part must be register able in respect of the restrictions concerning the division of the land or real property. In Land Consolidation Areas, the transfers are restricted, so that if the land is divided in the future, the share to be transferred, covers part of the land that is equal or larger than the minimum area.	As for Agricultural land
2. Is there o minimum amount of land area bellow which the transactions and subdivisions of land are prohibited?	Yes, as the answer for question no. 1. There are a number of restrictions in respect of the use of the land.	As for Agricultural land
3. Can an owner dispose of his or her land and real property by way of gift?	Yes, with no restrictions.	As for Agricultural land
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes, where there is a will, there are restrictions regarding the share of the estate of the owner, which may be disposed of in this way. This share depends on the existence of descendants, spouse and parents.	As for Agricultural land
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes, by way of easement, in favor of another property, or generally as regards the use.	As for Agricultural land
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes.	As for Agricultural land
7. Under the law must all new ownership be registered in the cadastre or land register ?	No. Most new ownerships are registered by the owners for security purposes.	As for Agricultural land
8. Is there any time limit for registration of new ownership?	No.	As for Agricultural land

Denmark

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes, by easements (not common)	Yes, by easements (not common)
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	No, voluntary to register in the Land Register. In fact all new ownerships are registered	No, voluntary to register in the Land Register. In fact all new ownerships are registered.
8. Is there any time limit for registration of new ownership?	No	No

Estonia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)		
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	The minimum size of cadastral unit is 30 m ² . Cadastral units that smaller than the minimum size may be formed pursuant to the decision of the local government.	
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes in case of gift or inheritance. No in case of sale.	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Finland

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes, but the lessee guarantees his rights when they are registered on the Land Register.	As agricultural land
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No, but the municipality can require building when it sells a building site.
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	Yes, 6 months	Yes, 6 months

France

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes only if the land/real property is not subject to a preemption right (restriction).***	Yes only if the land/real property is not subject to a preemption right (restriction).***
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes	Yes
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes****	Yes****
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes	Yes
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	Yes	Yes

*** When a property is subject to a preemption right, its beneficiary may claim the right to purchase the property first

When the owner decides to sell it. The law relating to preemption rights specifies who benefits from them, what properties are concerned and how the prices can be set.

The public authorities (like the State) use the preemption rights as a tool of land policy, the aims are as follows :

- to gradually acquire the land in a development area as each landowner decides to sell a plot;
- to moderate the increase in real estate prices by preemption when the price is considered speculative;
- to get information about the land market : the existence of a preemption right obliges selling landowners to fill in a form called DIA ("Déclaration d'Intention d'Aliéner", Declaration of Intend Sale) that informs the beneficiary; even to screen potential purchasers of real estate (this use of the pre-emption right is of course not made public).

**** the inheritance system of the Civil Code, dating back to the French Revolution, has been citizen for a parceling of land because each inherited property has to be divided into equal parts among the heirs. A 1983 Act enables a family, in the case of a farming estate, to choose one heir only by general agreement. The designed heir compensates the others through an "equalizing share". His/her share can be increased in the form of "deferred wages" corresponding to the period during which he would have been the only one working on the property, helping the parents. Since 1980, such "wages" amount to two thirds of the "minimum salary" with a ceiling of a ten years' working period. Other measures are taken to help the heir who takes over the property; for instance, he/she may request the setting up of a "family GFA" (groupement foncier agricole) of which he/she will be the farmer. He/she may also request to be granted a long-term farming lease: his/her joint heirs become his/her landlords, and he/she has priority on the building.

Georgia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Used only for agricultural purposes	Land use regime is to be determined, if determined should be kept until any official alteration.
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Private owner has this right, but state ownership land can be only leased by local authorities.	Private owner can transfer his/her land at his/her sole discretion. State ownership land can be administered by local authorities under the adopted regulations.
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	It is obligatory within 30 days from ownership right issuance.	It is obligatory within 10 days from ownership right issuance.

Germany

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	In principle yes.	In principle yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Hungary

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	It is permitted for an owner but not for a leaseholder. A leaseholder has a right of pre-emption.	The same
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No when concluding an agreement but the rules of the NRRB have to be respected. →	The same
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes, rules of Act on State Finances in case of state ownership. →	The same.
7. Under the law must all new ownership be registered in the cadastre or land register?	No, but in case of transfer ownership is passed when it is registered in the land register and a fine for default is imposed by the Act on Land (Real Property) Registration, resp. →	The same.
8. Is there any time limit for registration of new ownership?	The Act on Land (Real Property) Registration grants 30 days for submission, thereafter a fine for default can be imposed. →	The same.

Iceland

Questions	Agricultural Land	Non-Agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes, if it stays in agricultural use.	Yes, if there are mortgages.
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No.	No.
3. Can an owner dispose of his or her land and real property by way of gift?	Yes.	Yes.
4. Can an owner dispose of his or her land and real property by way of inheritance ?	Yes.	Yes.
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes.	Yes.
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	No, for the sale to a non-relative an approval is needed.	Yes, there might be local restrictions by contract.
7. Under the law must all new ownership be registered in the cadastre or land register?	No, but for tax reasons it is usually needed.	No, but for tax reasons it is usually needed.
8. Is there any time limit for registration of new ownership?	No.	No.

