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LAND CODE OF UKRAINE

SECTION I. GENERAL PROVISIONS

CHAPTER 1. BASIC PROVISIONS

Article 1. Land – fundamental national wealth

1. Land is the fundamental national wealth under special state protection.
2. The right of land ownership is guaranteed.
3. Using the ownership of land cannot infringe on the rights and freedoms of citizens, interests of the society, make worse ecological situation and natural quality of land.

Article 2. Land relations

1. Land relations are social relations with regard to the possession, use, and disposal of land.
2. Subjects of land relations are citizens, legal entities, local self-government bodies and state power bodies.
3. Objects of land relations are lands within the boundaries of Ukraine's territory, land plots and the rights to them, including to land shares (pais).

Article 3. Regulation of land relations

1. Land relations are regulated by the Constitution of Ukraine, this Code, as well as by other legal acts adopted in accordance with them.
2. Land relations that arise in utilizing underground resources, forests, water resources, as well as flora and fauna, and the atmospheric air shall be regulated by this Code, normative and legislative acts on underground resources, forests, water resources, flora and fauna, and the atmospheric air, if these acts do not contradict this Code.

Article 4. Land legislation and its objectives

1. Land legislation includes this Code, other legal acts in the sphere of land relations.
2. The objective of land legislation is regulation of land relations in order to ensure the right to land of citizens, legal entities, territorial communities, and the state, as well as the rational use and protection of lands.

Article 5. Principles of land legislation

Land legislation is based on the following principles:

- a) combining the particularities of using land as a territorial base, a natural resource and a fundamental means of production;
- b) ensuring equal rights to ownership of land for citizens, legal entities, territorial communities, and the state;

- c) preventing interference by the state in exercising rights by citizens, legal entities and territorial communities with regard to the possession, use, and disposal of land, except for the cases stipulated by Law;
- d) ensuring the rational use and protection of lands;
- e) ensuring the guarantees of the rights to land;
- f) giving priority to ecological safety requirements.

CHAPTER 2. AUTHORITY OF THE VERKHOVNA RADA OF UKRAINE, THE VERKHOVNA RADA OF THE CRIMEAN AUTONOMOUS REPUBLIC AND LOCAL SELF-GOVERNMENT BODIES IN THE SPHERE OF LAND RELATIONS

Article 6. Authority of the Verkhovna Rada of Ukraine in the sphere of land relations

The authority of the Verkhovna Rada of Ukraine in the sphere of land relations includes:

- a) approval of laws in the area of land relations regulation;
- b) determination of the principles of state policy in the area of land utilization and protection;
- c) approving national programs of land use and protection;
- d) establishing and changing of raion and city (town) boundaries;
- e) coordination of issues related to confiscation (buying-out) of especially valuable lands;
- f) resolving of other issues in the area of land relations pursuant to Constitution of Ukraine;

Article 7. Authority of the Verkhovna Rada of the Crimean Autonomous Republic in the sphere of land relations

The authority of the Verkhovna Rada of the Crimean Autonomous Republic in the sphere of land relations on the territory of the Crimean Autonomous Republic includes:

- a) disposal of lands that are in common ownership of territorial communities;
- b) ensuring the realization of state policy on land use and protection;
- c) agreeing national programs of land use and protection, and participating in their implementation in the territory of Crimean Autonomous Republic;
- d) approving, and participating in implementation of republican programs of land use, increasing soil fertility, and land protection;
- e) preparing of recommendations regarding the withdrawal (buying-out) and granting of land plots out of state-owned lands, to be carried out by the executive power bodies;
- f) coordination of activities of raion Radas and city (of republic-level) Radas in the area of land relations;
- g) coordination of activities of local land resources organs;
- j) h) coordination of monitoring the use and protection of lands;
- i) submitting to the Verkhovna Rada of Ukraine proposals regarding changes of raion and city boundaries;
- j) establishing and changing of village and settlement boundaries;
- k) resolving of other issues in the area of land relations pursuant to law.

Article 8. Authority of oblast radas in the sphere of land relations

The authority of oblast radas in the sphere of land relations on the territory of the oblast includes:

- a) disposal of lands that are in common ownership of territorial communities;
- b) preparing of recommendations regarding the withdrawal (buying-out) and granting of land plots out of state-owned lands, to be carried out by the executive power bodies;
- c) ensuring the realization of state policy on land use and protection;
- d) agreeing national programs of land use and protection, and participating in their realization on the respective territory;
- e) approving and participating in carrying out regional programs of land use, increasing of soil fertility and land resources protection;
- f) coordination of activities of local land resources bodies;
- g) organizing of land engineering;

- h) submitting to the Verkhovna Rada of Ukraine of proposals regarding establishing and changing of raion and city boundaries;
- i) establishing and changing of village and settlement boundaries;
- j) resolving land disputes;
- k) resolving of other issues in the area of land relations pursuant to law.

Article 9. Authority of the Kyiv and Sevastopol city radas in the sphere of land relations

The authority of the Kyiv and Sevastopol city councils in the sphere of land relations on their territories includes:

- a) disposal of lands of the city territorial-community
- b) transfer of land plots of communal ownership into the ownership of citizens and legal entities pursuant to this Code;
- c) granting of land plots for use out of communally-owned lands, pursuant to this Code;
- d) withdrawal of land plots from communally-owned lands in accordance with the procedure stipulated by this Code;
- e) buying out land plots for city's social needs;
- f) termination of the right to use land plots in cases stipulated by this Code;
- g) making decisions to free land plots that were occupied without official permission;
- h) preparing of recommendations regarding the withdrawal (buying-out) and granting of land plots out of state-owned lands, to be carried out by the executive power bodies;
- i) establishing and changing of village, settlement and urban districts boundaries;
- k) organizing of land engineering;
- k) coordination of activities of local land resources bodies;
- l) exercising control over the use of and protection of communal ownership lands, and compliance with the land and environment protection legislation;
- m) restriction, temporary ban (suspension) or termination of land plot utilization by citizens and legal entities in the event of their violation of the land legislation requirements;
- n) informing the population on granting, withdrawal (buying out) of land plots;
- o) in accordance with the established order, submitting proposals to the Verkhovna Rada of Ukraine on establishing and changing city boundaries;
- p) resolving land disputes;
- q) resolving of other issues in the area of land relations pursuant to law.

Article 10. Authority of the raion radas in the sphere of land relations

The authority of raion radas to regulate land relations on the territory of a raion includes:

- a) management of lands based on the right of common ownership of relevant territorial communities;
- b) preparing of recommendations regarding the withdrawal (buying-out) and granting of land plots out of state-owned lands, to be carried out by the executive power bodies;
- c) coordination of activities of local land relations bodies;
- d) ensuring of state policy implementation in the area of land protection and use;
- e) organization of land engineering and approval of land engineering projects;
- f) submitting to the Verkhovna Rada of the Crimean Autonomous Republic and oblast radas of proposals on establishing and changing of the raion, city, village and settlement boundaries;
- g) resolving land disputes;
- h) resolving of other issues in the area of land relations pursuant to law.

Article 11. Authority of the district radas in cities in the sphere of land relations

Urban district radas' authorities in the area of land relations are to be determined by city radas.

Article 12. Authority of village, settlement, and city radas to regulate land relations

The authority of village, settlement and city radas to regulate land relations on the territory of the village, settlement and city includes:

- a) disposal of territorial community lands;
- b) transferring communally-owned land plots to ownership by citizens and legal entities in accordance with this Code;
- c) granting land plots for use from communally-owned lands in accordance with this Code;
- d) withdrawing land plots from communally-owned lands according to this Code;
- e) buying out land plots for communal needs of respective territorial communities of villages, settlements and cities;
- f) organizing land engineering;
- g) coordination of activities of local resources bodies;
- h) exercising control over the use and protection of communally-owned lands and over observing of land and environment protection legislation;
- i) restricting, temporarily prohibiting (halting) of the use of lands by citizens and legal entities in cases where they have violated the requirements of land legislation;
- j) preparing recommendations as for withdrawal (buy out) and granting land plots pursuant to this Code;
- k) establishing and changing boundaries of districts in the cities with by-district division;
- l) informing the public about withdrawal (buy out) or allocation of land plots;
- m) submitting the proposals to raion rada on establishing and changing boundaries of villages, settlements and cities;
- n) resolving land disputes;
- o) resolving of other issues in the area of land relations pursuant to law.

CHAPTER 3. AUTHORITY OF THE EXECUTIVE POWER BODIES IN THE SPHERE OF LAND RELATIONS

Article 13. Authority of the Cabinet of Ministers of Ukraine in the sphere of land relations

The authority of the Cabinet of Ministers of Ukraine in the sphere of land relations includes:

- a) disposal of state-owned lands within the limits defined by this Code;
- b) implementation of state policy in the area of land use and protection;
- c) buying out land plots for social needs in accordance with the procedure stipulated by this Code;
- d) coordination of land reform implementation;
- e) developing national programs of land use and protection and ensuring their implementation;
- f) organizing of keeping the state land cadastre, state monitoring of land use and protection, and carrying out of land engineering;
- g) establishing a procedure for land monitoring;
- h) resolving other issues to regulate land relations pursuant to law.

Article 14. Authority of the central executive power body for ecology and natural resources in the sphere of land relations

The authority of the central executive power body for ecology and natural resources in the sphere of land relations to regulate land relations includes:

- a) participation in developing and implementing national and regional programs of land use and protection;
- b) organizing of land monitoring;
- c) participation in developing normative documents related to land protection and renewal of soil fertility;
- d) conducting of state ecological examination of land use;
- e) presenting proposals concerning state policy in land protection and its rational use;
- f) carrying out of international cooperation regarding land protection;
- g) resolving of other issues relating to regulation of land relations.

Article 15. Authority of the central executive power body dealing with land resources in the sphere of land relations

The authority of the central executive power body dealing with land resources to regulate land relations includes:

- a) presenting proposals on forming state policy on formation of land relations, and ensuring its implementation;
- b) coordination of activities related to the implementation of land reform;
- c) participation in developing and implementing national and regional programs of land use and protection;
- d) keeping of the state land cadastre, including state registration of land plots;
- e) carrying out land engineering and state monitoring of land use and protection;
- f) carrying out of state expert examination of programs and projects relating to land engineering, the state land cadastre, land protection, reforming of land relations, as well as technical and economic substantiation of these programs and plans;
- g) development of economic and legal mechanism for land relations regulation;
- h) participation in preparing and implementing measures to develop a land market;
- i) international cooperation in the area of lands relations;
- j) resolving other issues relating to regulation of land relations pursuant to law.

Article 16. Authority of the Council of Ministers of the Crimean Autonomous Republic in the sphere of land relations

The authority of the Council of Ministers of the Crimean Autonomous Republic to regulate land relations includes:

- a) disposal of state-owned lands within the limits defined by this Code;
- b) participation in developing national and republican programs of land use and protection, and ensuring their implementation;
- c) coordination of land engineering and state monitoring of land use and protection;
- d) preparing recommendations on granting and taking away (buying out) land plots;
- e) buying out land plots for social needs in accordance with the procedure stipulated by this Code;
- f) exercising control over the use of funds received as compensation for agricultural and forestry production losses, related to withdrawal (buying out) of land plots;
- g) resolving other issues relating to regulation of land relations pursuant to law.

Article 17. Authority of the local state administrations to regulate land relations

The authority of the local state administrations to regulate land relations includes:

- a) disposal of state-owned lands within the limits defined by this Code;
- b) participation in developing national and regional (republican) programs of land use and protection, and ensuring their implementation;
- c) coordination of land engineering and of state monitoring of land use and protection;
- d) preparing recommendations on granting or taking away (buying out) land plots;
- e) buying out land plots for social needs within the limits defined by this Code;
- f) preparing recommendations for establishing and changing the boundaries of villages, settlements, raions, raions in cities, and of cities;
- g) exercising control over the use of funds received as compensation for agricultural and forestry production losses, related to withdrawal (buying out) of land plots;
- h) coordination of activities of state land relations bodies;
- i) resolving of other issues relating to regulation of land relations.

SECTION II. LANDS OF UKRAINE

CHAPTER 4. COMPOSITION AND DESIGNATION OF THE LANDS OF UKRAINE

Article 18. Composition of lands

1. The lands of Ukraine include all lands within its national borders, including islands and lands occupied by bodies of water, which are divided into categories by their main purpose/designation.

2. The categories of lands of Ukraine have a special legal regime.

3. Ukraine may have land plots in state ownership beyond the boundaries of its territory, the legal regime of which is determined by the legislation of a respective country.

Article 19. Categories of the lands

1. Lands of Ukraine are divided into the following categories by main purpose:
 - a) lands of agricultural purpose;
 - b) lands of housing and civil building purpose;
 - c) lands of nature reserve and other environmental protection purpose;
 - d) lands of health-improving purpose;
 - e) lands of recreational purpose;
 - f) lands of historic and cultural purpose;
 - g) Forest Fund lands;
 - h) Water Fund lands;
 - i) lands of industrial, transportation, communications, energy, defense and other purpose.
2. Lands of any category that are not granted into ownership or for perpetual use-can be considered reserve lands.

Article 20. Establishing or changing land use purpose

1. Lands are classified into this or that category by purpose on the basis of decisions by the agencies of state power and bodies of local self-government according to their powers.
2. The purpose of lands is changed executive power bodies or by local self-government who make a decision on transferring these lands to ownership or granting for use, or withdrawing (buying out) lands and-approving land engineering projects or making decisions on creating objects of nature-protecting and historic-cultural purpose.
3. The purpose of lands owned by citizens or legal entities is changed at the initiative of land plot owners in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 21. Consequences of violating the procedure of establishing and changing specific purpose of land.

Violation of the procedure of establishing and changing of specific categories of land serves as the grounds for:

- 1) invalidating the decisions made by the agencies of the state executive authority and local self-government bodies on granting (transferring) of land plots to citizens and legal entities;
- 2) invalidating of agreements on land plots;
- 3) refusing to effect state registration of rights to land or recognizing registration of land plots invalid;
- 4) making citizens and legal entities answerable, if they are at fault for violations.

CHAPTER 5. LANDS OF AGRICULTURAL PURPOSE

Article 22. The definition of lands of agricultural purpose and the procedure of their usage

1. Lands of agricultural purpose are those lands granted for the production of agricultural produce, conducting of agricultural scientific-research and training activities, placing of relevant production infrastructure, or designated for those purposes.
2. Lands of agricultural purpose include:
 - a) agricultural lands (arable, perennial plantations, hayfields, pastures, and fallow);
 - b) non-agricultural lands (farm roads and trails, field shelter belts and other protective plantings except those which are part of the Forest Fund lands, lands under farm buildings and yards and lands temporarily in conservation, etc.).

3. Lands of agricultural purpose are transferred to the ownership of and granted for use to:

- a) citizens – for personal peasant farms¹, orchards, vegetable gardens, cutting hay or pasturing livestock, as well as to organize commodity agricultural production;
- b) agricultural enterprises – for carrying on commodity agricultural production;
- c) agricultural scientific and research institutions and educational establishments, rural vocational-technical schools and general-education schools, for research and teaching purposes, to promote advanced experience, and for agriculture;
- d) non-agricultural enterprises, institutions, and organizations, religious organizations and associations of citizens – for subsidiary farms.

4. Land of agricultural purpose may not be transferred in ownership to foreign citizens, stateless individuals and foreign legal entities, as well as foreign countries.

Article 23. Priority of lands of agricultural purpose

1. Lands that are suitable for agricultural needs shall be granted primarily for agricultural use.
2. Whether lands are suitable for agricultural needs shall be determined on the basis of the data of the state land cadastre.
3. In order to build industrial enterprises, objects of housing and communal economy, railroads and motor roads, power transmission and communication lines, main pipelines, as well as for other needs not related to agricultural production, non-agricultural lands or agricultural lands of lower quality shall be preferentially granted.
4. Power transmission and communication lines and other communications shall be mainly laid along highways, routes, etc.

Article 24. Land plots of state and communal agricultural enterprises, institutions and organizations

1. State and communal agricultural enterprises, institutions, and organizations shall receive land plots from state- and communally-owned lands for perpetual use for scientific-research and education purposes, and for conducting commodity agricultural production.
2. State and communal agricultural enterprises, institutions, and organizations are allowed to lease land plots owned by citizens and legal entities.
3. In case of liquidation of a state or communal enterprise, institution, or organization, the lands they hold for perpetual use upon the decision of the respective local government body shall be transferred to lands of reserve or shall be given to other citizens and legal entities for using by them according to the lands' designated purpose, and the lease agreements for these land plots shall be terminated.

Article 25. Privatization of lands owned by state and communal agricultural enterprises, institutions and organizations

1. When privatizing lands of state- or communally-owned agricultural enterprises, institutions or organizations, the land plots are transferred to employees of these enterprises, institutions or organizations, as well as to pensioners/retired employees from among them by designating a land share (pai) to each of them.
2. The decision on privatizing the lands of state- or communally-owned agricultural enterprises, institutions or organizations shall be taken by executive power bodies or local self-governing bodies in accordance with their authority upon the request from the employees of these enterprises, institutions or organizations.
3. Lands are transferred free of charge to the ownership of the employees of state- or communally-owned agricultural enterprises, institutions or organizations and retired employees.

¹ This is a new form of farm organization (an expanded household plot) invented by the authors of this code. *Editor.*

4. The size/territory of lands to be transferred to the private ownership is the difference between the total area of the lands in the perpetual use of agricultural enterprises, institutions and organizations, and the size of lands remaining in state or communal ownership (Forest Fund, Water Fund, reserve fund).

5. Each employee of this enterprise, institution or organization, as well as retired employees from among them, has the guaranteed right to receive their land share (pai) in kind/physically demarcated on the ground.

