

Land reform in Ukraine: deregulation in land relations

On 24 May 2021, the President of Ukraine signed the Law "On Amending the Land Code of Ukraine and Other Legislative Acts to Improve the Management and Deregulation System in the Sphere of Land Relations".

Among other things, this law provides for the transfer of state-owned land located away from settlements (except for land necessary to the state to perform its functions) to the communal ownership of village, settlement, city councils.

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The main innovations of the Law include:

- transfer of the land to the communal ownership of village, settlement, city councils. Territorial communities' land of the communal ownership is all state-owned land located away from the settlements within such territorial communities. The law also defines a list of land not to be transferred to the communal ownership;
- abolition of the sale coordination with the Cabinet of Ministers of Ukraine of non-agricultural land plots of state and communal ownership to foreign legal entities;
- abolition of the norm limited foreigners' and foreign legal entities' possibilities to buy undeveloped non-agricultural land plots away from settlements;
- abolition of the state examination institutes of land management documentation and agrochemical land classification;
- abolition of the Verkhovna Rada powers to coordinate rezoning of especially valuable land;
- local governments' authorization to rezone privately owned land;
- introduction of "one-touch" and "tacit consent" principles in the state bodies' verification of land management and land appraisal documentation compliance with the requirements of regulations;
- state examination abolition of the land management documentation;

Agricultural land plots inherited by legal entities not entitled to acquire them according to the Land Code of Ukraine are subject to alienation within one year.

Privately owned agricultural land plots can be alienated only under sales contracts, deeds of gift, lifetime maintenance, and inheritance contracts, agreements of exchange, by contributing to the authorized (joint-stock) capital or by applying for their foreclosure.

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The area of the state or communal agricultural land plot, the right of the lease, and emphyteusis of which is put up for land auction, may not exceed 20 hectares.

State and communal land plots provided for permanent use may be allocated for public and other needs by the decision of the bodies entitled to dispose the land plots. Allocation of land plots is performed with the written consent of land users, and in case of their objection – in court.