Latvia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	There are some restrictions: In the borderland In the shelterbelt of Riga gulf, and Baltic sea In the protected areas	
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	Minimum area as determined in the regulations of construction of municipality
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance ?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	In principle can, if they agreed in the agreement, but it is not lasting	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	No, the municipality has rights of first refusal	No, the municipality has right of first refusal
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Lithuania

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No, except the land according to detail plans, the forestry land and protected areas
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes. Only at the moment of concluding a contract for the transfer of land or real property	Yes. Only at the moment of concluding a contract for the transfer of land or real property
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	No. Non-registration gives no protection against third parties and does not allow any further transactions	No. Non-registration gives no protection against third parties and does not allow any further transactions
8. Is there any time limit for registration of new ownership?	No	No

Malta

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes	Yes
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Only properties, which fall within registration areas, are registrable. So far not the whole Maltese territory is a registration area.	
8. Is there any time limit for registration of new ownership?	Yes, fifteen days from publication of deed.	

Netherlands

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No, without registration no delivery of ownership!	

Norway

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	No, selling of agricultural need approval by the government	Yes, for whole property. Subdivision only when approved by local government.
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes, but with the same restriction as for regular sale.	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes	Yes
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	No	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	No, but in reality always done.	No, but in reality always done.
8. Is there any time limit for registration of new ownership?	No	No

Romania

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	No, there is a priority right for co-owners, neighbors and leaseholders.	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes, but the seller must prove that the requirements of priority rights have been carried out	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	Yes	Yes

Russian Federation

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Owners only. Agricultural land parcels can not be smaller than a size specified by regional legislation.	Owners only.
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	No. An owner who is willing to sell his (her) agricultural land parcel must inform local authorities about the selling price. Local authorities enjoy priority right to buy that parcel at that price from an owner. If a land parcel was sold at price lower than was declared to the local authorities the transaction may be declared invalid.	Yes
7. Under the law must all new ownership be registered in the cadastre or land register ?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Slovak Republic

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes	Yes
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	Yes	Yes

Slovenia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	No. Sale is allowed to farmers.	
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?		
3. Can an owner dispose of his or her land and real property by way of gift?		
4. Can an owner dispose of his or her land and real property by way of inheritance?		
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?		
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?		
7. Under the law must all new ownership be registered in the cadastre or land register?		
8. Is there any time limit for registration of new ownership?		

Spain

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	The owner cannot sell the property by pieces smaller than the minimum size established. The lease holder cannot sell his right.	The owner has no restriction for selling the real property except in dwelling financed by State which must approve the purchase. The leaseholder has no restriction for transferring his right to a third person.
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes; the amount is fixed by territorial governments	Yes, the amount is fixed by municipalities
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes, but such restrictions cannot enforce third parties	Id.
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes, but as said in point 18, for dwelling financed by State approval must be issued to avoid speculation with the property.
7. Under the law must all new ownership be registered in the cadastre or land register ?	No	No
8. Is there any time limit for registration of new ownership?	No	No

Sweden

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes, but if part of the property is sold the transfer is only valid if an application for a cadastral measure (e.g. subdivision) is applied for within a certain time limit and it is possible to carry out the property formation.	
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No, but see question A1.	
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No, but if the property is a gift the answer is yes.	
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes, except for agricultural properties in some areas where the buyer has to get an approval from the regional agricultural authority.	
7. Under the law must all new ownership be registered in the cadastre or land register ?	Yes, but non-registration carries no penalties (except for having no protection against third party interests and no possibility to register a mortgage).	
8. Is there any time limit for registration of new ownership?	Yes within 3 month (see also question C7).	

Switzerland

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	No	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes	Yes
8. Is there any time limit for registration of new ownership?	No	No

Ukraine

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes. Note: the moratorium on land sales is foreseen till 2005 (Transitional Provisions of the Land Code, p.15)	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes. Land Code Article 81, p.1a, article 131 Note: the moratorium on land gifts is in force till 2005 (Transitional Provisions of the Land Code, p.15)	Yes. Land Code Article 81, p.1a, article 131
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes. Land Code Article 81, p.1g, article 131	
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	No	No
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Yes. Land Code, article 125, p.1	
8. Is there any time limit for registration of new ownership?	No	

United Kingdom (England)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes	Yes
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	No	No
3. Can an owner dispose of his or her land and real property by way of gift?	Yes	Yes
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes	Yes
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes – see answer to Question 2	Yes – see answer to Question 2
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes	Yes
7. Under the law must all new ownership be registered in the cadastre or land register?	Where land is registered there is no compulsion to register at any time. In practice almost all dealings with registered land are registered within two months. The result is obtained mainly because of: (a) lawyers duties to clients to ensure that the transaction is completed and legal ownership obtained; (b) the fear of loss of priority for the dealing against another incompatible dealing by the registered owner; (c) the requirements of lenders to ensure that their security is completed by registration.	Where land is registered there is no compulsion to register at any time. In practice almost all dealings with registered land are registered within two months. The result is obtained mainly because of: (a) lawyers duties to clients to ensure that the transaction is completed and legal ownership obtained; (b) the fear of loss of priority for the dealing against another incompatible dealing by the registered owner; (c) the requirements of lenders to ensure that their security is completed by registration.
8. Is there any time limit for registration of new ownership?	2 months	2 months

United Kingdom (Scotland)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)	Yes.	Yes.
2. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?	Yes, but only in the sense that the Land Register will refuse to register "souvenir plots" which are too small to be physically occupied.	Yes, but only in the sense that the Land Register will refuse to register "souvenir plots" which are too small to be physically occupied.
3. Can an owner dispose of his or her land and real property by way of gift?	Yes.	Yes.
4. Can an owner dispose of his or her land and real property by way of inheritance?	Yes.	Yes.
5. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?	Yes, to some extent, by imposing restrictions in the deed of transfer.	Yes, to some extent, by imposing restrictions in the deed of transfer.
6. Can an owner transfer land and real property without prior approval of the central, regional or local government?	Yes.	Yes.
7. Under the law must all new ownership be registered in the cadastre or land register?	No. Registration in the Land Register is not compulsory, although in practice it is almost always done. (There is no cadastre in Scotland.)	No. Registration in the Land Register is not compulsory, although in practice it is almost always done. (There is no cadastre in Scotland.)
8. Is there any time limit for registration of new ownership?	No.	No.