6. When calculating the size of a land share (pai), the agricultural lands that were in perpetual use by state- or communally-owned agricultural enterprises, institutions or organizations are taken into consideration minus the territory of lands remaining in the state and communal ownership. The calculated overall size of the area of agricultural lands for privatization is divided by the number of employees of these enterprises and retired employees.

7. The value and size of land shares (pai) in conditional/nominal cadastre hectares for employees of the respective enterprises, institutions or organizations and their retired employees shall be equal.

8. Intra-farm roads, farm courtyards, windbreakers and other protecting plantings, water-management facilities, bodies of water, etc. in accordance with this Code may be transferred to the ownership of citizens, agricultural enterprises, institutions, organizations created by former employees of state and communally owned agricultural enterprises, institutions and organizations.

9. Executive power bodies or bodies of local self-government shall create a land reserve in the process of privatization, upon agreeing its location with the employees of these enterprises, institutions or organizations, as well as with retired employees, in the size of up to 15% of territory of entire agricultural lands that were in perpetual use by respective enterprises, institutions and organizations.

10. The land reserve is state- or communally owned and intended for further redistribution and use in accordance with the designated purpose.

Article 26. Use of land plots under amelioration systems

Land plots received by individuals as a result of privatization of lands in ownership of state and communal agricultural enterprises, whereupon amelioration systems are located and function, shall be used jointly on the base of an agreement. In case of unavailability of an agreement, the issue is to be resolved in court.

Article 27. Retention of the right to land of agricultural enterprises, institutions and organizations, personal peasant farms and private farms

Agricultural enterprises, institutions and organizations, personal peasant farms and individual farms that unite into associations and other organizational-and-legal forms may retain the right to their land plots.

Article 28. Land plots of agricultural enterprises

1. Agricultural enterprises, institutions and organizations, save state- and communally-owned may own agricultural lands.

2. The right of ownership to land of these enterprises may be acquired by way of contributing the land plots of their founders into the statutory fund and acquiring the land plots on the basis of purchase and sale, gift, exchange, and other civil-law agreements.

3. Exercising of the right to land of the above-mentioned agricultural enterprises is carried out pursuant to the law.

Article 29. Determination of location of land plots of citizens in case of liquidation of agricultural enterprises, institutions and organizations

1. In the event agricultural enterprise, institution or organization is liquidated, the priority right to receive land plots located next to the respective settled areas shall be given to the owners of land shares that reside in these localities.

2. The location of land plots is determined considering the requirements of the effective organization of the territory and compact land use in accordance with land engineering projects, approved by the meeting of owners of land shares.

Article 30. The distribution of non-agricultural land in case of liquidation of private agricultural enterprise

1. When liquidating agricultural enterprises, the non-agricultural lands owned by them shall be distributed in accordance with statutory documents of these enterprises or upon the consent of land share owners. In case the consensus is not reached the issue/dispute shall be resolved in court.

2. Land plots from the state or communally-owned land used by agricultural enterprises, institutions and organizations being liquidated shall be included into reserve lands or transferred into ownership or use in accordance with this Code.

Article 31. Lands of private farms

1. Lands of a private farm may be composed of:

- a) a land plot owned by the private farm as a legal entity;
- b) land plots owned privately by citizens who are members of the private farm;
- c) a land plot leased by the private farm.

2. Citizens-members of the private farm are entitled to free obtaining of land plots in the size of the land share (pai) out of state- and communally-owned lands.

Article 32. Privatization of land plots by members of private farms

1. Citizens of Ukraine – members of private farms – shall receive free of charge the land plots [earlier] transferred into their use in the size equal to that of the land share (pai) of members of agricultural enterprises located on the territory of the respective Rada.

2. The provisions of part 1 of this article shall not apply to citizens that have earlier received the right to a land share (pai).

Article 33. Land plots of personal peasant farms

1. Citizens of Ukraine can own and lease land plots for conducting personal peasant farms.

2. Foreign citizens and stateless persons can lease land plots for personal peasant farms.

3. Lands of personal peasant farms shall be used in accordance with the law.

Article 34. Lands for hayfields and pastures

1. Citizens can lease land plots for hay-making and grazing cattle.

2. Executive power bodies and local self-governing bodies can create public grazing grounds and hayfields from among the state-owned lands and lands owned by state or by territorial community, communally-owned hay-fields and pastures.

Article 35. Land plots for orchards

1. Citizens of Ukraine can acquire the ownership or hold a lease of land plots from state- and communally-owned lands for individual or collective orchards.

2. Foreign citizens or stateless persons can have land plots for individual or collective orchards on the basis of lease.
3. Land parcels designated for orchards can be used for planting perennial fruit trees, growing agricultural crops, as well as for the construction of the needed houses/buildings, outbuildings, etc.
4. Lands in common use by an orchard association are the property owned by the association. Lands in common use by orchard association include land plots occupied by protection strips, roads, driveways, buildings and premises, as well as by other commonly used objects.
5. Privatization of a land plot by the citizen who is a member of an orchard association shall be carried out without the consent to it of other members of this association.
6. Land plots of orchard associations are used in accordance with the law and the statutes of these associations.

Article 36. Land plots for vegetable gardens

1. Individual citizens and associations of citizens can obtain land plots for vegetable gardens from state- and communally-owned lands on the basis of lease agreement.
2. Planting of perennial fruit trees on the land plots granted for vegetable gardens, as well as construction of major buildings and premises, is not permitted.
3. Temporary buildings for storing equipment and as a shelter from bad weather may be constructed on land plots allocated for vegetable gardens. After the lease period expires the temporary buildings constructed on land plots granted for gardens are to be taken down by their owners at their expense.

Article 37. Non-agricultural enterprises, institutions and organizations' right to land

1. Private non-agricultural enterprises, institutions and organizations may acquire lands of agricultural and other designations in ownership or under lease terms for conducting subsidiary farming.
2. State and communal non-agricultural enterprises, institutions and organizations can obtain the agricultural land and lands of other designation on a lease basis for subsidiary farming.

CHAPTER 6. LANDS OF RESIDENTIAL AND PUBLIC BUILDINGS

Article 38. The definition of residential and public buildings lands

The lands of residential and public buildings include land plots within the settled areas that are used for residential buildings, public buildings and premises, other objects of common use.

Article 39. Using lands of residential and public buildings

The lands of residential and public buildings shall be used in accordance with the given location's general plan, other city building documentation, land engineering plan, and in accordance with the state standards and norms, regional and local construction rules.

Article 40. Land plots for individual housing, maintenance and garage construction

Upon the decision of executive power bodies and local self-governing bodies, citizens of Ukraine may receive free of charge the ownership of or lease land plots to construct individual dwelling houses, maintenance facilities and garages within the norms established by this Code. Citizens may acquire the ownership of land plots for the above-indicated purposes in the amounts exceeding free-of-charge norms in accordance with civil-law agreements.

Article 41. Land plots for house-building and garage-building cooperatives

1. Land plots in the size established in accordance with the approved city planning documentation shall be transferred to house-building and garage-building cooperatives free of charge or on lease terms for housing and garage construction upon the decision of the executive power bodies or local self-governing bodies.

2. Housing-building and garage-building cooperatives may acquire land plots into ownership on the basis of civil-law agreements.

Article 42. Land plots under apartment buildings

1. Land plots under state- or communally-owned apartment buildings with related premises, constructions, as well as objects and premises, and near-building state- and communally-owned territories, shall be granted in perpetual use to the enterprises, organizations and institutions which administer those buildings.

2. In case the apartment building is privatized by citizens, the respective land plots can be transferred free-of-charge into the common joint ownership or on [permanent]use terms to the association/condominium.

3. The procedure for use of land plots on which apartment buildings stand with related premises, structures, and near-building territories is determined by the co-owners.

4. The sizes and configurations of the land plots under apartment buildings, as well as related premises, structures, and near-building territories shall be determined on the basis of the plans of division of the land on the territory of the street block or microrayon/microdistrict and the respective land engineering documentation.

CHAPTER 7. LANDS OF NATURE RESERVE=FUND AND OF OTHER NATURE PROTECTION PURPOSES

Article 43 . Lands of the nature-reserve fund

The lands of the nature-reserve fund include plots of dry and water expanse with natural complexes and facilities that have particular nature-conservation, ecological, scientific, esthetic, recreational or other value and which in accordance with legislation have been granted the status of areas and facilities of the nature-conservation fund.

Article 44. Composition of the lands of the nature reserve fund

The lands of the nature-reserve fund include natural areas and facilities (nature preserves, national nature parks, biosphere reserves, regional landscape parks, refuges (zakazniks), natural monuments, unique terrain feature preserves), as well as artificially created facilities (botanical gardens, dendrological parks, zoos, parks which are monuments of park and garden planning).

Article 45. Use of the lands of the nature reserve fund

1. Lands of the nature-reserve fund may be held in state, communal, and private ownership.

2. The procedure for the use of lands of nature reserve fund is established by the law.

Article 46 . Lands of other nature-protection purposes and their use

1. Lands of other nature-protection purposes are:

- a) land plots of wetlands not included into lands of forest and water fund;
- b) land plots within the boundaries of which there are natural objects that have particular scientific value.

2. The boundaries of the areas of other nature-protection purposes are fixed on the ground by markers or informational signs.

3.The procedure for using lands of other nature-protection purposes is established by the law.

CHAPTER 8. LANDS OF HEALTH-IMPROVING PURPOSE

Article 47. Definition of lands of health-improving purpose

Lands of the health-improving purpose are lands that have natural curative properties, which are used or may be used for preventive treatment or curing of people.

Article 48. Restriction of activities on lands of health-improving purposes

1. Activities that contradict the designated purpose or may negatively affect the natural curative properties of those lands are forbidden on lands of health-improving purpose.

2.The sanitary (mountain-sanitary) protection districts and zones are established on the territories of curative-restorative areas and spas.

3. Within the boundaries of a sanitary (mountain-sanitary) protection district/zone it is prohibited to transfer for ownership or granting of land plots for usage by enterprises, institutions, organizations and citizens for activities incompatible with the protection of the natural curative powers and recreation of the population

Article 49. Use of lands of health-improving purpose

1. Lands of health-improving purpose/designation may be held in the state, communal or private ownership.

2. The procedure for using lands of health purpose shall be determined by the law.

CHAPTER 9 LANDS OF RECREATIONAL PURPOSE

Article 50. Definition of lands of recreational purpose

Lands of recreational purpose are lands that are used for the organization of the recreation of the population, tourism and for conducting sports events.

Article 51. Composition of lands of recreational purpose

Lands of recreational purpose include land plots in green belts and greenery planted in cities and other settlements; educational-hiking and ecological paths; marked paths; land plots under local recreational facilities, rest homes, physical culture and sports facilities, tourist bases, camps, yacht clubs, permanent campgrounds and tent campsites, fishing and hunting buildings, children's hiking stations, children's and sports camps and other analogous facilities; as well as plots allocated for dacha construction and the construction of other facilities for stationary recreation.

Article 52. Using lands of recreation purpose

1. Lands of recreational purpose may be in state, communal or private ownership.

2. Activities, which prevent or may prevent using the lands of recreation purpose for their designated purpose, or which negatively affect or which may negatively affect the natural condition of the lands, are prohibited on lands of recreational purpose.

3. The procedure for the use of lands of recreational purpose shall be established by the law.

CHAPTER 10. LANDS OF HISTORIC AND CULTURAL PURPOSE

Article 53. Composition of lands of historic and cultural purpose

Lands of historic and cultural purpose include lands on which located are:

a) historic and cultural reserves, museum preserves, memorial parks, memorial (civil and military) cemeteries, graves, historic or memorial estates, houses, buildings and memorable places connected with historic events;

b) ancient settlements, burial mounds, ancient burial grounds, historical sculptures and megaliths, petroglyphs, ancient battlefields, ruins of fortresses, military camps, settlements and stations, plots with an historic-cultural layer of fortifications, earthworks, productions, canals, roads;

c) architectural ensembles and complexes, historic centers, neighborhoods, squares, ruins of ancient city and settlement planning and building, notable civil, industrial, military and religious architecture; folk architecture, garden and park complexes, background structures.

Article 54. Using lands of historical and cultural purpose

1. Lands of historic and cultural purpose may be held in state, communal or private ownership.
2. Around historic and cultural preserves, memorial parks, burials, archeological and architectural monuments and architectural-landscape complexes protective zones are established. In these zones activities that harmfully affect or could affect the observance of the regime for the use of these lands are prohibited.
3. The procedure for the use of lands of historic and cultural purpose shall be established by the law.

CHAPTER 11. LAND OF THE FOREST FUND

Article 55. Definition of lands of the Forest Fund

1. Lands of the Forest Fund are lands covered with forest vegetation as well as those not covered with forest vegetation, non-forest lands, which have been granted and used for the needs of forestry.
2. Lands of the Forest Fund do not include lands covered by:
 - a) green plantations within the boundaries of settled areas that have not been categorized as forests;
 - b) field protection strips, protection plantations of trees along railroad rights-of-way, automobile highways or the verges of canals, hydro-technical constructions and bodies of water;
 - c) isolated trees and groups of trees, thickets/shrubs on agricultural lands, estates, household, dacha and garden plots.

Article 56. Ownership of lands of the Forest Fund

1. Lands of the Forest Fund may be state-owned, communally owned and privately owned.
2. Upon the decision of local self-governing bodies and executive power bodies the citizens and legal entities may obtain– free-of-charge or for fee – the ownership of closed land plots from the Forest Fund of the size of up to five hectares as part of the lands of [personal] peasant, individual and other farms.
3. Citizens and legal entities in the established manner may acquire in their ownership land plots of degraded and low productivity lands for afforestation.

Article 57. Use of lands of the Forest Fund

1. Land plots of the Forest Fund upon the decision of executive power bodies or local governments are granted in perpetual use to specialized state- or communally-owned forestry enterprises as well

as leased to other enterprises, institutions and organizations which have created specialized forestry units, for forestry, for conducting forestry business, for the special use of forest resources and for the needs of hunting, culture and health, recreation, sports, hiking, for scientific research, etc.

2. Procedure of the Forest Fund lands' use shall be stipulated by law.

CHAPTER 12. LAND OF WATER FUND

Article 58. Composition of the lands of the Water Fund

1. Lands of the Water Fund are lands occupied by:

- a) seas, rivers, lakes, reservoirs, other bodies of water and marshes as well as islands;
- b) coastal protection strips along seas and rivers and around water basins;
- c) water engineering/hydro-technical and other water management facilities and canals as well as lands demarcated as technologically protected strips for them;
- d) riparian/coastal strips of waterways.

2. In order to create a favorable regime for water objects along seas, around lakes, reservoirs and other water basins, the water-protection zones are established the size of which shall be determined by land engineering plans.

Article 59. The right to lands of the Water Fund

1. Lands of the Water Fund may be held in state, communal and private ownership.

2. Citizens and legal entities, upon the decision of executive power bodies local or self-government bodies, may receive into their ownership the closed natural bodies of water (up to three hectares of total area). The land-owners can create fishery, anti-erosion and other artificial water basins according to the established order.

3. Lands of the Water Fund upon the decision of executive power bodies or local self-government bodies are granted for perpetual use to state water management organizations to maintain in proper condition water objects, coastal protection strips, technological protection strips, coastal strips of waterway and water engineering/hydro-technical facilities, etc.

4. Transferred from water fund lands by executive power bodies or local self-government bodies to citizens and legal entities on lease terms may be land plots of coastal protection strips, technological protected strips and bank strips of waterways as well as lakes, reservoirs, other basins, swamps and islands for haying, fishery needs, cultural and health, recreational, sporting and hiking purposes, for scientific research, etc.

5. Land plots of the Water Fund shall be used for fishing upon agreeing with their owners or land users.

Article 60. Coastal protection strips

1. Along rivers and seas and around lakes, reservoirs and other basins, land plots shall be allocated for coastal protection strips within the boundaries of water-protection zones to protect the surface of bodies of water from pollution and littering as well as to preserve their waters deposit.

2. Coastal protection strips are established on both banks of rivers and around water basins along the waters edge (for certain periods of time) of the following widths:

- a) 25 meters for small rivers, creeks and streams as well as ponds with an area of less than three hectares;

b) 50 meters for middle-sized rivers, reservoirs located on them, water basins as well as ponds with an area of more than three hectares;

c) 100 meters for large rivers, reservoirs on them, and lakes.

If the steepness of slope exceeds 3 degrees, the minimal width of the coastal protection strip shall be doubled.

3. The size and boundaries of the coastal protection strip along seas and around sea bays and estuaries shall be established in compliance with land-engineering plans, with regard to urban construction documentation if established within city limits.

Article 61. Restriction on the use of land plots in coastal protection strips along rivers, around water basins and on islands

1. Coastal protection strips are the nature-preserving territories managed in the regime of limited economic activity.

2. Following actions within the coastal protection strips along rivers, around bodies of water and on the islands, are forbidden:

- a) Plowing (save preparation of the soil for creation of meadows and forests), as well as horticultural and vegetable gardening activities;
- b) Pesticides and fertilizers storage and application;
- c) Installation of summer feedlots;
- d) Construction of any structures (save hydro-technical, hydro-metrical and linear), including rest bases, dachas, cemeteries, livestock burial places, filtration fields, etc.;
- e) Transportation vehicles washing and maintenance.

3. Objects located within the coastal protection strips can be put in operation, provided its regime is not violated. Structures unsuitable for operation, as well as those failing to meet established regimes of economic activity, are to be removed from the coastal protection areas.

4. Regime of economic activity on the land plots within the coastal protection strips along rivers, around bodies of water and on islands is to be established by law.