Section D. Restrictions on financing the investment or development of agricultural and non-agricultural land and real property

Armenia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	
2. Is the right to mortgage defined as the real right in the law?	Yes	
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	Yes. Contractual freedom.	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No. A property is sold through public auction.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes. It is done through court.	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	

12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes. It depends on the terms of the lease.
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes. By agreement.

Austria

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	The owner may mortgage his land, the leaseholder (Pächter) may not mortgage the land, but may possibly mortgage his right to lease the land.	
2. Is the right to mortgage defined as the real right in the law?	Yes (§ 451 of the Austrian General Civil Code).	
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	The purpose of the loan may be defined in the contract.	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Normally the lender will do so (according to the applicable valuation principles). Banks do the assessment of land in-house according to specifically developed "mortgaging values".	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Mortgages are only valid against third persons, if registered in the Land Title Register	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	The lender cannot take hold of the property of the owner by himself, but has to follow specific procedures laid down in the law (Execution Law).	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	The debts of lenders who are registered in the Land Title Register are compensated prior to the debts of other (not registered) lenders. Within registered lenders debts are compensated according to their ranking in the Land Title Register.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	See point 33.	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes, Austrian Execution Law of 27 June, 1896 (BGBl 1896/79).	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	If the property of the debtor is sold, the debtor is not the owner anymore. There is no legal justification for keeping the land in his possession unless he enters in such an agreement with the new owner.	
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Under the Tenancy Law there are rules protecting the leaseholder (Pächter) in case of a change of owners. According to these rules certain restrictions apply for instance to the increase of lease payment or to the termination of the contract.	
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	As long as insolvency or execution proceedings have not started the owner generally has not to comply with any restrictions. During pending insolvency procedures he must not sell the land or otherwise purposely reduce the value of the mortgaged property. Impositions are further of course possible if agreed between the parties and registered in the Land Title Register.	

Azerbaijan

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	Yes	Yes
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	No	No
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	-	-
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	-	-
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	-	-
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Belarus

Question	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	*)	Yes
2. Is the right to mortgage defined as the real right in the law?	*)	No
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	*)	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	*)	No. As a rule, a lender make his own assessment, not independent one
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	*)	No for land that is in private ownership. Only for building and construction that are situated on the state land parcels.
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	*)	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	*)	Yes, only after two non successful auctions
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	*)	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	*)	No
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	*)	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	*)	Yes
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	*)	No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	*)	Yes, for example, restrictions settled by mortgage agreement

*) It is impossible for agricultural land to be in private ownership

Belgium

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Only the owner or holder of a immovable real right has the right to mortgage his property. Not the leaseholder.	
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or lease holder?	Yes, contractual freedom of the lender and owner	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Usually, in order to make sure it's a sufficient collateral.	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	No. Mortgages are registered at the mortgage office and not in the cadastre.	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No. The lender has no right to use nor to take possession of the property. He can only start the procedure of foreclosure involving a forced sale.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes. The first registered mortgage lender has the right to be paid out of the profit of the sale before any other creditor. Even when the property is no longer owned by the debtor, he can still start the foreclosure procedure against the new owner.	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain him self in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes. The new owner has to respect the lease.	House used as main residence: the lease has to be respected when it has a fixed date (i.e. when the lease has been registered, one of the contracting parties has died or the lease has been established by deed) or the leaseholder has already been using the property for more than 6 months. Real property used for the exploitation of commercial activities: id. All other real property: only when the lease has a fixed date.

13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	See question 22	See question 22
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Bosnia and Herzegovina

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Owner yes Leaseholder no	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Owner yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	?	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?		
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Canada (Ontario)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	It depends on the terms of the Loan	It depends on the terms of the Loan
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Usually	Usually
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?		
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	It mostly depends on the priorities of other encumbrances	It mostly depends on the priorities of other encumbrances
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	It is done through the Court	It is done through the Court
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?		
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	It depends on the terms of the lease	It depends on the terms of the lease
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Cyprus

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes, for leases it must be permitted under the terms of the lease.	As for Agricultural land
2. Is the right to mortgage defined as the real right in the law?	Yes.	As for Agricultural land
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No.	As for Agricultural land
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes, it is customary.	As for Agricultural land
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes.	As for Agricultural land
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, mortgages are registered in the Land Registry by both the owner and the lender.	As for Agricultural land
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No, but there is a legal procedure for public auction through the Department of Lands and Surveys, either by way of application from the lender or an order of the Court.	As for Agricultural land
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes, the lender is secured and has priority against the other creditors.	As for Agricultural land
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, as above. For the registration of a mortgage, the property must be free from any other encumbrances except any prior mortgages.	As for Agricultural land
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes, as the answer for question 32.	As for Agricultural land
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No.	As for Agricultural land
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No, some leaseholders are protected under the Rent Control Law.	As for Agricultural land
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No.	As for Agricultural land

Denmark

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, in the Land Registry	Yes, in the Land Registry
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	No	No
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, he is a privileged lender being paid before lenders that have not secured their loans	Yes, he is a privileged lender being paid before lenders that have not secured their loans
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	No	No
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No	No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Estonia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	There can be restrictions if it is written in contract. Law does not give the restrictions.	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Bank gives to the owner the list of desirable firms of assessment and owner orders the assessment.	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, mortgages are registered by the lender in the Land Register.	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	No	No
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Could be: bigger amount of loan and /or lower percentage of lending.	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	In case of individual – according to the contract. In case of legal entity – at the first auction s the procedure of bankruptcy.	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No	No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes, for example obligated insurance.	