Article 62. Restriction on use of land plots in coastal protection strips along seas, bays, estuaries and on islands in internal sea waters

1. Following actions within the coastal protection strips along seas, bays and estuaries, and on the islands, are forbidden:

- f) Arrangement of facilities for domestic and industrial waste products and of areas for sewage;
- g) Arrangement of cesspools for domestic and industrial sewage in the amount exceeding 1 cubic meter per 24 hours;
- h) Arrangement of filtering areas and setting of other structures for reception and disinfection of liquid waste products;
- i) Application of virulent pesticides.

2. Regime of economic activity on the land plots within the coastal protection strips along rivers, around bodies of water and on islands is to be established by law.

Article 63. Lands of allocated/technological protection strips

1. For operational purposes and to protect canals of irrigation and drainage systems, hydro-technical and hydro-meteorological constructions, water basins and river dams from pollution, damage and destruction, the land plots shall be allocated on the river banks for creating technological protection strips with special operation mode/regime.

2. The size of technological protection strips and operation mode/regime shall be established by land engineering plans developed and approved in the established order.
3. Land plots within technological protection strips shall be given for creating water protection forest covers, coast strengthening and anticorrosion hydro-technical constructions, building ferries, etc.

Article 64. Coastal strips of waterways

1. Coastal strips shall be created on navigable waterways outside settled areas to perform works related to shipping/navigation.
2. The size of waterway coastal strips shall be established by land engineering plans developed and approved in the established order.
3. The procedure for creating waterway coastal strips and their use shall be established by the Cabinet of Ministers of Ukraine.

CHAPTER 13. LANDS OF INDUSTRY, TRANSPORTATION, TELECOMMUNICATIONS, ENERGY, DEFENCE AND OTHER PURPOSES

Article 65. Definition of the lands of industry, transportation, telecommunications, energy, defense and other purposes

1. Lands of industry, transportation, telecommunications, energy, defense and other purposes are land plots granted in the established manner to enterprises, institutions and organizations to perform the respective activities.
2. The procedure for the use of lands of industry, transportation, telecommunications, energy, defense and other purposes shall be established by the law (legislation).

Article 66. Industrial lands

1. Industrial lands are lands granted for the deployment and operation of basic/primary, subsidiary and auxiliary buildings and structures of industrial, mining, transportation and other enterprises, their driveways, engineering networks, administrative and storing buildings, and other structures.
2. Industrial lands may be held in state, communal and private ownership.
3. The size of land plots granted for the indicated purposes is determined in accordance with the state norms and planning documentations approved in the established manner, but the allocation of land plots shall be performed taken into consideration the sequence of their utilization.
4. The land plots used for the needs related to the utilization of natural resources shall be granted after the rights to mineral resources use have been registered in the established order and land restoration in accordance with the approved plan of recultivation for earlier used areas within the established time period.

Article 67. Lands of transportation

1. Transportation lands are lands granted to enterprises, institutions and organizations of railroad and motor transportation as well as road infrastructure, of maritime, river, air and pipeline transport and city electric vehicles to perform the tasks assigned to them in operating, repairing and developing the transportation objects.
2. Transportation lands may be held in state, communal and private ownership.

Article 68. Lands of railroad transportation

Railroad transport lands are lands of technological protection/allocation strips of railroads under railroad tracks and its facilities, stations with all buildings and structures of the energy, locomotive, car, maintenance-of-way, freight and passenger facilities, signals and communication, water-supply,

sewerage, protective and reinforcing plantings, service, cultural-and-everyday premises and other structures needed to ensure the operation of railroad transportation.

Article 69. Lands of marine transportation

1. Lands of maritime transportation are lands under:

a) sea ports with embankments, sites, piers, docks, terminals, buildings, structures, equipment, facilities for general port and ship services;

b) water-engineering structures and navigation facilities, shipyards, shops, bases, warehouses, radio centers, service and cultural and everyday premises and other structures which render services to maritime transportation.

2. At the sea gates (canal entrance), entrances to bridge, cable and air passages, water collection and other objects in accordance with the Law restrictions can be imposed in using lands.

Article 70. Lands of river transportation

River-transportation lands include lands occupied by:

a) ports, specialized docks, piers and backwaters with all technical structures and equipment serving river transportation;

b) passenger terminals, pavilions and piers;

c) navigable channels; navigation, energy and water-engineering structures, service and technical buildings;

d) bank reinforcement structures and plantings;

e) communications nodes, radio centers and radio stations;

f) buildings, bank navigation markers/signs and other structures for servicing waterways; ship-repair plants, repair and maintenance facilities, shops, shipyards, dry docks and repair docks, warehouses, supply facilities, engineering infrastructure, service and cultural and everyday premises and other facilities that ensure the operation of river transportation.

Article 71. Lands of automobile transportation and highway facilities

1. Automobile-transportation lands are lands under buildings and equipment of energy, garage and fuel supply facilities, bus terminals; bus stations; line production structures, service and technical buildings, vehicle maintenance stations; gasoline/filling stations; motor transport enterprises, transport and forwarding enterprises; auto repair plants; bases; freight terminals; container grounds and trailer-arranging areas; service and cultural and everyday premises as well as other objects ensuring the operation of automobile transportation.

2. Lands of road management bodies are lands under the roads, sidewalks, soil cover/roadbed, decorative greenery, reserves, culverts, bridges, tunnels, road intersections/crossings, waterworks, relieving walls, other road constructions located in technological protection strips/allocated strips of other road facilities and equipment as well as lands located outside the boundaries of the allocated strips if equipment that ensures the functioning of automobile roads is located on it, namely:

a) parallel relief roads, ferry services, snow protection constructions and plantations, anti-avalanche constructions and ramps.

b) parking lots and resting grounds, road service enterprises and entities;

c) road service buildings (including residential) and constructions with production bases;

d) protection plantations.

Article 72. Lands of air transportation

1. Lands of air transportation are lands occupied by:

a) airports, aerodromes, isolated structures (air traffic control, radio-navigation and landing-control, purification and other structures), service and technical areas with buildings and structures providing for the operation of air transportation;

- b) helicopter stations including helicopter fields, service and technical areas with all buildings and structures;
- c) civil aviation repair works, aerodromes, helicopter fields, seaplane fields/hydro airdromes and other fields for the operation of airships;
- d) service facilities that ensure the operation of air transportation.

2. On near airdrome territory in accordance with the law a special regime for land use shall be introduced.

Article 73. Pipeline transport lands

1. Pipeline lands are granted land plots where above ground/terrestrial and elevated pipelines and their structures are built/located as well as above ground buildings of underground pipelines.

2. Along terrestrial/above ground and underground pipelines protected zones shall be established.

Article 74. Lands of city electric transportation

Lands of city electric transportation are lands under separate tram rails and their equipment, subway, funicular rail-tracks and stations, cable railways, escalators, trolley and trolley bus depots, car repair plants, equipment of the energy and rail departments, signals and communications, service and cultural and everyday premises and other structures needed to ensure the operation of city electric transportation.

Article 75. Lands of telecommunications

1. Telecommunications lands include land plots allocated for operating wireless or cable telephone and telegraph lines and satellite communications.

2. Land of communications can be held in state, communal and private ownership.

3. Along wireless/aerial and underground cable communication lines located outside settled areas, as well as around radiating constructions of TV and radio stations and radio-relay lines the protection zones shall be established.

Article 76. Lands under power grids

1. Lands under power grids include those allocated for electricity generating objects (nuclear power plants, thermal power plants, hydroelectric power stations, power plants generating power by using wind, solar and other sources of energy) and transporting the power to users.

2. Lands of the energy system can be held in state, communal and private ownership.

3. Protective zones are established along aerial and cable power supply lines.

Article 77. Lands for defense-related purposes

1. Lands for defense-related objects are lands allocated for the deployment and permanent activity of military units, institutions, military-educational institutions, enterprises and organizations of the Armed Forces of Ukraine, other military formations and internal troops, created in accordance with the legislation of Ukraine.

2. Lands for defense-related objects can be in state and communal ownership.

3. If needed, protection, defense and other zones with special conditions for their use shall be created around military and other defense objects.

4. The procedure for using defense lands is established by the law.

SECTION III. THE RIGHT TO LAND

CHAPTER 14. THE OWNERSHIP RIGHT TO LAND

Article 78. The content of the ownership right to land

1. The ownership right to land – is the right to own, use and dispose of land plots.
2. The ownership right to land is acquired and exercised on the basis of the Constitution of Ukraine, this Code and other laws issued in accordance with them.
3. The land in Ukraine can be in private, communal, and state ownership.
4. Land plots shall not be returned to the individuals (their heirs) that owned land plots prior to May 15, 1992 (since the effective date of the Land Code of Ukraine).

Article 79. Land plot as the object of the ownership right

1. The land plot – is part of land surface with established boundaries, certain location, and defined rights to it.
2. The ownership right to a land plot is applied/refers within its boundaries to the surface (soil) layer, as well as to bodies of water, forests and perennial plants located on it.
3. The ownership right to a land plot shall be applied to the space over and under the surface of the land plot in the height and depth required to build residential, industrial buildings and other constructions and premises.

Article 80. Subjects of ownership right to land

The following are the subjects of ownership right to land:

- a) to lands in private ownership – citizens and legal entities;
- b) to lands in communal ownership - territorial communities, that exercise this right directly or through local self-government bodies;
- c) to lands in state ownership – the state exercising their right via relevant bodies of state power.

Article 81. Land ownership rights of citizens

1. Citizens of Ukraine acquire ownership rights to land plots on the following grounds:
 - a) acquisition under purchase-and-sale, gift, or exchange agreements as well as other civil-law agreements;
 - b) a free-of-charge transfer from state- or communally-owned lands;
 - c) privatization of land plots, granted to them earlier for use;
 - d) inheritance;
 - e) allocation of respective land share in kind (on the ground).
2. Foreign citizens and persons without citizenship can acquire the ownership right to non-agricultural land plots within the boundaries of settled areas, as well as non-agricultural land plots outside settled areas on which immovable property, privately owned by them, is located.
3. Foreign citizens and stateless persons acquire the ownership right to land plots, with respect to part 2 of this article, in case of:
 - a) acquisition under purchase-and-sale, gift, or exchange agreements as well as other civil-law agreements;
 - b) buying out land plots on which the immovable property they own is located;
 - c) inheritance.
4. Agricultural lands inherited by foreign citizens as well as by stateless persons are subject to alienation within a year.

Article 82. Land ownership rights of legal entities

Legal entities (founded by citizens of Ukraine or by Ukrainian legal entities) can acquire ownership of land plots to conduct their entrepreneurial activities in the following cases:

- a) acquiring under a contract of purchase-and-sale, gift, exchange, or other civil-law agreements;

- b) contributing land plots by founders to statutory fund;
- c) inheritance;
- d) other grounds envisaged by law.

2. Foreign legal entities can acquire the right of ownership to non-agricultural land plots:

- a) within the boundaries of settled areas in case of purchasing real estate/immovable property as well as for building objects related to conducting entrepreneurial activity in Ukraine;
- b) outside settled areas in case of purchasing immovable property.

3. Agricultural lands inherited by foreign legal entities are subject to alienation within a year.

Article 83 . Land ownership rights of territorial communities

1. Lands owned by village, settlement, and city territorial communities are in communal ownership.

2. In communal ownership are the lands within the boundaries of settled areas, except for lands held in private or state ownership, as well as land plots outside their boundaries on which communally owned objects are located.

3. Communally owned lands, that cannot be transferred into private ownership, include:

- a) lands in common use by a settled area (squares, streets, driveways, roads, embankments, beaches, parks, gardens, boulevards, cemeteries, areas for waste disposal and utilization/recovery.);
- b) lands under railroad tracks, motor roads, objects of air transportation and pipelines;
- c) lands under nature-reserve fund, historical and cultural objects, health-improving facilities, i.e. those of exclusive ecological, health-improving, scientific, aesthetic and historical-cultural value, unless the law envisages otherwise;
- d) lands under Forest Fund, save the cases specified by this Code;
- e) lands under Water Fund, save the cases specified by this Code;
- f) land plots utilized for meeting the needs of local self-government bodies.

4. Territorial communities acquire land in communal ownership in case of:

- a) the transfer of state-owned lands to them;
- b) forced alienation of land plots from owners proceeding from public needs;
- c) inheritance;
- d) acquisition under a contract of purchase-and-sale, gift, exchange, or other civil-law agreements;
- e) on other grounds envisaged by law.

5. Village, settlement and town territorial communities can put together on agreement basis the communal land plots owned by them for joint use. The above land plots shall be managed by rayon or oblast Radas.

Article 84. Land ownership rights of the state

1. All lands of Ukraine, save those in communal and private ownership, are state-owned.

2. The state ownership right to land is acquired and exercised by the state represented by, the Cabinet of Ministers of Ukraine, the Council of Ministers of the Crimean Autonomous Republic, and the oblast, the city of Kyiv and Sevastopol, and rayon state administrations, in accordance with the law.

3. State-owned lands that cannot be transferred to communal ownership:

- a) lands related to nuclear power system and space[-research] system;
- b) lands related to the National Defense System, save those under objects of social-cultural, industrial and residential purpose;
- c) lands under nature reserves and objects of historic-cultural value and of national and state-level significance;

- d) lands under Water Fund objects of state-level significance;
- e) land plots used to support the activity of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, and other state power bodies, National Academy of Sciences of Ukraine, state sectorial² academies of science;
- f) land plots of exclusion and unconditional (compulsory) resettlement zones, which suffered from radioactive contamination as a result of the Chernobyl catastrophe.

4. State-owned lands that cannot be transferred to private ownership:

- a) lands related to nuclear power system and space[-research] system;
- b) lands under railroads and automobile highways, state-owned objects of air and pipeline transportation;
- c) lands related to the National Defense System;
- d) lands under nature reserves and other lands designated for nature protection, as well as state-owned territories and objects that have a special environmental, health improving, scientific, esthetic, and objects of historic-cultural value and of national and state-level significance , unless otherwise stipulated by law;
- e) Forest Fund lands, except for cases envisaged by this Code;
- f) Water Fund lands, except for cases envisaged by this Code;
- g) land plots used to support the activity of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, and other state power bodies, National Academy of Sciences of Ukraine, state sectorial academies of science;
- h) land plots of exclusion and unconditional (compulsory) resettlement zones, which suffered from radioactive contamination as a result of the Chernobyl catastrophe.

5. The state acquires the ownership right to land in case of:

- a) forced alienation of land plots from owners proceeding from social/public needs;
- b) acquisition under a contract of purchase-and-sale, gift, exchange, or other civil-law agreements;
- c) inheritance;
- d) the transfer into state ownership of communally owned land plots by territorial communities;
- e) confiscation of a land plot.

Article 85. Land ownership rights of foreign states

Foreign states can acquire land plots in their ownership for the deployment of buildings and premises of diplomatic missions/representative offices and other organizations having the same status on the basis of international agreements.

Article 86. Common ownership of land

1. A land plot can be held in common ownership with (common partial ownership) or without (common joint ownership) defining the share of each of the co-owners.
2. Citizens and legal entities can be subjects of common ownership right to land.
3. Rayon and Oblast Radas can be subjects of common ownership of territorial communities' land plots.
4. Right of common ownership of land shall be certified with State Deed to Private Ownership of Land.

Article 87. Acquisition of common partial ownership of land

1. The common partial ownership right to a land plot shall be acquired when:

- a) owners voluntarily put together/join the land plots owned by them;
- b) two or more persons receive one land plot in their ownership on the basis of civil-law agreements;
- c) two or more persons inherit a land plot;

² Sectorial Academy – *here*: an Academy as an association of research institutions dealing with a specific sector of activities, such agro-industrial, pedagogical, etc. – EO.

- d) upon court ruling.

Article 88. Ownership, use and disposal of a land plot in common partial ownership

1. The land plot in common partial ownership shall be owned, used and disposed of upon the consent of all co-owners in accordance with an agreement or upon the court ruling in case the consent is not reached.
2. Agreement on common partial ownership of land plot shall be concluded in a written form and certified by notary public.
3. Participant in common partial ownership has the right to demand a separation/withdrawal of his/her share from the land plot both individually and together with other participants wishing to secede. In case it is impossible to withdraw a share, a participant has the right to demand proper compensation.
4. Participant to common partial ownership of a land plot has the right to receive in ownership, use a part of common land plot, which corresponds to the size of his/her share.
5. Participant to common partial ownership proportionally to the size of their share has a right to the income from the use of the common land plot, and is liable to third parties in terms of obligations related to common land plot and must take part in paying taxes, dues and fees as well as share expenses for maintaining and safe keeping of the common land plot.
6. If a co-owner sells their share, other co-owners shall have a preferential right to purchase the share in question, pursuant to the effective law.

Article 89. Common joint ownership of a land plot

1. Land plot can belong on the base of the common joint ownership only to citizens.
2. In common joint ownership are the land plots:
 - a) of spouses;
 - b) of members of individual farms, unless otherwise stipulated by the agreement they concluded;
 - c) of co-owners of an apartment house.
3. The land plot in common joint ownership shall be owned, used, and disposed of in accordance with the agreement or legislation.
4. Co-owners of the land plot in common joint ownership have the right to divide the land plot or to withdraw a share from it.
5. The division of the land plot in common joint ownership when the co-owner's share is to be withdrawn, can be carried out on condition of prior determination of the size of the land shares, which are equal to each other, unless otherwise stipulated by legislation, or by court ruling.

Article 90. The rights of land plot owners

1. Owners of land plots have the right to:
 - a) sell or alienate in any other way a land plot, lease it to others, mortgage it, pass/bequeath it to heirs;
 - b) independently farm the land;
 - c) own the crop and planting of agricultural and other cultures, for raised agricultural produce;
 - d) use in the established manner for his/her own needs the existing on this land plot common natural resources, peat, forest plantations, water objects, as well as other utile properties of land;
 - e) be compensated for losses in cases envisaged by law;
 - f) build houses for residence, production and other constructions and buildings.

2. The violated rights of land plot owners are subject to renewal/revival in the manner established by law.

Article 91. Obligations of land plot owners

1. Land plot owners are obligated to:

- a) ensure that land is used in accordance with its designation;
- b) comply with environment legislation;
- c) timely pay land tax;
- d) not violate the rights of owners of adjoining land plots and land users;
- e) increase the fertility of soil and preserve other utile properties of land;
- f) timely submit to the appropriate bodies of executive power the data on the state and utilization of land and natural resources in the manner established by law;
- g) observe the rules of good-neighborhood and restrictions related to the establishment of servitudes and protected zones;
- h) keep geodesy signs, anti-erosion structures, irrigation grids and drainage systems.

2. The law may establish other obligations of land plot owners.

CHAPTER 15. THE RIGHT TO USE LAND

Article 92. The right to perpetual use of land plot

1. The right to perpetual use of a land plot is the right to possess and use a communally- or state-owned land plot without an established time limit.

2. Only state- or communally-owned enterprises, institutions, and organizations shall acquire the right to perpetual use of a land plot from state or communally-owned lands.

Article 93. The right to lease land

1. The right to lease land plot is contractually based limited-time paid possession and use of a land plot needed by a leaseholder to carry out entrepreneurial and other activities.

2. Land plots may be leased out to citizens and legal entities of Ukraine, foreign citizens and persons without citizenship, foreign legal entities, international associations and organizations and also foreign states.

3. A land plot can be leased short term – not more than 5 years, and long term – not more than 50 years.

4. A leased land plot or a portion of it, upon the consent of the lessor, can be transferred by the lessee into the possession and use of another person (subleased).

5. Land plots can be leased out by their owners or persons authorized by them.

6. Relations with regard to leasing land are regulated by law.

Article 94. Concessionaire's right to land

1. Land plots shall be leased to a concessionaire in the manner established by this Code for carrying out concessionary activity.

2. Types of activity for which land plots can be given on concession terms shall be established by law.

Article 95. Rights of land users

1. Land users, unless otherwise provided by law or agreement, have the right:

- a) to independently carry out economic activity on the land;
- b) of ownership of the sowings and plantings of agricultural and other crops, to the agricultural output produced;
- c) to use for their own purposes, according to the established procedure, common minerals, peat, forested land, and bodies of water on the land plot, as well as other utile properties of land;
- d) to compensation of losses in cases stipulated by law;
- e) to build dwellings, production and other buildings and facilities.

2. Rights of land users that have been violated are to be restored according to the procedure established by law.

Article 96. Obligations of land users

1. Land users are obligated:

- a) to ensure that the land is used in accordance with its designation;
- b) to observe the requirements of environmental-protection legislation;
- c) to timely pay the land tax or lease payment;
- d) not to violate the rights of the owners of adjoining land plots and land users;
- e) improve fertility of soil and maintain other utile properties of land;
- f) to timely provide information to executive power bodies and local self-government bodies on the condition and use of the land and natural resources according to the procedure established by law;
- g) to observe good-neighborhood rules and restrictions related to the establishment of land servitudes and protection zones;
- h) to preserve geodesic signs, anti-erosion structures, irrigation grids and drainage systems.

2. Other responsibilities/obligations of land plot users may be established by law.

Article 97. Obligations of enterprises, institutions and organizations engaged in prospecting

1. Enterprises, institutions and organizations, engaged in geodetic surveying, searching, geodetic and other prospecting work, may conduct such work on the basis of a contract with the landowner or upon agreement with land user.

2. The timeframe and location of the prospecting shall be established by the agreement of parties.

3. Conducting of prospecting on the lands of nature reserves, national, dendrological, botanical, and memorial parks, burial grounds, archaeological monuments/sights shall be allowed in exceptional cases upon the decision of the Cabinet of Ministers of Ukraine.

4. Enterprises, institutions and organizations conducting prospecting shall be obligated to compensate to land owners and land users for all losses, including the lost income, as well as to restore the affected land plots to their previous condition at their own expense.

5. Disputes arising in the process of prospecting shall be resolved in court.

CHAPTER 16. THE RIGHT OF LAND SERVITUDE

Article 98. Content of the right of land servitude

1. The right of land servitude is the right of a land plot owner or that of land-user to limited paid or free use of other's land plot/plots.

2. Land servitudes may be permanent and may be established for a definite period of time.

3. Establishment of land servitude does not lead to depriving the owner of the land plot on which land servitude is established of the rights to possess, use and dispose of it.

4. Land servitude shall be exercised in the manner least burdensome for the owner of the land plot on which land servitude was established.

Article 99. Types of the right of land servitude

Land plot owners or land-users may demand to establish the following land servitudes:

- a) the right to walk or ride a bicycle;
- b) the right of vehicular passage on the existing driveway;
- c) the right to establish and operate electrical transmission lines, telecommunication lines, pipelines and other communication lines;
- d) the right to extend to one's land plot water from an alien body of water or through an alien land plot;
- e) the right to take water away from one's land plot to a neighboring one or through a neighboring land plot;
- f) the right to collect water from a natural body of water located on a neighboring land plot and the right of passage to the natural body of water;
- g) the right to water one's cattle from a natural body of water located on a neighboring land plot and the right to drive the cattle to the natural body of water;
- h) the right to drive cattle through/on the existing road/driveway;
- i) the right to install construction facilities and/or store construction materials for the purpose of repairing buildings and installations;
- j) other land servitudes.

Article 100. The procedure for establishing land servitudes

1. The owner or land-user of a land plot has the right to demand the establishment of land servitude for servicing his/her land plot.
2. Land servitude is established by agreement between owners of neighboring land plots or by the court decision.
3. The right of land servitude appears after its state registration in the manner established for state registration of the rights to a land plot.

Article 101. Land servitude validity

1. A land servitude remains in force in case of transferring to another person the right to the land plot, on which land servitude is established.
2. A land servitude cannot be the object of purchase-and-sale or pledge, nor can it be transferred in any way by the person in whose interests the servitude was established to another physical person or legal entity.
3. The owner and user of the land plot on which a land servitude has been established, have the right, unless otherwise provided by law, to demand from the persons in whose interests the land servitude has been established an appropriate recompense for its establishment.
4. The owner of the land plot on which a land servitude has been established has the right to be compensated for losses suffered as a result of the establishment of the land servitude.

Article 102. Termination of a land servitude

1. Land servitude is subject to termination in case:
 - a) the subject of the land servitude and the owner of the land plot on which it is established are joined in a single person;
 - b) refusal of the person in whose interests the land servitude was established;
 - c) of a court decision on canceling land servitude;
 - d) termination of the period of time for which the land servitude was established;
 - e) land servitude was not used for three years;
 - f) the servitude owner violated the terms/conditions for using the servitude.
2. At the demand of the owner of a land plot on which a land servitude was established, the validity of the land servitude may be terminated by a court proceeding/ruling in case:

- a) termination of the grounds on which the servitude was established;
- b) the establishment of land servitude makes it impossible to use the land plot, on which the land servitude was established, for its designated purpose.

CHAPTER 17. GOOD NEIGHBORLINESS

Article 103. Content of good neighborliness

1. Land owners and land-users should choose such ways of using land plots in accordance with their designation that would cause owners, users, of neighboring land plots least inconveniences (shadowing, smoke, unpleasant smell, noise etc).
2. Land owners and land-users, are obligated not to use land plots in the way that does not allow owners, users of neighboring land plots, to use their land plots for the designated purposes (impermissible impact/undesirable effects).
3. Land owners and land-users are obligated to cooperate in actions aimed at ensuring land rights of each of them (apply advanced farm crop growing technologies on the land plots and ensure their appropriate application and land protection).

Article 104. Prevention of a harmful impact on a neighboring land plot

Land-owners and land-users may demand to terminate the activity on a neighboring land plot that can lead to harmful impact on health, people, animals, air, land plots, etc.

Article 105. Consequences of the encroachments on the land plot by branches and roots of trees

Land-owners and land-users have the right to cut off roots of trees and bushes that encroach from a neighboring land plot if such encroachment prevents them from using the land plot for its designated purpose.

Article 106. Responsibilities regarding the determination of common boundaries

1. The owner of a land plot has the right to demand that the owner of an adjoining land plot facilitate the establishment of firm boundaries and assist in their renewal in case the boundary markers disappeared or became indiscernible.
2. The kind of boundary markers and the procedure for renewing the boundaries are determined by executive power bodies in the sphere of land resources.
3. Cost of restoring common boundaries between land plots is borne by their owners in equal shares, unless they have agreed otherwise.

Article 107. Renewal of boundaries

1. The data of the land cadastre documentation shall serve as a basis for renewing boundaries.
2. In case it is impossible to determine the real boundaries demarcating land plots, they are to be restored in accordance with actual use of the land plot. If it is impossible to determine the existing use of the land parcel, then each (owner) is given equal in size part of the disputed plot.
3. In case the determination of boundaries in the above manner does not agree with the found/identified circumstances, in particular with the established sizes of land plots, the boundaries shall be established taking into consideration these circumstances.

Article 108. Joint use of boundary installations

1. When adjacent land plots are separated from one another by a grass strip, path, ditch, canal, wall, fence or some other installation, the owners of these plots have the right to jointly use the installation, if there is no external evidence/outward signs indicating that the installation belongs only to one neighbor.

2. Owners of adjacent land plots may jointly use boundary installations by mutual consent. The owners shall bear in equal shares the expenses to maintain the installations in the proper condition. As long as one of the neighbors is interested in the further existence of the joint boundary installation, it cannot be destroyed or changed without his consent.

Article 109. The use of trees that stand on the boundary of adjoining land plots

1. Trees that stand on the boundary of adjoining plots of land, as well as the fruits of such trees, belong in equal shares to the owners of such plots.

2. Each of the neighbors has the right to demand that the trees on the common boundary be removed. Expenses for removing these trees are borne by the neighbors in equal shares.

3. The neighbor who demands the removal of the trees standing on the common boundary bears the cost of removing the trees if the other neighbor renounces his rights to the trees.

4. The demand to remove trees is not satisfied if these trees serve as boundary markers and, depending on circumstances, cannot be replaced by other boundary markers. These provisions also apply to bushes that grow on common boundary of neighboring land plots.

CHAPTER 18. LIMITATIONS ON THE RIGHT TO LAND

Article 110. The notion of limitations on rights to a land plot

1. The use of a land plot or a portion of it by its owner may be limited (encumbered) to an extent provided for by law or in a contract.

2. A transfer of the right of ownership to the land plot does not terminate the established limitation (encumbrance).

Article 111. Types of limitations on rights to a land plot

1. The right to a land plot may be limited by law or by a contract:

- a) by forbidding sale or other alienation to certain persons or for an established period of time;
- b) by forbidding lease (sublease);
- c) by the right to priority purchase in case it is sold;
- d) by passing it on (bequeathing) only to designated heirs;
- e) by a condition to begin or complete construction on, or to bring into cultivation, the land plot during the established period of time;
- f) by forbidding the conduct of certain kinds of activities;
- g) by forbidding a change in the purpose of use/designation of the land plot, landscape and the exterior appearance of immovable property;
- h) by a condition to build, repair or maintain a road or a section of a road;
- i) by a condition of observing nature conservation requirements or carrying out indicated work,;
- j) by a requirement to allow hunting, fishing, gathering wild plants on one's land plot during established periods and according to the established procedure;
- k) other obligations, limitations or conditions.

2. Limitations on the use of a land plot are subject to state registration and shall be valid during the period established by law or a contract.

Article 112. Protected Zones

1. Protected zones shall be established:

- a) around especially valuable natural objects, historical and cultural heritage sites, hydrometeorological stations etc. in order to preserve and protect them from harmful anthropogenic influences;
- b) along communications lines, electrical transmission lines, transportation lands, around industrial facilities, to ensure the proper conditions for their operation and to avoid their possible damage as well as to decrease their harmful effects on human beings and environment, adjoining lands and other natural objects.

3. The legal status/regime of protected zone lands shall be established by the legislation of Ukraine.

Article 113. Zones of sanitary protection

1. Sanitary protection zones are established around areas where underground or open water sources, water intake facilities and water-purification equipment, water pipes or health-improvement and other facilities are located in order to ensure their sanitary and epidemiological protection.

2. Within the boundaries of protected zones it shall be prohibited to carry out the activity that can damage underground and open sources of water supply, water collection and water purification facilities, water pipelines and health improving facilities around which protected zones have been created.

3. The legal status/regime of sanitary protected zone lands shall be established by the legislation of Ukraine.

Article 114. Sanitary-defense zones

1. Sanitary-defense zones are created around the objects/facilities that are sources of harmful/hazardous substances, odors, excessive levels of noise, vibration, ultrasound and electromagnetic waves, electronic fields, ionizing radiation etc. with the purpose to separate such objects/facilities from residential buildings.

2. Within the boundaries of sanitary-defense zones it shall be prohibited to build residential houses, social infrastructure objects, and other facilities related to permanent stay of people.

3. The legal status/regime of sanitary-defense zone lands shall be established by the legislation of Ukraine.

Article 115. Special land-use regime zones

1. Special land-use regime zones shall be established around military facilities of the Armed Forces of Ukraine and other military formations created in accordance with Ukrainian legislation, to ensure the functioning/operation of these objects, to ensure the safekeeping of arms, military equipment and other military property, protection of state borders, as well as to protect the population, economic facilities and the environment from the effects of emergency situations that could develop at these facilities as a result of accidents, natural disasters or fires.

2. Along the state borders of Ukraine established shall be a near border/frontier strip with special land-use regime.

3. The size and legal regime of the frontier strip shall be established in accordance with law.

SECTION IV. ACQUISITION AND EXERCISING THE RIGHT TO LAND

CHAPTER 19. ACQUISITION OF THE RIGHT TO LAND BY CITIZENS AND LEGAL ENTITIES

Article 116. Grounds for acquiring the rights to land

1. Citizens and legal entities shall acquire the right of ownership and use of land plots from state- and communally-owned lands by decision of the executive power body or local self-government body within their legal capacities as provided by this Code.

2. Acquisition of the right to land by citizens and legal entities shall be carried out via transfer of land plots into ownership or use.

3. Transfer of land plots at no charge in ownership of citizens shall occur in the following cases:

- a) privatization of land plots that are in use by citizens;
- b) obtaining land plots as a result of privatization of state- and communally-owned agricultural enterprises, institutions and organizations;
- c) obtaining land plots out of state- and communally-owned property within the limits of privatization at no charge, as provided by this Code.

4. Transfer of land plots at no charge within the limits provided by this Code shall be conducted one time per each type of usage.

5. Granting in use of the land plots that are currently in ownership or in use shall be carried out only after its withdrawal (buying-out) under procedures provided for by this Code.

Article 117. Transfer of state-owned land plots into communal ownership and of communally-owned land plots into the state-ownership

Transfer of state-owned land plots into communal ownership and of communally-owned land plots into the state-ownership shall be carried out under procedures provided by this Code.

Article 118. The procedure for privatization at no charge of land plots by citizens

1. A citizen interested in privatization of a land plot used by him shall submit an application to the respective rayon, Kyiv or Sevastopol city state administrations or village, settlement and city radas (councils) depending on the location of the land plot.

2. Executive power bodies and local self government bodies shall within a month take a decision on privatization of land plots on the basis of technical materials and documentation confirming the size of the land plot.

3. Citizens – employees of state and communally owned agricultural enterprises, institutions and organizations, as well as retired employees from among them, that are interested in obtaining into their ownership free of charge land plots permanently used by these enterprises, institutions and organizations, shall submit a request on privatization of these lands respectively to village, settlement, city or rayon radas, Kyiv or Sevastopol city state administrations.

4. The respective local self-government or executive power bodies shall consider within a month the requests and grant permission to enterprises, institutions and organizations to develop a land privatization plan.

5. Land plots shall be transferred in ownership to citizens - employees of state and communally owned agricultural enterprises, institutions and organizations, as well as retired employees from among them under procedures provided by this Code.

6. Citizens interested in obtaining land plots at no charge from state- or communally owned lands to operate an individual farm, to operate an individual household farm, for orchards, for construction and servicing of a dwelling house, farm buildings and constructions (household plots), for individual dacha construction, and for construction of individual garages within the limits of privatization at no charge, shall submit applications to the respective rayon, Kyiv or Sevastopol city state administrations or village, settlement and city radas (councils) depending on the location of their land plots. The application indicates the desired size and the purpose for which the land plot shall be used.

7. The respective local state administration or village, settlement, city rada shall consider the application and in case the land plot is transferred to a private farm it shall also consider the summary of the tender commission, and if it agrees to transfer the land plot into ownership it grants permission to develop an allocation plan for the land plot.

8. The land plot allocation plan shall be developed upon request of citizens by the organizations having respective permissions (licenses) to perform these types of work, within the timeframe stipulated by agreement of the parties.

9. The land plot allocation plan shall be agreed with the land resources organ, nature protection and sanitary-epidemiological bodies, architecture authorities and shall be submitted to respective state administrations or local self government bodies.

10. Rayon, Kyiv or Sevastopol city state administrations or village, settlement and city radas (councils) shall consider within a month the land plot allocation plan and take a decision on transferring the land plot into ownership.

11. If executive power bodies or local self-government bodies refuse to transfer the land plot into ownership or if the application would not be considered, the issue shall be resolved in court.