Finland

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes. The owner or lessee applies for mortgage and gets it (a document). Against that document the lender gives the loan. The mortgage document and the loan contract together form the real estate to a collateral. The mortgage document alone is without legal power.	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No. If the leaseholder fails to pay as contracted, the collateral (real estate) will be sold in a public auction. The price is divided to mortgage owners according to their priority. If anything will be left after creditors have got their share, the rest belongs to the owner of the real estate.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	See 32	See 32
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Mortgages, if several for a real estate, are prioritized against each other. Mortgages have priority against other credits.	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	No	No
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No, except for living in his/her home for 3 months.	No, except for living in his/her home for 3 months.
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes, if the lease is mortgaged with a higher priority than the loans.	

13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	In cases of expropriation, insurance payment The lender has priority to the owner, if the unpaid amount of the loan is considerable or the amount will not be used for improving the real estate.	
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France

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	?	?
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes (but it is not an obligation)	Yes (but it is not an obligation)
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes it is possible	Yes it is possible
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	? (it exist juridical recourses for that)	? (it exist juridical recourses for that)
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes (adjudication procedure)	Yes (adjudication procedure)
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Georgia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	The question is vague	The question is vague
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Lender can take possession of the property sold at the auction and satisfy his/her requirement from sold real property. Property transfers at the open auction.	Lender can take possession of the property sold at the auction and satisfy his/her requirement from sold real property. Property transfers at the open auction.
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Only under the Court regulation or participating in the auction.	Only under the Court regulation or participating in the auction.
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Germany

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No, decision by court required	No, decision by court required
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Hungary

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes but for a leaseholder this is permitted only with the approval of the owner.	The same.
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	In general there are no restrictions excluding loans granted for specific purposes.	The same.
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes, in accordance with the stipulations of the loan banks.	The same.
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Registration of mortgage in the land register is a sufficient security.	The same.
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes but it is not compulsory.	The same.
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document ?	The lender cannot take possession of the property for such purposes and in such cases provisions of Act LIII of 1994 on Judicial Execution shall govern.	The same.
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes.	Yes.
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes. (Rank of priority in the land registry)	The same.
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes.	Yes.
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No but the debtor can take it by lease from the new owner for example by agreement.	The same.
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Rules of the Act on Arable Land and rules of the Civil Code.	Rules of the Civil Code.
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes, the lender can for example dispose of such real property and can reserve restraint on alienation based on statutory provisions.	The same.

Iceland

Questions	Agricultural Land	Non-Agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes.	Yes.
2. Is the right to mortgage defined as the real right in the law?	Yes.	Yes.
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No.	No.
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes.	Yes.
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes.	Yes.
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes.	Yes.
7. 32. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document ?	No.	No.
8. 33. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes.	Yes.
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, mortgage is the superior right to other rights of the creditors.	Yes, mortgage is the superior right to other rights of the creditors.
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes. The local commissioner starts the auction in three steps.	Yes. The local commissioner starts the auction in three steps.
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No.	No.
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No, but it might be mentioned in an auction and leads to a lower price being paid for the property.	No, but it might be mentioned in an auction and leads to a lower price being paid for the property.
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No.	No.

Latvia

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes, by the civil Law	Yes, by the civil Law
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Owner Yes, leaseholder no.	Owner Yes, leaseholder No
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document ?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	In principle No	In principle No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Lithuania

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes (except leasehold)	Yes (except leaseholder)
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	No. Only the property registered in the Real Property Register can be mortgaged. Mortgages are registered in the Mortgage Register and comes into effect on the moment of its registration in the Central Mortgage Register	No. Only the property registered in the Real Property Register can be mortgaged. Mortgages are registered in the Mortgage Register and comes into effect on the moment of its registration in the Central Mortgage Register
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No. Special legal procedure has to be followed. Property is sold in an auction.	No. Special legal procedure has to be followed. Property is sold in an auction.
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Malta

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Owner – Yes Leaseholder - No	Owner – Yes Leaseholder – No
2. Is the right to mortgage defined as the real right in the law?	No	No
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	Yes. As specified in the deed of loan.	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes, but where maturity of loan takes place in less than one year, the Central Bank authority is necessary.	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, but only within registration areas.	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No, property is sold through a Judicial Sale.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes but lender will remain unpaid.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, the secured lender will enjoy priority of ranking over post ranking creditors.	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes- Judicial Sale.	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

Netherlands

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Claim of mortgage has priority in the foreclosure procedure.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Priority above personal rights!	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes, (unlawful entry)	
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Norway

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, mortgage registered in the land book are protected before other credits, except taxes.	The same
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No	No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Romania

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	It is an Real accessory right	Id
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	No	No
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	No, the bankruptcy procedure imposed on the debtor is made based on Law 64/95. The liquidator under the supervision of the accountant judge carries out the procedure.	Id
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, the mortgage lender has a priority right before others creditors, after the Govern has recovered his credits.	Id
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes, The Bankruptcy Law, No. 64/1995	In
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No	No
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes, the lender can be opposed to the sale of the ownership and can ask to be informed in relation with a new mortgage.	Id

Russian Federation

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	
2. Is the right to mortgage defined as the real right in the law?	It is defined as an easement.	
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	No	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Resale procedures have to be followed.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	No	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes.	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	Generally no. In case mortgages of apartments a debtor cannot be left without a place of residence.	
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	The property cannot be sold without the agreement of the lender.	

Slovak Republic

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	No	No
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	No
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes	Yes
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes	Yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	Yes	Yes
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Slovenia³⁷¹

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?		
2. Is the right to mortgage defined as the real right in the law?		
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?		
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?		
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?		
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?		
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?		
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?		
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?		
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?		
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?		

³⁷¹ No reply was given to this part.

12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?		
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?		

Spain

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No, but creditors <u>usually</u> impose restrictions in the contract	No but creditors <u>may</u> impose restrictions in the contract
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, its constitutive, so the mortgage does not exist until registration	Id
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	The lender must use the judicial procedure to sell by auction	Id
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	It's established by law that the lender won't be damaged in such case. The mortgage will be out of the bankruptcy procedure.	Id
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, he is preferred to regular creditor	Id
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	No	Id
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes, the lease holder remains in the land until his contract is finished even if it was done before the contract of mortgage.	Yes, but only if the contract was done before the mortgage one; in other case the lease holder will remain for the time remaining to make five years or won't remain if he has been for more than five years.
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No	No

Sweden

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes for owners but no for leaseholders.	
2. Is the right to mortgage defined as the real right in the law?	Yes.	
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes, as well as assessing the borrowers personal ability to fulfill his part of the loan obligations.	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes.	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, in the Land Register.	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No, not directly, but he can arrange for the sale of the property as a public action in order to secure his due payments.	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes.	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes, he has a higher priority than other creditors (there are some exceptions e.g. the government for tax debts).	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes, see question 15.	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No.	
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes, a certain possibility to do so exists.	
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	No.	

Switzerland

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	yes	yes
2. Is the right to mortgage defined as the real right in the law?	yes	yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	yes	no
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	yes	yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	yes	yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	yes	yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	no	no
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	yes and no (depends on case)	yes and no (depends on case)
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	yes	yes
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	yes	yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	no	no
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	yes	yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	no	no

Ukraine

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes Law on Pledge dated 1992	
2. Is the right to mortgage defined as the real right in the law?	Yes Law on Pledge dated 1992, Land Code	
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No Note: The new laws are drafted at the moment	
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes An independent assessment is required by the Law of Ukraine “ On Appraisal of Property, Property Rights and Professional Appraisal Activities”	
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	N/A Note: The new laws are drafted at the moment. The mortgages against property are registered in the Property Register according to the Law on Pledge, article 15	
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	No	
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	No	
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes Law on Bankruptcy article 31	
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	No According to the general procedures of the Law on Pledge dated 1992	
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No Civil Code	
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes Land Lease Law article 28, p.3	
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes Law on Pledge article 15	

United Kingdom (England)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes	Yes
2. Is the right to mortgage defined as the real right in the law?	Yes	Yes
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	Generally no – but it depends on the loan agreement	Generally no – but it depends on the loan agreement
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes	Yes
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes	Yes
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes	Yes
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes	Yes
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Secured creditors generally have priority in bankruptcy over unsecured creditors	Secured creditors generally have priority in bankruptcy over unsecured creditors
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Priority is established by the date of registration (see also the answer to question 33.)	Priority is established by the date of registration (see also the answer to question 33.)
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes	Yes
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No	No
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	Yes	Yes
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes	Yes

United Kingdom (Scotland)

Questions	Agricultural Land	Non-agricultural Land
1. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?	Yes.	Yes.
2. Is the right to mortgage defined as the real right in the law?	Yes. The lender obtains a real right in security by registering the mortgage in the Land Register.	Yes. The lender obtains a real right in security by registering the mortgage in the Land Register.
3. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?	No, there are no statutory restrictions. However, the lender often imposes such restrictions in the mortgage agreement.	No, there are no statutory restrictions. However, the lender often imposes such restrictions in the mortgage agreement.
4. Will a lender make an independent assessment of the value of any land and real property before making a loan?	Yes.	Yes.
5. Can an owner or a leaseholder secure a loan from a foreign bank or company?	Yes.	Yes.
6. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?	Yes, in the Land Register.	Yes, in the Land Register.
7. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?	Yes.	Yes.
8. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?	Yes. In the event of the debtor's bankruptcy, the lender can obtain a court order to sell the property.	Yes. In the event of the debtor's bankruptcy, the lender can obtain a court order to sell the property.
9. Are there any privileges enjoyed by the mortgage lender compared to other creditors?	Yes. The lender's right is secured over the property that is secured to the mortgage.	Yes. The lender's right is secured over the property that is secured to the mortgage.
10. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?	Yes.	Yes.
11. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?	No.	No.
12. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?	No, there is no procedure as such. The leaseholder must look to his lease for his continuing right to occupy the property.	No, there is no procedure as such. The leaseholder must look to his lease for his continuing right to occupy the property.
13. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?	Yes. The mortgage lender can impose restrictions in the mortgage agreement and/or the mortgage deed. However, the restrictions fall when the mortgage is discharged.	Yes. The mortgage lender can impose restrictions in the mortgage agreement and/or the mortgage deed. However, the restrictions fall when the mortgage is discharged.

Annex 2. Survey Questionnaire

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
Committee on Human Settlements

Working Party on Land Administration

SURVEY ON RESTRICTIONS ON OWNERSHIP, LEASING, TRANSFER AND FINANCING OF LAND AND REAL PROPERTIES

The UN-ECE Working Party on Land Administration (former name MOLA), at its first session in November 1999 agreed to carry out a survey on the restrictions that existed in ECE member states on the ownership, leasing, transfer and mortgaging of land (real estate). At its meeting in September 2000, the Bureau of the Working Party on Land Administration appointed the delegation of the Russian Federation as responsible for the collection, processing and analysis of data. The analytical part of the survey will be done in cooperation with the delegation of Hungary.

The objective of the study is to achieve a better understanding of the present legal position in these issues that prevails in the ECE region. Access to land and real property, financing its development, leasing, transferring and buying land and real property are recognised as essential features of an active and successful market economy based on private land and property ownership. Yet restrictions within individual countries exist where these are perceived to be in the wider interest of a country or its citizens.