Article 119. Acquisition of the right to a land plot through long use/ancient acquisition

1. A citizen that uses a land plot thoroughly, openly and continuously over a period of fifteen years but does not have the documents that certify his/her rights to this land plot, may appeal to state power body or a local self-governing body with a request of the land plot's transferal into his/her ownership or for granting it in use. The size of the land plot shall be kept within the limits provided by this Code.

2. A land plot shall be transferred into the ownership of a citizen on the basis of acquisitive limitation under procedures provided by this Code.

Article 120. Transfer of the rights to a land plot when transferring the rights to buildings and structures

1. When the ownership right to a building and structure is transferred, the ownership right to a land plot or its portion may be transferred on the basis of civil-law agreements, and the right to use – on the basis of lease agreement.

2. When alienating buildings and structures located on the leased land plot, the right to the land plot shall be determined in accordance with the land plot lease agreement.

3. In case the right to ownership of a building or a portion of it is transferred from one person to another through a contract of life maintenance, the right to the land plot is transferred on the same terms it belonged to a previous owner.

4. When the right to ownership of a building and structure is transferred to several persons, the right to the land plot shall be determined proportionally to the shares of these persons in the value of the building and structure, unless otherwise stipulated in the building and structure alienation agreement.

5. When the ownership right to a building or structure is transferred to persons or legal entities that cannot own land plots, they (these persons) are transferred the right to use the land plot on which the building or structure is located.

Article 121. Norms for free transfer of land plots to citizens

1. Citizens of Ukraine are entitled to receive, free-of-charge, plots of state- or communally-owned land of the following dimensions:

a) To operate an individual farm, a plot of land the size of the land share (pai) determined for agricultural enterprises located on the territory of the village, settlement or city rada where the individual farm is located. If several agricultural enterprises are located on the territory of village, settlement, or city rada, the size of a land share (pai) shall be determined as an average share for these enterprises. In case of unavailability of agricultural enterprises in the rayon, the share (pai) size shall be determined as the average for rayon.

b) To operate an individual household farm, a plot not exceeding 2 hectares;

c) For orchards, a plot not exceeding 0.12 hectares;

d) For construction and servicing of dwellings, outbuildings and structures (subsidiary plot): in villages - a plot not exceeding 0.25 hectares; in settlements - a plot not exceeding 0.15 hectares; in cities - a plot not exceeding 0.1 hectares;

e) For individual dacha construction a plot not exceeding 0.1 hectares;

f) For construction of individual garages a plot not exceeding 0.01 hectares;

2. The size of the land plot being transferred at no charge to a citizen for operating a an individual household farm can be increased in case of acquiring a land share (pai) in kind.

Article 122. Authority of executive power and local self-government bodies to grant land plots to legal entities for perpetual use (Article 131 of the earlier translation)

1. Village, settlement, city radas shall grant to legal entities for perpetual use for all purposes/needs the land plots from communally owned lands of the respective territorial communities.

2. Oblast, rayon radas shall grant to legal entities for perpetual use for all purposes the land plots from respective lands in common ownership of territorial communities.

3. Rayon state administrations on their territory shall grant land plots from state owned lands to legal entities for perpetual use within the boundaries of villages, settlements, towns of rayon significance for all purposes and outside the boundaries of settled areas for:

- a) agricultural use;
- b) forest and water management;
- c) building objects related to servicing residents of territorial communities of the rayon (schools, hospitals, trading enterprises etc.).

4. Oblast state administrations shall grant land plots on their territory from state owned lands to legal entities for perpetual use within the boundaries of cities of oblast significance and outside the boundaries for all purposes, except for cases outlined in part 3 and 7 of this Article.

5. Kyiv, Sevastopol city state administrations shall grant land plots from state owned lands to legal entities for perpetual use within the boundaries of their territories for all purposes, except for cases outlined in part 7 of this Article.

6. The Council of Ministers of the Crimean Autonomous Republic shall grant land plots from state owned lands to legal entities for perpetual use within the boundaries of cities of republican (Autonomous Republic of Crimea) significance and outside their boundaries for all purposes, except for cases outlined in parts 3 and 7 of this Article.

7. The Cabinet of Ministers of Ukraine shall grant land plots from state owned lands to legal entities for perpetual use in cases stipulated in Articles 149 and 150 of this Code.

Article 123. Procedure for granting land plots to legal entities for perpetual use

1. Land plots are granted to legal entities in perpetual use on the basis of the decisions of executive power bodies and local self government bodies in accordance with plans of allocation of these plots.

2. Terms and timeframe for developing plans for allocation of land plots are defined in the agreement concluded between the customer and performer of the work.

3. Legal entity interested in receiving a land plot for perpetual use the from state- or communally-owned lands shall submit respective application to rayon state administration, Kyiv and Sevastopol city state administration or village, settlement, or city council.

4. A request/petition for the allocation of a land plot shall be supplemented with documents specifying its size, purpose/designation and location.

5. The respective rayon state administration or village, settlement, city council shall consider the request within a month and give consent to the development of a land plot allocation plan.

6. A plan for land plot allocation is agreed with the land user, land resources organ, environment and sanitary-epidemiological bodies, architecture and cultural legacy protection authorities, and, after receiving an expert summary from the state land-survey authorities on objects subordinated to it, the plan is submitted to the appropriate rayon state administration or village, settlement or city rada, which shall consider the plan within a month, and within the limits of their competence, established by this Code, they adopt a decision on granting a land plot.

7. When granting of a land plot for use, oblast state administrations, the Council of Ministers of the Crimean Autonomous Republic or the Cabinet of Ministers of Ukraine; the village, settlement or city rada, raion state administration whereat the land plot is located, shall submit their recommendation respectively to the oblast' state administrations or the Council of Ministers of the Crimean Autonomous Republic.

8. If the land plot is to be granted by the Cabinet of Ministers of Ukraine, the Council of Ministers of the Crimean Autonomous Republic, the oblast, Kyiv, Sevastopol city state administrations shall submit their recommendations and the allocation plan for the land plot to the central executive power body on land resources, which shall consider these materials within a month shall submit them to the Cabinet of Ministers of Ukraine.

9. Refusal of local self-government bodies or executive power bodies to grant a land plot for use or their failure to consider the application can be appealed to court.

Article 124. The procedure for leasing land plots

1. Land plots held in state or communal ownership shall be leased out on the basis of the decision of the respective executive power body or local self-government body through concluding lease agreement for the land plot.

2. Land plots owned by citizens or legal entities shall be leased out on the basis of lease agreement between the land plot owner and a lessee.

3. The leasing out of land plots to citizens and legal entities with changing their designation/purpose of use, as well as of lands of land reserve for construction purposes, shall be carried out in accordance with withdrawal/allocation plans following the procedure established by Article 118 and 123 of this Code.

Article 125. Acquisition of the right to ownership and the right to use of a land plot

1. The right to ownership and the right to perpetual use of a land plot come into existence after its owner or user obtains a document certifying the ownership right or the right to perpetually use the land plot and its state registration.

2. The right to lease a land plot is acquired after a lease agreement is concluded and had undergone the state registration.

3. It shall be prohibited to start using a land plot before it is allocated in kind/ demarcated on the ground, before the document certifying the right to this plot is received as well as prior to the state registration of the land plot.

Article 126. Documents that certify the right to a land plot

1. The right to ownership of a land plot and the right to perpetual use of land plots is certified/documentated by state acts. The forms of the state acts are approved by the Cabinet of Ministers of Ukraine.

2. The right to lease land is certified by a contract that is registered according to legislation.

CHAPTER 20. ACQUISITION OF LAND PLOTS ON THE BASIS OF CIVIL-LAW AGREEMENTS

Article 127. The sale of state- or communally owned land plots

1. State power bodies and local self-government organs shall carry out according to their competence the sale of state or communally owned land plots to citizens and legal entities entitled to acquiring the ownership of land plots as well as to foreign states in accordance with this Code.

2. The sale of state- or communally owned land plots to citizens and legal entities shall be carried out on a competition basis (auction, tender), except purchase of land plots on which located are objects of immovable property which are in ownership of those purchasing the land plots in question.

Article 128. The procedure for sale of the state- or communally owned land plots to citizens and legal entities

1. Sale of the state- and communally owned to citizens and legal entities for purposes specified by this Code shall be performed by local state administrations, Government of the Crimean Autonomous Republic or by local self-government bodies within their competence.

2. Persons interested in acquiring the ownership of land plots shall submit an application/request to the respective executive power body or village, settlement, city rada. The application shall indicate the desired location, designated purpose and the size of the land plot.

Attached to the application shall be:

- a) a state act to the right of perpetual use of the land or a lease agreement for the land;
- b) the land plot plan and the document certifying its allocation shall be submitted, in case of unavailability of the state deed;
- c) certificate on the registration of the subject of business activity.

3. The Government of the Crimean Autonomous Republic, local state administration or village, settlement, city rada within a month shall consider the application and take a decision on the sale of the land plot or on refusal to sell it indicating the reasons for the refusal.

4. Persons who submitted an application for the sale of a land plot that was not held in their use, shall purchase the land plot in question within 30 days after a land-engineering organization shall have drafted the land plot allocation plan.

5. A decision not to sell the land plot shall be taken when:

- a) documents necessary to decide whether or not to sell the land plot have not been submitted;
- b) inaccurate information is discovered in the submitted documents;
- c) if a legal action was brought against a subject of entrepreneurial activity against whom a bankruptcy or liquidation lawsuit has been filed.

6. The decision of Government of the Crimean Autonomous Republic or that of the local state administration, or village, settlement, city rada on the sale of the land plot is the basis for conclusion of the land plot purchase-and-sale agreement.

7. The purchase and sale agreement for the land plot is subject to notarization. The document certifying the payment shall serve as a basis for issuing a state act to the right of ownership of the land plot and its state registration.

8. The value of the land plot is determined on the basis of its expert pecuniary appraisal conducted in compliance with the methodology approved by the Cabinet of Ministers of Ukraine.

9. Settlements for purchase of the land plot can be performed in installments.

10. A decision to refuse to sell the land plot may be appealed against in court.

Article 129. The sale of state or communally owned land plots to foreign states and foreign legal entities

1. The sale of state owned land plots to foreign states and foreign legal entities shall be carried out by the Cabinet of Ministers of Ukraine in agreement with Verkhovna Rada of Ukraine.

2. The sale of land plots owned by territorial communities to foreign states and foreign legal entities shall be carried out by respective radas upon agreeing it with the Cabinet of Ministers of Ukraine.

3. The sale of land plots owned by the state and territorial communities to foreign legal entities shall be allowed on condition the foreign legal entity had registered its permanent representation office and is entitled to conduct business activity on the territory of Ukraine.

4. Foreign states interested in acquiring the ownership of land plots from state- or communally owned lands shall submit a request to the Cabinet of Ministers of Ukraine.

5. Foreign legal entities interested in acquiring land plots shall submit a request to the Council of Ministers of the Crimean Autonomous Republic, oblast, Kyiv, Sevastopol city state administrations or village, settlement, city rada. Attached to the request shall be a lease agreement for land, a copy of the registration certificate proving that this legal entity has registered its representation office and is entitled to conduct business activity on the territory of Ukraine.

6. The consideration of requests and sale of land plots shall be carried out by village, settlement, and city radas after receiving the agreement of the Cabinet of Ministers of Ukraine.

Article 130. Buyers of agricultural lands

1. Buyers of agricultural land plots for the purpose of commodity agricultural production may be:

- a) citizens of Ukraine with agricultural education or experience in agriculture or which are engaged in commodity agricultural production;
- b) legal entities the statutory documents of which envisage agricultural production.

2. Priority right to purchase land plots of agricultural purpose shall be with the citizens of Ukraine permanently residing in the territory of respective rada where the land plots in question are being sold, as well as with respective local self-governing bodies.

Article 131. Acquisition of the ownership right to land plots on the basis of other civil-law agreements

1. Citizens and legal entities of Ukraine as well as territorial communities and the state have the right to acquire the ownership of land plots on the basis of exchange, gift, inheritance and other civil-law agreements.

2. Such agreements shall be concluded in accordance with the Civil Code of Ukraine taking into consideration the requirements of this Code.

Article 132. The content of the contract on transferring the right of ownership of a land plot

Agreements on transferring the right of ownership to land plots shall be concluded in writing and notarized.

The contract must include the following:

- a) names of the parties to the contract (family name, name and patronymic of a citizen, name of a legal entity);
- b) type of contract;
- c) subject of the contract (the land plot with indicated location, size, designated purpose of use, composition of lands, legal regime etc.);
- d) the documents confirming the right to ownership of the land plot;
- e) evidence that there is no prohibition on alienating the land plot;
- f) evidence of the absence or presence of encumbrances on the use of the land plot for its designation/purpose (pledge, lease, servitudes, etc);
- g) contract price;
- h) obligations of the parties.

3. Agreements involving transferal of ownership rights to land plots are considered concluded ~~done~~ as of the date of the notary's certification.

Article 133. Pledge of land plots

1. Pledged may be land plots owned by citizens and legal entities.
2. A land plot held in common ownership may be pledged upon the consent of all co-owners.
3. A portion of a land plot shall be pledged after the land plot is allocated in kind/ demarcated on the ground.
4. Only banks can be pledge holders, provided they meet the requirements established by law of Ukraine.
5. The procedure for pledging land plots is determined by law.

CHAPTER 21. THE SALE OF LAND PLOTS ON A COMPETITION BASIS

Article 134. Mandatory requirement to sell state- or communally owned land plots on competition basis

State- or communally owned land plots slated for sale to subjects of entrepreneurial activity for construction, shall be subject to competitive sale (land sale).

Article 135. Land sales

1. Land sales shall be conducted-by auction or competition.
2. Citizens and legal entities that have paid registration and guarantee fees and are entitled to be buyers according to legislation of Ukraine, may participate in land sales.
3. The owner of the land plot determines the form in which the land sales are to be conducted (auction or competition) unless otherwise provided by law.
4. Land sales may be conducted per the decision of the court.

Article 136. Preparation of land plots for sale

1. State power bodies and local self-government bodies, authorized to make a decision on alienating lands held in state or communal ownership, shall identify the list of land plots slated for sale to subjects of entrepreneurial activity for construction purposes through land sales.
2. A land plot slated for sale to subjects of entrepreneurial activity for construction through land sales shall be offered for sale after:
 - a) the boundaries of the land plot are demarcated in kind/on the ground and flagged by border markers;
 - b) technical passport for the land plot has been worked out.
3. The technical passport for a land plot shall include the data on:
 - a) size of the land plot;
 - b) location (address);
 - c) relation to state- or communally owned property
 - d) pecuniary valuation of land plot and its starting price;
 - e) natural and economic condition of the land plot;
 - f) purpose of use of the land plot.
4. The Regulation on “Technical Passport for the Land Plot Offered for Sale at a Land Sale” shall be determined by the Cabinet of Ministers of Ukraine.

Article 137. Announcement on conducting land sales

1. Land sales shall be conducted not earlier than 30 days from the moment the official notice was published in newspapers on offering land plots for sale and placing on these land plots the bill boards with official information on offering the land plots for sale.
2. official information on offering land plots for sale shall include the data on:
 - a) the size of the land plot;
 - b) purpose/designation;
 - c) starting price;
 - d) venue and time of sale;
 - e) name and address of the entity, name, position and telephone number of the person that may give access to technical passport of the land plot.
3. The state power body or local self-government body that is authorized to alienate the land plot slated for sale for construction, or the court shall act as an organizer of land sales. Land sales shall be conducted by the legal entity that has a permission (license) to conduct land sales, on the basis of agreement with the respective state power body or local self-government body.
4. The organizer of land sales has the right to refuse to conduct the sale not later than 10 days prior to conducting the sales upon mandatory publication of the official information on canceling land sales indicating the reasons for canceling.
5. Land sales shall be conducted in the manner established by law.

Article 138. Recognizing land sales as such that have not taken place

1. Land sales may be recognized as such that have not taken place when:
 - a) no [potential] buyers or only one buyer turned up;
 - b) no buyer has offered a price above the starting price of the land plot;
 - c) the winner of the land sale failed to pay the due amount for the land plot within the established timeframe.

Article 139. Alienation of land plots per court ruling

1. In case of foreclosure on the land plot owned by a citizen or legal entity, the land plot shall be subject to sale at land sales conducted in the form of auction.
2. Foreclosure on the land plots designated for commodity agricultural production, shall be permitted in case the owners of such plots have no other property on which foreclosure is possible, unless otherwise is proposed by the owner of the land plot.

CHAPTER 22. TERMINATION OF THE RIGHT TO LAND

Article 140. Grounds for termination of the right of ownership of a land plot

Grounds for the land plot ownership rights termination are as follows:

- a) the owner's voluntarily renunciation of the right to the land plot;
- b) the land plot owner's demise, inheritors unavailable;
- c) alienation of the land plot at the owner's decision;
- d) foreclosure of the land plot at a creditor's demand;
- e) alienation of the land plot for public needs, proceeding from public utility;
- f) of confiscation pursuant to court ruling;
- g) failure of a foreign individual to alienate the land plot in the established term in cases provided by this Code.

Article 141. Grounds for termination of the right to use a land plot

Grounds for the land plot use rights termination are as follows:

- the owner's voluntarily renunciation of the right to use the land plot;
- a) withdrawal of the land plot in cases provided for in this Code;

- b) the activity of state or communal enterprises, institutions or organizations terminate;
- c) the land plot is used in ways which contradict ecological requirements;
- d) the land plot is not used for its designated purpose;
- e) the land tax or the lease fee is not paid systematically.