This study is based on a simple questionnaire, which seeks answers to questions classified under four main headings;

- e. Restrictions on ownership of agricultural and non-agricultural land and real property
- f. Restrictions on leasing agricultural and non-agricultural land and real property
- g. Restrictions on transferring the ownership of agricultural and non-agricultural land and real property
- h. Restrictions on financing the investment or development of agricultural and non-agricultural land and real property

For each of these four main headings the questionnaire seeks to establish, where appropriate, whether or not there are any restrictions under each of the following topics:

- on area of land and real property owned or leased?(maximum or minimum areas)
- on the period of time before any restrictions on access may be removed
- on the need for approval by local, regional or central government before access is permitted
- on the legal persons allowed access to land and real property and any priorities that exist on cultivation or use
- on change of use and permissions needed
- relating to foreign citizens and companies
- on mortgaging the land and real property

The questionnaire also seeks to identify the position regarding other aspects of land tenure and ownership transfer of land and real property:

- The position in relation to the transfer of the land and real property by gift
- The position in relation to the inheritance of the land and real property
- Whether ownership can be acquired by a long period of continual occupation and use
- The consequences for the owner of any compulsory acquisition of land and real property under the law by central or municipal government for public interests.

Given the situations that may exist in some countries where individuals, legal entities and governments may enjoy different rights in land and real property the structure of the questionnaire attempts to cover those areas separately.

The structure of the questionnaire invites replies for the four main headings to each of the questions indicated. Additional space has been incorporated on each page of the questionnaire to enable any more

detailed answer or additional comments. It would be very helpful if a brief explanation could be given in the space available to amplify or explain any answers.

The result of the Survey will be the analysis of restrictions on ownership, leasing, transfer and financing of land and real property that exist in the ECE member states. The Survey analysis will be circulated among the member-states to provide a source of information on respective subjects for government officials, decision-makers and private sector professionals.

On behalf of the UN-ECE Working Party on Land Administration we would be most grateful if you could arrange for this questionnaire to be completed and sent by E-mail by 31 January 2000 as latest. If you are not the right person or organisation to complete the questionnaire we would be most grateful if you could pass it on to relevant authorities in your country together with this letter and let the Russian delegation know their name and address.

If you have any queries please do not hesitate to contact Mr. A. Overchuk at the address indicated below. To facilitate in processing of the data it is preferable if your answers are also send to the same address in electronic as well as in hard copy versions. The electronic version of the document will be sent to you upon request.

Alexey L. Overchuk
Deputy Chief
Federal Land Cadastre Service of Russia
Miasnickaya Street, 39-1
103450 Moscow, Russian Federation
Tel: (7-095) 207-9627
Fax: (7-095) 207-2695
E-mail: alo@fccland.ru
www.goscomzem.ru

Questions concerning the OWNERSHIP of agricultural and non-agricultural land and real property.

SECTION A

(These questions are designed to identify the limitations or restrictions that exist relating to the outright ownership of land and real property
Please answer Yes or No. Please specify the reasons or limitations or amplify the answer where this is appropriate)

Questions	Agricultural Land	Non-agricultural Land	Types of owners
1. Are there restrictions or limitations relating to the area of land and real property in a single ownership? • maximum area • minimum area			Individuals
			Legal Entities
			Government
2. Are there restrictions or requirements relating to the cultivation or use of land and real property? (For example by education, age, or any other factors.)			Individuals
			Legal Entities
			Government
3. Does the central, regional or local government have to approve the ownership of land and real property?			Individuals
			Legal Entities
			Government
4. Are there restrictions relating to the ownership of land and real property by foreign citizens, companies and governments?			Individuals
			Legal Entities
			Government
5. Are there restrictions relating to the ownership of land and real property by citizens? (for example by education, age or other factors)			Individuals
	X	X	Legal Entities
	X	X	Government
6. Is a system of priorities applied to the allocation of former state land and real property for private ownership ?			
7. Are there any restrictions in existence that limit or prevent potential owners from acquiring ownership of any specific types of land? (for example forests, protected nature areas, land covered by water and etc.)			Individuals
			Legal Entities
			Government
8. Is compensation payable to an owner by government if it expropriates land in wider public interest?			Individuals
			Legal Entities
			Government

Questions concerning the LEASING of agricultural and non-agricultural land and real property.

SECTION B

**(These questions are designed to identify the limitations or restrictions that exist relating to the leasing of land and real property
Please answer Yes or No. Please specify the reasons or limitations or amplify the answer where this is appropriate)**

Questions	Agricultural Land	Non-agricultural Land
9. Are there time limits (minimum or maximum years) on which land and real property can be leased from an owner?		
10. Are there any limits of amount of rent? • minimum • maximum		
11. Can the owner impose restrictions on the way the land and real property is used, cultivated or developed by the lessee?		
12. Can a leaseholder grant a sub-lease without the prior approval of the owner?		
13. Are there restrictions relating to the leasing of land and real property by foreign citizens, companies and governments? (For example term of lease, area of land or real estate.)		
14. Are there restrictions relating to the leasing of land and real property by citizens (For example by education, age or other factors.)?		
15. Are leases (and sub-leases) registerable in the cadastre or land register? (If yes, please specify if it is the owner or the tenant who is responsible for such registration.)		
16. Is it the owner or the tenant who is responsible for paying tax on the leased property?		
17. Is it possible to enter into a lease arrangement orally?		

Questions concerning the TRANSFER of agricultural and non-agricultural land and real property

SECTION C

(These questions are designed to identify the limitations or restrictions that exist on owners who wish to sell or otherwise transfer the whole or part of their land and real property. Please answer Yes or No. Please specify the reasons or limitations or amplify the answer where this is appropriate.)