Article 142. Voluntary renunciation of the right to ownership or the right to perpetual use of a land plot

1. The right to ownership of a land plot terminates if it is voluntarily given up by the owner of the land in favor of the state or the territorial community by his/her application to the relevant agency.
2. If the executive power body or the body of local self-government accepts the right to ownership of the land plot, an agreement on the transfer of the right of ownership to the land plot is concluded. The agreement on the transfer of the right of ownership of the land plot must be notarized and registered in the state register.
3. The right of perpetual use of a land plot is terminated if the land user voluntarily renounces it with an application to the owner of the land plot.
4. Based on the declaration of the land user, the landowner makes a decision to terminate the right to use of land plot and so informs the state registration agency.

Article 143. Grounds for compulsory termination of the right to a land plot

The right to a land plot is compulsorily terminated by a court proceeding in case:

- a) the land plot is not used according to its purpose;
- b) failure to correct violations of legislation (contamination of lands by radioactive or chemical agents, rubbish or waste water; soil contamination by bacterial, parasitic, infectious or quarantined organisms; soil contamination with prohibited plants; damaging or reducing the fertile layer of soil; damaging the facilities of engineering infrastructure or melioration systems; violating the established regime of use of land that is especially protected; or using lands in ways that cause harm to the health of the population) in the period established by orders of the specially empowered executive power bodies concerned with land resources;
- c) confiscation of the land plot;
- d) buying-out (withdrawal) of the land plot proceeding from public needs;
- e) compulsory foreclosure on the land plot for liabilities of the owner of that land plot;
- f) failure of a foreign individual to alienate the land plot in the established term in cases provided by this Code.

Article 144. Procedure for terminating the right of use of land plots that are being used in violation of land legislation

1. In case a violation of the land legislation is discovered, the state inspector for use and protection of lands draws up a protocol and issues an instruction to the violator to correct the violation within 30 days. If the violator did not comply with the inspector's instruction to correct the violation, the state inspector in accordance with the law applies administrative sanctions to the violator and issues for the second time the instruction to halt the violation or clear up/remedy the consequences of the violation within 30 days.
2. If the violation is not corrected within 30 days the state inspector brings an action to respective executive power body or local self-governing body with a request to terminate the use rights for the given land plot.
3. Decision of the executive power body or local self-governing body concerning the land use rights termination can be appealed against in compliance with established judicial procedure.

Article 145. Termination of the land plot ownership rights of a person to whom a land plot cannot belong on the basis of ownership rights

1. If land plot ownership rights are transferred to a person who, pursuant to this Code, cannot hold the land plot in their ownership, the land plot in question is to be alienated by its owner in the term within a year starting from the moment of those rights transferal.
2. In case the land plot has not been alienated within the established term, the land plot in question is to be compulsorily alienated by court decision.
3. A person to whom a land plot is transferred and who cannot acquire the land plot on the basis of ownership rights, has the right to lease it in.

Article 146. Buy out of land plots for public needs

1. The state power bodies and local self government bodies in accordance with their competence provided by this Code have the right to buy out land plots owned by citizens and legal entities for the following public needs:
 - a) for buildings and constructions of state power bodies and local self government bodies;
 - b) for buildings, constructions and other production objects held in state- and communal ownership;
 - c) for nature reserve objects and other objects of nature protection designation;
 - d) defense and national security;
 - e) for construction and servicing line facilities and objects of transport and energy infrastructure (roads, gas pipelines, water pipelines, electricity transmission lines, airports, oil and gas terminals, power stations etc.);
 - f) for deploying diplomatic missions and other representation offices of foreign states and international organizations enjoying the same status as diplomatic missions;
 - g) for city parks, places/sights of rest and other public objects needed to service the population.
2. The land plot owner not later than a year prior to the prospective buy out of the land plot should be notified by the decision-making organ in writing about the buy-out of the land plot.
3. A land plot shall be bought out upon the consent of its owner. The value of the land plot shall be established in accordance with pecuniary appraisal of lands conducted in compliance with the procedure (methodology) approved by the Cabinet of Ministers of Ukraine.
4. If the land plot owner won't agree to the buy out value, the issue shall be resolved in court.

Article 147. The compulsory alienation of a land plot proceeding from public needs

1. In the event a curfew or state of emergency is imposed, the land plots owned by individuals or legal entities may be alienated (taken away) for reasons of social need, according to the procedure established by law.
2. The ownership right to a plot of land shall be terminated in such cases on condition of full compensation of the plot value.
3. After the circumstances that caused the alienation are no longer effective, the person, from whom the land plot had been compulsory alienated, has the right to demand that the land plot be returned to him/her.
4. In case it is not possible to return the alienated land plot to its owner, another land plot shall be given to the owner as he wishes.

Article 148. Confiscation of a land plot

A land plot may be confiscated exclusively upon the decision of a court in cases, amounts and in accordance with the procedure established by law.

Article 149. The procedure for taking away of land plots

1. The land plots granted for perpetual use from state- and communally owned lands may be taken away for public and other needs upon the decision of state power bodies and local self government bodies in accordance with their competence.
2. Withdrawal of land plots shall be conducted upon the agreement of the land owners and land users on the basis of decisions of the Cabinet of Ministers of Ukraine, of the Council of Ministers of the Crimean Autonomous Republic, the local state administrations, village, settlement, city radas in accord with their competence.
3. Village, settlement, and city radas shall take away land plots communally owned by (in communal ownership of) the respective territorial communities held in perpetual use, for all needs with the exception of especially valuable lands that shall be withdrawn (bought out) with respect to the requirements provided in Article 150 of this Code.
4. Verkhovna Rada of the Crimean Autonomous Republic, oblast , rayon radas shall take away land plots in common ownership of respective territorial communities held in perpetual use for all needs
5. Rayon state administrations on their territories shall take away state owned land plots held in perpetual use within the boundaries of villages, settlements, towns of rayon significance for all needs, and outside the boundaries of settled areas for:
 - a) agricultural use;
 - b) forest and water management; with the exception of cases envisaged by Section 9 of this Article;
 - c) construction of facilities related to servicing residents of territorial community of the rayon (schools, hospitals, trade enterprises, etc.).
6. Oblast state administrations on their territory shall withdraw state owned land plots held in perpetual use, within the boundaries of cities of oblast significance and outside their boundaries for all needs with the exception of cases envisaged by parts 5 and 9 of this Article
7. Kyiv, Sevastopol city state administrations shall withdraw state owned land plots held in perpetual use within the boundaries of their territories for all needs, with the exception of cases envisaged in part 9 of this Article
8. The Council of Ministers of the Crimean Autonomous Republic shall withdraw state owned land plots held in perpetual use within the boundaries of cities of republican (Autonomous Republic of Crimea) significance and outside their boundaries for all needs with the exception of cases outlined in parts 5 and 9 of this Article
9. The Cabinet of Ministers of Ukraine shall withdraw state owned land plots held in perpetual use (arable land, perennial fruit plantings, perennial plantations for non-agricultural needs, first-group forests exceeding 10 hectares, as well as land plots of nature protection, health improving, recreational designation) with the exception of cases outlined in parts 5, 6, 7 and 8 of this Article and in cases envisaged in Article 150 of this Code.
10. In case the land user refuses to allow the land plot to be taken away the issue shall be resolved in court.

Article 150. Especially valuable lands and the procedure for their withdrawal

1. Especially valuable lands include: uneroded salt-free loamy black soils of forest origin; field salt-free black soils; ashen-grey podsollic soils and black podsollic soils under forests and associating clay soils; brown mountain and forest soils and brown turf soils of high and medium thickness; podsollic turf loam soils; peat bogs with a layer of peat above one meter in thickness and drained peat bogs with different turf thickness; brown soils along the southern coast of the Crimea; deep brown Trans-Carpathian soils, lands of agricultural scientific-research institutions and educational foundations; nature reserve lands, lands of historic and cultural designation. It shall not be permitted to take especially valuable lands away for public needs, except for cases outlined in part 2 of this Article.
2. Land plots from especially valuable state- and communally-owned lands may be withdrawn (bought out) upon the Resolution of the Cabinet of Ministers of Ukraine, or upon decision of respective rada, if

the issue of land plot withdrawal (buying out) is agreed upon with Verkhovna Rada of Ukraine, for construction of facilities of state-wide significance, roads, electric and telecommunication lines, pipelines, drainage and irrigation canals, geodesic points, dwellings, social and cultural facilities, oil and natural gas wells and of production structures related to their operation.

3. The issues related to withdrawal (buying out) of land plots of especially valuable lands in ownership of citizens and legal entities shall be agreed by the Verkhovna Rada of Ukraine in accordance with application filed by Verkhovna Rada of the Crimean Autonomous Republic, oblast rada, or Kyiv and Sevastopol city radas .

Article 151. The procedure for agreeing the issues related to taking away (buying out) land plots (See Article 135 of the earlier version, amended)

1. Legal entities interested in taking away (buying out) land plots, shall be obligated prior to the start of the planning to agree with land owners, land users and village, settlement, city radas, state administrations, the Council of Ministers of the Crimean Autonomous Republic, the Cabinet of Ministers of Ukraine and Verkhovna Rada of Ukraine the location of the object, the size of the land plot and the terms of withdrawal (buying out) taking into account the overall development of the territory that would ensure proper functioning of all objects on this plot and adjacent territories, living conditions of people and protection of environment.

2. The land plots for deploying the objects shall be selected in accordance with the established procedure by legal entities interested in taking them away/withdrawing them.

3. The agreeing of the location of objects, the size of the intended land plots to be taken away (bought out) and the terms for their taking away shall be carried out by the respective village, settlement, city radas, state administrations, the Council of Ministers of the Autonomous Republic of Crimea, the Cabinet of Ministers of Ukraine, Verkhovna Rada of Ukraine in accordance with their competence regarding taking away land plots.

4. The agreeing of the location of objects on the lands being taken away per the decision of the Cabinet of Ministers, as well as the location of objects of ownership of other states, international organizations, shall be performed by Verkhovna Rada of Ukraine.

5. Legal entities interested in taking away (buying out) land plots shall submit requests for agreeing the location of objects to the respective village, settlement, city rada, state administration. Requests regarding the objects that are taken away by the Cabinet of Ministers of Ukraine shall be submitted to the Council of Ministers of the Autonomous Republic of Crimea, oblast, and Sevastopol city state administration.

6. The requests shall be supplemented with the required materials and calculations.

7. The respective village, settlement, city rada, state administration shall consider within a month the request and give permission to the legal entity to prepare materials regarding the agreeing of the location of the object.

8. Legal entities shall agree the most appropriate location of the object, the size of the land plot intended for withdrawal (taking away) and the terms for its withdrawal (buying out) with the land owner or land user, the rayon (city) body for land resources, nature protection and sanitary-epidemiological authorities, the body for city development, architecture and cultural heritage, and submit the appropriate materials to village, settlement, city rada, state administration that agree the location of the object for which (they) have the right to withdraw the land plot.

9. If the location of the object is to be agreed by rayon, oblast state administration, the Council of Ministers of the Crimean Autonomous Republic, the Cabinet of Ministers of Ukraine, Verkhovna Rada of Ukraine, then the village, settlement, city rada shall prepare its conclusions and submit the materials to be agreed to Verkhovna Rada of the Crimean Autonomous Republic, rayon, Kyiv, Sevastopol city state administration.

10. Rayon state administration shall consider these materials in a month term and agree the location of the object for which (it) has the right to withdraw a land plot, or shall submit its conclusions to the Council of Ministers of the Crimean Autonomous Republic, or oblast state administration.

11. The Council of Ministers of the Crimean Autonomous Republic, oblast state administration shall consider the submitted materials and agree the location of the object for which (it) has the right to withdraw a land plot.

12. The materials for agreeing the location of the object by the Cabinet of Ministers of Ukraine shall be submitted by the Council of Ministers of the Crimean Autonomous Republic, oblast, Kyiv and Sevastopol city state administrations, together with its conclusion to the State Committee of Ukraine on Land Resources which shall consider these materials and within a month submit its proposals to the Cabinet of Ministers of Ukraine.

13. Cabinet of Ministers of Ukraine shall consider these materials and approve respective decision, and submit recommendations to Verkhovna Rada on the issues that need to be agreed by Verkhovna Rada.

14. Verkhovna Rada of the Crimean Autonomous Republic oblast, Kyiv and Sevastopol city state administrations shall submit their recommendations to Verkhovna Rada concerning withdrawal of especially valuable lands out of communally-owned property.

15. Materials for agreeing the location of the object shall include: copied excerpts from the development and construction plan for the settled area, a copy of the land plot plan indicating all alternatives for location of the object on the plot as well as indicating the total size of the territory to be withdrawn. Also indicated is a composition of lands of the land plot being withdrawn and the terms for its withdrawal.

16. In case the land owner or land user, village, settlement, city rada, state power bodies refuse to agree the location of the land plot, these issues shall be resolved in court.

17. If the claim is acknowledged by the court and the court rules in favor of the appeal against the refusal of the land owner, land user, village, settlement, city rada, or state power bodies to agree the location of the land plot, the court ruling or arbitration court ruling shall serve as the grounds for the development of the land plot withdrawal plan.

SECTION V. GUARANTEES FOR THE RIGHTS TO LAND

CHAPTER 23. PROTECTION OF RIGHTS TO LAND

Article 152. Ways of defending the rights to land plots

1. The state provides citizens and legal entities with equal conditions to protect the rights of land ownership.

2. The landowner or land user may demand that any violations of his rights be corrected, even if these violations are not connected with any loss of possession rights to the land plot, and also demand compensation for any losses caused to him/her.

3. Protection of the rights of citizens and legal entities to land plots is done by means of:

- a) recognition of rights;
- b) restoration of the land plot to its condition prior to the violation of rights and prevention of actions that violate rights or present the threat of violation of rights;
- c) declaring an agreement invalid;
- d) declaring decisions of the executive power bodies or local self-government bodies invalid;
- e) compensation for the incurred losses;
- f) using other methods provided for by law.

Article 153. Guarantees of the ownership rights to a land plot

1. The owner may not be stripped of the right to own a land plot except in cases provided for in this Code and in other laws of Ukraine.

2. In the cases provided for in this Code and other legislative acts of Ukraine, the buy-out of a land plot is permitted. The owner of the land plot shall be compensated for the land plot value.

3. If after the buy-out of the land plot it is established that the land plot is used not for social needs, the former owner of a land plot alienated for social needs has the right to appeal to a court to demand the invalidation of the land plot purchase and sale contract and demand compensation for losses incurred as a result of the buy out.

Article 154. Responsibility of executive power bodies and local self-government bodies for violating the ownership right to land

1. Executive power bodies and local self government bodies have no right to interfere without a court ruling into an owner's exercising his/her authority regarding ownership, use and disposal of the land plot he/she owns or to set any additional obligations or restrictions not envisaged by legal acts.

2. Executive power bodies and local self government bodies shall bear responsibility for the damage caused by their illegitimate interference into an owner's exercising his/her authorities regarding ownership, use and disposal of the land plot.

Article 155. Responsibility of executive power bodies and local self government bodies for issuing acts that violate the rights of owners of land plots

1. In case an executive power body or a local self-government body issues an act that violates the rights of the person to possess, use or dispose of the land plot owned by the person, that act shall be invalidated.

2. Losses inflicted on land plot owners as a result of the issuance of the indicated acts are subject to compensation in full by the body that issued the act.

CHAPTER 24. COMPENSATION OF LOSSES TO LAND OWNERS AND LAND USERS

Article 156. Grounds for compensation of losses

Losses inflicted to land owners and land users by the following causes are subject to compensation:

- a) taking away (buying out) of agricultural or forest lands for needs not connected to agriculture or forest production;
- b) temporary engagement of agricultural or forest lands and bushes for other types of use;
- c) the establishment of restrictions on the use of the land plots;
- d) deterioration of the quality of the soil cover and other useful characteristics of the agricultural and forest lands and bushes;
- e) rendering agricultural or forest lands unfit for use;
- f) loss of income during the time the land plot could not be temporarily used.

Article 157. Procedure for compensation of losses

1. Compensation of losses to the land owners and land users, is done by the executive power bodies, the bodies of local self-government, citizens and legal entities that use the land plots, as well as by the executive power bodies, bodies of local self-government, citizens and legal entities whose activities restrict the rights of the owners and land users, or worsen the quality of the lands located in the zone under their influence, including effects resulting from chemical or radio contamination of the territory, contamination with industrial, domestic and other wastes and discharges.

2. The procedure for determining and compensating losses to land owners and land users, is established by the Cabinet of Ministers of Ukraine.

CHAPTER 25. RESOLUTION OF LAND DISPUTES

Article 158. Bodies that shall resolve land disputes

1. Land disputes shall be resolved by courts, local self government bodies, and executive power bodies concerned with land resources.
2. Courts exclusively shall resolve land disputes over the issues of possession, use and disposal of land plots owned by citizens and legal entities as well as disputes over demarcation of boundaries of villages, settlements, cities, rayons, and oblasts.
3. Local self government bodies shall resolve land disputes within the boundaries of settled areas over the boundaries of land plots owned and used by citizens as well as over the citizens' compliance with good neighborhood rules and disputes over demarcation of boundaries of districts within the city.
4. Executive power bodies concerned with land resources shall resolve land disputes over boundaries of land plots outside settled areas, location of restrictions in land use and land servitudes.
5. In case land owners or land users do not agree with the decision of local self government body, executive power body concerned with land resources, the dispute is resolved by a court.

Article 159. The procedure for examining land disputes by local self-government bodies and executive power bodies concerned with land resources

1. Land disputes shall be examined by the executive power bodies concerned with land resources and local self government bodies on the basis of the application from one of the parties within a month from the day the application was submitted.
2. Land disputes shall be heard in the presence of the interested parties. The parties should be timely notified of the time and venue for the hearing of the dispute. In case of one of the parties is absent during the first hearing and there is no official consent to the hearing of the issue, the hearing of the dispute shall be postponed. The second hearing may be postponed only for a valid reason.
3. The absence of one of the parties without a valid reason during the second hearing of the land dispute shall not halt the hearing and taking of the decision.
4. The decision of the local self-government body or executive power body concerned with land resources issues shall determine the procedure for implementing this decision.
5. The decision is to be forwarded to the parties to the dispute within five days after it is made.

Article 160. Rights and obligations of the parties during examination of land disputes

Parties to a land dispute have the right to acquaint themselves with the materials pertaining to the dispute, to make extracts from them, to participate in the examination/hearing of the dispute, to submit documents and other evidence, to present petitions, to give verbal and written explanations, to dispute the other side's petitions and evidence, to obtain a copy of the decision on the land dispute and, in case of disagreement with the decision, to appeal it.

Article 161. Execution of the decisions on land disputes taken by executive power bodies and local self-government bodies concerned with land resources

1. The decisions of the relevant executive power bodies concerned with land resources and local self-government bodies comes into force from the moment it is adopted. The appealing of the above-mentioned decisions in court shall suspend its execution.
2. A decision on a land dispute shall be executed by the body that adopted the decision.
3. Execution of the decision does not free the violator from compensating for losses or the loss of agricultural and forest lands as a result of violating land legislation.
4. Execution of a decision on land disputes may be suspended or its term may be prolonged by agency of a higher level or by a court ruling.

SECTION VI. LAND PROTECTION

CHAPTER 26. THE TASK, SUBSTANCE AND PROCEDURE FOR LAND PROTECTION

Article 162. The concept of land protection

Land protection is a system of legal, organizational, economic, ecological and other measures directed at rational land use, prevention of baseless taking of agricultural land, protection from harmful anthropogenic influences, renewal and enhancement of soil fertility, increasing productivity of forest fund lands and ensuring the specific regime for the use of lands of nature protection reserves, health resorts, recreational facilities and places of historic and cultural importance.

Article 163. The tasks of land protection

The tasks of land protection are to ensure the preservation and renewal of land resources, the ecological value of natural and acquired qualities of lands.

Article 164. The substance of land protection

1. Land protection includes:

- a) substantiation and ensuring of rational land use;
- b) protection of agricultural and forest lands and bushes from ungrounded withdrawal for other needs;
- c) protection of lands from erosion, mud flows, flooding, subsidence, secondary salination, dehydration, compaction, industrial pollution, contamination with chemical and radioactive substances and from other unfavorable natural and anthropogenic influences;
- d) protection of bodies of water and marshes;
- e) prevention of ecological and aesthetic deterioration of man-made landscapes;
- f) taking degraded and unproductive agricultural tracts out of production.

2. The procedure for land protection is established by law.

Article 165. Standards and norms in land protection and restoration of soil fertility

1. Standards and norms are introduced in the sphere of land protection and soil fertility restoration to ensure the ecological and sanitary-hygienic security of citizens through adopting the proper norms and standards which define the requirements for the quality of lands, permissible anthropogenic pressure on soil and specific territories, permissible agricultural use of lands, etc.

2. The following norms are established in the sphere of land protection and improvement of soil fertility:

- a) optimal correlation of lands;
- b) the quality of soil;
- c) maximum-permissible levels of soil contamination;
- d) indicators of land and soil degradation.

3. Normative documents on standardization in land protection and restoring soil fertility shall be established by the Cabinet of Ministers of Ukraine.

Article 166. Recultivation of damaged lands

1. Recultivation of damaged lands is a complex of organizational, technical and bio-technological measures directing at restoring the soil cover, improving the condition and the productivity of damaged lands.

2. Lands, the relief structure, ecological condition of soil and bedrock and geological regime of which have been affected due to mining, prospecting, construction and other operations, are subject to recultivation.

3. Soil scraped off when conducting mineral-extracting, geological prospecting, construction work etc. is used for the recultivation of damaged lands, rehabilitation of degraded tracts of land, via adding a [soil] layer to low-productivity plots or plots without soil cover.

Article 167. Protection of lands from contamination with hazardous substances

1. Economic and other activities that cause land and soil contamination exceeding the highest established permissible concentration of hazardous substances are prohibited.
2. The norms for highest established permissible concentration of hazardous substances in soils as well as the list of those substances is approved by the executive power bodies concerned with health care, sanitary supervision, environment protection and nature resources.
3. Land plots contaminated with hazardous substances are used in line with established restrictions and the requirements for preventing their hazardous impact on human health and environment.
4. The level of soil contamination is taken into consideration when allocating land plots for use or when withdrawing them from business circulation and changing the character and regime of land use.

Article 168. Protection of soil

1. Soil of land plots is the object of special protection.
2. Land plot owners and land users have no right to cut and remove to another place the upper soil layer of land plots without a special permission of the bodies exercising state control over the use and protection of lands.
3. When performing the activity related to disturbing the upper layer of soil, the land owners and land users should remove, store and keep the upper layer of soil and place it back on the plot from which it was removed (recultivation), or on another land plot to improve its productivity and other quality.

CHAPTER 27. THE USE OF TECHNOLOGICALLY CONTAMINATED LANDS

Article 169. The notion of technologically contaminated lands

1. Technologically contaminated land is the land that has been contaminated as a result of human economic activity that led to the degradation of the land and negative impact on the environment and people's health.
2. Technologically contaminated lands include radiation-hazardous and radiation-contaminated lands, lands contaminated, heavy metals, other chemical elements, etc. When using technologically contaminated lands the specifics of the regime for their use must be taken into account.
3. The specific regime and procedure for the use of technologically contaminated lands is established by Ukrainian legislation.

Article 170. Specifics of the use of technologically contaminated agricultural land

1. Technologically-contaminated agricultural lands that do not yield the products that meet the established requirements (norms, rules, standards) are to be taken out of agricultural turnover and are subject to conservation/taking out of use.
2. The procedure for using technologically contaminated land plots is established by legislation of Ukraine.

CHAPTER 28. TAKEN LAND OUT OF USE

Article 171. Degraded and low productivity lands

1. Degraded lands include:
 - a) land plots, the surface of which has been damaged as a result of earthquake, landslides, carse formation [karstoutvorenna] – meaning unknown – editor], flooding, open-pit mining etc;

b) land plots with erosion, swampiness, with increased acidity or salination, soils contaminated by chemicals, etc.

2. Low-productivity lands are those used for agricultural production on which the soil is characterized by negative natural characteristics and low fertility. To use these lands for farming is economically ineffective.

Article 172. Taking degraded, low productivity and technologically contaminated land out of use

1. Subject to be taken out of use are degraded and low productivity lands of which the economic use is ecologically unsafe and economically unprofitable. Also taken out of production shall be technologically contaminated land plots on which it is impossible to obtain ecologically safe produce, and on which it is harmful for people to be present in terms of their health.

2. Land is taken out of production by terminating its use for farming for a definite period of time and meadowing them or subjecting them to afforestation.

3. Land shall be taken out of production upon the decisions of executive power bodies and bodies of local self-government on the basis of agreements with land plot owners.

4. The procedure for taking lands out of production is established by legislation.

SECTION VII. ADMINISTRATION OF LAND USE AND PROTECTION

CHAPTER 29. ESTABLISHING AND CHANGING BOUNDARIES OF TERRITORIAL-AND-ADMINISTRATIVE UNITS

Article 173. Boundaries of raions, villages, settlements, cities, districts within cities

1. The boundary of a rayon, village, settlement, city or a district within a city is a conventional closed line on the surface of the earth that separates the territory of rayon, village, city, urban district from other territories.

2. The boundaries of a raion, village, settlement, city, district within a city shall be established and changed per land engineering plans developed in accordance with feasibility study (technical and economic justification) of their development, and settlement area general plans.

3. The inclusion of land plots into the boundaries of a raion, village, settlement, city or district of a city does not lead to the termination of the right of ownership and the right of use of those plots unless they are taken away (bought out) in accordance with this Code.

Article 174. Bodies that take a decision on establishing and altering territorial-and-administrative units

1. The decision on establishing and altering the boundaries of raions and cities shall be taken by the Verkhovna Rada of Ukraine upon submitting recommendations by the Verkhovna Rada of the Crimean Autonomous Republic, oblast, Kyiv and Sevastopol city radas.

2. The decision on establishing and changing the boundaries of villages and settlements shall be taken by the Verkhovna Rada the Crimean Autonomous Republic, oblast, Kyiv and Sevastopol city radas upon recommendations from raion and respective village and settlement radas.

3. The decision on establishing and changing the boundaries of districts within a city shall be taken by the city rada upon recommendations from the respective district radas.

Article 175. The procedure for establishing and changing boundaries of territorial-and-administrative units

Boundaries of territorial-and-administrative units shall be established following the procedure stipulated by law and in accordance with law.

Articles 176. Documentation of the boundaries of territorial-and-administrative units

1. The boundaries of territorial-and-administrative units shall be documented/certified by a State Act of Ukraine.
2. The form of the State Act certifying the boundaries of territorial-and-administrative units and the procedure for issuing them shall be established by the Verkhovna Rada of Ukraine.

CHAPTER 30. LAND USE PLANNING

Article 177. National programs of land use and protection

1. National programs of land use and protection are developed in order to meet the land needs of the public and the sectors of the economy and to ensure rational use and protection of land.
2. National programs of land use and protection are developed in accordance with programs of economic, scientific, technological and social development of the country.
3. The Verkhovna Rada of Ukraine approves national programs of use and protection of the land.

Article 178. Regional programs of land use and protection

1. Regional programs of land use and protection are developed by the Council of Ministers of the Crimean Autonomous Republic, oblast state administrations and approved by the Verkhovna Rada of the Crimean Autonomous Republic and oblast radas.
2. Programs of land use and protection for Kyiv and Sevastopol city state administrations are developed by the Kyiv and Sevastopol State Administrations and are approved by respective radas.

Article 179. Natural and agricultural regionalization of lands

1. Natural and agricultural regionalization of land is the division of a territory considering the natural conditions and agrobiological requirements of crops.
2. Natural and agricultural regionalization of land is a basis for the evaluation of land and the development of land-surveying documentation on land use and protection.
3. Use and protection of agricultural lands are carried out according to the natural and agricultural regionalization.
4. Procedure of the natural and agricultural regionalization is to be elaborated by the Cabinet of Ministers of Ukraine.

Article 180. Zoning of lands

1. Zoning of lands shall be performed within the boundaries of settled areas.
2. When zoning lands the requirements shall be established regarding permissible types of construction and other use of land plots within the boundaries of specific zones in accordance with local construction rules.
3. Zoning of lands shall be carried out in accordance with law.

CHAPTER 31. LAND ENGINEERING

Article 181. The concept of land engineering

Land engineering is an aggregate of socioeconomic and environmental measures directed at the regulation of land relations and the rational organization of the territory of administrative-and-territorial units, subjects of business activity, which is done under the influence of the social and production relations and the development of productive forces.

Article 182. The objective of land engineering

The objective of land engineering is to insure rational land use and protection, to create a favorable ecological environment and improve natural landscapes.

Article 183. The tasks of land engineering

The basic tasks of land engineering are:

a) implementation of the policy of the state regarding the scientifically-based redivision of lands, the formation of a rational system of land possession and use eliminating the inadequacies of land location and the creation of ecologically stable landscapes and agricultural systems.

b) information support for the legal, economic, ecological, and city-planning mechanism for regulating land relations on national, regional, local, business levels through the development of proposals on establishing specific regimes and conditions for the use of land.

c) establishing on the ground the boundaries of administrative-and-territorial units, territories with special nature conservation, recreational, and nature reserve regimes, the boundaries of land plots of land owners and land users;

d) to implement measures of forecasting, planning and organization of rational use and protection of lands on national, regional, local, enterprise levels;

e) to organize the territory of agricultural enterprises along with creating spatial conditions that ensure ecologically and economically optimal use, protection of lands of agricultural purpose, the implementation of progressive forms of organization of land use management and the improvement of the correlation and location of land tracts, crop rotation systems, hay fields and pasture rotations;

f) to develop a system of measures for protection and improvement of natural landscapes, to renew and enhance soil fertility, to recultivate damaged lands and improve low-productivity tracts, to protect land from erosion, flooding, desiccation, landslides, secondary salination and bogginess, compaction, contamination with industrial wastes and chemical compounds and other kinds of degradation, and also in order to take degraded and low-productivity lands out of production and to avoid other negative phenomena;

g) to organize the territory of non-agricultural enterprises, organizations and institutions in order to create effective land use conditions and restrictions and encumbrances in land use.

Article 184. The substance of land engineering

Land engineering provides for:

a) the physical positioning on the ground (renewal) of the boundaries of administrative-and-territorial units, lands in possession and lands in use;

b) the development of national and regional programs of land use and protection;

c) the drafting of land engineering schemes, the development of technical and economic justification (feasibility study) for the use and protection of lands of the respective administrative-and-territorial units;

d) the justification for the establishment of boundaries of territories with special of environment protection, recreation or conservation regimes;

e) the development of land engineering plans for the existing lands in possession and lands in use and for the creation of the new ones;

f) drafting plans for withdrawing land plots;

g) establishing physical boundaries/demarcation on the ground (in kind) of land plots;

- h) preparation of documents that certify the right of land ownership or land use;
- i) drawing-up of land engineering plans that ensure ecologically and economically well-grounded introduction of crop rotations, demarcation of tracts, and developing measures to preserve the land;
- j) development of other land survey documentation connected with land use and protection;
- k) the author's [of the land engineering scheme] supervision over the implementation of land use and protection project;
- l) the conduct of topographic, geodesic, cartographic, soil, geobotanic and other studies and analyses/prospecting of the land.

Article 185. Organization and procedure for conducting land engineering

1. Land engineering is carried out by state and other land surveying organizations and is funded from the national, republican (Crimean Autonomous Republic) and local budgets as well as by citizens and legal entities.
2. Land engineering shall be carried out in accordance with law.

Article 186. Review and approval of land surveying documentation

Review and approval of land surveying documentation is done according to the following procedure:

- a) forecasting materials, technical and economic justifications for land use and protection and schemes for land engineering, after they have been agreed in the established order, are examined and approved by the appropriate executive power or local self-government bodies;
 - b) plans for creating new land possession and land use, after they have been agreed in the established order, are to be reviewed and approved by the appropriate executive power or local self-government bodies;
 - c) plans for the allocation of state- or communally-owned land plots are to be reviewed and approved by executive power or local self-government bodies that are authorized to grant and take away land plots;
 - d) land engineering plans for agricultural enterprises, institutions and organizations, personal peasant farms and individual farms, after they have been agreed with the village, settlement, city radas or with raion state administrations, shall be reviewed and approved by land owners or land users;
 - e) land survey work plans related to the land engineering, fundamental improvement and protection of the land and its more rational use, are reviewed and approved by the customers who ordered those projects.
2. Changes to the land survey plans and other materials pertaining to the land engineering shall be introduced upon the decision of executive power bodies, the bodies of local self-government or landowners and land users that approved these plans.
 3. Forecasts for land use and protection, land-engineering plans, materials of state land cadastre, plans for land use and protection, reformation of land relations, as well as technical and economic justifications for land use and protection are subject to state expert evaluation/examination conducted by the body concerned with land resources in accordance with law.

CHAPTER 32. OVERSIGHT OF LAND USE AND PROTECTION

Article 187. Tasks of the oversight of land use and protection

Oversight of land use and protection ensures that bodies of state power, bodies of local self-government, enterprises, institutions, organizations and citizens observe the land legislation of Ukraine.

Article 188. State oversight of land use and protection

1. State oversight of land use and protection is done by the authorized bodies of executive power dealing with land resources. Specially authorized organs dealing with ecological and nature protection issues are to control observance of the land protection related legislation.
2. The procedure for state oversight of land use and protection is established by law.

Article 189. Self-government oversight of land use and protection

Self-government oversight of land use and protection shall be carried out by village, settlement, city, raion and oblast radas.

Article 190. Citizen oversight of land use and protection

Citizen oversight of land use and protection is performed by citizen inspectors appointed by the respective bodies of self-government, and acting on the basis of regulations approved by the central body of executive power concerned with land resources.

CHAPTER 33. LAND MONITORING

Article 191. The purpose of land monitoring

1. Land monitoring is a system to supervise the condition of lands with the purpose of timely detection and evaluation of changes, protection from and mitigation of negative influences.
2. The system of land monitoring includes collection, processing, transmission, storage and analysis of information on the condition of land, forecasting changes and the development of scientifically-grounded recommendations for making decision on preventing negative changes in the condition of the land and adherence to the requirements of ecological safety.
3. Land monitoring is an integral part of the national system of environment monitoring.
4. Depending on the purposes of supervision and the coverage, land monitoring may be national, regional or local.
5. The monitoring of lands is done by authorized executive power bodies concerned with land resources, with ecology and nature resources.
6. The procedure for land monitoring is established by the Cabinet of Ministers of Ukraine.

Article 192. The tasks of land monitoring

The basic tasks of land monitoring are to forecast the ecological and economic impact of degradation of land plots in order to avoid or eliminate the effects of negative processes.

CHAPTER 34. THE STATE LAND CADASTRE

Article 193. Definition of the State Land Cadastre

1. The state land cadastre is a unified state system of land cadastral operations that establishes the procedure for recognizing the fact of acquisition or termination of the right of ownership and the right of use of land plots and contains a totality of information and documents on the location and legal regime of those plots, their assessment and land classification, as well as quantitative and qualitative characteristics, the division among land owners and land users.
2. The state land cadastre is the basis for other nature resources cadastres.