Questions	Agricultural Land	Non-agricultural Land
18. Does the law permit the unrestricted sale of the whole or part of the land and real property held by an owner or leaseholder? (If no, please try to list the restrictions that exist in your country.)		
19. Is there a minimum amount of land area below which the transactions and subdivisions of land are prohibited?		
20. Can an owner dispose of his or her land and real property by way of gift?		
21. Can an owner dispose of his or her land and real property by way of inheritance?		
22. Can the former owner impose restrictions on the way the land and real property is used, cultivated or developed by a new owner?		
23. Can an owner transfer land and real property without prior approval of the central, regional or local government?		
24. Under the law must all new ownership be registered in the cadastre or land register ?		
25. Is there any time limit for registration of new ownership?		

Questions concerning the MORTGAGING of agricultural and non-agricultural land and real property

SECTION D

(These questions are designed to identify the limitations or restrictions that exist on owners who wish to raise money by mortgaging their land. and real property. Please answer Yes or No. Please specify the reasons or exceptions or amplify the answer where this is appropriate.)

Questions	Agricultural Land	Non-agricultural Land
26. Does the law permit an owner or leaseholder to raise money by mortgaging the land and real property?		
27. Is the right to mortgage defined as the real right in the law?		
28. Are there any restrictions on the use to which any such loans can be invested by the owner or leaseholder?		
29. Will a lender make an independent assessment of the value of any land and real property before making a loan?		
30. Can an owner or a leaseholder secure a loan from a foreign bank or company?		
31. Are mortgages registered by the lender against the property in the Land Registry or Cadastre?		
32. Can the lender take possession of the property for resale if the owner or leaseholder fails to make repayments on the loan as contracted in the mortgage document?		
33. Does the lender have the right to maintain himself out of the bankruptcy procedure imposed on the debtor?		
34. Are there any privileges enjoyed by the mortgage lender compared to other creditors?		
35. Is there a specific legal procedure of foreclosure involving a forced sale of land against the will of the debtor?		
36. Does the debtor have the right to maintain himself in possession of his former property after it has been sold?		
37. Is there a procedure protecting the rights of a leaseholder who is occupying property after it has been sold in the interests of the lender?		
38. Does the lender enjoy the right to impose any restrictions on the mortgaged real property?		

Annex 3. List of Respondents

<p>Hayk Sahakyan Chief of Department The State Committee of the Real Property Cadastre of the Government of Armenia 7 Arshakunyats Street Armenia</p> <p>Phone: + 374-2-58 53 18 Fax: +374-2-52-65-62 Email: unicad@aminco.com</p>	<p>Mag. Ninel Jasmine Sadjadi, Project Manager Research Center of Legal Competence (CLC) Wohllebengasse 6, 1040 Vienna Austria</p> <p>Tel: (+43 1) 503-73-35 Fax: (+43 1) 503-73-36 Email: sadjadi@clc.or.at</p>
<p>Amin Ismayilov Director Center for Land Cadastre and Geoinformatics State Land Committee of the Republic of Azerbaijan Azerbaijan</p> <p>Email: amin@azdata.net</p>	<p>Sergey A. Shavrov Director General National Cadastre Agency 15, Smolenskaya Street P.O. Box 127 220088 Minsk-88 Belarus</p> <p>Phone: +375-17-285-39-26 Fax: + 375-17-285-25-73 Email: shavrov@nla.belpak.minsk.by</p>
<p>Mario Wijns Ministerie van Financiën Administratie van het kadaster, de registratie en de domeinen</p> <p>R.A.C./Financietoren Kruidtuinlaan 50, bus 58 1010 Brussel</p> <p>Belgium Email: mario.wijns@minfin.fed.be</p>	<p>Ivan Lesko, dipl.ing.geod. Director Federal Geodesy and Property Judicial Office ul Reisa Dž. Čauševića br. 6 Bosnia and Herzegovina</p> <p>Phone/fax: 471-469 Phone.:264-450 E-mail: fgu@bih.net.ba</p>
<p>Margaret Wiseman Senior Legal & Technical Officer Title & Survey Services Ministry of Consumer and Business Services 393 University Avenue, 3rd Floor Toronto, Ontario M5G 1E6 Canada, Ontario</p> <p>Phone: 416-314-4885 margaret.wiseman@ccr.gov.on.ca</p>	<p>Mrs. E. G. Savvides For Director Ministry of Interior Department of Lands and Surveys D.L.S. 292/64 Cyprus</p> <p>Phone: 804830 Fax: 766056 Email: dlsqr@cytanet.com.cy</p>
<p>Knud Villemoes Hansen + 45 35 87 56 27 e-mail: kvh@kms.dk</p> <p>Denmark</p>	<p>Kavel Kangur Director General MAA_AMET (Estonian Land Board) Mustamäe tee 51, PK/Box 1635, 10602 Tallinn Estonia</p> <p>Phone: 372-665-0600 Fax: 372 665 0604 Email: Kalev.Kangur@maaamet.ee</p>
<p>Mr Jarmo Ratia, Director General National Land Survey of Finland Central Administration</p>	<p>Stéphane GIL Expert Cadastre IGN France International 39 ter rue Gay Lussac 75005 PARIS</p>