Article 194. The purpose of the State Land Cadastre

The purpose of the State land cadastre is to provide the necessary information to the bodies of state power and the bodies of local self-government, to interested enterprises, institutions and organizations as well as to citizens, in order to regulate land relations, rational land use and

protection, to determine the amount of payment for land and value of lands in the composition of natural resources, to oversee land use and protection, the economic and ecological soundness of business plans and land engineering plans.

Article 195. Objectives of maintaining the State Land Cadastre

The main objectives of conducting the State land cadastre are the following:

- a) provision of full information on all land plots within the boundaries of Ukraine;
- b) introduction of a unified system of spatial coordinates and the system of identification of land plots;
- c) introduction of a unified system of land cadastral information and its reliability/authenticity.

Article 196. Components of the State Land Cadastre

The State Land Cadastre includes:

- a) cadastral zoning;
- b) cadastral snapshots;³
- c) soil rating;
- d) economic evaluation of the land;
- e) pecuniary valuation of land plots;
- f) state registration of land plots
- g) an inventory of the quantity and quality of land.

Article 197. Cadastral zoning

Cadastral zoning includes the establishment of:

- a) land use restrictions;
- b) the borders of the cadastral zones and blocks;
- c) the borders between evaluative districts and zones;
- d) cadastral numbering (territories of territorial-and-administrative unit).

Article 198. Cadastral snapshot

1. The cadastral snapshot is a combination of operations carried out to establish and renew the boundaries of land plots.

2. The cadastral snapshot includes:

- a) a geodesic establishment of the boundaries of a land plot;
- b) agreement of the boundaries of the land plot with adjoining land owners and land users;
- c) renewal of the boundaries of the land plot on the ground;
- d) establishment of the boundaries of the parts of a land plot that have encumbrances or limitations on land use;
- e) preparation of the cadastral map.

Article 199. Soil rating

1. Soil rating is the comparative evaluation of quality of soils based on their key natural characteristics that have stable character and substantially affect yields of agricultural crops grown in specific geographic and climatic zones.

2. Soil is rated on a 100-point scale. The highest rating is given to soils that have the better characteristics and the highest natural productivity.

Article 200. Economic evaluation of lands

³ The cadastral "snapshot," or "*ziomka*" is the package of documentation used to tie the particular plot to the national system of geodetic coordinates. Better explanation and translation welcome. *Editor.*

1. Economic evaluation of land is evaluation of land as a natural resource and means of production in agriculture and forestry and as an environmental factor of the national economy based on the parameters that characterize land productivity, effectiveness of its use and the profitability of a unit of area.

2. Economic evaluation of lands of different purposes/designation is carried out for comparative analysis of the effectiveness of their use. The data of the economic evaluation of the land is the basis for the monetary assessment of land plots of various-designation.

3. Economic evaluation of lands is defined in conditional cadastral hectares or in cash.

Article 201. Pecuniary evaluation of land plots

1. Pecuniary evaluation of land plots is defined on the basis of economic rent

2. Depending on the purpose and procedure for carrying [it] out, the pecuniary evaluation of the land plots may be normative or expert.

3. Normative pecuniary evaluation of land plots is used to determine the amount of the land tax, the losses of agricultural and forest production and the economic incentives for the rational use and preservation of lands.

4. An expert pecuniary evaluation is used when implementing civil-law agreements regarding land plots.

5. Pecuniary evaluation of land plots is carried out by applying the methodology approved by the Cabinet of Ministers of Ukraine.

Article 202. State registration of land plots

1. State registration of land plots is done within the state land cadastre.

2. The State Land Register has two parts:

a) The book of entries on registration of state acts to the right of ownership and to the right of perpetual use of the land and of land lease agreements, with the cadastral numbers of the land plots indicated;

b) The Land Book, which contains information about the land plot.

Article 203. Qualitative and quantitative land inventory

1. The quantitative land inventory contains information characterizing every land plot by area, and types of lands.

2. The qualitative land inventory contains information characterizing the lands by (i) the natural qualities and qualities acquired that influence their fertility, (ii) by the levels of soil contamination.

Article 204. Procedure for maintaining the State Land Cadastre

1. The State land cadastre of Ukraine is carried out by the authorized executive power body concerned with land resources.

2. The procedure for carrying out the State land cadastre is established by law.

CHAPTER 35. ECONOMIC INCENTIVES FOR RATIONAL USE AND PROTECTION OF LAND

Article 205. The substance of economic incentives

1. Economic incentives for rational land use and protection include:

a) giving tax and credit privileges to citizens and legal entities that implement at their own expense measures envisaged in national and regional programs for land use and protection;

- b) allocation of funds from the national or local budgets to citizens and legal entities to restore the previous condition of land that was damaged not through their (citizens and legal entities. – EO) fault;⁴
- c) exemption from payments for land plots that are being put into condition for cultivation or the condition of which is being improved in accord with national and regional programs;
- d) compensation from budgetary funds for decreased revenues suffered by land owners and land users as a result of temporary taking out of use the degraded and low-productivity lands that became such not through their (land owners and land users. – EO) fault.⁵

Article 206. Payment for land

1. Payment is required to use land in Ukraine. The object of payment for land is the land plot.
2. The payment for land is effectuated according to law.
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CHAPTER 36. COMPENSATION OF LOSSES OF AGRICULTURAL AND FOREST PRODUCTION

Article 207. Conditions for compensation of losses of agricultural and forest production

1. Losses of agricultural and forest production include losses of agricultural lands, forests and bushes as well as losses incurred through restrictions on land use and deterioration of land quality.
2. Subject to compensation are losses of agricultural lands (arable land, perennial plantations, fallow, hayfields, pastures) forests, bushes used as the main production means in agriculture and forestry as a result of taking them away (buying them out) for needs not connected to agriculture and forestry.
3. Subject to compensation are losses of landowners and land users, including leaseholders, incurred as a result of restrictions of the rights of land owners and land users, or through deterioration in the quality of lands caused by negative impact that results from activities of citizens, legal entities, bodies of local self-government or state bodies as well as in connection with the exclusion of agricultural and forest lands from economic/business use due to the establishment of protective, sanitary or other protection zones.
4. Losses of agricultural and forest production shall be compensated for irrespective of the compensation of losses to land owners and land users.
5. Losses of agricultural and forest production shall be determined in the manner established by the Cabinet of Ministers of Ukraine.

Article 208. Exemption from compensation for losses of agricultural or forest production

1. Exempt from compensating for losses of agricultural production and forestry business shall be citizens and legal entities in case they use the land plots for construction of schools, pre-schools, health protection, cultural, sports or social protection facilities; state objects of road construction; cult buildings for religious organizations; cemeteries; irrigation systems; anti-erosion, anti-landslide or anti-mudflow works; for construction and servicing of individual dwellings and outbuildings; for internal facilities of agricultural or fishery and forestry enterprises, organizations, institutions; extracting peat, provided the land plots are returned in the condition for further⁶ usage; or for nature reserves.

⁴ Who “their” is here is not clear. Presumably this clause means that if a land owner’s or land user’s land is damaged through circumstances beyond his control, the state or local governments should provide subsidies to restore the damaged land. *Editor*.

-- *I think I have made it clear. See → note in parentheses. – EO.*

⁵ Again, it is not clear who “their” is in this clause. *Editor*.

-- *Similar thing. See → note in parentheses. – EO.*

⁶ *The Ukrainian text says “previous” (попередній), which probably is a typing error, in the best case. I hope my intrusion into the original of the document won’t disrupt the already disrupted Ukrainian legal framework. ☺ – EO*

2. Internal construction by agricultural and forestry enterprises, organizations, institutions, as well as by citizens shall be done without compensating for losses of agricultural and forest production.

Article 209. Use of funds from compensation for loss of agricultural production and forestry business

1. Losses of agricultural and forest production incurred as result of taking away of agricultural lands and forest tracts and bushes are subject to compensation. and are transferred to special accounts of respective radas in the following amounts:

- Crimean Autonomous Republic – 25%;
- Rayon radas – 15%;
- City, village, settlement radas – 60%, city radas of Kyiv and Sevastopol are to receive 100%.

2. Funds from compensation for losses of agricultural production and forestry business and are used exclusively to bring agricultural and forestry land into use, to improve tracts and to protect land according to the developed programs and land plans.

3. Usage of the funds for other purposes is not allowed.

SECTION VIII. RESPONSIBILITY FOR INFRINGEMENT OF LAND LEGISLATION

CHAPTER 37 . RESPONSIBILITY FOR INFRINGEMENT OF LAND LEGISLATION

Article 210. Invalidity of agreements on land plots

Agreements concluded in violation of the procedure established by law for purchase and sale, gift, pledge or voluntary exchange of land plots shall be invalid pursuant to court ruling.

Article 211. Responsibility for violation of land legislation

1. Citizens and legal entities are liable/bear civil, administrative or criminal responsibility according to legislation for such offenses as:

- a) concluding agreements that contradict land legislation;
- b) unauthorized occupation of land plots;
- c) damaging agricultural tracts and other lands, contaminating them with chemical or radioactive substances, littering them with industrial, household or other liquid or solid wastes;
- d) placement, design, construction and putting into operation of facilities that negatively affect the condition of the land;
- e) failure to fulfill the requirements of using lands for their designated purposes;
- f) failure to return temporarily occupied lands on time or failure to fulfill the obligation to return them to a condition making them fit for use for their designated purpose;
- g) destruction of boundary markers;
- h) concealment from inventory or registration or falsifying data on the condition of lands, the size and number of land plots;
- i) failure to recultivate damaged lands;
- j) destroying or damaging anti-erosion and hydro-technical facilities or shelter belts;
- k) failure to comply with the terms for removing, storing, and returning the fertile layer of soil;
- l) unauthorized deviation from land engineering plans;
- m) evasion of state registration of land plots and submission of incorrect information about them;
- n) violation of the deadline requirements for consideration of citizens' applications for withdrawal of land plots;

2. The legislation may establish responsibility for other violations of land legislation.

Article 212. Return of land plots occupied without authorization

1. Land plots occupied without authorization are to be returned to land owners or land users without compensation for expenses borne during the time of the illegal use.⁷
2. The return of the land plots to a condition suitable for use, including the demolition of buildings, constructs and facilities, is done at the expense of the citizens or legal entities that occupied the land plots without authorization.
3. Return of land plots occupied without authorization is done by court order.

SECTION IX. CONCLUDING PROVISIONS

1. This Code comes into effect on January 1, 2002.
2. Recognized as no longer valid shall be the Land Code of Ukraine (Vedomosti Verkhovnoi Rady Ukrainskoi SSR, 1991, No. 10, p.98; Vedomosti Verkhovnoi Rady Ukraini, 1992, No. 25, p.354; 1993, No. 10, p. 79; No. 26, p.276; 1999, No. 18, p.138; 2000, No. 39, p. 333.)
3. Laws and other legislative acts adopted before this Code came into effect shall be effective in the part where they do not contradict this Code.
4. Within six months after the publication of this Code, the Cabinet of Ministers of Ukraine shall:
 - a) draft and submit to the Verkhovna Rada and the President of Ukraine proposals on introducing changes to legislative acts that arise from this Code;
 - b) bring its normative and legal acts into conformity with this Code;
 - c) draft the normative and legal acts envisaged by this Code, including the draft laws on land engineering, on the state land cadastre, on protection of land, on division of lands into state and communal ownership, on the state land (mortgage) bank, on the land market, on determination of legal grounds for withdrawal of lands in private ownership, etc.
 - d) ensure that the central bodies of executive power of Ukraine adopt the normative and legal acts foreseen in this Code, as well as revise and rescind their normative and legal acts that contradict this Code.
 - e) take measures on providing teachers, medical doctors and other workers in the social sphere who reside in rural area, as well as the citizens who were effected by the consequences of Chornobyl accident, evacuated from the exclusive area and were resettled from unconditional (compulsory) resettlement areas or those of guaranteed volunteer resettlement, currently residing in rural area, with land plots for subsidiary household farming and growing fruit within the limits established for privatization at no charge, as well as for vegetable growing, hay-making to which end lands of the state reserve or the reserve fund are to be used;
 - f) resolve the issue of establishing formal positions of land engineers within the staff of village and settlement radas and of establishing state departments (administrations) for land resources in the city radas;
 - g) identify needs of research and academic institutions in land plots for research purposes, growing elite seeds, as well as needs of breeding livestock in feeds; for the purpose of conducting academic process; and identify whether the lands related to research and academic institutions can be reassigned for other purposes;
 - h) develop and approve a procedure for the expert monetary appraisal of land designated for agricultural purposes.
5. The Verkhovna Rada of the Crimean Autonomous Republic, Council of Ministers of the Crimean Autonomous Republic shall bring its normative and legal acts into conformity with this Code.

⁷ This point does not seem clearly drafted. It appears literally to mean that the occupiers do not compensate the rightful landowner or land user for losses the rightful owner/user bore while the land was illegally occupied. However, such a rule would encourage illegal occupations and runs counter to the philosophy of previous chapters of the code where loss of agricultural or forested land is compensated. So it may mean that the occupiers are not compensated for any expenses they incurred during the occupation, even if they "improved" the property. *Editor.*

6. The Cabinet of Ministers of Ukraine shall create the State Land (Mortgage) Bank with the appropriate infrastructure and to introduce the state registration of rights to land according to Article 202 of this Code.

SECTION X. TRANSITIONAL PROVISIONS

1. A decision to grant land plots for use or to take them away (buy out) made by the appropriate agencies, but not executed as of the date this Code goes into effect, shall be executed in accord with the requirements of [this] Code.

2. Petitions/requests and applications for the allocation of land plots that have not been resolved as of the date this Code goes into effect shall be implemented by the executive power bodies and the bodies of local self-government in accordance with their competency following the procedure and observing the requirements of [this] Code.

3. In the cases when, before this Code was put into effect, some land plots were transferred into lease by bodies whose authority concerning land plots allocation was changed pursuant to this Code, the extension of lease agreements for the above plots shall be carried out by the bodies entitled to allocate the above land plots pursuant to this Code.

4. Materials of agreeing the issues related to taking away (buying out) of lands, on which no decision has been taken as of the date this Code goes into effect, shall be reviewed in accordance with this Code.

5. The right to conduct prospecting on land plots per the permissions, received before this Code was put into effect, shall be retained until the deadline stipulated in the permission.

6. Citizens and legal entities which possess land in permanent use, but which pursuant to this Code cannot hold the land in question in permanent use, shall by January 1, 2005 reregister their rights into lease or ownership under the established procedures.

When re-registering permanent use of land plots granted for private farming into long-term lease, the lease term shall be established by the private farm, pursuant to the law.

Land lease fee amount shall not exceed that of land tax.

7. Citizens and legal entities which have been granted land plots in ownership, in temporary use, including on lease terms, in the amounts provided with the earlier effective legislation, shall retain the rights to the land plots in question.

8. Agricultural enterprises which, before this Code goes into effect, have concluded lease agreements with land share (pai) owners may upon the wish of the owners of these land shares (pais) commission/order a land engineering organization to do the land engineering work, required to allocate land shares (pais) in kind (on the ground) and to issue their owners State Acts certifying the right to own land, and pay for such work. The agricultural enterprise has the priority right to lease land plots from such citizens for the time period stipulated in the lease agreement for the land share (pai), or, upon consent of the parties, for any other period of time.

9. Citizens – owners of land shares (pais) may withdraw land plots in kind (on the ground) as single piece/mass.

10. Demarcation of the boundaries of state- and communally owned lands within settled areas shall be ruled by respective village, settlement, and city radas, upon agreeing with executive power bodies; the same beyond settled areas shall be ruled by executive power bodies upon agreeing with respective local self-governing bodies.

The Cabinet of Ministers shall:

- a) determine the boundaries of land plots on which immovable property is located administered by the President of Ukraine, the Verkhovna Rada of Ukraine, the Constitutional Court of

Ukraine, the Supreme Court of Ukraine, the Highest Arbitration Court of Ukraine, the Prosecutor General's Office of Ukraine, central executive power bodies, the National Academy of Sciences, state branch/sector academies of sciences, other state scientific institutions and organizations;

- b) determine the boundaries of land plots on which the immovable property is located administered by the Council of Ministers of the Crimean Autonomous Republic, oblast, Kyiv, Sevastopol city state administrations.
The Council of Ministers of the Crimean Autonomous Republic, oblast, Kyiv, Sevastopol city administrations shall establish the boundaries of land plots on which the immovable property is located administered by raion state administrations.

11. Expenses related to demarcating the boundaries of state and communally owned lands shall be covered from the respective budgets.

12. Until the boundaries of state- and communally owned lands are demarcated, the authority in administering lands within settled areas, except lands granted in private ownership, shall be exercised by respective village, settlement, and city radas; the same beyond settled areas shall be exercised by respective executive power bodies.

13. For the period up to January 1, 2010 citizens and legal entities may acquire the ownership right to agricultural lands of the total area of up to 100 hectares. This area may be expanded in case of inheriting land plots in accordance with law.

14. Until January 1, 2005, contribution of rights to land share (pai) to the authorization funds of business partnerships shall be prohibited.

15. Citizens and legal entities which have been granted land plots for private farming and other farming for commercial purposes, as well as citizens of Ukraine who own land shares (pais), shall not be entitled to sell or alienate otherwise their land plots and land shares (pais) until January 1, 2005, except for exchange, inheritance and buyout for public needs.

16. Citizens-owners of land shares (pais), at their request, shall receive their land in kind, State Deeds to Private Ownership of Land to be issued.

17. Land share certificates issued in the course of land privatization shall be considered valid documents when withdrawing land in kind pursuant to the law.

Land share certificates shall be valid in regard to respective land shares, until the land is withdrawn in kind and State Deeds to Private Ownership of Land [in lieu of the certificates] are issued.

President of Ukraine
L. Kuchma

Kiev
25 October 2001
No. 2768-III