<p>Opastinsilta 12 C PO Box 84, FIN-00521 Helsinki Finland</p> <p>Tel: +358 205 41 5002 Fax: +358 205 41 5009 Email: ritva.asplund@nls.fi</p>	<p>France</p> <p>Tél. 01 42 34 56 78 Fax 01 42 34 56 51 Email: sgil@ignfi.fr Web www.ignfi.fr</p>
<p>Mr. K. Kvitsiani Georgian State Department of Land Management 15a Tamarashvili Str., Tbilisi Georgia 380077</p> <p>Tel.: 322 651 Fax: (995 32) 324 063 or 251 527 Email: degiashvili@lmp.org.ge</p>	<p>Friedrich Vogel Peter Creuzer Ministry of the Interior of Lower Saxony Lavesallee 6 D-30169 Hannover, Germany</p> <p>Tel: +49 511-1206517 Fax:+49 511-1206541 E-Mail: peter.creuzer@lgn.niedersachsen.de or: friedrich.vogel@im.nrw.de</p>
<p>Gabor REMETÉY-FULOPP (dr) Chief Counsellor Department of Lands and Mapping Ministry of Agriculture and Regional Development H-1860 Budapest 55 P.O.Box 1 Hungary</p> <p>Tel: +36 1 301 4052 Fax: +36 1 301 4691 E-mail: gabor.remetey@fvm.hu URL: www.fvm.hu</p>	<p>Jon Vilberg Gudjonsson Director of Registration and System Development The Land Registry of Iceland (Fasteignamat rikisins) Borgartun 21 IS-105 Reykjavik Iceland</p> <p>Tel (Direct line): +354 515 5330 Fax: +354 515 5310 Email: JV@fmr.is Website: www.fmr.is <http://www.fmr.is></p>
<p>Edvins Kapostins Surveyor State Land Service 11, Novembre Krastmala 31 Riga Latvia</p> <p>Phone: +371-722 18 59 Fax: +371-722 70 37 Email: edvins.kapostins@vzd.gov.lv</p>	<p>Bronislovas Mikuta State Land Cadastre and Register 18 V. Kudirkos, 2600 Vilnius Lithuania Phone : 370 2 688 229 Fax: 370 2 688 311 Email: mikuta@kada.lt</p>
<p>Dr Sylvana Spiteri Land Registrar Registru Ta' L-artijiet (Land Registry) "Casa Bolino" 116, Triq il-Punent, Valletta, CMR02 Malta</p> <p>Phone +356 21239777 – 21226372 Fax: 21226374 (adm) - 21249941 Email: sylvana.spiteri@magnet.mt</p>	<p>Paul Van Der Molen Director Land information and Geodesy Netherlands Cadastre and Public Register Agency P.O. Box 9046 7300 GH Apeldoorn Netherlands</p> <p>Phone 31-55-5285258 Fax 31-55-5285029 Email: paul.vandermolen@kadaster.nl</p>

<p>Helge Onsrud Senior Advisor Cadastre – Land Registration Statens Kartverk P.O. Box 8120 Dep N-0032 Oslo Norway</p> <p>Phone: +4722991036 Fax: +4722991011 Email: helge.onsrud@statkart.no</p>	<p>Nelu Stefanescu</p> <p>Romania</p> <p>Email: oncgc@itcnet.ro</p>
<p>Olga M. Ivannikova Deputy Chief – State Secretary Federal Land Cadastre Service of Russia Myasnitskaya Street, 39A Moscow 103450</p> <p>Russian Federation</p> <p>Phone: (7-095)207-2515 Fax: (7-095) 207-2695 Email: alo@fccland.ru Internet: www.goscomzem.ru</p>	<p>Juraj Valis Land Surveyor Geodesy, Cartography and Cadastre Authority of the Slovak Republic Chlumeckeho, 4 SK 82662 Bratislava Slovak Republic</p> <p>Phone: +421-7-4333 5085 Fax: + 421-7-4329 2028 Email: valis@vugk.sk</p>
<p>Alenka Rotter Ministry of Agriculture, Forestry and Food Dunajska c. 56 SI-1000 Ljubljana Slovenia</p> <p>Phone: +3861478 9039 Fax: +38614789035 Email: alenka.rotter@gov.si</p>	<p>Pilar García Goyeneche Land registrar Land Registry of Spain C/ Principe de Vergara, 72 1st 28006 Madrid Spain</p> <p>Phone: 91 411 21 28 Fax: 91 563 30 63 Email: blancap@corpme.es</p>
<p>Kjellson Bengt Director of Planning Lantmäteriet (National Land Survey of Sweden) SE-801 82 Gävle Sweden</p> <p>Phone: +46-26-63 3000 Fax: +46-26-61-1738 Email: Bengt.Kjellson@lm.se</p>	<p>Mr. D. Steudler Swiss Federal Directorate of Cadastral Surveying Eidg. Vermessungsdirektion Seftigenstrasse 264 CH-3084 Wabern Switzerland</p> <p>Tel. +41-31-963 2413 Fax +41-31-963 2297 Email Daniel.Steudler@LT.admin.ch</p> <hr/> <p>Samuel Gerber Swiss Federal Tax Administration (Eidg. Steuerverwaltung) Eigerstrasse 65 CH-3003 Bern Switzerland Tel.: +41 31 322 71 91 Email: Samuel.Gerber@estv.admin.ch</p>
<p>Natalya Korchakova Director Center for Land Reform Policy in Ukraine Address: 12 Muzeyniy lane, 01601 Kyiv Ukraine Tel/fax: +380 44 2934865, Tel: 380 44 2935301 Email: myland@iatp.kiev.ua</p>	<p>John Manthorpe HM Land Registry 32 Lincoln's Inn Fields LONDON WC2A 3PH England Tel ++44 1825 712795 Fax ++44 207 331 8340 Email landman@dircon.co.uk</p> <p>United Kingdom (England)</p>

<http://myland.org.ua>

Ken Young
The Registers of Scotland
Meadowbank House
153 London Road
Edinburgh
United Kingdom (Scotland)

Tel: 00 44 131 659 6111

Email: Ken.Young@ros.gov.uk